

DRAFT REGULATION ON FRAMEWORK FOR ENERGY LABELLING

(2017/1369/EU)

PART I

Objective, Scope, Legal Basis and Definitions

Objective

ARTICLE 1 – (1) The objective of this Regulation is to provide for the labelling of energy-related products and the provision of standard product information regarding energy efficiency, the consumption of energy and of other resources by products during use and supplementary information concerning products, thereby enabling customers to choose more efficient products in order to reduce their energy consumption, by establishing a framework for energy-related products placed on the market or put into service.

Scope

ARTICLE 2- (1) This regulation contains obligations of supplier, dealer and competent authorities for energy related products placed on the market or put into service, market surveillance and control of products, procedure at national level for dealing with products presenting a risk, Safeguard procedure, procedure for the introduction and rescaling of labels and other works and proceedings related to harmonized standards.

(2) This Regulation does not apply to second-hand products, unless they are imported from a third country and means of transport for persons or goods.

Legal basis

ARTICLE 3 – (1) This Regulation has been prepared based on the Article 14 of Law No. 4703 on the Preparation and Implementation of the Technical Legislation on Products, dated 29/6/2001.

Definitions

ARTICLE 4 – (1) For the purposes of this Regulation the following definitions shall apply:

a) ‘Verification tolerance’ means the maximum admissible deviation of the measurement and calculation results of the verification tests performed by, or on behalf of, competent authorities, compared to the values of the declared or published parameters, reflecting deviation arising from interlaboratory variation,

b) ‘Energy-related product’ (a “product”)' means a good or system with an impact on energy consumption during use which is placed on the market or put into service, including parts with an impact on energy consumption during use which are placed on the market or put into service for customers and that are intended to be incorporated into products,

c) ‘Energy efficiency’ means the ratio of output of performance, service, goods or energy to input of energy,

ç) ‘Equivalent model’ means a model which has the same technical characteristics relevant for the label and the same product information sheet, but which is placed on the market or put into service by the same supplier as another model with a different model identifier,

d) ‘Label’ means a graphic diagram, either in printed or electronic form, including a closed scale using only letters from A to G, each letter representing a class and each class corresponding to energy savings, in seven different colours from dark green to red, in order to inform customers about energy efficiency and energy consumption; it includes rescaled labels and labels with fewer classes and colours in accordance with Article 12(1) and (2);

e) ‘Putting into service’ means the first use of a product for its intended purpose on the market,

- f) 'Manufacturer' means a natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under its name or trademark,
- g) 'Importer' means any natural or legal person established in Turkey who imports and places a product from abroad on the market,
- ğ) "Commission" means European Commission,
- h) 'Distance selling' means the offer for sale, hire or hire purchase by mail order, catalogue, internet, telemarketing or by any other method by which the potential customer cannot be expected to see the product displayed,
- ı) 'Model' means a version of a product of which all units share the same technical characteristics relevant for the label and the product information sheet and the same model identifier,
- ii) 'Model identifier' means the code, usually alphanumeric, which distinguishes a specific product model from other models with the same trade mark or the same supplier's name,
- j) 'Customer' means a natural or legal person who buys, hires or receives a product for own use whether or not acting for purposes which are outside its trade, business, craft or profession,
- k) 'Placing on the market' means the first making available of a product on the market,
- l) 'Making available on the market' means the supply of a product for distribution or use on the market in the course of a commercial activity, whether in return for payment or free of charge,
- m) 'Dealer' means a retailer or other natural or legal person who offers for sale, hire, or hire purchase, or displays products to customers or installers in the course of a commercial activity, whether or not in return for payment,
- n) 'System' means a combination of several goods which when put together perform a specific function in an expected environment and of which the energy efficiency can then be determined as a single entity,
- o) 'Supplementary information' means information, as specified in a delegated act, on the functional and environmental performance of a product,
- ö) 'Supplier' means a manufacturer established in Turkey, the authorised representative of a manufacturer who is not established in Turkey, or an importer, who places a product on the market,
- p) 'Technical documentation' means documentation sufficient to enable competent authorities to assess the accuracy of the label and the product information sheet of a product, including test reports or similar technical evidence,
- r) "Delegated acts" means regulations issued by competent authorities pursuant to this Regulation laying down the requirements regarding labeling and supplementary product information related to placing products on the market,
- s) 'Harmonised standard' means a European standard adopted on the basis of the request issued by the Commission for the application of harmonized European Union legislation,
- ş) 'Product information sheet' means a standard document containing information relating to a product, in printed or electronic form,
- t) 'Product group' means a group of products which have the same main functionality,
- u) 'Product database' means a collection of data established by the European Commission concerning products, which is arranged in a systematic manner and consists of a consumer-oriented public part, where information concerning individual product parameters is accessible by electronic

