Commission Delegated Regulation (EU) 2019/2018 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of refrigerating appliances with a direct sales function (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2019/2018

of 11 March 2019

supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of refrigerating appliances with a direct sales function

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to 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[(1)], and in particular Articles 11 and 16 thereof,

Whereas:

(1) Regulation (EU) 2017/1369 empowers the Commission to adopt delegated acts as regards the labelling or re-scaling of the labelling of product groups representing significant potential for energy savings and, where relevant, other resources.

(2) The Communication from the Commission COM(2016) 773[(2)] (ecodesign working plan) established by the Commission in application of Article 16(1) of Directive 2009/125/EC of the European Parliament and of the Council[(3)] 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 measure.

(3) Measures from the ecodesign working plan have an estimated potential to deliver in 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 ecodesign working plan, with an estimated 48 TWh of annual final energy savings in 2030.

(4) The Commission 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 Delegated Regulation (EU) 2019/2018. (See end of Document for details)*

The results of these studies were made public and presented to the Consultation Forum established by Article 14 of Regulation (EU) 2017/1369.

(5) The preparatory studies concluded that there was a need to the introduce energy labelling requirements for refrigerating appliances with a direct sales function.

(6) The preparatory studies identified that energy consumption in the use phase is the most significant environmental aspect of refrigerating appliances with a direct sales function.

(7) The preparatory studies have shown that the electricity consumption of products subject to this Regulation can be further reduced significantly by an energy labelling measure focusing on refrigerating appliances with a direct sales function.

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

(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 the Commission Delegated Regulation (EU) 2019/2016[(4)].

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

(11) Refrigerating appliances with a direct sales function that are displayed at trade fairs should bear the energy label if the first unit of the model has already been placed on the market or is placed on the market at the trade fair.

(12) 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[(6)].

(13) The terminology and testing methods of this Regulation are consistent with the terminology and testing methods adopted in EN 16901, EN 16902, EN 50597 and EN ISO 23953-2.

(14) Recognising the growth of sales of energy-related products through internet hosting platforms, rather than directly from suppliers' websites, it should be clarified that internet sales platforms should be responsible for enabling the displaying of the label provided by the supplier in proximity to the price. They should inform the dealer of that obligation, but should not be responsible for the accuracy or content of the label and the product information sheet provided. However, in application of Article 14(1)(b) of Directive 2000/31/EC of the Parliament and of the Council[(7)] on electronic commerce, such internet hosting platforms should act expeditiously to remove or to disable access to information about the product in question if they are aware of the non-compliance (e.g. missing, incomplete or incorrect label or product information sheet) for example if

informed by the market surveillance authority. A supplier selling directly to end-users via its own website is covered by dealers' distance selling obligations referred to in Article 5 of Regulation (EU) 2017/1369.

(15) The measures provided for in this Regulation were discussed by the Consultation Forum and the Member States' experts in accordance with Articles 14 and 18 of Regulation (EU) 2017/1369.

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1 This Regulation establishes requirements for the labelling of, and the provision of supplementary product information on, electric mains-operated refrigerating appliances with a direct sales function, including appliances sold for refrigeration of items other than foodstuffs.

2 This Regulation does not apply to:

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

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

c 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;

d food processing refrigerating appliances with a direct sales function;

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

f 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;

g saladettes;

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

i refrigerating appliances with 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 Annex IV, Table 4;

j corner cabinets;

k vending machines that are designed to work at frozen operating temperatures;

l serve-over fish counters with flaked ice;

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

n wine storage appliances and minibars.

Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2019/2018. (See end of Document for details)*

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 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 appliances 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 or 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 decimeters (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 or marketing materials;

9. ‘saladette’ means a refrigerating appliance with a direct sales function with one or more doors or drawer fronts in the vertical plane that has cut-outs in the top surface into which temporary storage bins can be inserted for easy-access storage of foodstuffs such as pizza toppings or salad items;

10. ‘horizontal serve-over counter with integrated storage’ means a horizontal cabinet for assisted service, which includes refrigerated storage which is of at least 100 litres (L) per meter (m) length and which is normally placed at the serve-over counter's base;

11. ‘horizontal cabinet’ means a refrigerating appliance with a direct sales function with horizontal display, opening on its top, and accessible from above;

12. ‘chilled operating temperature’ means a temperature between -3,5 degrees Celsius (°C) and 15 degrees Celsius (°C) for appliances equipped with energy management systems for saving energy and between -3,5 degrees Celsius (°C) and 10 degrees Celsius (°C) for appliances not equipped with energy management systems for saving energy;

13. ‘operating temperature’ means the reference temperature inside a compartment during testing;

14. ‘refrigerated vending machine’ means a refrigerating appliance with a direct sales function designed to accept consumer payments or tokens to dispense chilled foodstuffs and other items without on-site labour intervention;

15. ‘corner cabinet’ means a refrigerating appliance with a direct sales function used to achieve geometrical continuity between two linear cabinets that are at an angle to each other and/or that form a curve. A corner cabinet does not have a recognisable longitudinal axis or length since it consists only of a filling shape (wedge or similar) and is not designed to function as a stand-alone refrigerated unit. The two ends of the corner cabinet are inclined at an angle between 30 ° and 90 °;

16. ‘frozen operating temperature’ means a temperature below -12 degrees celsius (°C);

17. ‘serve-over fish counter with flaked ice’ means a cabinet for horizontal assisted service, designed and marketed specifically for fresh fish display. It is characterised by having on its top a bed of flaked ice used to maintain the temperature of the displayed fresh fish, and it also has a built in drain outlet;

18. ‘wine storage appliance’ means a 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 Delegated Regulation (EU) 2019/2016;

19. ‘compartment’ means an enclosed space within a refrigerating appliance with a direct sales function, separated from other compartment(s) by a partition, container, or