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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 5 May 2015

To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the
European Union

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Subject: COMMISSION DELEGATED REGULATION (EU) No .../.. of 5.5.2015
supplementing Directive 2010/30/EU of the European Parliament and of
the Council with regard to the energy labelling of professional
refrigerated storage cabinets

Delegations will find attached document C(2015) 2874 final.

Encl.: C(2015) 2874 final



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COMMISSION DELEGATED REGULATION (EU) No .../..

of 5.5.2015

**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)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Grounds for and objectives of the proposal

The 2009-11 Ecodesign Working Plan¹ identified ‘refrigerating and freezing equipment’ as one of ten priority product groups². The European Commission explored the possibility of setting ecodesign requirements for such equipment and introducing a labelling system for the professional refrigeration category under the Energy Labelling Directive (2010/30/EU). This category includes five types of product: professional refrigerated storage cabinets, blast cabinets, condensing units, industrial process chillers and walk-in cold rooms. On the basis of impact assessments for professional refrigerated storage cabinets and blast cabinets, and for condensing units and process chillers, the Commission proposed setting ecodesign requirements for professional refrigerated storage cabinets, blast cabinets, condensing units and process chillers, and energy-labelling requirements for professional refrigerated storage cabinets. It was decided that walk-in cold rooms (the fifth product type) should be handled separately because of their unique characteristics, so these are not currently covered by the proposed Delegated Regulation.

Today’s market for the products in the professional refrigeration category is driven primarily by price. Little attention is paid to the significant savings that energy-efficient products bring, even though cost-effective energy-saving technologies are available and the products are bought by professionals who may know more about energy-efficiency than the average consumer.

The general objective of the proposed Delegated Regulation is to complement the proposed Ecodesign Regulation by addressing this problem. The aim is to reduce energy consumption and related CO₂ and pollutant emissions, promote energy efficiency and consequently encourage innovation, reduce energy dependency and contribute to achieving the EU’s objective of saving 20 % of its energy consumption by 2020.

The specific objectives are:

- to help purchasers make informed and rational choices based on performance information that reflects real-life usage, thereby prompting the market to adopt improved technology solutions;
- to create incentives for producers to further develop and market energy-efficient technology and products; and
- to generate cost savings for end-users.

General context

¹ COM (2008) 660 final.

² The Ecodesign Working Plan sets a priority list of energy-related products that could be covered by an implementing act under the Ecodesign Directive (2009/125/EC) and/or a delegated act under the Energy Labelling Directive (2010/30/EU).

The annual electricity consumption of professional refrigerated storage cabinets in the EU was estimated at 8.5 terawatt hours (TWh) in 2012, corresponding to 3.5 megatonnes (Mt) of CO₂ emissions. Based on this, consumption is expected to be 9.5 TWh in 2020 and 10.5 TWh in 2030, corresponding to 3.8 and 4.3 Mt CO₂ respectively. Together, this Delegated Regulation and the Commission Regulation implementing Directive 2009/125/EC on ecodesign requirements for (*inter alia*) professional refrigerated storage cabinets are expected to produce savings of 1.8 TWh a year by 2020 and 4.1 TWh by 2030, as compared with what would happen if no action is taken.

Current provisions

To date, there is no direct regulatory approach to reducing the energy consumption of professional refrigeration products in the EU. Existing legislation dealing with the environmental aspects of such products includes:

- Directive 2002/96/EC³ of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE);
- Directive 2011/65/EU⁴ of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment; and
- Regulation (EC) No 842/2006 of the European Parliament and of the Council on certain fluorinated greenhouse gases⁵.

Consistency with other policies and EU objectives

Increased market take-up of energy-efficient professional refrigerated storage cabinets through the introduction of new energy efficiency classes (together with the proposed ecodesign requirements) will contribute to the 20% energy savings to be achieved by 2020 under the Energy Efficiency Action Plan⁶ and confirmed in the Commission's Communication on Energy 2020⁷ and 2011 Energy Efficiency Plan⁸.

The present proposal will complement promotion of the market take-up of efficient products, which is at the heart of the EU's Europe 2020 strategy for smart, sustainable and inclusive growth⁹, as it will greatly improve energy efficiency, support the transition to a resource-efficient economy, encourage investment in R&D and ensure a level playing field for professional refrigerated storage cabinets.

The proposed energy labelling of professional refrigerated storage cabinets is in line with the Commission's industrial policy, in particular the Sustainable Consumption, Production and Industrial Policy Action Plan¹⁰ and the European Economic Recovery Plan¹¹, which mentions

³ OJ L 37, 13.2.2003, p. 24.

⁴ OJ L 174, 1.7.2011, p. 88.

⁵ OJ L 161, 14.6.2006, p. 1.

⁶ COM (2006) 545 final.

⁷ COM (2010) 639 final.

⁸ COM (2011) 109 final.

⁹ COM (2010) 2020 final.

¹⁰ COM (2008) 397 final.