means, an online portal for accessibility and a compliance part, with clearly specified accessibility and security requirements,

ü) “Member States” mean the member states of the European Union,

v) ‘Rescaling’ means an exercise making the requirements for achieving the energy class on a label for a particular product group more stringent,

y) ‘Rescaled label’ means a label for a particular product group that has undergone rescaling and is distinguishable from labels before rescaling while preserving a visual and perceptible coherence of all labels;

z) “Competent Authority” means the public authority or organization which is authorized to prepare and implement the legislation on products and which prepares and implements the delegated acts for the respective products.

aa) “Authorised representative” means a natural or legal person established in Turkey who has received a written mandate from the manufacturer to act on its behalf in relation to specified tasks.

PART II

Obligations of Economic Operators

General obligations of suppliers

ARTICLE 5 – (1) The supplier shall ensure that products that are placed on the market are accompanied, for each individual unit, free of charge, with accurate printed labels and with product information sheets in accordance with this Regulation and the relevant delegated acts.

(2) As an alternative to supplying the product information sheet with the product, delegated acts referred to in point (ğ) of Article 14(3) of this Regulation may provide that it is sufficient for the supplier to provide the parameters of such product information sheet as set out in Annex I (Annex I- Information To Be Provided In The Product Database or On Suppliers’ Websites) in the product database or on their own website. In such a case, the supplier shall provide the product information sheet in printed form to the dealer on request.

(3) Delegated acts may provide that the label is printed on the packaging of the product.

(4) The supplier shall deliver printed labels, including rescaled labels in accordance with Article 12 (3), (4), (5) and (6) and product information sheets, to the dealer free of charge, promptly and in any event within five working days upon the dealer's request.

(5) The supplier shall ensure the accuracy of the labels and product information sheets that it provides and shall produce technical documentation sufficient to enable the accuracy to be assessed.

(6) Once a unit of a model is in service, the supplier shall request explicit consent from the customer regarding any changes intended to be introduced to the unit by means of updates that would be detrimental to the parameters of the energy efficiency label for that unit, as set out in the relevant delegated act. The supplier shall inform the customer of the objective of the update and of the changes in the parameters, including any change in the label class. For a period proportionate to the average lifespan of the product, the supplier shall give the customer the option of refusing the update without avoidable loss of functionality.

(7) The supplier shall not place on the market products that have been designed so that a model's performance is automatically altered in test conditions with the objective of reaching a more favourable level for any of the parameters specified in the relevant delegated act or included in any of the documentation provided with the product.

Obligations of dealers

ARTICLE 6-(1) The dealer shall;

a) display, in a visible manner, including for online distance selling, the label provided by the supplier or made available in accordance with paragraph 2 of this article for units of a model covered by the relevant delegated act.

b) make available to customers the product information sheet, including, upon request, in physical form at the point of sale.

(2) Where, notwithstanding Article 5(1), the dealer does not have a label, it shall request one from the supplier in accordance with Article 5(4).

(3) Where, notwithstanding Article 5(1), the dealer does not have a product information sheet, it shall request one from the supplier in accordance with Article 5(4); or, if it chooses to do so, print or download one for electronic display from the product database or their own website if those functions are available for the relevant product.

Other obligations of suppliers and dealers

ARTICLE 7-(1) The supplier and the dealer shall:

a) make reference to the energy efficiency class of the product and the range of the efficiency classes available on the label in visual advertisements or technical promotional material for a specific model in accordance with the relevant delegated act.

b) cooperate with competent authorities and take immediate action to remedy any case of non-compliance with the requirements set out in this Regulation and the relevant delegated acts, which falls under their responsibility, at their own initiative or when required to do so by competent authorities.

c) for products covered by delegated acts, not provide or display other labels, marks, symbols or inscriptions which do not comply with the requirements of this Regulation and the relevant delegated acts, if doing so would be likely to mislead or confuse customers with respect to the consumption of energy or other resources during use.

