Commission Delegated Regulation (EU) 2015/1094 of 5 May 2015 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of professional refrigerated storage cabinets (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2015/1094

of 5 May 2015

supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of professional refrigerated storage cabinets

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2010/30/EU of the European Parliament and of the Council on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products[(1)], and in particular Article 10 thereof,

Whereas:

(1) Directive 2010/30/EU requires the Commission to adopt delegated acts as regards the labelling of energy-related products that have significant potential for energy savings and exhibit wide disparity in performance levels with equivalent functionality.

(2) The energy consumed by professional refrigerated storage cabinets accounts for a significant share of total electricity demand in the Union, and professional refrigerated storage cabinets with equivalent functionality exhibit wide disparity in terms of energy efficiency. The scope for reducing their energy consumption is significant. Professional refrigerated storage cabinets should therefore be covered by energy labelling requirements.

(3) Harmonised provisions should be laid down on labelling and standard product information regarding the energy efficiency of professional refrigerated storage cabinets in order to provide incentives for manufacturers to improve the energy efficiency of those products, encourage end-users to purchase energy-efficient products and contribute to the functioning of the internal market.

(4) The combined effect of this Regulation and Commission Regulation (EU) 2015/1095[(2)] is expected to result in estimated annual energy savings of about 1,8 TWh in 2020 and 4,1 TWh in 2030, corresponding to 0,7 and 1,4 million tonnes CO_2 equivalent, as compared with what would happen if no measures were taken.

(5) The information provided on the label should be obtained through reliable, accurate and reproducible measurement procedures based on recognised state-of-the-art methods, including, where available, harmonised standards adopted by the European

Changes to legislation: *There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2015/1094. 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*

standardisation organisations, as listed in Annex I to Regulation (EU) No 1025/2012 of the European Parliament and of the Council[(3)].

(6) This Regulation should specify a uniform design and content of product labels for professional refrigerated storage cabinets.

(7) In addition, this Regulation should specify requirements for the product fiche and technical documentation for professional refrigerated storage cabinets.

(8) Moreover, this Regulation should specify requirements for the information to be provided in any form of distance-selling of professional refrigerated storage cabinets and in any advertisements and technical promotional material for such products.

(9) It is appropriate to provide for a review of the provisions of this Regulation taking into account technological progress,

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, professional refrigerated storage cabinets.

2 This Regulation shall apply to electric mains-operated professional refrigerated storage cabinets, including those sold for the refrigeration of foodstuffs and animal feed.

3 This Regulation shall not apply to the following products:

a professional refrigerated storage cabinets that are primarily powered by energy sources other than electricity;

b professional refrigerated storage cabinets operating with a remote condensing unit;

c open cabinets, where their openness is a fundamental requirement for their primary functionality;

d cabinets specifically designed for food processing, where the mere presence of one compartment, with a net volume equivalent to less than 20 % of the cabinet's total net volume and specifically designed for food processing, is not sufficient for exemption;

e cabinets specifically designed only for the purpose of thawing frozen foodstuffs in a controlled manner, where the mere presence of one compartment specifically designed for thawing frozen foodstuffs in a controlled manner is not sufficient for exemption;

f saladettes;

g serve-over counters and other similar forms of cabinet primarily intended for display and sale of foodstuffs in addition to refrigeration and storage;

h cabinets that do not use a vapour compression refrigeration cycle;

i custom-made professional refrigerated storage cabinets, made on a one-off basis according to individual customer specification and not equivalent to other professional refrigerated storage cabinets as described in definition 9 of Annex I;

j refrigerator-freezers;

k static-air cabinets;

l built-in cabinets;

m roll-in and pass-through cabinets;

***Changes to legislation:** There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2015/1094. 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*

n chest freezers.

