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[...] (2017) XXX draft

COMMISSION REGULATION (EU) .../...

of XXX

**implementing Directive 2009/125/EC of the European Parliament and of the Council
with regard to ecodesign requirements for household refrigerating appliances and low
noise refrigerating appliances**

**repealing
Regulation (EC) No 643/2009 with regard to ecodesign requirements for household
refrigerating appliances**

(Text with EEA relevance)

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products¹, and in particular Article 15(1) thereof,

Whereas:

- (1) Pursuant to Directive 2009/125/EC, the Commission should set ecodesign requirements for energy-related products for which there are significant volumes of sales and trade, which have a significant effect on the environment and which offer significant potential for improving their design, without entailing excessive costs.
- (2) Pursuant to Article 16(2)(a) of Directive 2009/125/EC, the Commission should, where appropriate, introduce implementing measures for products which offer significant potential for reducing greenhouse gas emissions in a cost-effective way, such as household refrigerating appliances and low noise refrigerating appliances. These implementing measures should be introduced in accordance with the procedure referred to in Article 19(3) and the criteria set out in Article 15(2) of the same Directive. The Commission should consult the Ecodesign Consultation Forum on the measures to be introduced.
- (3) Provisions on the ecodesign requirements of household refrigerating appliances were established by Commission Delegated Regulation (EU) No. 643/2009 of 22 July 2009 supplementing Directive 2009/125/EC².
- (4) Regulation (EU) 643/2009 contains a review clause in Article 7 requiring the Commission to review the regulation in light of technological progress.
- (5) The Commission has reviewed Regulation (EU) 643/2009 and analysed technical, environmental and economic aspects of household refrigerating appliances and low noise refrigerating appliances as well as real-life user behaviour. The review was undertaken in close cooperation with stakeholders and interested parties from the

¹ OJ L 285, 31.10.2009, p. 10.

² OJ L 191, 22.07.2009, p53.

Union and third countries. The results of the review were made public and presented to the Consultation Forum established by Article 18 of Directive 2009/125/EC.

- (6) The review study shows the benefit of continued and improved requirements, adapted in stringency to the technological progress of household refrigerating appliances. Specifically it shows that wine storage appliances can be introduced in the scope of this Regulation and that correction factors can be eliminated or significantly reduced. Wine storage appliances with glass doors are out of the scope of this Regulation, they are commercial refrigerating appliances.
- (7) The annual electricity consumption of products subject to this Regulation in the Community was estimated at 86 TWh in 2015, corresponding to 34 million tonnes of CO₂ equivalent. While the projected energy consumption of household refrigerating appliances in a business as usual scenario will decrease by 2030, this reduction is expected to slow down unless the existing ecodesign requirements are updated.
- (8) The Regulation should cover wine storage appliances and mini bars.
- (9) Some refrigerating appliances intended for non-residential use are equivalent to household refrigerating appliances and should therefore be in scope of this regulation. As an example, a professional chest freezer that is intended for professional use and that is equivalent to a household chest freezers should be in the scope of the regulation.
- (10) The environmental aspects of the household refrigerating appliances that have been identified as significant for the purposes of this Regulation are energy consumption in the use phase, increased energy use over the product life due to leaking door gaskets and suboptimal food preservation options leading to avoidable food waste.
- (11) Measurements of the relevant product parameters should be performed through reliable, accurate and reproducible measurement methods, which 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 ⁽³⁾.
- (12) In accordance with Article 8 of Directive 2009/125/EC, this Regulation should specify the conformity assessment procedures applicable.
- (13) In order to facilitate compliance checks, manufacturers should provide information in the technical documentation referred to in Annexes V and VI to Directive 2009/125/EC in so far as that information relates to the requirements laid down in this Regulation.
- (14) Increased emphasis on fighting products with automatically altering performances in test conditions to improve the declared parameters is important for the effectiveness and credibility of the Regulation. This Regulation has introduced extra measures to this effect.
- (15) In addition to the legally binding requirements laid down in this Regulation, indicative benchmarks for best available technologies should be identified to make information on the life-cycle environmental performance of products subject to this Regulation widely available and easily accessible.

- (16) A review of this Regulation should assess the appropriateness and effectiveness of its provisions in achieving its goals. The timing of the review should be sufficient for all provisions to be implemented and show an effect on the market.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 19(1) of Directive 2009/125/EC.

