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Legislation

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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Information concerning the signature of the Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, to take account of the accession of the Republic of Bulgaria and of Romania to the European Union

The above Protocol between the European Union and the Republic of Lebanon was signed in Brussels on 18 June 2015.

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2015/1094

of 5 May 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)

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 products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) Directive 2010/30/EU requires the Commission to adopt delegated acts as regards the labelling of energy-related products 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) 2015/1095 ⁽²⁾ is expected to result in estimated annual energy savings of about 1,8 TWh in 2020 and 4,1 TWh in 2030, corresponding 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 ⁽³⁾.

⁽¹⁾ OJ L 153, 18.6.2010, p. 1.

⁽²⁾ Commission Regulation (EU) 2015/1095 of 5 May 2015 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 chillers (see page 19 of this Official Journal).

⁽³⁾ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).

- (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 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 May 2015.

For the Commission

The President

Jean-Claude JUNKER

ANNEX I

Definitions applicable for Annexes II to X

For the purposes of Annexes II to X, the following definitions shall apply:

- (1) 'net volume' means the volume containing foodstuffs within the load limit;
 - (2) 'chilled operating temperature' means that the temperature of foodstuffs stored in the cabinet is continuously maintained at a temperature between – 1 °C and 5 °C;
 - (3) 'frozen operating temperature' means that the temperature of foodstuffs stored in the cabinet is continuously maintained at a temperature lower than – 15 °C, which is understood as the highest temperature of the warmest package test;
 - (4) 'multi-use cabinet' means that a professional refrigerated storage cabinet or separate compartment of the same cabinet may be set at different temperatures for chilled or frozen foodstuffs;
 - (5) 'vertical cabinet' means a professional refrigerated storage cabinet of overall height equal to or higher than 1 050 mm with one or more front doors or drawers accessing the same compartment;
 - (6) 'counter cabinet' means a professional refrigerated storage cabinet of overall height lower than 1 050 mm with one or more front doors or drawers accessing the same compartment;
 - (7) 'light-duty cabinet', also known as 'semi-professional cabinet', means a professional refrigerated storage cabinet only capable of continuously maintaining chilled or frozen operating temperature in all its compartment(s) in ambient conditions corresponding to climate class 3, as detailed in Table 3 of Annex IX; if the cabinet is able to maintain temperature in ambient conditions corresponding to climate class 4, it shall not be considered a light-duty cabinet;
 - (8) 'heavy-duty cabinet' means a professional refrigerated storage cabinet capable of continuously maintaining chilled or frozen operating temperature in all its compartment(s) in ambient conditions corresponding to climate class 5, as detailed in Table 3 in Annex IX;
 - (9) 'equivalent professional refrigerated storage cabinet' means a professional refrigerated storage cabinet model placed on the market with the same net volume, same technical, efficiency and performance characteristics, and same compartment types and volumes as another professional refrigerated storage cabinet model placed on the market under a different commercial code number by the same manufacturer.
-

ANNEX II

Energy efficiency classes

The energy efficiency class of a professional refrigerated storage cabinet shall be determined on the basis of its energy efficiency index (EEI), as set out in Table 1.

Table 1

Energy efficiency classes of professional refrigerated storage cabinets

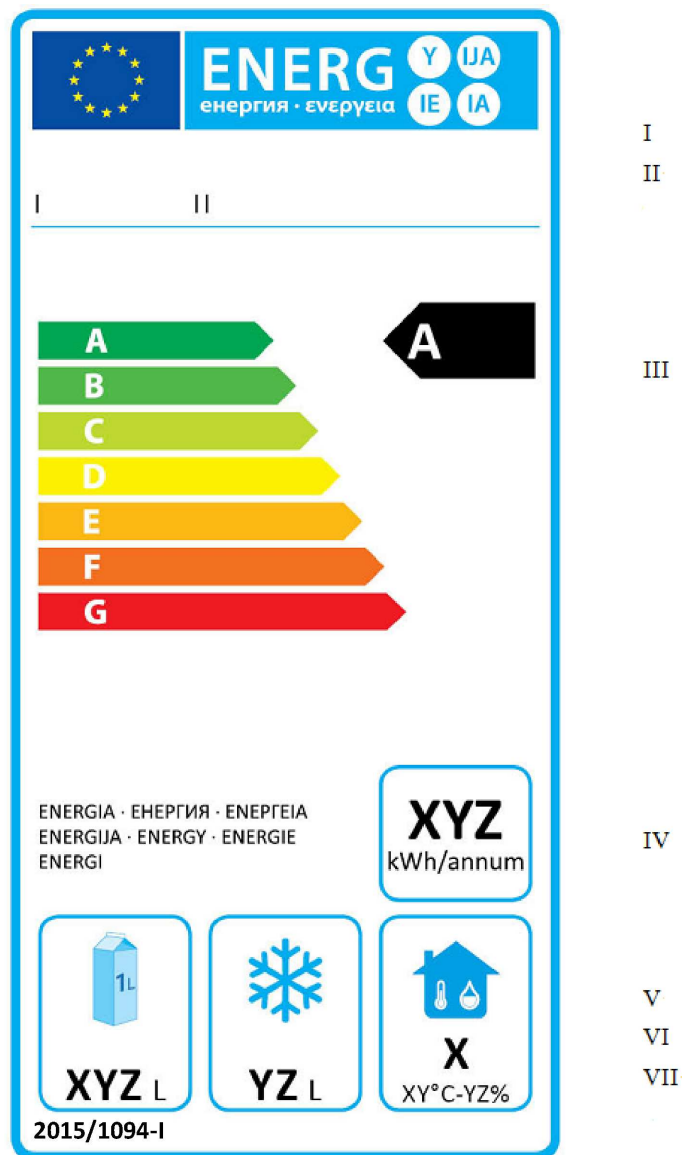
Energy efficiency class	EEI
A+++	$EEI < 5$
A++	$5 \leq EEI < 10$
A+	$10 \leq EEI < 15$
A	$15 \leq EEI < 25$
B	$25 \leq EEI < 35$
C	$35 \leq EEI < 50$
D	$50 \leq EEI < 75$
E	$75 \leq EEI < 85$
F	$85 \leq EEI < 95$
G	$95 \leq EEI < 115$

