

Brussels, **XXX**  
[...](2018) **XXX** draft

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of **XXX****

**supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of refrigerating appliances**

**repealing Regulation (EU) No 1060/2010 with regard to energy labelling of household refrigerating appliances**

(Text with EEA relevance)

*This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission. The information transmitted is intended only for the Member State or entity to which it is addressed for discussions and may contain confidential and/or privileged material.*

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

#### **Legal and political context of the proposal**

In the EU, the Ecodesign Framework Directive<sup>1</sup> sets a framework requiring manufacturers of energy-related products to improve the environmental performance of their products by meeting minimum energy efficiency requirements, as well as other environmental criteria such as water consumption, emission levels or minimum durability of certain components before they can place their products on the market. The Energy Labelling Framework Regulation<sup>2</sup> complements the Ecodesign Framework Directive by enabling end-consumers to identify the better-performing energy-related products, via an A-G/green-to-red scale<sup>3</sup>. The energy label is recognised and used by 85% of Europeans<sup>4</sup>. The legislative framework builds upon the combined effect of the two aforementioned pieces of legislation.

The ecodesign and energy labelling framework are central to making Europe more energy efficient, contributing in particular to the ‘Energy Union Framework Strategy’<sup>5</sup>, and to the priority of a ‘Deeper and fairer internal market with a strengthened industrial base’<sup>6</sup>. Firstly, this legislative framework pushes industry to improve the energy efficiency of products and removes the worst-performing ones from the market. Secondly, it helps consumers and companies to reduce their energy bills. In the industrial and services sectors, this results in support to competitiveness and innovation. Thirdly, it ensures that manufacturers and importers responsible for placing products on the European Union (EU) market only have to comply with a single EU-wide set of rules.

Under this framework, household refrigerating appliances are regulated by Commission Ecodesign Regulation (EC) No 643/2009<sup>7</sup> and Commission Delegated Energy Labelling Regulation (EU) No 1060/2010<sup>8</sup>.

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<sup>1</sup> [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 products](#). OJ L OJ L 285, 31.10.2009, p. 10 (Ecodesign Framework Directive)

<sup>2</sup> [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](#). OJ L 198, 28.7.2017, p. 1 (Energy Labelling Framework Regulation)

<sup>3</sup> Under the old Energy Labelling Framework Directive 2010/30/EU, energy labels were allowed to include A+ to A+++ classes, the new framework regulation requires a rescaling of existing energy labels, back to the original A to G scale (See also Section 1.3).

<sup>4</sup> [Study on the impact of the energy label – and potential changes to it – on consumer understanding and on purchase decisions - . LE London Economics and IPSOS, October 2014](#)

<sup>5</sup> [Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee, The Committee Of The Regions And The European Investment Bank - A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy. COM/2015/080 final](#). (Energy Union Framework Strategy)

<sup>6</sup> [Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Upgrading the Single Market: more opportunities for people and business COM/2015/550 final. 28 October 2015](#). (Deeper and fairer internal market)

<sup>7</sup> [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](#), OJ L 191, 23.7.2009, p. 53–68. (ecodesign regulation)

<sup>8</sup> [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](#), OJ L 314, 30.11.2010, p. 17–46. (energy labelling regulation)

Article 7 of the Ecodesign and Energy Labelling Regulations for household refrigerators requires both regulations to be reviewed in the light of technological progress no later than five years after their entry into force. This review should 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.

Moreover, the Ecodesign working plan 2016-2019<sup>9</sup> also includes the review of both regulations, requiring in particular to examine how aspects relevant to the circular economy can be assessed and taken on board. This is in line with the Circular Economy Initiative<sup>10</sup>, which concluded that product design is a key in achieving the goals, as it can have significant impacts across the product life cycle (e.g. in making a product more durable, easier to repair, reuse or recycle).

