Commission Delegated Regulation (EU) No 1060/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household refrigerating appliances (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) No 1060/2010

of 28 September 2010

supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household refrigerating appliances

(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 of 19 May 2010 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 representing significant potential for energy savings and having a wide disparity in performance levels with equivalent functionality.

(2) Provisions on the energy labelling of household refrigerating appliances were established by Commission Directive 94/2/EC of 21 January 1994 implementing Council Directive 92/75/EEC with regard to energy labelling of household electric refrigerators, freezers and their combinations[(2)].

(3) 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.

(4) Directive 94/2/EC should be repealed and new provisions should be laid down by this Regulation in order to ensure that the energy label provides dynamic incentives for manufacturers to further improve the energy efficiency of household refrigerating appliances and to accelerate the market transformation towards energy-efficient technologies.

(5) The combined effect of the provisions set out in this Regulation, and in Commission Regulation (EC) No 643/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for household refrigerating appliances[(3)], could amount to annual electricity savings of 6 TWh by 2020[(4)], compared to the situation if no measures were taken.

Changes to legislation: *There are outstanding changes not yet made to Commission Delegated Regulation (EU) No 1060/2010. 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) There is also an opportunity for energy savings for products in the growing markets of absorption-type refrigerating appliances and wine storage appliances. Those appliances should therefore be included in the scope of this Regulation.

(7) Absorption-type refrigerating appliances are noiseless, but consume significantly more energy than compression-type appliances. In order for end-users to make an informed decision, information on airborne acoustical noise emissions of household refrigerating appliances should be included on the label.

(8) The information provided on the label should be obtained through reliable, accurate and reproducible measurement procedures that take into account the recognised state-of-the-art measurement methods including, where available, harmonised standards adopted by the European standardisation bodies, as listed in Annex I to Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services[(5)].

(9) This Regulation should specify a uniform design and content for the label for household refrigerating appliances.

(10) In addition, this Regulation should specify requirements as to the technical documentation and the fiche for household refrigerating appliances.

(11) Moreover, this Regulation should specify requirements as to the information to be provided for any form of distance selling, advertisements and technical promotional materials for household refrigerating appliances.

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

(13) In order to facilitate the transition from Directive 94/2/EC to this Regulation, household refrigerating appliances labelled in accordance with this Regulation should be considered compliant with Directive 94/2/EC.

(14) Directive 94/2/EC 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 household refrigerating appliances with a storage volume between 10 and 1 500 litres.

2 This Regulation shall apply to electric mains-operated household refrigerating appliances, including those sold for non-household use or for the refrigeration of items other than foodstuffs and including built-in appliances.

It shall also apply to electric mains-operated household refrigerating appliances that can be battery-operated.

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3 This Regulation shall not apply to:

a refrigerating appliances that are primarily powered by energy sources other than electricity, such as liquefied petroleum gas (LPG), kerosene and bio-diesel fuels;

b battery-operated refrigerating appliances that can be connected to the mains through an AC/DC converter, purchased separately;

c custom-made refrigerating appliances, made on a one-off basis and not equivalent to other refrigerating appliance models;

d refrigerating appliances for tertiary sector application where the removal of refrigerated foodstuffs is electronically sensed and that information can be automatically transmitted through a network connection to a remote control system for accounting;

e appliances where the primary function is not the storage of foodstuffs through refrigeration, such as stand-alone ice-makers or chilled drinks dispensers.

Article 2

Definitions

In addition to the definitions laid down in Article 2 of Directive 2010/30/EU, the following definitions shall apply:

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

(2) ‘household refrigerating appliance’ means an insulated cabinet, with one or more compartments, intended for refrigerating or freezing foodstuffs, or for the storage of refrigerated or frozen foodstuffs for non-professional purposes, cooled by one or more energy-consuming processes, including appliances sold as building kits to be assembled by the end-user;

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

(4) ‘refrigerator’ means a refrigerating appliance intended for the preservation of foodstuffs with at least one compartment suitable for the storage of fresh food and/or beverages, including wine;

(5) ‘compression-type refrigerating appliance’ means a refrigerating appliance in which refrigeration is effected by means of a motor-driven compressor;

(6) ‘absorption-type refrigerating appliance’ means a refrigerating appliance in which refrigeration is effected by an absorption process using heat as the energy source;