The EEI shall be calculated as detailed in Annex VIII.

ANNEX III

Labels

1. Label 1 — Professional refrigerated storage cabinets in energy efficiency classes A to G



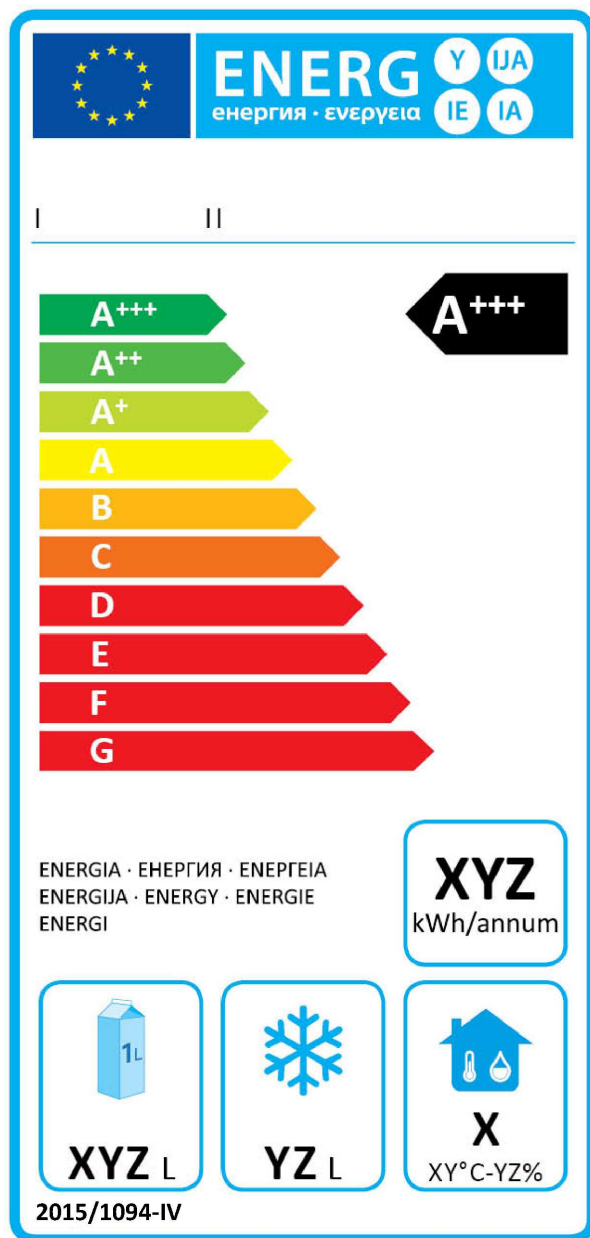
The following information shall be included in the label:

- I. supplier's name or trade mark;
- II. supplier's model identifier;
- III. the energy efficiency class, determined in accordance with Annex II; the head of the arrow containing the energy efficiency class shall be placed at the same height as that for the relevant energy efficiency class;
- IV. the annual electricity consumption in kWh in terms of final energy consumption per year, calculated in accordance with Annex IX and rounded to the nearest integer;
- V. the sum of the net volumes, expressed in litres, of all chilled compartments functioning at chilled operating temperature; where no compartments functioning at chilled operating temperature are present, the supplier shall declare '- L' instead of a value;

- VI. the sum of the net volumes, expressed in litres, of all compartments functioning at frozen operating temperature; where no compartments functioning at frozen operating temperature are present, the supplier shall declare 'L' instead of a value;
- VII. the climate class (3, 4 or 5), together with the associated dry bulb temperature (in °C) and the relative humidity (in %), as referred to in Table 3, Annex IX.

The design of the label shall be in accordance with point 3. By way of derogation, where a model has been awarded an 'EU ecolabel' ⁽¹⁾, a copy of the ecolabel may be added.