In addition, in August 2017, the new Energy Labelling framework Regulation (EU) 2017/1369 entered into force, repealing Directive 2010/30/EU<sup>11</sup>. Under the repealed Directive, energy labels were allowed to include A+ to A+++ classes to address the overpopulation of the top classes. Over time, due to technological development, also the A+ to A+++ class became overpopulated, thereby significantly reducing the effectiveness of the labels. To resolve this, the new framework regulation requires a rescaling of existing energy labels, back to the original A to G scale. Article 11 of the Energy Labelling framework Regulation lists 5 priority product groups for which new delegated acts with rescaled energy labels must be adopted at the latest on 2 November 2018. Household refrigerating appliances is one of the priority product groups.

Finally, several new policy initiatives indicate that ecodesign and energy labelling policies are relevant in a broader political context. The main ones are the Energy Union Framework Strategy, which calls for a sustainable, low-carbon and climate-friendly economy, the Paris Agreement<sup>12</sup>, which calls for a renewed effort in carbon emission abatement, the Gothenburg Protocol<sup>13</sup>, which aims at controlling air pollution, the Circular Economy Initiative<sup>14</sup>, which amongst others stresses the need to include reparability, recyclability and durability in ecodesign, the Emissions Trading Scheme (ETS)<sup>15</sup>, aiming at cost-effective greenhouse gas (GHG) emissions reductions and indirectly affected by the energy consumption of the electricity using products in the scope of ecodesign and energy labelling policies, and the Energy Security Strategy<sup>16</sup>, which sets out a strategy to ensure a stable and abundant supply of energy.

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<sup>9</sup> [Communication from the Commission Ecodesign Working Plan. COM\(2016\) 773 final, Brussels, 30 November 2016.](#) (Ecodesign Working Plan 2016-2019)

<sup>10</sup> [Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions Closing The Loop - An EU Action Plan For The Circular Economy](#) (Circular Economy Initiative)

<sup>11</sup> [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.](#) OJ L 153, 18.6.2010, p. 1.

<sup>12</sup> [Global agreement in response to climate change of 2015 \(Paris Agreement\)](#)

<sup>13</sup> [Protocol to abate acidification, eutrophication and ground-level ozone of 1999](#) (Gothenburg Protocol)

<sup>14</sup> [Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions Closing The Loop - An EU Action Plan For The Circular Economy](#) (Circular Economy Initiative)

<sup>15</sup> [https://ec.europa.eu/clima/policies/ets\\_en](https://ec.europa.eu/clima/policies/ets_en) (ETS)

<sup>16</sup> [Communication of the commission to the European Parliament and the Council European Security Strategy.](#) Com/2014/0330 final.

## General context

The Omnibus review Study 2014<sup>17</sup>, concluded that there was still significant energy savings potential for household refrigerating appliances. The Commission Ecodesign Consultation Forum decided in May 2014 that a more extensive preparatory review study was in order.

The Review study 2016<sup>18</sup> concluded that about 10 TWh energy savings in 2030, leading to a level of 47 TWh/a, could be achieved by setting stricter ecodesign requirements. In addition, it proposed possible measures on spare parts to tackle circular economy aspects of household refrigerating appliances.

A complementary study 2017<sup>19</sup> investigated the possible role of household refrigeration in reducing food waste and concluded that refrigerating appliances could contribute to the reduction of food waste.

Scenarios with different levels energy efficiency were assessed in an impact assessment. The scenario with energy efficiency values equal to that of the least life cycle cost was retained as the preferred scenario. By 2030, this scenario is estimated to result in:

- Energy savings of 9.6 TWh/yr and GHG emission savings of 3.1 MtCO<sub>2</sub>eq./a, i.e. 0.66% of the Commission's 2030 target for final energy consumption savings and 0.29 % of the Commission's 2030 target for GHG-emissions savings;
- Savings on annual end-user expenditure of EUR 2.8 billion and extra business revenue of EUR 0.44 billion per year, which translates into around 11 000 jobs;
- An alignment with technological progress and global minimum energy efficiency requirements in other economies;
- Ensuring EU industry's competitiveness and leading role as high-quality manufacturers;
- Safeguarding of SMEs working in niche markets.