(7) ‘refrigerator-freezer’ means a refrigerating appliance with at least one fresh-food storage compartment and at least one compartment suitable for the freezing of fresh food and the storage of frozen foodstuffs under three-star storage conditions (the food-freezer compartment);

(8) ‘frozen-food storage cabinet’ means a refrigerating appliance with one or more compartments suitable for the storage of frozen foodstuffs;

(9) ‘food freezer’ means a refrigerating appliance with one or more compartments suitable for freezing foodstuffs with temperatures ranging from ambient temperature down

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to – 18 °C, and which is also suitable for the storage of frozen foodstuffs under three-star storage conditions; a food freezer may also include two-star sections and/or compartments within the compartment or cabinet;

(10) 'wine storage appliance' means a refrigerating appliance that has no compartment other than one or more wine storage compartments;

(11) 'multi-use appliance' means a refrigerating appliance that has no compartment other than one or more multi-use compartments;

(12) 'equivalent household refrigerating appliance' means a household refrigerating appliance model placed on the market with the same gross and storage volumes, same technical, efficiency and performance characteristics, and same compartment types as another household refrigerating appliance model placed on the market under a different commercial code number by the same manufacturer;

(13) 'end-user' means a consumer buying or expected to buy a household refrigerating appliance;

(14) 'point of sale' means a location where household refrigerating appliances are displayed or offered for sale, hire or hire-purchase.

The definitions set out in Annex I shall also apply.

Article 3

Responsibilities of suppliers

Suppliers shall ensure that:

(a) each household refrigerating appliance is supplied with a printed label in the format and containing information as set out in Annex II;

(b) a product fiche, as set out in Annex III, is made available;

(c) the technical documentation as set out in Annex IV is made available on request to the authorities of Member States and to the Commission;

(d) any advertisement for a specific model of household refrigerating appliance contains the energy efficiency class, if the advertisement discloses energy-related or price information;

(e) any technical promotional material concerning a specific model of household refrigerating appliance which describes its specific technical parameters includes the energy efficiency class of that model**[**F1;**]**

(f) **[**F2an electronic label in the format and containing the information set out in Annex II is made available to dealers for each household refrigerating appliance model placed on the market from 1 January 2015 with a new model identifier. It may also be made available to dealers for other household refrigerating appliance models;**]**

(g) **[**F2an electronic product fiche as set out in Annex III is made available to dealers for each household refrigerating appliance model placed on the market from 1 January 2015 with a new model identifier. It may also be made available to dealers for other household refrigerating appliance models.**]**

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Textual Amendments

F1 Substituted by Commission Delegated Regulation (EU) No 518/2014 of 5 March 2014 amending Commission Delegated Regulations (EU) No 1059/2010, (EU) No 1060/2010, (EU) No 1061/2010, (EU) No 1062/2010, (EU) No 626/2011, (EU) No 392/2012, (EU) No 874/2012, (EU) No 665/2013, (EU) No 811/2013 and (EU) No 812/2013 with regard to labelling of energy-related products on the internet (Text with EEA relevance).

F2 Inserted by Commission Delegated Regulation (EU) No 518/2014 of 5 March 2014 amending Commission Delegated Regulations (EU) No 1059/2010, (EU) No 1060/2010, (EU) No 1061/2010, (EU) No 1062/2010, (EU) No 626/2011, (EU) No 392/2012, (EU) No 874/2012, (EU) No 665/2013, (EU) No 811/2013 and (EU) No 812/2013 with regard to labelling of energy-related products on the internet (Text with EEA relevance).

Article 4

Responsibilities of dealers

Dealers shall ensure that:

(a) each household refrigerating appliance at the point of sale bears the label provided by suppliers in accordance with Article 3(a) on the outside of the front or top of the appliance, in such a way as to be clearly visible;

(b) **[**F1household refrigerating appliances offered for sale, hire or hire purchase where the end-user cannot be expected to see the product displayed, are marketed with the information to be provided by the suppliers in accordance with Annex V. Where the offer for is made through the internet and an electronic label and an electronic product fiche have been made available in accordance with Article 3(f) and 3(g) the provisions of Annex X shall apply instead;**]**

(c) any advertisement for a specific model of household refrigerating appliance contains its energy efficiency class, if the advertisement discloses energy-related or price information;

(d) any technical promotional material concerning a specific model of household refrigerating appliance, which describes its specific technical parameters, includes the energy efficiency class of that model.

Textual Amendments

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