

## Energy Labelling Database

### BEAMA Briefing for members - following Stakeholder meeting

#### Summary of what is proposed:

REGULATION (EU) 2017/1369 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (Text with EEA relevance)" [2] requires the European Commission (EC) to establish a product database where all new products (including second hand imported products), covered by a delegated act ( Energy Labelling regulation) have to be registered before they are placed on the EU market for the first time:

#### Article 12

##### Product database

1. *The Commission shall establish and maintain a product database consisting of a **public part, a compliance part and an online portal** giving access to those two parts. The product database shall not replace or modify the responsibilities of the market surveillance authorities.*
2. *The product database shall serve the following purposes:*
  - a. *to support market surveillance authorities in carrying out their tasks under this Regulation and the relevant delegated acts, including enforcement thereof;*
  - b. *to provide the public with information about products placed on the market and their energy labels, and product information sheets;*
  - c. *to provide the Commission with up-to-date energy efficiency information for products for reviewing energy labels;*
3. *The public part of the database and the online portal shall contain the information set out in points 1 and 2 of Annex I respectively which shall be made publicly available. The public part of the database shall meet the criteria in paragraph 7 of this Article, and the functional criteria set out in point 4 of Annex I.*
4. *The compliance part of the product database shall be accessible only to market surveillance authorities and to the Commission and shall contain the information set out in point 3 of Annex I, including the specific parts of the technical documentation as referred to in paragraph 5 of this Article. The compliance part shall meet the criteria in paragraphs 7 and 8 of this Article, and the functional criteria set out in point 4 of Annex I.*
5. *The mandatory specific parts of the technical documentation that the supplier shall enter into the database shall cover only:*
  - a. *a general description of the model, sufficient for it to be unequivocally and easily identified;*
  - b. *references to the harmonised standards applied or other measurement standards used;*
  - c. *specific precautions that shall be taken when the model is assembled, installed, maintained or tested;*
  - d. *the measured technical parameters of the model;*
  - e. *the calculations performed with the measured parameters;*
  - f. *testing conditions if not described sufficiently in point (b).*

*In addition, the supplier may upload additional parts of the technical documentation on a voluntary basis into the database.*
6. *When data other than those specified in paragraph 5 or not available in the public part of the database would become necessary for market surveillance authorities and/or the Commission for carrying out their tasks under this Regulation, they shall be able to obtain them from the supplier on request.*
7. *The product database shall be established in accordance with the following criteria:*
  - a. *minimising the administrative burden for the supplier and other database users;*
  - b. *user-friendliness and cost-effectiveness; and*
  - c. *automatic avoidance of redundant registration.*
8. *The compliance part of the database shall be established in accordance with the following criteria:*
  - a. *protection from unintended use and the safeguarding of confidential information by way of strict security arrangements;*
  - b. *access rights based on the need-to-know principle;*
  - c. *processing of personal data in accordance with Regulation (EC) No 45/2001 and Directive 95/46/EC, as applicable;*
  - d. *limitation of data access in scope to prevent copying larger data sets;*
  - e. *traceability of data access for the supplier with regard to its technical documentation.*

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9. *The data in the compliance part of the database shall be treated in accordance with Commission Decision (EU, Euratom) 2015/4431. In particular, the specific cyber-security arrangements of Commission Decision (EU, Euratom) 2017/462 and its implementing rules shall apply. The confidentiality level shall reflect the consequential harm resulting from disclosure of the data to unauthorised persons.*
10. *The supplier shall have access and editing rights to the information it enters in the product database pursuant to Article 4(1) and (2). A record of changes shall be kept for market surveillance purposes, keeping track of the dates of any editing.*
11. *Customers using the public part of the product database shall be able to easily identify the best energy class populated for each product group, allowing them to compare model characteristics and to choose the most energy efficient products.*
12. *The Commission shall be empowered to specify, by means of implementing acts, the operational details of the product database. After consulting the Consultation Forum provided for in Article 14, those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18(2).*

### **There will be two key parts to the database**

1. A public part – this will allow consumers to download information on multiple appliances and their associated labels and efficiency standards. This may also be linked to consumer apps.
  2. A Compliance website - this is not publically available and will be for the use of Market Surveillance Authorities and government departments. This will require a username and password for access.
- Suppliers/ manufacturers are responsible for the uploading of data and technical documentation
  - There will be functionality set up to ensure XML files can be transferred therefore allowing data to be transferred from one system to the new database (auto uploads). Uploads can also be manual.