2. **Label 2 — Professional refrigerated storage cabinets in energy efficiency classes A+++ to G**

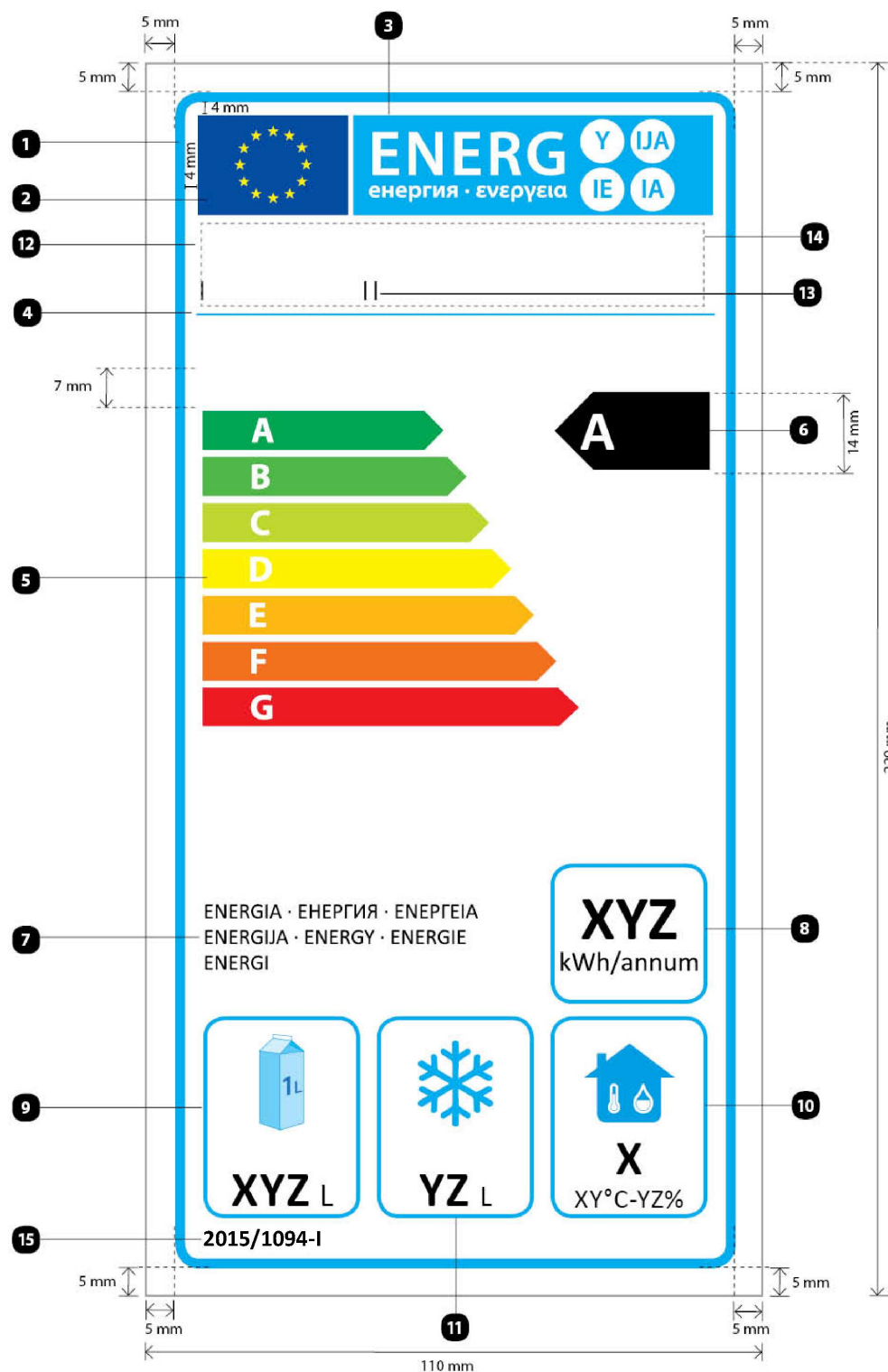


The information listed in point 1 shall be included in this label.

The design of the label shall be in accordance with point 3. By way of derogation, where a model has been awarded an 'EU eco-label', a copy of the eco-label may be added.

⁽¹⁾ Under Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1).

3. The design of the label for professional refrigerated storage cabinets shall be as follows:



Where:

- The label shall be at least 110 mm wide and 220 mm high. Where the label is printed in a larger format, its content shall nevertheless remain proportionate to the specifications above.
- The background of the label shall be white.

(c) Colours shall be CMYK — cyan, magenta, yellow and black; for example, 00-70-X-00 indicates 0 % cyan, 70 % magenta, 100 % yellow, 0 % black.

(d) The label shall meet the following specifications (numbers refer to the figure above):

❶ **EU label border stroke:** 5 pt — colour: Cyan 100 % — round corners: 3,5 mm;

❷ **EU logo:** colours: X-80-00-00 and 00-00-X-00;

❸ **Energy label:** colour: X-00-00-00;

Pictogram as depicted (EU logo + energy label): 92 mm wide × 17 mm high;

❹ **Sub-logos border:** 1 pt — colour: Cyan 100 % — 92,5 mm long;

❺ **A-G scale**

Arrow: 7 mm high, gap 0,75 mm — colours:

Highest class: X-00-X-00,

Second class: 70-00-X-00,

Third class: 30-00-X-00,

Fourth class: 00-00-X-00,

Fifth class: 00-30-X-00,

Sixth class: 00-70-X-00,

Last classes: 00-X-X-00.