## 2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

### Consultation of interested parties

There has been extensive consultation of stakeholders during the review studies, and before and after the Consultation Forum meeting. Further external expertise was collected and analysed during this process. The results of the stakeholder consultation are further described in this section.

The Review Study 2016 started in January 2015 and was completed in February 2016. It followed the structure Methodology for Ecodesign of Energy related Products (MEErP)<sup>20</sup>.

The review study covered household refrigeration appliances in the current scope of those regulations, including wine storage appliances which are currently in the scope of the energy

<sup>17</sup> [Omnibus Review Study on Cold Appliances, Washing Machines, Dishwashers, Washer-Driers, Lighting, Set-top Boxes and Pumps – VHK, VITO, Viegand Maagøe and Wuppertal institute, March 2014.](#) (Omnibus Review Study 2014)

<sup>18</sup> [Preparatory/review study on Commission Regulation \(EC\) No. 643/2009 and Commission Delegated Regulation \(EU\) No. 1060/2010, Final report. VHK, March 2016.](#) (Review Study 2016)

<sup>19</sup> [Preparatory/review study on Commission Regulation \(EC\) No. 643/2009 and Commission Delegated Regulation \(EU\) No. 1060/2010 – complementary research on optimal food storage conditions in refrigeration appliances – VHK, February 2017.](#) (Complementary Study 2017)

<sup>20</sup> [Kemna, R.B.J., Methodology for the Ecodesign of Energy-related Products \(MEErP\) – Part 2, VHK for the European Commission, 2011](#) (MEErP)

labelling regulation, but not in the scope of the ecodesign regulation. A technical, environmental and economic analysis was performed. This assessed the need of updating the requirements for these products and to assess policy options. This was done as per the review clause of the regulations, and within the framework of the Ecodesign Directive and Energy Labelling Regulation.

The review study was developed in an open process, taking into account input from relevant stakeholders including manufacturers and their associations, environmental Non-governmental Organisations (NGOs), consumer organisations and Member State representatives. To facilitate communication with stakeholders, dedicated website was set up on which the interim results and other relevant materials were published. The study website <http://www.ecodesign-fridges.eu> is still open for download of the study documents and stakeholder comments (status March 2018). During the study, two open consultation meetings were organised at the Commission premises in Brussels on 1 July 2015 and 14 December 2015. During these meetings, the preliminary study was discussed and validated by stakeholders.

The Commission services prepared two Working Documents with ecodesign and energy labelling requirements based on the results of the Review Study. The Working Documents were circulated to the members of the Ecodesign Consultation Forum and for information to the secretariat of the ENVI and ITRE Committees of the European Parliament. The Ecodesign Consultation Forum consists of a balanced representation of Member States' representatives, industry associations and NGOs in line with Article 18 of the Ecodesign Directive. On 6 December 2017 they were discussed in the Ecodesign Consultation Forum meeting.

The Working Documents and the stakeholder comments received in writing before and after the Consultation Forum meeting were posted on the Commission's CIRCA system. Minutes of the Consultation Forum meetings can be found in Annex 5. 20 written comments were received from 18 different Member States' representatives, industry associations and NGOs.

An online public consultation (OPC)<sup>21</sup> took place from 12<sup>th</sup> February to 7<sup>th</sup> May 2018, with the aim to collect stakeholders' views on issues such as the expected effect of potential legislative measures on business and on energy consumption trends.

The OPC contained a common part on Ecodesign and Energy labelling, followed by product specific questions on (i) refrigerators, (ii) dishwashers, (iii) washing machines, (iii) televisions, (iv) electronic displays and (v) lighting.

1230 responses were received of which 67% were consumers and 19% businesses (of which three quarters were SMEs and one-quarter large companies). NGOs made up 6% of respondents, and 7% were "other" categories. National or local governments were under 1% of respondents, and 0.25% came from national Market Surveillance Authorities.