### **Meeting notes – key issues to note**

- The meeting on the 24<sup>th</sup> October was aimed at the Market Surveillance Authorities, and therefore the issues raised were focused on the requirements for the non-public part of the database
- For the purposes of this meeting the discussion predominantly focused on the compliance and secure part of the database which the Market Surveillance Authorities would be using.
- Access: MSAs will be authorised to access the database with a user name and log in. MSAs can download data but not for multiple products (this implied the public part of the site may be more functional for MSAs, as they would want to do mass downloads, possible from the public site and despite the lower level of data available here this would still be very useful). Regarding security for access the MSAs agreed this needs to be a 2 step verification process.
- The public site is likely to be made usable for a range of users (consumers, retailers, researchers), and they are looking at ensuring this will be compatible with consumer product apps (comparison sites etc). (Disclaimers are being developed for app companies to ensure they can't state 'this is a presentation of the best on the market'.
- Regulation states the consumer can't specify country of origin on a product search in the database – this could be a bit limiting for consumers and deem the original database less functional.
- EU Commission is responsible for maintaining the database

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- The compliance end of the database will be developed to link with ICSMS systems used by MSAs. This is the current main enforcement database used by MSAs.
- There were a lot of questions about how can MSAs be sure of compliant uploads of data. It is a supplier's responsibility and therefore how can MSAs be sure all products 'placed on the market' have been uploaded. Perhaps the value is looking into what hasn't been uploaded. The enforcement of this and policing of the database doesn't seem clear.
- MSAs are interested in data at a regional level and where products are being 'placed on the market'. A supplier will place a product onto the market in one member state, and this could be distributed elsewhere. It wasn't clear how this data would be captured in the database and how it would be kept up to date.
- Every product upload will have a unique product number, relating to the date that product was placed on the market, label info and product information. Changes can be made once published. Reminders will be sent to suppliers to secure and end date for the product and its placement on the market. After 15 years suppliers can remove from the database.
- Suppliers can upload data before the date of 'placement on the market' but the MSAs will not see this and it will not be made available on the public site (this is important for obvious commercial reasons)
- CENELEC raised an important point around the need to amend product information in the database, especially related to the referencing and updating of standards. Changes may need to be made that do not affect the label, testing of a product and therefore should apply to the same product number. The Commission said this is possible although in some cases this may need to be 'authorised', and suppliers will need to provide a reason for the change. It was not clear at what stage this may become an authorisation process. There is the risk small changes may need to be made and this requires suppliers to 'place a new product onto the market'. BEAMA commented to say whatever the process is for uploading data this need to be absolutely clear and the process of making changes needs to be seamless.
- Technical documentation and upload - this was discussed at length and specifically the language in which the technical documentation needs to be provided in. Most MSAs commented to explain today the language is not specified when they request technical documentation and therefore there should be no specification for this as part of the database. In most cases these are always provided in English. MSAs noted that if you specify languages and therefore request translations you may create new areas of non-compliance where data is entered incorrectly into the database. They want the commission to leave this alone, it's not a big issue.
- Regarding data formats for uploads for different products in the database, these will all be available end of 2017. They have broken these down into 16 'product families'.
- Mock ups of the draft database were provided, extracts are available for download on the BEAMA Issues Forum. The first set of tests are being done for dishwashers and the mock ups apply to the formatting for data uploads for dishwashers.

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- Next steps and timescales

Final database must be published by 1<sup>st</sup> of January 2019 - allowing access for Market Surveillance Authorities

1<sup>st</sup> March first screen mock ups will be available with most features

1<sup>st</sup> September 2018 'acceptance site' made available - industry can use this to test the site and upload data before it goes live.

1<sup>st</sup> November 2018 – registrations can start – this is for suppliers to start uploading their registered products onto the final database for the go live on the 1<sup>st</sup> Jan 2019.

(all stakeholders commented that these end timescales do not give the commission enough time to tackle any issues with the database that are likely to come to light during the 'acceptance site' phase. )

There are 6 stakeholder meetings schedule, for the SMAs, public part of the site and for suppliers. The dates are still provisional for these but BEAMA will try to ensure a member of staff is present to keep track of developments, especially when the supplier stakeholder meetings take place as it is here the requirements on uploading data will be discussed, and data formats for the different 'product families'.

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