Text: Calibri bold 19 pt, capitals and white; '+' symbols: Calibri bold 13 pt, superscript, white, aligned on a single row;

❻ **Energy efficiency class**

Arrow: 26 mm wide × 14 mm high, 100 % black;

Text: Calibri bold 29 pt, capitals and white; '+' symbols: Calibri bold 18 pt, superscript, white and aligned on a single row;

❼ **Energy**

Text: Calibri regular 11 pt, capitals, 100 % black;

❽ **Annual energy consumption**

Border: 2 pt — colour: Cyan 100 % — round corners: 3,5 mm;

Value: Calibri bold 32 pt, 100 % black;

2nd line: Calibri regular 14 pt, 100 % black;

❾ **Sum of the net volumes of all compartments functioning at chilled operating temperature**

Border: 2 pt — colour: Cyan 100 % — round corners: 3,5 mm;

Value: Calibri bold 25 pt, 100 % black; Calibri regular 17 pt, 100 % black;

❿ **Climate class together with the associated dry bulb temperature and the relative humidity**

Border: 2 pt — colour: Cyan 100 % — round corners: 3,5 mm;

Value: Calibri bold 25 pt, 100 % black;

2nd line: Calibri regular 14 pt, 100 % black;

11 Sum of the net volumes of all compartments functioning at frozen operating temperature

Border: 2 pt — colour: Cyan 100 % — round corners: 3,5 mm;

Value: Calibri bold 25 pt, 100 % black; Calibri regular 17 pt, 100 % black;

12 Supplier's name or trademark**13 Supplier's model identifier****14 The supplier's name or trademark and model identifier shall fit in a space of 90 × 15 mm****15 Number of Regulation**

Text: Calibri bold 11 pt.

ANNEX IV**Product fiche**

1. The information in the product fiche of the professional refrigerated storage cabinet shall be provided in the following order and shall be included in the product brochure or other literature provided with the product:
 - (a) supplier's name or trade mark;
 - (b) supplier's model identifier;
 - (c) type of model in accordance with the definitions in Annex I;
 - (d) the energy efficiency class and energy efficiency index of the model, determined in accordance with Annex II;
 - (e) where the model has been awarded an 'EU eco-label' under Regulation (EC) No 66/2010, that information may be included;
 - (f) the energy consumption of the cabinet over 24 hours (E24h) and the annual energy consumption in kWh, calculated in accordance with Annex IX and rounded to the nearest integer;
 - (g) net volume of each compartment;
 - (h) climate class in accordance with Table 3 in Annex IX;
 - (i) for light-duty cabinets, the following sentence: 'This appliance is intended for use in ambient temperatures up to 25 °C and therefore is not suitable for use in hot professional kitchens';
 - (j) for heavy-duty cabinets, the following sentence: 'This appliance is intended for use in ambient temperatures up to 40 °C'.
 2. A single fiche may cover a number of professional refrigerated storage cabinet models supplied by the same supplier.
 3. The information in the fiche may be given in the form of a copy of the label, either in colour or in black and white, in which case information listed in point 1 and not displayed on the label shall also be provided.
-

ANNEX V

Technical documentation

1. The technical documentation referred to in Article 3(1)(c) shall include:
 - (a) the name and address of the supplier;
 - (b) sufficient description of the professional refrigerated storage cabinet model for it to be unambiguously identified;
 - (c) where appropriate, the references of the harmonised standards applied;
 - (d) where appropriate, the other technical standards and specifications used;
 - (e) the identification and signature of the person empowered to bind the supplier;
 - (f) the results of the measurements and calculations for the technical parameters specified in Annex IX.
2. Where the information included in the technical documentation file for a professional refrigerated storage cabinet model has been obtained by a calculation based on an equivalent professional refrigerated storage cabinet model, the technical documentation shall include details of such calculations and of tests undertaken by suppliers to verify the accuracy of the calculations undertaken. The technical information shall also include a list of all other equivalent professional refrigerated storage cabinet models where the information was obtained on the same basis.
3. The information contained in this technical documentation may be merged with the technical documentation provided in accordance with measures under Directive 2009/125/EC.

ANNEX VI

Information to be provided where end-users cannot be expected to see the product displayed, except on the internet

1. Where end-users cannot be expected to see the product displayed, except on the internet, the information shall be provided in the following order:
 - (a) the energy efficiency class of the model, in accordance with Annex II;
 - (b) the annual energy consumption in kWh per year, rounded to the nearest integer and calculated in accordance with Annex IX;
 - (c) the net volume of each compartment;
 - (d) the climate class in accordance with Annex IX.
2. Where other information contained in the product fiche is provided, it shall be in the form and order specified in Annex IV.
3. The size and font in which the information referred in this Annex is printed or shown shall be such that it is legible.