ç) for products not covered by delegated acts, not supply or display labels which mimic the labels provided for under this Regulation and the relevant delegated acts.

d) for non-energy related products, not supply or display labels which mimic the labels provided for in this Regulation and in delegated acts.

(2) The point (ç) of the first paragraph shall not affect labels provided for in national law, unless those labels are provided for in delegated acts.

PART III

Obligations of Competent Authorities and Market Surveillance and Control of Products

Obligations of competent authorities

ARTICLE 8-(1) Competent authorities shall not impede the placing on the market or putting into service of products which comply with this Regulation and the relevant delegated acts.

(2) Where competent authorities provide incentives for a product specified in a delegated act, those incentives shall aim at the highest two significantly populated classes of energy efficiency, or at higher classes as laid down in that delegated act.

(3) Competent authorities shall ensure that the introduction of labels and rescaling of labels is accompanied by educational and promotional information campaigns on energy labelling, if appropriate in cooperation with suppliers and dealers.

Market surveillance and control of products

ARTICLE 9- (1) In accordance with the provisions of this Regulation, market surveillance shall be carried out by the competent authorities within the scope of the law No. 4703, in accordance with the provisions of the Regulation on Market Surveillance and Inspection of Products put into force by the Council of Ministers numbered 2001/3529 and dated 13/11/2001.

(2) The competent authorities' general market surveillance programmes or sector specific programmes established pursuant to the Regulation on Market Surveillance and Inspection of Products shall include actions to ensure the effective enforcement of this Regulation.

(3) The competent authorities shall have the right to recover from the supplier the costs of document inspection and physical product testing in case of non-compliance with this Regulation or the relevant delegated acts.

PART IV

Procedure at National Level for Dealing With Products Presenting a Risk, Safeguard Procedure, Procedure for the Introduction and Rescaling of Labels

Procedure at national level for dealing with products presenting a risk

ARTICLE 10-(1) Where the competent authorities have sufficient reason to believe that a product covered by this Regulation presents a risk to aspects of public interest protection covered by this Regulation, such as environmental and consumer protection aspects, they shall carry out an evaluation in relation to the product concerned covering all energy labelling requirements relevant to the risk and laid down in this Regulation or in the relevant delegated act. Suppliers and dealers shall cooperate as necessary with the competent authorities for the purpose of that evaluation.

(2) Where, in the course of the evaluation referred to in paragraph 1, the competent authorities find that the product does not comply with the requirements laid down in this Regulation or in the relevant delegated act, they shall without delay require the supplier, or where appropriate, the dealer;

- a) to take all appropriate corrective action to bring the product into compliance with those requirements, commensurate with the nature of the risk as they may prescribe,
- b) where appropriate to withdraw the product from the market,
- c) where appropriate, to recall it within a reasonable period.

The provisions of the Regulation on Market Surveillance and Inspection of Products shall apply to the measures referred to in this paragraph.

(3) Where the competent authorities consider that a case of non-compliance as referred to in paragraph 2 is not restricted to the Turkish territory, they shall inform the Commission and the Member States of the results of the evaluation and of the action which they have required the supplier or dealer to take.

(4) The supplier or, where appropriate, the dealer shall ensure that all appropriate corrective or restrictive action in accordance with paragraph 2 is taken in respect of all the products concerned that it has made available on the market.

(5) Where the supplier or, where appropriate, the dealer does not take adequate corrective action referred to in paragraph 2, the competent authorities shall take all appropriate provisional measures to prohibit or restrict the availability of the product on the market, to withdraw the product from that market, or to recall it.

(6) The competent authorities shall inform the Commission and the Member States without delay of the measures taken pursuant to paragraph 5. That information shall include all available details, in particular:

- a) the data necessary for the identification of the non-compliant product.
- b) the origin of the product.

c) the nature of the non-compliance alleged and the risk involved.

ç) the nature and duration of the national measures taken and the arguments put forward by the supplier or, where appropriate, the dealer.

