POSITION PAPER

JBCE
Japan Business Council in Europe

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JBCE FEEDBACK ON THE REVISION OF THE ENERGY LABELLING REGULATION

INTRODUCTION

The Japan Business Council in Europe (JBCE) appreciates the opportunity to provide feedback on the European Commission's proposal amending Regulation (EU) 2017/1369[1] and Regulation (EU) 2020/740[2] as regards simplification and better use of digital options for energy and tyre labelling.

JBCE welcomes the European Commission's objective of simplifying existing requirements, reducing administrative burdens for businesses, and making better use of digital solutions such as the EPREL database. At the same time, the revised framework should provide sufficient legal certainty and practical implementation time for economic operators. In particular, new digital and labelling requirements should avoid duplication with other Union legislation, minimise unnecessary administrative burdens, and include appropriate procedural safeguards where measures may have significant commercial consequences.

Against this background, JBCE would like to highlight the following points and make recommendations on specific provisions concerning energy labelling.

KEY MESSAGES

- **Avoiding proliferation of QR codes and clarifying implementation across product groups**
  Prevent confusion caused by multiple QR codes on products and clarify how and when the default printed-label requirement will be removed across product groups (Article 1(2)(a)).

- **Providing greater flexibility regarding the language of authorised representative mandates**
  Allow authorised representative mandates to be uploaded in any official EU language to avoid unnecessary translation burdens (Article 1(3)(b)).

- **Ensuring appropriate procedural safeguards before restricting product visibility in EPREL**
  Clarify that such measures should only be taken once non-compliance has been sufficiently established (Article 1(5))

- **Providing sufficient preparation time for label rescaling**
  Extend the transition period for label rescaling from four to six months to provide sufficient preparation time for suppliers and dealers (Article 1(7)(b)).

[1] https://eur-lex.europa.eu/eli/reg/2017/1369/2021-05-01/eng
[2] https://eur-lex.europa.eu/eli/reg/2020/740/oj/eng

1. Avoiding proliferation of QR codes and clarifying implementation across product groups

Article 1(2)(a), amending Article 3(1) of Regulation (EU) 2017/1369, provides that delegated acts shall specify how the label and other labelling-relevant information, such as the QR code, is to appear on the product, its packaging or accompanying documents.

JBCE welcomes the flexibility introduced by the proposal. However, we are concerned about the potential proliferation of QR-code or other data-carrier requirements under different EU legislation, including the Digital Product Passport framework, the Batteries Regulation[3] and the Packaging and Packaging Waste Regulation.[4] Multiple QR codes on the same product or packaging may create unnecessary complexity for manufacturers and confusion for consumers. This should be avoided through greater coherence between energy labelling requirements and other EU product-information frameworks.

We therefore recommend **removing the specific reference to the QR code and suggest that delegated acts take into account applicable information-sharing requirements** under other Union legislation.

Proposed amendment

The supplier shall ensure that products that are placed on the market are provided with, for each individual unit, free of charge, accurate labels in accordance with this Regulation and as specified in the relevant delegated acts. In view of the characteristics of the product, delegated acts shall specify how the label and other labelling-relevant information, ~~such as the QR code,~~ is to appear on the product, on its packaging or in the documents accompanying the product, taking into account applicable information-sharing requirements provided for in other Union legislation.

In addition, the practical benefits of the proposed removal of the default requirement to provide a printed label will depend on corresponding amendments to the product-specific delegated acts. While some delegated acts may be revised after the amended Energy Labelling Regulation enters into force, and could therefore incorporate the new flexibility as part of their ongoing review, others may be adopted earlier. In such cases, the existing requirements for printed labels could remain applicable despite the amendment of the Energy Labelling Regulation.

We therefore invite the European Commission to clarify how and within what timeframe it intends to implement this new approach across the relevant product-specific delegated acts, including those product groups for which revised delegated acts will be adopted before the simplified Energy Labelling Regulation enters into force.

[3] https://eur-lex.europa.eu/eli/reg/2023/1542/oj/eng
[4] https://eur-lex.europa.eu/eli/reg/2025/40/oj

To avoid a prolonged and uneven transition across product groups, we also recommend that the European Commission complete the necessary amendments by the end of 2029. Where appropriate, this could be achieved through a horizontal amending delegated act covering multiple product groups, rather than waiting for each delegated act to undergo its ordinary review cycle.