The countries of residence of the participants were predominantly the UK (41%) and Germany (26%), with a second group of Austria, Belgium, France, the Netherlands and Spain comprising together some 17%. Nine other Member States comprised another 9.5% of replies, but residents in 12 EU Member States gave either zero or a negligible number of responses. Non-EU respondents comprised around 5% of replies.

It should be noted that of the 1230 respondents, 719 (58%) replied only to lighting related questions as part of a coordinated campaign related to lighting in theatres. This was

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<sup>21</sup> [https://ec.europa.eu/info/consultations/public-consultation-ecodesign-and-energy-labelling-refrigerators-dishwashers-washing-machines-televisions-computers-and-lamps\\_en](https://ec.europa.eu/info/consultations/public-consultation-ecodesign-and-energy-labelling-refrigerators-dishwashers-washing-machines-televisions-computers-and-lamps_en)

considered to significantly distort the replies, and for some questions the “lighting respondents” were removed from the calculation. Furthermore, as respondents did not have to reply to all questions, a high rate of “no answer” was observed (from 5% - up to 90%), in addition to those who replied “don’t know” or “no opinion”. To reflect better the actual answers, the number of “no answers” was deducted and the remaining answers treated as 100%.

## **Impact Assessment**

An IA is required when the expected economic, environmental or social impacts of EU action are likely to be significant. The IA for the review of regulations (EC) No. 643/2009 and (EU) No. 1060/1020 was carried out between May 2017 and March 2018.

The data collected in the review studies, see Annex 1.4, served as a basis for the IA. Additional data and information was collected and discussed by the IA study team with industry and experts, and other stakeholders including Member States. During this process, several meetings were organised with industry and Member State experts. The additional data and information collection focused on:

- Additional market data on energy efficiency for the period 2015-2016;
- Fine-tuning of the metrics, especially for the combi-factor;
- Fine-tuning of definitions;
- Investigation of various options for wine storage appliances and minibars;
- Sensitivity analysis regarding electricity tariffs;
- Extended company information on SMEs, possible impacts.

In addition, inception impact assessments for the ‘Regulatory measure on the review of ecodesign requirements for household cold appliances - (EC) No 643/2009’ and for the ‘Regulatory measure on the review of energy labelling for household cold appliances - (EU) No 1060/2010’ were published on 26 January 2018 for feedback until 23 February 2018. In total 12 comments were received for the ecodesign measure and 9 for the energy labelling measure.

In general, all stakeholders are in favour of Ecodesign and Energy labelling requirements for refrigerating appliances. The submitted feedback commented amongst others on the strictness of Ecodesign requirements, the affordability of appliances, resource efficiency requirements and the use of the correction factors.

## **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

Technology for household refrigerating appliances keeps evolving, thereby improving energy efficiency. At the time of entry into force, no models qualified for the A+++ energy efficiency class and the share of models qualifying for the A++ energy efficiency class was less than 10%. Today, the top 3 energy efficiency classes are overpopulated, with the share of models in the A+++ label being more than 11 %, and more than 40 % in the A++ class<sup>22</sup>. This makes it more difficult to distinguish between models. Moreover, the "A+", "A++" and "A+++” classes introduced by the Energy Labelling Framework Directive (Directive 2010/30/EU)<sup>23</sup>

<sup>22</sup> Home Appliances Europe, formerly CECED (APPLiA) database 2016

<sup>23</sup> [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](#). OJ L 153, 18.6.2010, p. 1. (Energy Labelling Framework Directive)