(7) The competent authorities shall indicate, in the notification referred to in paragraph 6, whether the non-compliance is due to:

a) failure of the product to meet requirements relating to aspects of public interest protection laid down in this Regulation, such as environmental and consumer protection aspects

b) shortcomings in the harmonised standards referred to in Article 13 conferring a presumption of conformity.

(8) The competent authorities shall without delay inform the Commission and the Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the product concerned, and, in the event of disagreement with the notified national measure, of their objections.

(9) Where, within 60 days of receipt of the information referred to in paragraph 6, no objection has been raised by either a Member State or the Commission in respect of a provisional measure, that measure shall be deemed to be justified.

(10) The competent authorities shall ensure that appropriate restrictive measures, such as withdrawal of the product from the market, are taken in respect of the product concerned, without delay.

Safeguard procedure

ARTICLE 11-(1) Where, on completion of the procedure set out in Article 10(4) and (5), objections are raised against a measure taken by the competent authorities, either by a Member State or the Commission, and if the national measure is considered to be unjustified as a result of the evaluation carried by the Commission, the competent authorities shall withdraw it.

(2) If the national measure taken by a Member State as a result of the evaluation carried by the Commission is considered to be justified, the competent authorities shall take the necessary measures to ensure that the non-compliant product is withdrawn from the market, and shall inform the Commission accordingly.

(3) Corrective or restrictive measures pursuant to Article 10(2), (4), (5) or (10), or second paragraph of this Article shall be extended to all units of a non-compliant model and of its equivalent models, except those units for which the supplier demonstrates that they are compliant.

Procedure for the introduction and rescaling of labels

ARTICLE 12- (1) Where, for a given product group, models belonging to energy class E, F or G are no longer allowed to be placed on the market or put into service because of an Ecodesign implementing measure adopted pursuant to Regulation on Ecodesign Requirements for Energy-Related Products (2009/125/EC) which was put into force by the Decree of Council of Ministers No: 2010/643 and dated 23/06/2010, the class or classes in question shall be shown on the label in grey as specified in the relevant delegated act. The label with the grey classes shall apply only to new product units placed on the market or put into service.

(2) Where, for technical reasons, it is impossible to define seven energy classes that correspond to significant energy and cost savings from a customer's perspective, the label may, by way of derogation from point (d) of Article 4, contain fewer classes. In such cases, the dark green to red spectrum of the label shall be retained.

(3) The supplier shall, when placing a product on the market, provide both the existing and the rescaled labels and the product information sheets to the dealer for a period beginning four months before the date specified in the relevant delegated act for starting the display of the rescaled label. However, if the existing and the rescaled label require different testing of the model, the supplier may choose not to supply the existing label with units of models placed on the market or put into service during the four-month period before the date specified in the relevant delegated act for starting the display of the rescaled label if no units belonging to the same model or equivalent models were placed on the market or put into service before the start of the four-month period. In that case, the dealer shall not offer those units for sale before that date. The supplier shall notify the dealer concerned of that consequence as soon as possible, including when it includes such units in its offers to dealers.

(4) The supplier shall, for products placed on the market or put into service before the four-month period, deliver the rescaled label on request from the dealer in accordance with Article 5(4) as from the start of that period. For such products, the dealer shall obtain a rescaled label in accordance with Article 6(2).

By way of derogation from this paragraph;

- 1) a dealer who is unable to obtain a rescaled label in accordance with ~~the point (e)~~ this paragraph for units already in its stock because the supplier has ceased its activities shall be permitted to sell those units exclusively with the non-rescaled label until nine months after the date specified in the relevant delegated act for starting the display of the rescaled label; or
- 2) if the non-rescaled and the rescaled label require different testing of the model, the supplier is exempt from the obligation to supply a rescaled label for units placed on the market or put into service before the four month period, if no units belonging to same model or equivalent models are placed on the market or put into service after the start of the four-month period. In that case, the dealer shall be permitted to sell those units exclusively with the non-rescaled label until nine months after the date specified in the relevant delegated act for starting the display of the rescaled label.

(5) The dealer shall replace the existing labels on products on display, both in shops and online, with the rescaled labels within 14 working days after the date specified in the relevant delegated act for starting the display of the rescaled label. The dealer shall not display the rescaled labels before that date.