ANNEX VII

Information to be provided in the case of sale, hire or hire-purchase through the internet

1. For the purpose of points 2 to 5 of this Annex the following definitions shall apply:
 - (a) 'display mechanism' means any screen, including tactile screen, or other visual technology used for displaying internet content to users;
 - (b) 'nested display' means visual interface where an image or data set is accessed by a mouse click, mouse roll-over or tactile screen expansion of another image or data set;
 - (c) 'tactile screen' means a screen responding to touch, such as that of a tablet computer, slate computer or a smartphone;
 - (d) 'alternative text' means text provided as an alternative to a graphic allowing information to be presented in non-graphical form where display devices cannot render the graphic or as an aid to accessibility such as input to voice synthesis applications.
2. The appropriate label made available by suppliers in accordance with Article 3(1)(b) shall be shown on the display mechanism near the price of the product in accordance with the timelines indicated in Article 3(2). The size of the label shall be such that it is clearly visible and legible and shall be proportionate to the size specified in point 3 of Annex III. The label may be displayed using a nested display, in which case the image used for accessing it shall comply with the specifications in point 3 of this Annex. If nested display is applied, the label shall appear on the first mouse click, mouse roll-over or tactile screen expansion on the image.
3. The image used for accessing the label in the case of nested display shall:
 - (a) be an arrow in the colour corresponding to the energy efficiency class of the product on the label;
 - (b) indicate the energy efficiency class of the product in white in the same font size as that used for the price; and
 - (c) be in one of the following two formats:



4. In the case of nested display, the sequence of display of the label shall be as follows:
 - (a) the image referred to in point 3 of this Annex is shown on the display mechanism in proximity to the price of the product;
 - (b) the image links to the label;
 - (c) the label is displayed after a mouse click, mouse roll-over or tactile screen expansion on the image;
 - (d) the label is displayed by pop up, new tab, new page or inset screen display;
 - (e) for magnification of the label on tactile screens, the device conventions for tactile magnification apply;
 - (f) display of the label is closed by means of a close option or other standard closing mechanism;
 - (g) the alternative text for the graphic, to be displayed on failure to display the label, is the energy efficiency class of the product in the same font size as that used for the price.

5. The appropriate product fiche made available by suppliers in accordance with Article 3(1)(d) shall be shown on the display mechanism near the price of the product. The size shall be such that the product fiche is clearly visible and legible. The product fiche may be displayed using a nested display, in which case the link used for accessing it shall clearly and legibly indicate 'Product fiche'. If nested display is used, the fiche shall appear on the first mouse click, mouse roll-over or tactile screen expansion on the link.

ANNEX VIII

Method for calculating the energy efficiency index for professional refrigerated storage cabinets

For the calculation of the energy efficiency index (EEI) of a professional refrigerated storage cabinet model, the annual energy consumption of the cabinet shall be compared to its standard annual energy consumption.

The EEI shall be calculated as:

$$EEI = (AEC/SAEC) \times 100$$

Where:

$$AEC = E24h \times af \times 365$$

AEC = annual energy consumption of the cabinet in kWh/year

E24h = energy consumption of the cabinet over 24 hours

af = *adjustment factor* to be applied only for light-duty cabinets, according to Annex IX, point 2

$$SAEC = M \times V_n + N$$

SAEC = standard annual energy consumption of the cabinet in kWh/year

V_n = net volume of the appliance, which is the sum of net volumes of all compartments of the cabinet, expressed in litres.

M and N are given in the Table 2.

Table 2

M and N coefficient values

Category	Value for M	Value for N
Vertical Chilled	1,643	609
Vertical Frozen	4,928	1 472
Counter Chilled	2,555	1 790
Counter Frozen	5,840	2 380

ANNEX IX

Measurement and calculation

1. For the purposes of compliance and verification of compliance with the requirements of this Regulation, measurements and calculations shall be made using harmonised standards the reference numbers of which have been published for that purpose in the *Official Journal of the European Union*, or using other reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art methods. They shall meet the technical definitions, conditions, equations and parameters set out in this Annex.
2. For establishing the values of annual energy consumption and energy efficiency index for professional refrigerated storage cabinets, measurements shall be carried out under the following conditions:
 - The temperature of test packages shall be between $-1\text{ }^{\circ}\text{C}$ and $5\text{ }^{\circ}\text{C}$ for chilled cabinets and lower than $-15\text{ }^{\circ}\text{C}$ for frozen cabinets.
 - The ambient conditions shall correspond to climate class 4 as detailed in Table 3, except for light-duty cabinets, which shall be tested in ambient conditions corresponding to climate class 3. Adjustment factors of 1,2 for light-duty cabinets at chilled operating temperature and 1,1 for light-duty cabinets at frozen operating temperature shall then be applied to the testing results obtained for light-duty cabinets.
 - Professional refrigerated storage cabinets shall be tested:
 - at chilled operating temperature in the case of a combined cabinet containing at least one compartment exclusively intended for chilled operating temperature,
 - at chilled operating temperature in the case of a professional refrigerated storage cabinet which has solely one compartment exclusively intended for chilled operating temperature,
 - at frozen operating temperature in all other cases.
3. The ambient conditions of climate classes 3, 4 and 5 are shown in Table 3.

