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 (Text with EEA relevance)

COMMISSION REGULATION (EC) No 643/2009

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(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council[(1)], and in particular Article 15(1) thereof,

After consulting the Ecodesign Consultation Forum,

Whereas:

(1) Directive 96/57/EC of the European Parliament and of the Council of 3 September 1996 on energy efficiency requirements for household electric refrigerators, freezers and combinations thereof[(2)] lays down provisions regarding household refrigerating appliances. The requirements laid down in that Directive, which have been applicable since 1999, are now outdated.

(2) Under Directive 2005/32/EC ecodesign requirements should be set by the Commission for energy-using products representing significant volumes of sales and trade, having significant environmental impact and presenting significant potential for improvement in terms of their environmental impact without entailing excessive costs.

(3) Article 16(2), first indent, of Directive 2005/32/EC provides that, in accordance with the procedure referred to in Article 19(3) and the criteria set out in Article 15(2), and after consulting the Ecodesign Consultation Forum, the Commission shall, as appropriate, introduce a new implementing measure for household refrigerating appliances repealing Directive 96/57/EC.

(4) The Commission has carried out a preparatory study to analyse the technical, environmental and economic aspects of refrigerating appliances typically used in households. The study has been developed together with stakeholders and interested parties from the Community and third countries, and the results have been made publicly available on the Commission's website on EUROPA.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EC) No 643/2009. 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*

(5) The energy efficiency of absorption-type refrigerators and thermoelectric cooling refrigerating appliances, such as mini drink chillers, can be significantly improved. Those appliances should therefore be included in this Regulation.

(6) The environmental aspects identified as significant for the purposes of this Regulation are energy consumption in the use phase and product features designed to ensure more environmentally friendly use of household refrigerating appliances by the end-user.

(7) The preparatory study shows that requirements regarding other ecodesign parameters referred to in Annex I, Part 1, to Directive 2005/32/EC are not necessary.

(8) The annual electricity consumption of products subject to this Regulation in the Community was estimated to have been 122 TWh in 2005, corresponding to 56 million tonnes of CO_2 equivalent. While the projected energy consumption of household refrigerating appliances will decrease by 2020, this reduction is expected to slow as a result of outdated requirements and energy labels. The cost-effective energy-savings potential would therefore not be achieved if no further measures are introduced to update the existing ecodesign requirements.

(9) The electricity consumption of products subject to this Regulation should be made more efficient by applying existing non-proprietary cost-effective technologies that reduce the combined cost of purchasing and operating these products.

(10) This Regulation should quickly ensure the placing on the market of more energy-efficient products subject to this Regulation.

(11) The ecodesign requirements should not affect functionality from the end-user's perspective and should not negatively affect health, safety or the environment. In particular, the benefits of reducing electricity consumption during the use phase should more than offset any additional environmental impacts during the production of products subject to this Regulation.

(12) The ecodesign requirements should be introduced gradually in order to provide a sufficient timeframe for manufacturers to re-design products subject to this Regulation as appropriate. The timing should be such as to avoid negative impacts on the functionalities of equipment on the market, and to take into account cost impacts for end-users and manufacturers, in particular small and medium-sized enterprises, while ensuring timely achievement of the objectives of this Regulation.

(13) Conformity assessment and measurements of the relevant product parameters should be performed using reliable, accurate and reproducible measurement methods, which take into account the generally 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[(3)].

(14) In accordance with Article 8 of Directive 2005/32/EC, this Regulation should specify the applicable conformity assessment procedures.

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(15) In order to facilitate compliance checks, manufacturers should provide information in the technical documentation referred to in Annexes V and VI to Directive 2005/32/EC insofar as this information relates to the requirements laid down in this Regulation.

(16) In addition to the legally binding requirements laid down in this Regulation, indicative benchmarks for best available technologies should be identified to ensure the wide availability and accessibility of information on the life-cycle environmental performance of products subject to this Regulation.

(17) Directive 96/57/EC should therefore be repealed.

(18) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 19(1) of Directive 2005/32/EC,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1 This Regulation establishes ecodesign requirements for the placing on the market of electric mains-operated household refrigerating appliances with a storage volume up to 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.

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

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 set out in Directive 2005/32/EC, the following definitions shall apply:

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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. ‘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;

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

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

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

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

8. ‘food freezer’ means a refrigerating appliance with one or more compartments suitable for freezing foodstuffs with temperatures ranging from ambient temperature down 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;

9. ‘wine storage appliance’ means a refrigerating appliance that has no compartment other than one or more wine storage compartments;

10. ‘multi-use appliance’ means a refrigerating appliance that has no compartment other than one or more multi-use compartments;

11. ‘equivalent refrigerating appliance’ means a model placed on the market with the same gross and storage volumes, same technical, efficiency and performance characteristics, and same compartment types as another refrigerating appliance model placed on the market under a different commercial code number by the same manufacturer.

Additional definitions for the purpose of Annexes II to VI are set out in Annex I.

Article 3

Ecodesign requirements

The generic ecodesign requirements for household refrigerating appliances within the scope of this Regulation are set out in Annex II, point 1. The specific ecodesign requirements for household refrigerating appliances within the scope of this Regulation are set out in Annex II, point 2.

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Article 4

Conformity assessment

1 The conformity assessment procedure referred to in Article 8 of Directive 2005/32/EC shall be the internal design control system set out in Annex IV to that Directive or the management system set out in Annex V to that Directive.

2 For the purposes of conformity assessment pursuant to Article 8 of Directive 2005/32/EC, the technical documentation file shall contain a copy of the product information provided in accordance with Annex III, point 2, and the results of the calculations set out in Annex IV to this Regulation.

Where the information included in the technical documentation for a particular household refrigerating appliance model has been obtained by calculation on the basis of design, or extrapolation from other equivalent household refrigerating appliances, or both, the documentation shall include details of such calculations or extrapolations, or both, and of tests undertaken by manufacturers to verify the accuracy of the calculations undertaken. In such cases, the technical documentation shall also include a list of all other equivalent household refrigerating appliance models where the information included in the technical documentation was obtained on the same basis.

Article 5

Verification procedure for market surveillance purposes

When performing the market surveillance checks referred to in Article 3(2) of Directive 2005/32/EC for the requirements set out in Annex II to this Regulation, the Member State authorities shall apply the verification procedure described in Annex V to this Regulation.

Article 6

Benchmarks

The indicative benchmarks for best-performing household refrigerating appliances available on the market at the time of entry into force of this Regulation are set out in Annex VI.

Article 7

Revision

The Commission shall review this Regulation in the light of technological progress no later than five years after its entry into force and present the result of this review to the Ecodesign Consultation Forum. The review shall in particular assess the verification tolerances of Annex V and the possibilities for removing or reducing the values of the correction factors of Annex IV.

The Commission shall assess the need to adopt specific ecodesign requirements for wine storage appliances no later than two years after the entry into force of this Regulation.