(6) By way of derogation from paragraphs (3), (4) and (5) of this Article, delegated acts referred to in point (e) of Article 14(3) may provide for specific rules for energy labels printed on the packaging.

PART V

Harmonised Standards and Delegated Acts

Harmonised standards

ARTICLE 13 – (1) Harmonised standards shall aim to simulate real-life usage as far as possible while maintaining a standard test method. Test methods shall furthermore take into account the associated costs for industry and small and medium sized enterprises (SMEs).

(2) Measurement and calculation methods included in the harmonised standards shall be reliable, accurate and reproducible, and aligned with the requirements of Article 5(6) and (7). Harmonised standards shall aim to simulate real-life usage as far as possible while maintaining a standard test method. Test methods shall furthermore take into account the associated costs for industry and small and medium sized enterprises.

(3) Where harmonised standards that satisfy the relevant measurement and calculation requirements of the delegated acts, are applied during the conformity assessment of a product, the model shall be presumed to be in conformity with the relevant measurement and calculation requirements of the delegated act.

Delegated acts

ARTICLE 14 –(1) The competent authorities shall prepare delegated acts by establishing detailed requirements relating to labels for specific product groups.

(2) The delegated acts shall specify product groups which satisfy the following criteria:

a) according to the most recently available figures and considering the quantities placed on the market, the product group shall have significant potential for saving energy and where relevant, other resources.

b) within the product group, models with equivalent functionality shall differ significantly in the relevant performance levels.

c) there shall be no significant negative impact as regards the affordability and the life cycle cost of the product.

ç) the introduction of energy labelling requirements for a product group shall not have a significant negative impact on the functionality of the product during use.

(3) Delegated acts relating to specific product groups shall specify, in particular:

a) the definition of the specific product group falling under the definition of ‘energy-related product’ which is to be covered by the detailed labelling requirements;

b) the design and content of the label, including a scale showing consumption of energy consisting of A to G, which as far as possible shall have uniform design characteristics across product groups and shall in all cases be clear and legible.

c) The A to G steps of the classification shall correspond to significant energy and cost savings and appropriate product differentiation from the customer's perspective. It shall also specify how the A to G steps of the classification, and where applicable energy consumption is displayed in a prominent position on the label.

ç) where appropriate, the use of other resources and supplementary information concerning the product, in which case the label shall emphasise the energy efficiency of the product. Supplementary information shall be unambiguous and with no negative impact on the clear intelligibility and effectiveness of the label as a whole towards customers. It shall be based on data relating to physical product characteristics that are measurable and verifiable by competent authorities.

d) where appropriate, the inclusion of a reference in the label allowing customers to identify products that are energy smart, that is to say, capable of automatically changing and optimising their consumption patterns in response to external stimuli (such as signals from or via a central home energy managing system, price signals, direct control signals, local measurement) or capable of delivering other services which increase energy efficiency and the up-take of renewable energy, with the aim to improve the environmental impact of energy use over the whole energy system.

e) the locations where the label shall be displayed, such as attached to the product unit where no damage is caused to it, printed on the packaging, provided in electronic format or displayed online, taking into account the requirements of Article 5(1), and the implications for customers, suppliers and dealers.

f) where appropriate, electronic means for labelling products.

g) the manner in which the label and product information sheet are to be provided in the case of distance selling.

ğ) the required contents and, where appropriate, the format and other details concerning the product information sheet and the technical documentation, including the possibility to enter the parameters of the product information sheet into the database in accordance with Article 5(1).

h) the verification tolerances to be used by the competent authorities when verifying compliance with the requirements.

1) how the energy class and the range of the efficiency classes available on the label shall be included in visual advertisements and technical promotional material, including legibility and visibility

i) the measurement and calculation methods referred to in Article 13, to be used to determine label and product information sheet information, including the definition of the energy efficiency index (EEI), or equivalent parameter

j) whether for larger appliances a higher level of energy efficiency is required to reach a given energy class.

k) the format of any additional references on the label allowing customers to access through electronic means more detailed information on the product performance included in the product information sheet. The format of those references may take the form of a website address, a dynamic quickresponse code (QR code), a link on online labels or any other appropriate consumer-oriented means.

l) how, where appropriate energy classes describing the product's energy consumption during use should be shown on the product's interactive display.

m) where appropriate, differences in energy performances in different climatic regions.

n) as regards the requirement of keeping information in the compliance part of the database in Article 5(5), a retention period of less than 15 years, where appropriate in relation to the average lifespan of the product.