Article 2

Definitions

The following definitions shall apply for the purpose of this Regulation:

(a) ‘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 intended for the storage of foodstuffs in non-household environments but not for the display to or access by customers;

(b) ‘foodstuffs’ means food, ingredients, beverages, including wine, and other items primarily intended for consumption which require refrigeration at specified temperatures;

(c) ‘built-in cabinet’ means a fixed insulated refrigerating appliance intended to be installed in a cabinet, in a prepared recess in a wall or similar location, and requiring furniture finishing;

(d) ‘roll-in cabinet’ means a professional refrigerated storage cabinet including one unique compartment that allows wheeled racks of product to be wheeled in;

(e) ‘pass-through cabinet’ means a professional refrigerated storage cabinet accessible from both sides;

(f) ‘static-air cabinet’ means a professional refrigerated storage cabinet without internal forced-air circulation, specifically designed to store temperature-sensitive foodstuffs or to avoid a drying effect on foodstuffs stored without a sealed enclosure, where a single static air compartment within the cabinet is not sufficient to designate the cabinet as a static air cabinet;

(g) ‘open cabinet’ means a professional refrigerated storage cabinet whose refrigerated enclosure can be reached from the outside without opening a door or a drawer, where the mere presence of one compartment which can be reached from the outside without opening a door or a drawer, with a net volume equivalent to less than 20 % of the professional refrigerated storage cabinet's total volume, is not sufficient to qualify it as such;

(h) ‘saladette’ means a professional refrigerated storage cabinet 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, but not limited to, pizza toppings or salad items;

(i) ‘combined cabinet’ means a professional refrigerated storage cabinet including two or more compartments with different temperatures for the refrigeration and storage of foodstuffs;

(j) ‘refrigerator-freezer’ means a type of combined cabinet including at least one compartment exclusively intended for chilled operating temperature and one compartment exclusively intended for frozen operating temperature;

Changes to legislation: *There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2015/1094. 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*

(k) 'chest freezer' means a food 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.

Article 3

Responsibilities of suppliers and timetable

1 From 1 July 2016, suppliers placing professional refrigerated storage cabinets on the market or putting them into service shall ensure that the following requirements are met:

a a printed label in the format and containing the information set out in Annex III shall be provided for each professional refrigerated storage cabinet;

b an electronic label in the format and containing the information set out in Annex III shall be made available to dealers for each professional refrigerated storage cabinet model;

c a product fiche, as set out in Annex IV, shall be made available;

d an electronic product fiche, as set out in Annex IV, shall be made available to dealers for each professional refrigerated storage cabinet model;

e technical documentation, as set out in Annex V, shall be provided on request to the authorities of the Member States;

f any advertisement relating to a specific professional refrigerated storage cabinet model and containing energy-related or price information shall include a reference to the energy efficiency class of that model;

g any technical promotional material concerning a specific professional refrigerated storage cabinet model and describing its specific technical parameters shall include a reference to the energy efficiency class of that model.

2 The labels in Annex III shall accompany professional refrigerated storage cabinets placed on the market according to the following timetable:

— from 1 July 2016: label 1 or label 2,

— from 1 July 2019: label 2.

Article 4

Responsibilities of dealers

Dealers of professional refrigerated storage cabinets shall ensure that the following requirements are met:

(a) at the point of sale, each professional refrigerated storage cabinet shall bear the label provided by suppliers in accordance with Article 3(1) on the outside of the front or top of the appliance, so that it is clearly visible;

(b) professional refrigerated storage cabinets offered for sale, hire or hire-purchase, where the end-user cannot be expected to see the product displayed, shall be marketed with the information provided by the suppliers in accordance with Annex VI, except where the offer is made on the internet, in which case the provisions of Annex VII shall apply;

(c) any advertisement relating to a specific professional refrigerated storage cabinet model and containing energy-related or price information shall include a reference to the energy efficiency class of that model;

***Changes to legislation:** There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2015/1094. 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*

(d) any technical promotional material concerning a specific professional refrigerated storage cabinet model and describing its specific technical parameters shall include a reference to the energy efficiency class of that model.

Article 5

Measurement and calculation

The information to be provided pursuant to Articles 3 and 4 shall be obtained by reliable, accurate and reproducible measurement and calculation procedures based on recognised state-of-the-art methods, as set out in Annex IX.

Article 6

Verification procedure for market surveillance purposes

Member States shall apply the procedure set out in Annex X when assessing the conformity of the declared energy efficiency class, annual energy consumption and volumes.

Article 7

Review

The Commission shall review this Regulation in the light of technological progress no later than five years after its entry into force. The review shall in particular assess:

(a) any significant changes in the market shares of various types of appliance;

(b) the verification tolerances set out in Annex X;

(c) the appropriateness of introducing a method for determining the standard annual energy consumption for refrigerator-freezers;

(d) the appropriateness of introducing a revised method for the standard annual energy consumption of counter cabinets.

Article 8

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.