Commission Regulation (EU) 2019/2024 of 1 October 2019 laying down ecodesign requirements for refrigerating appliances with a direct sales function pursuant to Directive 2009/125/EC of the European Parliament and of the Council (Text with EEA relevance)

COMMISSION REGULATION (EU) 2019/2024

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to Article 114 of the Treaty on the Functioning of the European Union,

Having regard to Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products[(1)], and in particular point 1 of Article 15 thereof,

Whereas:

(1) Pursuant to Directive 2009/125/EC the Commission should set ecodesign requirements for energy-related products which account for significant volumes of sales and trade in the Union and which have a significant environmental impact and presenting significant potential for improvement through design in terms of their environmental impact, without entailing excessive costs.

(2) The Communication from the Commission COM(2016) 773[(2)] (ecodesign working plan) established by the Commission in application of point 1 of Article 16 of Directive 2009/125/EC sets out the working priorities under the ecodesign and energy labelling framework for the period 2016-2019. Refrigerating appliances with a direct sales function are among the energy-related product groups to be considered as priorities for the undertaking of preparatory studies and eventual adoption of measures.

(3) Measures from the ecodesign working plan have an estimated potential to deliver a total in excess of 260 TWh of annual final energy savings in 2030, which is equivalent to reducing greenhouse gas emissions by approximately 100 million tonnes per year in 2030. Refrigerating appliances with a direct sales function is one of the product groups listed in the Working Plan, with an estimated 48 TWh of annual final energy savings in 2030.

(4) The Commission has carried out two preparatory studies covering the technical, environmental and economic characteristics of refrigerating appliances with a direct sales function typically used in the Union. The studies were carried out in close cooperation with stakeholders and interested parties from the Union and third countries.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2019/2024. (See end of Document for details)*

The results of the studies were made public and presented to the Consultation Forum established by Article 18 of Directive 2009/125/EC.

(5) This Regulation should apply to the following refrigerating appliances with a direct sales function: supermarket refrigerating (freezer or refrigerator) cabinets, beverage coolers, ice-cream freezers, gelato-scooping cabinets and refrigerated vending machines.

(6) The environmental aspect of refrigerating appliances with a direct sales function that has been identified as most significant for the purposes of this Regulation is energy consumption in the use phase. This energy consumption could be reduced, without increasing the combined costs of purchasing and operating these products, using cost-effective non-proprietary technologies. Direct emissions from refrigerants and the availability of spare parts were also identified as relevant.

(7) As refrigerants are subject to Regulation (EU) No 517/2014 of the European Parliament and of the Council[(3)], no specific requirements on refrigerants are set in this Regulation. Furthermore, an increasing use of low global warming potential refrigerants in the last decade in the Union market indicates that the manufacturers are already undertaking a gradual substitution towards refrigerants with reduced impact on the environment, without the need of additional policy intervention by means of ecodesign.

(8) The annual energy consumption of products subject to this Regulation in the Union was estimated at 65 TWh in 2015, corresponding to 26 million tonnes of CO_2 equivalent. The energy consumption of refrigerating appliances with a direct sales function in a business-as-usual scenario is projected to decrease by 2030. However, this decrease is expected to slow down unless ecodesign requirements are set.

(9) Minibars and wine storage appliances with sales functions should not be considered refrigerating appliances with direct sales functions and therefore should be excluded from this Regulation, they are in the scope of Commission Regulation (EU) 2019/2019[(4)].

(10) Vertical static-air cabinets are professional refrigerating appliances and are defined in Commission Regulation (EU) 2015/1095[(5)], and therefore should be excluded from this Regulation.

(11) This Regulation applies to products with varying technical characteristics and functionalities. For this reason energy efficiency requirements are set according to the functionality of the appliances. In this functionality approach, a minimum breakdown of refrigerating appliances with a direct sales function categories is proposed, this will bring clear signals to the markets about more/less energy efficient refrigerating appliances with a direct sales function types with the same function. Inefficient refrigerating appliances with a direct sales function types will have more difficulties to reach a certain energy labelling class or may even not meet the minimum energy requirements.

(12) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions COM(2015) 614 final[(6)] (circular economy action plan) and the ecodesign working

plan underline the importance of using the ecodesign framework to support the move towards a more resource efficient and circular economy. Directive 2012/19/EU of the European Parliament and the Council[(7)] refers to Directive 2009/125/EC and indicates that ecodesign requirements should facilitate the re-use, dismantling and recovery of waste electrical and electronic equipment (WEEE) by tackling the issues upstream. This Regulation should therefore lay down appropriate requirements for this.

(13) The relevant product parameters should be measured using reliable, accurate and reproducible methods. Those methods should take into account recognised state-of-the-art measurement methods including, where available, harmonised standards adopted by the European standardisation bodies, as listed in Annex I to Regulation (EU) No 1025/2012 of the European Parliament and of the Council[(8)].

(14) In accordance with Article 8 of Directive 2009/125/EC, this Regulation should specify the applicable conformity assessment procedures.

(15) To facilitate compliance checks, manufacturers, importers or authorised representatives should provide information in the technical documentation referred to in Annexes IV and V to Directive 2009/125/EC in so far as that information relates to the requirements laid down in this Regulation.

(16) For market surveillance purposes, manufacturers should be allowed to refer to the product database if the technical documentation as per Commission Delegated Regulation (EU) 2019/2018[(9)] contains the same information.

(17) To improve the effectiveness of this Regulation and to protect consumers, products that automatically alter their performance in test conditions to improve the declared parameters should be prohibited.