Table 3

Ambient conditions of climate classes 3, 4 and 5

Test room climate class	Dry bulb temperature, $^{\circ}\text{C}$	Relative humidity, %	Dew point, $^{\circ}\text{C}$	Water vapour mass in dry air, g/kg
3	25	60	16,7	12,0
4	30	55	20,0	14,8
5	40	40	23,9	18,8

ANNEX X

Verification procedure for market surveillance purposes

For the purposes of assessing conformity with the requirements laid down in Articles 3 and 4, Member States authorities shall apply the following verification procedure:

1. The Member State authorities shall test one single unit per model.
2. The model shall be considered to comply with the applicable requirements provided the following requirements are met:
 - (a) the measured volume is not lower than the rated value by more than 3 %;
 - (b) the measured value of energy consumption is not greater than the rated value (E24h) by more than 10 %.
3. Where the result referred to in point 2 is not achieved, the Member State authorities shall randomly select three additional units of the same model for testing. As an alternative, the three additional units selected may be of one or more different models which have been listed as equivalent product in the technical documentation.
4. The model shall be considered to comply with the applicable requirements provided the following requirements are met:
 - (a) the average of the three units for the measured volume is not lower than the rated value by more than 3 %;
 - (b) the average of the three units for the measured value of energy consumption is not greater than the rated value (E24h) by more than 10 %.
5. Where the results referred to in point 4 are not achieved, the model and all other equivalent professional refrigerated storage cabinet models shall be considered not to comply with this Regulation. The Member State authorities shall provide the test results and other relevant information to the authorities of the other Member States and to the Commission within one month of the decision being taken on the non-compliance of the model.

Member State authorities shall use the measurement and calculation methods set out in Annexes VIII and IX.

The verification tolerances set in this Annex shall be applied only to the verification of the measured parameters by Member State authorities, representing the allowed variations of the measurement results of the verification tests, and shall not be used by the supplier in establishing the values in the technical documentation or in interpreting these values with a view to achieving a better labelling classification or to communicate better performance by any means.

COMMISSION REGULATION (EU) 2015/1095**of 5 May 2015****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 chillers****(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 products ⁽¹⁾ and in particular Article 15(1) thereof,

After consulting the Consultation Forum referred to in Article 18 of Directive 2009/125/EC,

Whereas:

- (1) Under Directive 2009/125/EC, ecodesign requirements should be set by the Commission for energy-related products representing significant volumes of sales and trade, having a significant environmental impact and presenting significant potential for improvement through design in terms of their environmental impact without entailing excessive costs.
- (2) The Commission established the first Working Plan in accordance with Directive 2009/125/EC on 21 October 2008 ⁽²⁾, covering the years 2009 to 2011, identifying refrigerating and freezing equipment, including professional refrigerated storage cabinets, blast cabinets, condensing units and process chillers, as a priority for the adoption of implementing measures.
- (3) The Commission has carried out a preparatory study on the technical, environmental and economic aspects of refrigerating and freezing equipment typically used in the Union, including professional refrigerated storage cabinets, blast cabinets, condensing units and process chillers. The study was devised together with stakeholders and interested parties from the Union and third countries, and the results have been made publicly available.
- (4) The fifth product of the refrigerating and freezing equipment lot — walk-in cold rooms — has been kept separate because of its unique characteristics within the group, and walk-in cold rooms should not be addressed by this Regulation at this time.
- (5) As regards professional refrigerated storage cabinets, it is not necessary to set ecodesign requirements for direct greenhouse gas emissions related to the use of refrigerants, as the increasing use of low global warming potential (GWP) refrigerants in the household and commercial refrigerator market sets a precedent that the professional refrigerated storage cabinets sector could follow.
- (6) As regards process chillers, it is appropriate to set ecodesign requirements for direct greenhouse gas emissions related to the use of refrigerants, as this will further direct the market towards low global warming potential (GWP) refrigerants, which are at the same time often more energy efficient.
- (7) As regards condensing units, non-proprietary technologies exist that reduce the direct greenhouse gas emissions related to the use of refrigerants through the use of refrigerants with reduced harmful impact on the environment. However, the cost-effectiveness and impact on energy efficiency of these technologies when applied to condensing units is still not fully established, as their diffusion is either negligible or represents only a small share of the market for condensing units today.

⁽¹⁾ OJ L 285, 31.10.2009, p. 10.

⁽²⁾ COM(2008) 660 final.