(4) The competent authorities shall adopt a separate delegated act for each specific product group.

(5) The competent authorities shall keep an updated inventory of all relevant delegated acts, as well as of the measures developing Regulation on Ecodesign Requirements For Energy-related Products, including complete references to all relevant harmonised standards.

PART VI

Miscellaneous and Final Provisions

Article 15

Consultation Forum

ARTICLE 15– (1) The competent authority participates in the meetings of consultation forum established by the Commission in relation to this Regulation.

Penalties

ARTICLE 16– (1) The provisions of the Law no. 4703 on Preparation and Implementation of Technical Legislation on Products shall be applied in the case of violation of the provisions of this Regulation and of the delegated acts.

Compliance with the European Union Legislation

ARTICLE 17 – (1) This Regulation has been prepared based on the Regulation 2017/1369/EU of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling in the framework of alignment with the legislation of European Union.

Repealed regulation and references in the legislation

ARTICLE 18 – (1) The Regulation on the Indication by Labelling and Standard Product Information of the Consumption of Energy and Other Resources by Energy-related Products put into force by the Decree of the Council of Ministers dated 12/9/2011 and numbered 2011/2257 is repealed.

(2) References to the repealed Regulation on the Indication by Labelling and Standard Product Information of the Consumption of Energy and Other Resources by Energy-related Products shall be construed as references to this Regulation.

Transitional measures

TEMPORARY ARTICLE 1– (1) From the date of entry into force of this Regulation, for models, the units of which were placed on the market or put into service in accordance with Regulation on Indication by Labelling and Standard Product Information of the Consumption of Energy and Other Resources by Energy-related Products repealed by the first paragraph of Article 18, the supplier shall, for a period ending five years after the final unit was manufactured, make an electronic version of the technical documentation available for inspection within 10 days of a request received from competent authorities or the Commission.

(2) Delegated acts adopted pursuant to Article 11 of Regulation on Indication by Labelling and Standard Product Information of the Consumption of Energy and Other Resources by Energy-related Products shall remain in force until they are repealed by a delegated act adopted pursuant to Article 14 of this Regulation covering the relevant product group.

(3) With regard to product groups already covered by delegated acts adopted pursuant to Article 11 of Regulation on Indication by Labelling and Standard Product Information of the Consumption of Energy and Other Resources by Energy-related Products repealed by the first paragraph of Article 18, when the delegated acts enter into force pursuant to Article 14 of this Regulation, the energy efficiency classification established by the repealed Regulation on Indication by Labelling and Standard Product Information of the Consumption of Energy and Other Resources by Energy-related Products may, by way of derogation from point (b) of Article 14(3) of this Regulation, continue to apply until the date on which the delegated acts introducing rescaled labels pursuant to Article 12 of this Regulation become applicable.

Entry into force

ARTICLE 19 – (1) This Regulation shall enter into force on the date of its publication.

Enforcement

ARTICLE 20 – (1) The provisions of this Regulation shall be enforced by the Presidency.

ANNEX I

INFORMATION TO BE PROVIDED IN THE PRODUCT DATABASE OR ON SUPPLIERS' WEBSITES

- 1) Information to be provided in the product database or suppliers' websites is given below:
 - a) the name or trademark, address, contact details and other legal identification of the supplier.
 - b) the model identifier.
 - c) the label in electronic format.
 - ç) the energy efficiency class(es) and other parameters of the label.
 - d) the parameters of the product information sheet in electronic format.

- 2) Functional criteria for information to be provided in the database or on suppliers websites shall be given as follows:
 - a) each product model shall be retrievable as an individual record.
 - b) it shall generate a single viewable, downloadable and printable file of the energy label of each model, as well as the linguistic versions of the complete product information sheet, in Turkish or in all official languages of the European Union.
 - c) the information shall be machine readable, sortable and searchable, respecting open standards for third party use, free of charge.
 - ç) an online helpdesk or contact point for the supplier shall be established and maintained, clearly referenced on the portal.