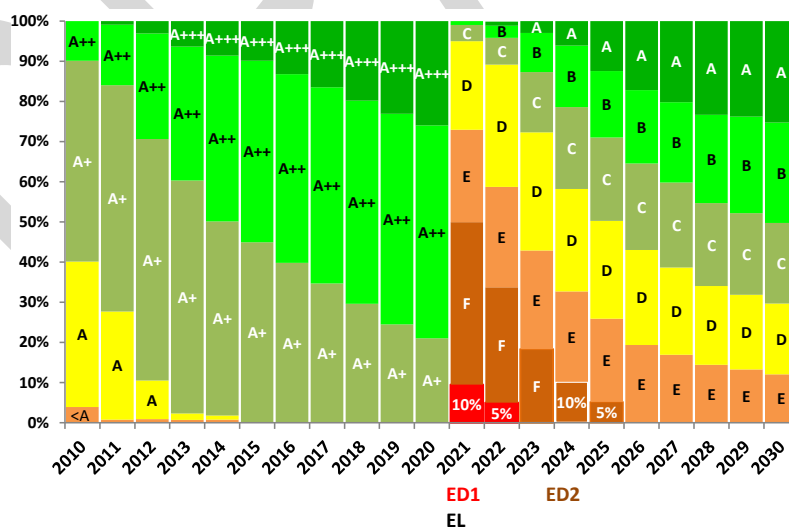
have shown to be less effective in persuading consumers to buy more efficient products than the A to G scale.<sup>24</sup>

The Energy label proposal will apply from 1 April 2021 onwards. The efficiency classes are set out in Table 1. The G class will be empty for standard household refrigeration appliances, but will be used for wine storage and low noise appliances that will have more lenient limit values. The A class is expected to be empty in 2021, is in line with the new Energy Label Framework Regulation.

**Table 1**  
**LLCC - Energy efficiency classes**

Energy efficiency class	New EEI (current EEI)
A	EEI ≤ 41 (13)
B	41 (13) < EEI ≤ 51 (16)
C	51 (16) < EEI ≤ 64 (20)
D	64 (20) < EEI ≤ 80 (24)
E	80 (24) < EEI ≤ 100 (30)
F	100 (30) < EEI ≤ 125 (38)
G	EEI > 125 (38)

The number of models per energy efficiency class (current Energy Labelling Regulation) was extrapolated to 2030, see Figure 1.



**Figure 1: Energy label class distribution of standard household refrigerating appliance models available in the EU over the period 2010-2030 (actual 2010-2016 and projections 2017-2030) with proposed LLCC-measures (APPLiA database 2016)**

<sup>24</sup> [Commission Staff Working Document Impact Assessment Accompanying the document Proposal for a Regulation of the European Parliament and of the Council setting a framework for energy efficiency labelling and repealing Directive 2010/30/EU](#). SWD/2015/0139 final - 2015/0149. (Impact Assessment Energy Labelling Regulation)

Table 2 gives the distribution of models in each energy efficiency class according to the current EEI and current Energy Labelling Regulation (top) and according to the proposal.

**Table 2**  
**Energy label class distribution and EEI of household refrigerating appliances EU 2010-2030 (APPLiA database 2016)**

	EEI	class	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030				
Current EEI	22	A+++	actual (CECED database)					projection																			
	33	A++	0%	1%	3%	6%	9%	10%	13%	17%	20%	23%	26%														
	44	A+	10%	15%	26%	33%	41%	45%	47%	49%	51%	52%	53%														
	55	A	50%	56%	60%	58%	48%	45%	40%	35%	30%	25%	21%														
	75	<A	36%	27%	10%	2%	1%																				
New EEI	41	A						new 'virtual'					new applied														
	51	B											1% 2% 6% 12% 17% 20% 23% 24% 25%														
	62	C						0%					0% 1% 3% 10% 15% 17% 18% 20% 22% 24% 25%														
	78	D						0%					1% 1% 1% 2% 4% 7% 15% 20% 21% 22% 21% 21% 20% 20%														
	98	E						13%					16% 19% 22% 23% 27% 30% 32% 26% 24% 24% 22% 20% 19% 18%														
	118	F						5%					5% 6% 10% 15% 18% 25% 23% 22% 21% 19% 17% 14% 13% 12%														
	130	G						42%					44% 45% 42% 40% 40% 29% 18% 10% 5%														
<i>wt. 'd' avg.</i>																											
Current EEI			48.1	45.3	41.8	39.3	37.9	36.9	35.9	35.0	34.1	33.2	24.4	26.8	26.5	18.8	19.5	19.7	20.1	19.5	18.9	18.6	18.3				
New EEI													117	116	113	110	81	89	88	63	65	66	67	65	63	62	61