(18) In addition to the legally binding requirements laid down in this Regulation, benchmarks for best available technologies should be identified to make information on the products' environmental performance over their lifecycle subject to this Regulation widely available and easily accessible, in accordance with Directive 2009/125/EC, point 3(2) of Annex I.

(19) A review of this Regulation should assess the appropriateness and effectiveness of its provisions in achieving its goals. The timing of the review should allow for all provisions to be implemented.

(20) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by point 1 of Article 19 of Directive 2009/125/EC,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1 This Regulation establishes ecodesign requirements for the placing on the market or the putting into service of electric mains-operated refrigerating appliances with a direct sales function, including appliances sold for refrigeration of items other than foodstuffs.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2019/2024. (See end of Document for details)*

2 This Regulation does not apply to:

a refrigerating appliances with a direct sales function that are only powered by energy sources other than electricity;

b the remote components, such as the condensing unit, compressors or water condensed unit, to which a remote cabinet needs to be connected in order to function;

c food processing refrigerating appliances with a direct sales function;

d refrigerating appliances with a direct sales function specifically tested and approved for the storage of medicines or scientific samples;

e refrigerating appliances with a direct sales function that have no integrated system for producing cooling, and function by ducting chilled air that is produced by an external air chiller unit; this does not include remote cabinets nor does it include category 6 refrigerated vending machines, as defined in Table 5 of Annex III;

f professional refrigerated storage cabinets, blast cabinets, condensing units and process chillers as defined in Regulation (EU) 2015/1095;

g wine storage appliances and minibars.

3 The requirements in point 1 and point 3(k) of Annex II do not apply to:

a refrigerating appliances with a direct sales function that do not use a vapour compression refrigeration cycle;

b refrigerating appliances with a direct sales function for the sale and display of live foodstuffs, such as refrigerating appliances for the sale and display of living fish and shellfish, refrigerated aquaria and water tanks;

c saladettes;

d horizontal serve-over counters with integrated storage designed to work at chilled operating temperatures;

e corner cabinets;

f vending machines designed to work at frozen operating temperatures;

g serve-over fish counters with flaked ice.

Article 2

Definitions

For the purpose of this Regulation, the following definitions shall apply:

1. ‘refrigerating appliance with a direct sales function’ means an insulated cabinet with one or more compartments that are controlled at specific temperatures, cooled by natural or forced convection through one or more energy consuming means and is intended for displaying and selling, with or without assisted serving, foodstuffs and other items at specified temperatures below the ambient temperature to customers, accessible directly through open sides or through one or more doors, or drawers or both, including refrigerating appliances with a direct sales function with areas used for storage of foodstuffs and other items not accessible by customers, and excluding minibars and wine storage appliances;

2. ‘foodstuffs’ means food, ingredients, beverages, including wine, and other items primarily used for consumption which require refrigeration at specified temperatures;

3. ‘condensing unit’ means a product integrating at least one electrically driven compressor and one condenser, capable of cooling down and continuously maintaining low or medium temperature inside a refrigerated appliance or system, using a vapour

compression cycle once connected to an evaporator and an expansion device, as defined in Regulation (EU) 2015/1095;

4. ‘remote cabinet’ means a refrigerating appliance with a direct sales function which consists of a factory-made assembly of components that in order to function as a refrigerating appliance with a direct sales function, needs to be connected additionally to remote components (condensing unit and/or compressor and/or water condensed unit) which are not an integral part of the cabinet;

5. ‘food processing refrigerating appliance with a direct sales function’ means a refrigerating appliance with a direct sales function specifically tested and approved for carrying out food processing such as ice-cream makers, microwave-equipped refrigerated vending machines or ice makers; this does not include refrigerating appliances with a direct sales function equipped with one compartment specifically designed for carrying out food processing which is equivalent to less than 20 % of the appliance total net volume;

6. ‘net volume’ means the part of the gross volume of any compartment which is left after deduction of the volume of components and spaces unusable for the storage or display of foodstuffs and other items, in cubic decimetres (dm^3) or litres (L);

7. ‘gross volume’ means the volume within the inside liners of the compartment, without internal fittings and with door or lid closed, in cubic decimetres (dm^3) or litres (L);

8. ‘specifically tested and approved’ means that the product complies with all the following requirements:

   (a) it has been specifically designed and tested for the mentioned operating condition or application, according to the Union legislation mentioned or related acts, relevant Member State legislation, and/or relevant European or international standards;

   (b) it is accompanied by evidence, to be included in the technical documentation in the form of a certificate, a type approval mark or a test report, that the product has been specifically approved for the mentioned operating condition or application;

   (c) it is placed on the market specifically for the mentioned operating condition or application, as evidenced at least by the technical documentation, information provided for the product and any advertising, information or marketing materials;

9. ‘wine storage appliance’ means refrigerating appliance with only one type of compartment for the storage of wine, with precision temperature control for the storage conditions and target temperature, and equipped with anti-vibration measures, as defined in Regulation (EU) 2019/2019;

10. ‘compartment’ means an enclosed space within a refrigerating appliance with a direct sales function, separated from other compartment(s) by a partition, container, or similar construction, which is directly accessible through one or more external doors and may itself be divided into sub-compartments. For the purpose of this Regulation, unless specified otherwise, compartment refers to both compartments and sub-compartments;

11. ‘external door’ is the part of a refrigerating appliance with a direct sales function that can be moved or removed to at least allow inserting the load from the exterior to