2. Providing greater flexibility regarding the language of authorised representative mandates

Article 1(3)(b), amending Article 4(3)(b) of Regulation (EU) 2017/1369, requires an authorised representative of a manufacturer not established in the Union to upload on the EPREL database a signed copy of the mandate in an official language of the Member State where the authorised representative is established.

JBCE recognises the importance of ensuring that market surveillance authorities can clearly verify the mandate and responsibilities of authorised representatives. However, the proposed language requirement may create unnecessary administrative and financial burdens for international companies.

In multinational groups, mandates are frequently prepared in English or another language commonly used across the organisation. Requiring an additional translation solely because the authorised representative is established in a particular Member State would generate costs without necessarily improving effective market surveillance.

As EPREL is an EU-wide database and authorised representatives may interact with authorities across Member States, greater linguistic flexibility would be appropriate.

We therefore recommend **allowing the mandate to be uploaded in any official language of the European Union, including at least English**.

Proposed amendment

The authorised representative of a manufacturer not established in the Union shall upload in EPREL a signed copy of the mandate received from the manufacturer in any official language of the Union. ~~an official language of the Member State where the authorised representative is established.~~

3. Ensuring appropriate procedural safeguards before restricting product visibility in EPREL

Article 1(5) adds a new subparagraph to Article 9(2) of Regulation (EU) 2017/1369, allowing market surveillance authorities to reduce the public visibility of a product in EPREL and display warnings until the non-compliance ceases.

JBCE recognises the need for effective enforcement tools. However, the proposed wording does not specify at what stage of an investigation such measures may be taken. Reducing a product's visibility or displaying a public warning may have significant commercial and reputational consequences, particularly where an investigation is still ongoing, and the economic operator is cooperating with the authority by providing requested documentation or evidence.

If such measures are implemented before non-compliance has been formally established, a product risks being presented to consumers and business partners as non-compliant while the assessment is still ongoing, which could have consequences that may be difficult to remedy.

Appropriate procedural safeguards are therefore important to ensure that enforcement action is proportionate and based on an established finding of non-compliance.

We therefore recommend **clarifying that such measures should only be implemented after a final decision or order establishing non-compliance has been adopted and communicated to the relevant economic operator,** and after the operator has been given the opportunity to be heard in accordance with Article 18 of Regulation (EU) 2019/1020.

Proposed amendment

Market surveillance authorities may reduce the visibility to the public of the product in EPREL and display appropriate warnings until the non-compliance ceases, using the harmonised functionalities provided for this purpose in EPREL, provided that such measures are implemented only after a final decision or order establishing non-compliance has been adopted and communicated to the relevant economic operator, and after the operator has been given the opportunity to be heard in accordance with Article 18 of Regulation (EU) 2019/1020.

4. Providing sufficient preparation time for label rescaling

Article 1(7)(b), replacing Article 11(13) of Regulation (EU) 2017/1369, allows suppliers, during the four months preceding a rescaling date, to provide either the non-rescaled label or the rescaled label, or both. From the rescaling date, only the rescaled label may be provided with products placed on the market.

JBCE welcomes this additional flexibility, which represents a significant simplification compared with the current requirement to provide both labels during the transition period.

Nevertheless, four months transition period may remain insufficient for manufacturers operating complex international production and distribution networks. Label rescaling may require coordinated changes to packaging, documentation, IT systems, production planning and inventory management.

We therefore recommend **extending the transition period preceding the rescaling date from four months to six months**. This limited extension would provide suppliers with more realistic preparation time while preserving the objective of an orderly transition to the rescaled label.

Proposed amendment

The suppliers shall, when placing a product on the market during the period beginning six ~~four~~ months before the rescaling date, provide either the non-rescaled label and the related product information sheet or the rescaled label and the related product information sheet, or may provide both.

ABOUT JBCE

Founded in 1999, the Japan Business Council in Europe (JBCE) is a leading European organisation representing the interests of over 110 multinational companies of Japanese parentage active in Europe. Our members operate across a wide range of sectors, including information and communication technology, electronics, chemicals, automotive, machinery, wholesale trade, precision instruments, pharmaceuticals, textiles, and glass products.

For more information: https://www.jbce.org/ / E-mail: info@jbce.org

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