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation establishes ecodesign requirements for placing on the market and putting into service of:
 - (a) electric mains-operated household refrigerating appliances with a volume between 10 and 1500 litres;
 - (b) electric mains-operated low-noise refrigerating appliances with a volume between 10 and 60 litres.
2. This Regulation shall not apply to:
 - (c) products covered by Commission Regulation (EU) 2015/1095 with regard to ecodesign requirements for professional refrigerated storage cabinets, blast cabinets, condensing units and process chillers;
 - (d) commercial refrigerating appliances;
 - (e) mobile refrigerating appliances.

Article 2

Definitions

In addition to the definitions set out in Directive 2009/125/EC and the definitions set out in Annex I of this Regulation, the following definitions shall apply:

1. 'household refrigerating appliance' means a refrigerating appliance, integrating the condenser and cold generator in one package with a factory-sealed cooling circuit used in household environments. This also includes equivalent refrigerating appliances intended for non-household environments such as professional chest freezers;
2. 'refrigerating appliance' means an insulated cabinet with one or more compartments that are controlled at specific temperatures below the ambient temperature;
3. 'low noise refrigerating appliance' is a refrigerating appliance with noise power emission smaller than 20 dB(A);
4. 'mains' or 'electric mains' means the electricity supply from the grid of 230 ($\pm 10\%$) Volt of alternating current at 50 Hz;
5. 'volume' means the volume of the space within the inside liner of the refrigerating appliance;
6. 'commercial refrigerating appliances' means refrigerating appliances used in non-household environments with a display and/or payment function to facilitate the

selection and purchase of the refrigerated items. This category includes wine storage appliances and low noise refrigerating appliances with a display function;

7. 'mobile refrigerating appliances' means refrigerating appliances used in vehicles and/or any other means of transportation where there is no access to the mains electricity grid, that can operate reliably and safely when exposed to mechanical vibrations and a tilted position as well as use extra low-voltage electricity (<120V DC) and/or fossil fuel as the energy source for the refrigeration functionality;
8. 'wine storage appliance' means a dedicated appliance for the storage of wine, with precision temperature control as defined Annex III, Table 3, and equipped with anti-vibration measures;
9. 'cold generator' means the part of a refrigerating appliance that generates a temperature difference allowing heat to be extracted from inside the cabinet and transferred to the ambient air;
10. 'equivalent refrigerating appliance' means a model placed on the market with the same total and compartment volumes, the same technical, efficiency and performance characteristics, and the same compartment types as a household refrigerating appliance model placed on the market under a different model number by the same manufacturer;
11. 'display-function' means a functionality of a refrigerating appliance to see its content, either by one or more transparent doors or by open access to at least one side of the appliance;
12. 'payment-function' means a functionality allowing customers to pay for and acquire merchandise inside the refrigerating appliance;
13. 'compartment volume' means the volume of the space within the inside liner of the compartment;
14. 'compartment' means an enclosed space within a refrigerating appliance, which is directly accessible through one or more external doors and which may itself be divided into sub-compartments having a different operating temperature range from the compartment within which it is located. For the purpose of this regulation, unless specified otherwise, 'compartment' refers to both compartments and/or sub-compartments;
15. 'external door' is the part of a cabinet that can be moved or removed to at least allow be able to insert or extract the load from the exterior to the interior or from the interior to the exterior of the cabinet.

Article 3

Ecodesign requirements

The ecodesign requirements for household refrigerating appliances and low noise refrigerating appliances within the scope of this Regulation are set out in Annex II.

Article 4

Conformity assessment

1. The conformity assessment procedure referred to in Article 8 of Directive 2009/125/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 2009/125/EC, the technical documentation file shall contain a copy of the product information provided in accordance with Annex II, point 2, and the results of the calculations set out in Annex III 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

Member States shall apply the verification procedure described in Annex IV to this Regulation when performing the market surveillance checks referred to in Article 3(2) of Directive 2009/125/EC.

Article 6

Indicative benchmarks

The indicative benchmarks for the best-performing products and technologies available on the market at the time of adopting this Regulation are set out in Annex V.

Article 7

Repeal

Commission Regulation (EC) No 643/2009 shall be repealed as from 31 March 2020.

Article 8

Review

The Commission shall review this Regulation no later than five years after its entry into force and shall present the results of this review, including a draft revision proposal to the Ecodesign Consultation Forum. This review shall assess the requirements in the light of technological progress, in particular regarding the requirements for low noise appliances and wine storage appliances.

Article 9

Entry into force

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
2. The generic ecodesign requirements set out in point 1 of Annex II shall apply from 1 April 2020. The specific ecodesign requirements for the Energy Efficiency Index set out in point 2 of Annex II shall apply in accordance with the timetable set out in Tables 1 and 2 of Annex II.

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

Done at Brussels,

Done at Brussels, For the Commission

Jean-Claude JUNCKER
The President

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