¹¹ COM (2008) 800 final.

energy efficiency as a key priority. Furthermore, implementation of Directive 2010/30/EU contributes to the EU's objective of attaining at least a 20% reduction in greenhouse gas emissions by 2020.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Consultation of interested parties

Consultation methods, main sectors targeted and general profile of respondents

The opinions of stakeholders were gathered throughout the process through the Consultation Forum set up under Article 18 of the Ecodesign Directive (2009/125/EC) and through numerous bilateral meetings, from the very beginning. The authors of the preparatory study consulted manufacturers in three stakeholder meetings, and the related documents were made publicly available on the project website (<http://ecofreezercom.org>). The Ecodesign Consultation Forum was consulted on 19 January 2012 with the participation of Member States, consumer organisations, environmental NGOs and the manufacturers represented by ASERCOMM (a platform of leading component manufacturers in the European heating, ventilation, air-conditioning and refrigeration industry), EUROVENT (which certifies the performance ratings of air-conditioning and refrigeration products) and the European Federation of Catering Equipment Manufacturers (EFCEM). An options paper was sent out a month before the meeting. All replies are available on the CIRCABC portal. Several other meetings, stakeholder consultations, SME consultations and conference calls were held to identify key issues of concern, discuss the data analysis process, agree thresholds and review the proposal.

Additional meetings with manufacturers to discuss the data analysis process, label thresholds and options for addressing concerns as regards storage cabinets were hosted on 15 May 2012 by EFCEM and on 28 May 2012 by CECED Italia. The Commission's contractor held a further meeting on storage cabinets on 3 July 2012 to review the energy label thresholds and minimum requirements and finalise the proposals so as to address concerns.

Summary of responses and how they have been taken into account

Member States largely agreed with the introduction of regulatory measures for professional refrigerated storage cabinets and helped to develop a shared methodology. Some provided useful data from existing national schemes and explained the relevant national regulations. However, they differed as to the suggested level of requirements, reflecting to some extent the range of average efficiency levels in their home markets.

Environmental NGOs were generally in favour of introducing regulatory measures.

Consultation of industry (associations and individual companies) has been a key part of the process of developing the proposed Delegated Regulation and determining its effect on the market, the relative stringency of the thresholds and the testing methodologies. Important issues for small and medium-sized enterprises (SMEs) were also identified; in particular, it emerged that the cost of testing was clearly at the top of their agenda, and important suggestions were made on how to reduce it.

International stakeholders

The proposed Delegated Regulation has been notified to WTO/TBT, to ensure that no barrier to trade is introduced.

Collection and use of expertise

Scientific/expertise domains concerned

External expertise was gathered mainly through a preparatory study carried out on behalf of the Commission's Directorate-General for Enterprise, which provided a technical, environmental and economic analysis. Also, an external consultant analysed various policy scenarios for the impact assessment.

Main organisations/experts consulted

The preparatory studies were compiled through an open process, taking into account input from stakeholders, including manufacturers, retailers and their associations, environmental NGOs, consumer organisations, and EU/EEA Member State and third country experts.

Summary of advice received and used

The technical, market and economic analysis carried out for the preparatory studies resulted in recommendations for energy labelling requirements for professional refrigerated storage cabinets. No potentially serious risks with irreversible consequences were mentioned by any stakeholder, nor were any identified during the preparatory work.

Means used to make the expert advice publicly available

The preparatory study was accompanied by a dedicated website where interim results and further relevant materials were published regularly for timely stakeholder consultation and input. The study websites were publicised on DG ENTR specific ecodesign websites.

The written input received during the Consultation Forum process and the minutes of the Forum meetings on professional refrigeration products are available on the Commission's CIRCABC portal.

Impact assessments

An assessment of the impact of the following policy options as regards professional refrigerated storage cabinets and blast cabinets was carried out in accordance with Article 15(4)(b) of the Ecodesign Directive:

Option A: No new EU action;

Option B: Adoption of existing foreign policy;

Option C: Self-regulation;

Option D: Mandatory information requirements;

Option E: Information and minimum energy performance standards (MEPS);

Option F: Energy labelling;

Option G: MEPS and energy labelling; and

Option H: Malus/bonus and/or other measures regarding the global warming potential of refrigerants.

Options A, B, C and H were considered unviable due to the limited impact they would have on the problem, impracticability of implementation, a lack of stakeholder support and/or disproportionate burden. Options E, F and G were retained for professional refrigerated storage cabinets and assessed in detail against the baseline option. Option D was retained for blast cabinets.

Option E: Information and MEPS

Under this option, which (like the subsequent ones) is currently viable only for storage cabinets, only products that are accompanied by energy performance information and perform above a given energy efficiency level would be allowed onto the market. This approach is very common in ecodesign regulations and would help to tackle the problem by removing the worst-performing products from the market. It would encourage the spread of energy-saving technologies, but the innovation benefits would be limited, since only the lower end of the market would be affected. This option would allow significant annual energy savings (estimated at 3 TWh in 2030) and total savings (energy bill savings minus product cost increases) for users, estimated at EUR 277 million in 2030.