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**supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of refrigerating appliances**

**repealing Regulation (EU) No 1060/2010 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 Regulation (EU) 2017/1369 of the European Parliament and of the Council of 28 July 2017 setting a framework for energy labelling<sup>25</sup> repealing Directive 2010/30/EU, and in particular Articles 11 and 16 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 of 28 September 2010 supplementing Directive 2010/30/EU<sup>26</sup>.
- (3) 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.
- (4) Regulation (EU) No. 1060/2010 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) No. 1060/2010 as required by its Article 7 and analysed technical, environmental and economic aspects of as well as real-life user behaviour. The review was undertaken 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.
- (6) The review concluded that there was a need for the introduction of revised energy labelling requirements for refrigerating appliances.

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<sup>25</sup> OJ L 198, 28.07.2017, p. 1.

<sup>26</sup> OJ L 314, 30.11.2010, p. 17

- (7) Refrigerating appliances with a direct sales function should be subject to a separate ecodesign regulation which is under preparation at the time of publication of this Regulation.
- (8) Wine storage appliances and low noise refrigerating appliances (e.g. minibars), including those with transparent doors, do not have a direct sales function. Wine bars are usually either used in household environments or in restaurants; mini bars are usually used in hotel rooms. Therefore, wine storage appliances and mini bars, including those with transparent doors should be in the scope of this Regulation.
- (9) 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.
- (10) The review has shown that the electricity consumption of products subject to this Regulation can be further significantly reduced 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.
- (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 Regulation (EU) No 1025/2012<sup>27</sup>.
- (12) In accordance with Article 8 of Directive 2009/125/EC, this Regulation should specify the applicable conformity assessment procedures.
- (13) To facilitate compliance checks, manufacturers should provide information in the technical documentation referred to in Annexes IV and V to Directive 2009/125/EC in so far as that information relates to the requirements laid down in this Regulation.
- (14) To improve the effectiveness and credibility of the Regulation, products that automatically alter their performance in test conditions to improve the declared parameters should be prohibited.
- (15) The measures provided for in this Regulation were discussed by the Consultation Forum and the Member States' experts in accordance Articles 14 and 18 of Regulation (EU) 2017/1369.
- (16) Regulation (EU) No. 1060/2010 should be repealed and new provisions should be laid down by this Regulation.

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 higher than 10 litres and lower than or equal to 1500 litres;
2. This Regulation shall not apply to:

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<sup>27</sup> OJ L 316, 14.11.2012, p. 12

- (a) 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;
- (b) low noise refrigerating appliances with a volume larger than 60 l;
- (c) refrigerating appliances with a direct sales function;
- (d) mobile refrigerating appliances.

## *Article 2* **Definitions**

For the purpose of this Regulation, the definitions in Article 2 of Regulation (EU) 2017/1369 shall apply. In addition, the definitions set out in Annex I of this Regulation and the following definitions shall apply:

1. 'mains' or 'electric mains' means the electricity supply from the grid of 230 ( $\pm 10\%$ ) Volt of alternating current at 50 Hz;
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. 'volume' means the volume of the space within the inside liner of the refrigerating appliance, equal to the sum of the compartment volumes, in dm<sup>3</sup> or litres;
4. 'low noise refrigerating appliance' is a refrigerating appliance with noise power emission lower than 20 dB(A);
5. 'refrigerating appliance with a direct sales function' means an 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, and/or drawers, including cabinets with areas used for storage or assisted serving of items not accessible by the customers;
6. 'mobile refrigerating appliance' means a refrigerating appliance used in vehicles and/or any other means of transportation where there is no access to the mains electricity grid, that:
  - (a) can operate reliably and safely when exposed to mechanical vibrations and a tilted position; and
  - (b) use extra low-voltage electricity (<120V DC) and/or fossil fuel as the energy source for the refrigeration functionality, including those that in addition to extra low voltage electricity and/or fossil fuel can be electric mains operated;
7. 'energy efficiency index' (EEl) means an index number for the relative energy efficiency of a refrigeration appliance expressed in %, as calculated in Annex IV.5;
8. 'compartment' means an enclosed space within a refrigerating appliance, 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;
9. 'external door' is the part of a cabinet that can be moved or removed to at least allow inserting the load from the exterior to the interior or extracting the load from the interior to the exterior of the cabinet;

10. ‘sub-compartment’ means a permanent enclosed space within a compartment having a different operating temperature range from the compartment within which it is located.