- (8) As refrigerants are addressed under Regulation (EC) No 842/2006 ⁽¹⁾, and as a review of this Regulation was proposed by the Commission on 7 November 2012, no specific restrictions on the use of refrigerants should be set in this Regulation. However, a bonus should be proposed under the ecodesign requirements for condensing units and process chillers to steer the market towards the development of technologies based on the use of refrigerants with reduced harmful impact on the environment, as a bonus would lead to lower minimum energy efficiency requirements for condensing units and process chillers intended to be used with low GWP refrigerants. The future review will look at the treatment of products using high GWP refrigerants in line with the existing relevant legislation.
- (9) For the purposes of this Regulation, energy consumption in the use phase has been identified as the significant environmental aspect of professional refrigerated storage cabinets, blast cabinets, condensing units and process chillers.
- (10) The preparatory study has shown that requirements regarding the other ecodesign parameters referred to in Part 1 of Annex I to Directive 2009/125/EC are not necessary in the case of professional refrigerated storage cabinets, blast cabinets, condensing units and process chillers.
- (11) Annual electricity consumption in the Union related to condensing units, process chillers and professional refrigerated storage cabinets was estimated to have been 116,5 TWh (terawatt hour) in 2012, corresponding to 47 Mt CO₂ emissions. Unless specific measures are taken, annual energy consumption is expected to be 134,5 TWh in 2020 and 154,5 TWh in 2030, corresponding to 54,5 and 62,5 Mt CO₂ respectively. The combined effect of this Regulation and the Commission Delegated Regulation (EU) 2015/1094 ⁽²⁾ is expected to result in annual electricity savings of 6,3 TWh by 2020 and 15,6 TWh by 2030, as compared with what would happen if no measures were taken.
- (12) The preparatory study shows that the use-phase energy consumption can be significantly reduced by applying cost-effective non-proprietary technologies that reduce the combined costs of purchasing and operating these products.
- (13) Ecodesign requirements should harmonise energy consumption requirements for professional refrigerated storage cabinets, blast cabinets, condensing units and process chillers throughout the Union, thus helping to make the single market more efficient and to improve the environmental performance of those products.
- (14) The ecodesign requirements should not affect the functionality or affordability of professional refrigerated storage cabinets, blast cabinets, condensing units and process chillers from the end-user's perspective and should not negatively affect health, safety or the environment.
- (15) The ecodesign requirements should be introduced gradually to give manufacturers sufficient time to redesign their products subject to this Regulation. The timing should be such that cost impacts for manufacturers are taken into account, while ensuring timely achievement of the objectives of this Regulation.
- (16) Product parameters should be measured and calculated using reliable, accurate and reproducible methods that take into account recognised state-of-the-art measurement and calculation methods. These include, where available, harmonised standards adopted by European standardisation bodies following a request from the Commission, in accordance with the procedures laid down in Directive 98/34/EC of the European Parliament and of the Council ⁽³⁾.
- (17) The definition of frozen operating temperature shall be used for establishing the values of the annual energy consumption for professional refrigerated storage cabinets; while taking into account food safety, it is not related to food safety legislation.
- (18) In accordance with Article 8(2) of Directive 2009/125/EC, this Regulation specifies which conformity assessment procedures apply.

⁽¹⁾ Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases (OJ L 161, 14.6.2006, p. 1).

⁽²⁾ Commission Delegated Regulation (EU) 2015/1094 of 5 May 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 (see page 2 of this Official Journal).

⁽³⁾ 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 (OJ L 204, 21.7.1998, p. 37).

- (19) To facilitate compliance checks, manufacturers should provide information in the technical documentation referred to in Annexes IV and V to Directive 2009/125/EC insofar as that information relates to the requirements laid down in this Regulation.
- (20) To further limit the environmental impact of professional refrigerated storage cabinets, blast cabinets, condensing units and process chillers, manufacturers should provide information on disassembly, recycling or disposal.
- (21) In addition to the legally binding requirements laid down in this Regulation, indicative benchmarks for best available technologies should be identified to ensure that information on the life-cycle environmental performance of professional refrigerated storage cabinets, condensing units and process chillers is widely available and easily accessible.
- (22) 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 the placing on the market of professional refrigerated storage cabinets and blast cabinets.

This Regulation shall apply to electric mains-operated blast cabinets, and electric mains-operated professional refrigerated storage cabinets including those sold for the refrigeration of foodstuffs and animal feed.

However, it 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 being open 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 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 cabinets 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) blast cabinets and blast rooms with a capacity superior to 300 kg of foodstuffs;
- (j) continuous-process blast equipment;
- (k) custom-made professional refrigerated storage cabinets and blast 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 10 of Annex I or blast cabinets as described in definition 11 of Annex I;
- (l) built-in cabinets;
- (m) roll-in and pass-through cabinets;

- (n) static air cabinets;
- (o) chest freezers.

2. This Regulation also establishes ecodesign requirements for the placing on the market of condensing units operating at low or medium temperature or both.

However, it shall not apply to the following products:

- (a) condensing units including an evaporator, which may be an integral evaporator, such as in monobloc units, or a remote evaporator, such as in split units;
- (b) compressor packs or racks, which do not include a condenser;
- (c) condensing units of which the condenser-side does not use air as heat transfer medium.

3. This Regulation also establishes ecodesign requirements for the placing on the market of process chillers intended to operate at low or medium temperature.

However, it shall not apply to the following products:

- (a) process chillers intended to operate at high temperature;
- (b) process chillers exclusively using evaporative condensing;
- (c) custom-made process chillers assembled on site, made on a one-off basis;
- (d) absorption chillers.

Article 2

Definitions

1. The following definitions shall apply:

- (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) 'blast cabinet' means an insulated refrigerating appliance primarily intended to rapidly cool hot foodstuffs to below 10 °C in the case of chilling and below – 18 °C in the case of freezing;
- (c) 'blast room' means an enclosure, for which the doorway and internal space is large enough for a person to step inside, primarily intended to rapidly cool hot foodstuffs to below 10 °C in the case of chilling and below – 18 °C in the case of freezing;
- (d) 'capacity' means, for blast cabinets, the food weight which can be processed (by the blast cabinet) to below 10 °C in the case of chilling and below – 18 °C in the case of freezing in a single operation;
- (e) 'continuous process blast equipment' means a blast cabinet provided with a conveyor belt to feed foodstuff through, to allow continuous process for blast chilling or freezing of the foodstuff;
- (f) 'foodstuffs' means food, ingredients, beverages, including wine, and other items primarily intended for consumption which require refrigeration at specified temperatures;
- (g) '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;