Option F: Energy labelling

Energy labelling would be a user-friendly way of giving information about the energy performance of the products, which would also have to be ranked accordingly. Users would not have to go through the difficult and time-consuming process of comparing products themselves by collecting the necessary information: the labels would convey it immediately. Such a system already applies for many household products, including refrigerators. The effect of this option on the market would be quite different from that of Option E: minimum requirements would improve average performance by pushing the worst-performing products out of the market, while labels would encourage the improvement of all products, including those that are already efficient, by increasing the demand for energy efficiency from better-informed buyers. Option F would allow energy savings estimated at 1 TWh and total savings to users estimated at EUR 114 million in 2030.

Option G: MEPS and energy labelling

Merging Options E and F for storage cabinets could combine the ‘pushing’ effect of removing the worst products from the market with the motivating (‘pulling’) effect of transparent efficiency information driving competition and innovation on energy efficiency issues. This dynamic is familiar from experience of applying many ecodesign and energy labelling regulations. Option G would allow energy savings estimated at 4.1 TWh and total savings to users estimated at EUR 391 million in 2030.

Based on the assessment of costs and benefits, in terms of annual energy savings, total equivalent warming impact (TEWI) savings (expressed in million tonnes CO₂ equivalent), savings to users and costs to manufacturers, this is the preferred option for professional refrigerated storage cabinets. It achieves more energy savings, fewer TEWI emissions and more added value for users. Also, it is expected to have a positive impact on innovation and competitiveness. The testing burden could be reduced most effectively through a scheduled entry into force of requirements and extensive use of agreed calculation methodologies that require fewer tests to be performed.

Energy labelling was considered in the dedicated impact assessment as an option for two other products in DG ENTR's Lot 1 (professional refrigeration): process chillers and condensing units. It was discarded in both cases, for different reasons, but should be further investigated when the time comes for review. In the case of chillers, the biggest obstacle relates to the complexity of engineering choices (usage profile, operational temperatures, seasonality of demand, capacity and many other parameters) involved in selecting an industrial chiller for a particular application. A traditional 'A to G' energy label could arguably oversimplify to the point of misleading some buyers into making a sub-optimal choice for their particular application: the most cost- and energy-efficient chiller for one application may not be best for another. For condensing units, apart from the same general risk of oversimplifying, there was lack of sufficient data. Also, condensing units are only components and labels should apply to the finished system as a whole.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Summary of the proposed action

Scope of the proposed measure

The scope of the proposed Delegated Regulation on energy labelling covers electric mains-operated professional refrigerated storage cabinets, including those sold for the refrigeration of items other than foodstuffs.

Phased implementation of ecodesign requirements

The scope of the measure is aligned with that of the draft Commission Regulation implementing the Ecodesign Directive with regard to ecodesign requirements for (*inter alia*) professional refrigerated storage cabinets. The energy efficiency ranking is based on the scheme laid down in the Energy Labelling Directive in having a single energy efficiency scale for professional refrigerated storage cabinets.

As of 1 July 2016, a scale from G to A becomes mandatory. As of 1 July 2019, this is replaced by a new scale from G to A+++ (this scale is also allowed for earlier use as of 1 July 2016). This will ensure a progressive shift in the market towards highly energy-efficient products.

The proposed product labels and standardised product information will help overcome the lack of information for purchasers of professional refrigerated storage cabinets. The measurement methods and verification procedure for market surveillance purposes are fully aligned with the draft Commission Regulation implementing the Ecodesign Directive.

Legal basis

The draft Delegated Regulation implements the Energy Labelling Directive (in particular Article 10) and is based on Article 194 TFEU.

Subsidiarity principle

The draft Delegated Regulation implements the Energy Labelling Directive, in line with Article 10.

Proportionality principle

In accordance with the principle of proportionality, this measure does not go beyond what is necessary in order to achieve the objective.

The implementing measure is a Delegated Regulation directly applicable in all Member States, thus ensuring that national and EU administrations will not incur costs in transposing the implementing legislation into national legislation.

The extra costs in terms of conformity assessment will cover both the energy labelling and the ecodesign measures.

Choice of instrument

Proposed instrument: Delegated Regulation.

Budgetary implications

The proposal has no implications for the EU budget.

Review/revision/sunset clause

The proposal includes a review clause.

European Economic Area

The proposed act concerns a European Economic Area matter and should therefore extend to the EEA.

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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 products¹², 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) No XX/YY implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for professional refrigerated storage cabinets, blast cabinets, condensing units and process chillers¹³ is expected to result in estimated annual energy savings of about 1.8 TWh in 2020 and 4.1 TWh in 2030, corresponding

¹² OJ L 153, 18.6.2010, p. 1.

¹³ OJ L XXX, DD.MM.YYYY, p. X.

to 0.7 and 1.4 million tonnes CO₂ 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 standardisation organisations, as listed in Annex I to Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European standardisation¹⁴.
- (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

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OJ L 316, 14.11.2012, p. 12.

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;
- (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
- (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;
- (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.

Done at Brussels, 5.5.2015

For the Commission
The President
Jean-Claude JUNCKER