### *Article 3*

#### **Obligations of suppliers**

1. In addition to the obligations of suppliers laid down in Regulation (EU) 2017/1369, suppliers shall ensure that:
- (a) each refrigerating appliance is supplied with a printed label in the format as set out in Annex III;
  - (b) the parameters of the product information sheet, as set out in Annex V, are entered into the product database;
  - (c) if requested by the dealer, the product information sheet shall be made available in printed form;
  - (d) the content of the technical documentation, as set out in Annex VI, uploaded into the product database;
  - (e) any visual advertisement for a specific model of refrigerating appliances, including on the internet, contains the energy efficiency class and the range of efficiency classes available on the label in accordance with Annex X;
  - (f) any technical promotional material concerning a specific model of refrigerating appliances, including on the internet, which describes its specific technical parameters includes the energy efficiency class of that model and the range of efficiency classes available on the label, in accordance with Annex X;
  - (g) an electronic label in the format and containing the information as set out in Annex VIII shall be made available to dealers for each refrigerating appliance model;
  - (h) an electronic product information sheet as set out in Annex VIII is made available to dealers for each refrigerating appliance model.
2. The energy efficiency class shall be based on the Energy Efficiency Index calculated in accordance with Annex II.

### *Article 4*

#### **Obligations of dealers**

In addition to the obligations of dealers laid down in Regulation (EU) 2017/1369, dealers shall ensure that:

- (a) each refrigerating appliance, at the point of sale, bears the label provided by suppliers in accordance with Article 3(a), in such a way as to be clearly visible;
- (b) the label and product information sheet are provided in the case of distance selling and sale through the internet in accordance with Annexes VII and VIII;
- (c) any visual advertisement for a specific model of refrigerating appliance, including on the internet, contains the energy efficiency class and the range of efficiency classes available on the label, in accordance with Annex X;

- (d) any technical promotional material concerning a specific model of refrigerating appliance, including on the internet, which describes its specific technical parameters includes the energy efficiency class of that model and the range of efficiency classes available on the label, in accordance with Annex X.

#### *Article 5*

### **Measurement methods**

The information to be provided pursuant to Articles 3 and 4 shall be obtained by reliable, accurate and reproducible measurement and calculation methods, which take into account the recognised state-of-the-art measurement and calculation methods, as set out in Annex IV

#### *Article 6*

### **Verification procedure for market surveillance purposes**

Member States shall apply the procedure laid down in Annex IX when assessing the conformity of the refrigerating appliances.

#### *Article 7*

### **Evaluation**

The Commission shall review this Regulation in the light of technological progress and present the results of this review to the Consultation Forum no later than five years after its entry into force.

This assessment shall in particular assess the possibility to introduce requirements on circular economy aspects such as material efficiency, reparability, durability, upgradability and recyclability.

In addition, the Commission shall review the label to rescale it when the requirements in Article 11 of Regulation (EU) 2017/1369 are met.

#### *Article 8*

### **Repeal**

Regulation (EC/EU) No. 1060/2010 is repealed as of the day of entry into force of this Regulation.

#### *Article 9*

### **Entry into force and application**

1. This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union.
2. It shall apply from 1 April 2021. However, for the purposes of the obligations laid down in Articles 3(1)(a) and (b) this Regulation shall apply from 1 December 2020.

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

Done at Brussels,

*For the Commission*  
Jean-Claude JUNCKER  
*The President*

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