Commission Delegated Regulation (EU) 2019/2016 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 and repealing Commission Delegated Regulation (EU) No 1060/2010 (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2019/2016

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 and repealing Commission Delegated Regulation (EU) No 1060/2010

(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 Article 11(5) and Article 16(1) 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) Provisions on the energy labelling of household refrigerating appliances were established by Commission Delegated Regulation (EU) No 1060/2010[(2)].

(3) The Communication from the Commission COM(2016) 773[(3)] (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[(4)] sets out the working priorities under the ecodesign and energy labelling framework for the period 2016-2019. The ecodesign working plan identifies the energy-related product groups to be considered as priorities for the undertaking of preparatory studies and eventual adoption of implementing measures, as well as the review of Commission Regulation (EC) No 643/2009[(5)] and Delegated Regulation (EU) No 1060/2010.

(4) 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 is one of the product groups listed in the ecodesign working plan, with an estimated 10 TWh of annual final energy savings in 2030.

(5) Household refrigerating appliances are among the product groups mentioned in Article 11(5)(b) of Regulation (EU) 2017/1369 for which the Commission should adopt a delegated act introducing an A to G rescaled label.

Changes to legislation: *There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/2016. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) Delegated Regulation (EU) No 1060/2010 requires the Commission to review the Regulation on a regular basis in light of technological progress.

(7) The Commission has reviewed Delegated Regulation (EU) No 1060/2010 as required by its Article 7 and analysed the technical, environmental and economic aspects of refrigerating appliances as well as real-life user behaviour. The review was carried out in close cooperation with stakeholders and interested parties from the Union and third countries. The results of the review were made public and presented to the Consultation Forum established by Article 14 of Regulation (EU) 2017/1369.

(8) The review concluded that there was a need to introduce revised energy labelling requirements for refrigerating appliances.

(9) The review concluded that the electricity use of products subject to this Regulation can be further significantly reduced by implementing energy label measures focusing on refrigerating appliances.

(10) Refrigerating appliances with a direct sales function should be subject to a separate energy labelling regulation.

(11) Chest freezers, including professional chest freezers, should be in the scope of this Regulation, as they are out of the scope of the Commission Delegated Regulation (EU) 2015/1094[(6)] and can be used in other environments than professional environments.

(12) Wine storage appliances and low noise refrigerating appliances (such as minibars), including those with transparent doors, do not have a direct sales function. Wine storage appliances are usually either used in household environments or in restaurants, whereas minibars are usually used in hotel rooms. Therefore, wine storage appliances and minibars, including those with transparent doors should be covered by this Regulation.

(13) Refrigerating appliances 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.

(14) The electricity used by household refrigerating appliances accounts for a significant share of total household electricity demand in the Union. In addition to the energy efficiency improvements already achieved, the scope for further reducing the energy consumption of household refrigerating appliances is substantial.

(15) The review has shown that the electricity consumption of products subject to this Regulation can be further reduced significantly by implementing energy label measures focusing on energy efficiency and annual energy consumption. In order for end-users to make an informed decision, information on airborne acoustical noise and the compartment types should also be included.

(16) 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[(7)].

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

(18) 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 supplier 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 European Parliament and of the Council[8] 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.

(19) The measures provided for in this Regulation were discussed by the Consultation Forum and the Member State experts in accordance Article 14 of Regulation (EU) 2017/1369.

(20) Delegated Regulation (EU) No 1060/2010 should therefore be repealed,

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 volume of more than 10 litres and of less than or equal to 1 500 litres.

2 This Regulation does not apply to:

a professional refrigerated storage cabinets and blast cabinets, with the exception of professional chest freezers;

b refrigerating appliances with a direct sales function;

c mobile refrigerating appliances;

d appliances where the primary function is not the storage of foodstuffs through refrigeration.

Article 2

Definitions

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

(1) ‘mains’ or ‘electric mains’ means the electricity supply from the grid of 230 (± 10 %) volt of alternating current at 50 Hz;

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(2) 'refrigerating appliance' means an insulated cabinet with one or more compartments that are controlled at specific temperatures, cooled by natural or forced convection whereby the cooling is obtained by one or more energy consuming means;

(3) 'compartment' means an enclosed space within a refrigerating appliance, 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;

(4) 'external door' is the part of a cabinet that can be moved or removed to at least allow the load to be moved from the exterior to the interior or from the interior to the exterior of the cabinet;

(5) 'sub-compartment' means an enclosed space in a compartment having a different operating temperature range from the compartment in which it is located;

(6) 'total volume' (V) means the volume of the space within the inside liner of the refrigerating appliance, equal to the sum of the compartment volumes, expressed in dm^3 or litres;

(7) 'compartment volume' (V_c) means the volume of the space within the inside liner of the compartment, expressed in dm^3 or litres;

(8) 'professional refrigerated storage cabinet' means an insulated refrigerating appliance integrating one or more compartments accessible via one or more doors or drawers, capable of continuously maintaining the temperature of foodstuffs within prescribed limits at chilled or frozen operating temperature, using a vapour compression cycle, and used for the storage of foodstuffs in non-household environments but not for the display to or access by customers, as defined in Commission Regulation (EU) 2015/1095[9];

(9) 'blast cabinet' means an insulated refrigerating appliance primarily intended to rapidly cool hot foodstuffs to below 10 °C in the case of chilling and below - 18 °C in the case of freezing, as defined in Regulation (EU) 2015/1095;

(10) 'professional chest freezer' means a freezer in which the compartment(s) is accessible from the top of the appliance or which has both top-opening type and upright type compartments but where the gross volume of the top-opening type compartment(s) exceeds 75 % of the total gross volume of the appliance, used for the storage of foodstuffs in non-household environments;

(11) 'freezer' means a refrigerating appliance with only 4-star compartments;

(12) 'freezer compartment' or '4-star compartment' means a frozen compartment with a target temperature and storage conditions of - 18 °C and which fulfils the requirements for the freezing capacity;

(13) 'frozen compartment' means a compartment type with a target temperature equal to or below 0 °C; that is a 0-star, 1-star, 2-star, 3-star or 4-star compartment, as set out in Annex IV, Table 3;

(14) 'compartment type' means the declared compartment type in accordance with the refrigerating performance parameters T_{min}, T_{max}, T_c and others set out in Annex IV, Table 3;

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(15) 'target temperature' (T_c) means the reference temperature inside a compartment during testing, as set out in Annex IV, Table 3, and is the temperature for testing energy consumption expressed as the average over time and over a set of sensors;

(16) 'minimum temperature' (T_{min}) means the minimum temperature inside a compartment during storage testing, as set out in Annex IV, Table 3;

(17) 'maximum temperature' (T_{max}) means the maximum temperature inside a compartment during storage testing, as set out in Annex IV, Table 3;

(18) '0-star compartment' and 'ice-making compartment' means a frozen compartment with a target temperature and storage conditions of 0 °C, as set out in Annex IV, Table 3;

(19) '1-star compartment' means a frozen compartment with a target temperature and storage conditions of - 6 °C, as set out in Annex IV, Table 3;

(20) '2-star compartment' means a frozen compartment with a target temperature and storage conditions of - 12 °C, as set out in Annex IV, Table 3;

(21) '3-star compartment' means a frozen compartment with a target temperature and storage conditions of - 18 °C, as set out in Annex IV, Table 3;

(22) 'refrigerating appliance with a direct sales function' means a refrigerating appliance used for the functions of displaying and selling items at specified temperatures below the ambient temperature to customers, accessible directly through open sides or via one or more doors, or drawers, or both, including also cabinets with areas used for storage or assisted serving of items not accessible by the customers and excluding minibars and wine storage appliances, as defined in Commission Regulation (EU) 2019/2024[(10)];

(23) 'minibar' means a refrigerating appliance with a total volume of maximum 60 litres, which is primary intended for the storage and sales of foodstuffs in hotel rooms and similar premises;

(24) 'wine storage appliance' means a dedicated refrigerating appliance for the storage of wine, with precision temperature control for the storage conditions and target temperature of a wine storage compartment, as defined in Annex IV, Table 3, and equipped with anti-vibration measures;

(25) 'dedicated refrigerating appliance' means a refrigerating appliance with only one type of compartment;

(26) 'wine storage compartment' means an unfrozen compartment with a target temperature of 12 °C, an internal humidity range from 50 % to 80 % and storage conditions ranging from 5 °C to 20 °C, as defined in Annex IV, Table 3;

(27) 'unfrozen compartment' means a compartment type with a target temperature equal to or above 4 °C; that is a pantry, wine storage, cellar or fresh food compartment with storage conditions and target temperatures, as set out in Annex IV, Table 3;

(28) 'pantry compartment' means an unfrozen compartment with a target temperature of 17 °C and storage conditions ranging from 14 °C to 20 °C, as set out in Annex IV, Table 3;

(29) 'cellar compartment' means an unfrozen compartment with a target temperature of 12 °C and storage conditions ranging from 2 °C to 14 °C, as set out in Annex IV, Table 3;