- (h) 'roll-in cabinet' means a professional refrigerated storage cabinet including one unique compartment that allows wheeled racks of product to be wheeled in;
- (i) 'pass-through cabinet' means a professional refrigerated storage cabinet accessible from both sides;
- (j) '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;
- (k) 'heavy-duty cabinet' means a professional refrigerated storage cabinet capable of continuously maintaining chilled or frozen operating temperature in all its compartment(s) in ambient conditions corresponding to climate class 5, as detailed in Table 3 of Annex IV;
- (l) '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;
- (m) '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;
- (n) '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;
- (o) 'condensing unit' means a product integrating at least one electrically driven compressor and one condenser, capable of cooling down and continuously maintaining low or medium temperature inside a refrigerated appliance or system, using a vapour compression cycle once connected to an evaporator and an expansion device;
- (p) 'low temperature' means that the condensing unit is capable of delivering its rated cooling capacity at a saturated evaporating temperature of $-35\text{ }^{\circ}\text{C}$;
- (q) 'medium temperature' means that the condensing unit is capable of delivering its rated cooling capacity at a saturated evaporating temperature of $-10\text{ }^{\circ}\text{C}$;
- (r) 'rated cooling capacity' means the cooling capacity which the condensing unit allows the vapour compression cycle to reach, once connected to an evaporator and an expansion device, when operating at full load, and measured at standard rating conditions with the reference ambient temperature set at $32\text{ }^{\circ}\text{C}$, expressed in kW;
- (s) 'process chiller' means a product integrating at least one compressor and one evaporator, capable of cooling down and continuously maintaining the temperature of a liquid in order to provide cooling to a refrigerated appliance or system; it may or may not integrate the condenser, the coolant circuit hardware and other ancillary equipment;
- (t) 'low temperature' means that the process chiller is capable of delivering its rated cooling capacity at an indoor heat exchanger outlet temperature of $-25\text{ }^{\circ}\text{C}$, at standard rating conditions;
- (u) 'medium temperature' means that the process chiller is capable of delivering its rated cooling capacity at an indoor heat exchanger outlet temperature of $-8\text{ }^{\circ}\text{C}$, at standard rating conditions;
- (v) 'high temperature' means that the process chiller is capable of delivering its rated cooling capacity at an indoor heat exchanger outlet temperature of $7\text{ }^{\circ}\text{C}$, at standard rating conditions;
- (w) 'rated cooling capacity', expressed in kW, means the cooling capacity that the process chiller is able to reach, when operating at full load, and measured at standard rating conditions with the reference ambient temperature at $35\text{ }^{\circ}\text{C}$ for air-cooled chillers and $30\text{ }^{\circ}\text{C}$ water inlet temperature at the condenser for water-cooled chillers.

- (x) 'compressor pack' or 'compressor rack' means a product incorporating at least one or more electrically driven refrigeration compressor(s) and a control system;
- (y) 'absorption chiller' means a process chiller in which refrigeration is effected by an absorption process using heat as the energy source;
- (z) 'evaporative condensing chiller' means a process chiller equipped with an evaporating condenser, in which the refrigerant is cooled by a combination of air movement and water spray.

Article 3

Ecodesign requirements and timetable

1. The ecodesign requirements for professional refrigerated storage cabinets and blast cabinets are set out in Annex II.
2. The ecodesign requirements for condensing units are set out in Annex V.
3. The ecodesign requirements for process chillers are set out in Annex VII.
4. Ecodesign requirements shall apply in accordance with the following timetable:
 - (a) From 1 July 2016:
 - (1) condensing units shall comply with the requirements set out in points 1(a) and 2 of Annex V;
 - (2) process chillers shall comply with the requirements set out in points 1(a) and 2 of Annex VII.
 - (3) professional refrigerated storage cabinets shall comply with the requirements set out in points 1(a)(i) and 2(a) of Annex II;
 - (4) heavy-duty cabinets shall comply with the requirements set out in point 1(b) and 2(a) of Annex II.
 - (5) Blast cabinets shall comply with requirements set out in point 2(b) of Annex II.
 - (b) From 1 January 2018:
 - (1) professional refrigerated storage cabinets shall comply with requirements set out in point 1(a)(ii) of Annex II.
 - (c) From 1 July 2018:
 - (1) condensing units shall comply with the requirements set out in point 1(b) of Annex V;
 - (2) process chillers shall comply with the requirements set out in point 1(b) of Annex VII.
 - (d) From 1 July 2019:
 - (1) professional refrigerated storage cabinets shall comply with requirements set out in point 1(a)(iii) of Annex II.
5. Compliance with ecodesign requirements for professional refrigerated storage cabinets shall be measured and calculated in accordance with the methods set out in Annexes III and IV.
6. Compliance with ecodesign requirements for condensing units shall be measured and calculated in accordance with the methods set out in Annex VI.
7. Compliance with ecodesign requirements for process chillers shall be measured and calculated in accordance with the methods set out in Annex VIII.

Article 4

Conformity assessment

1. The conformity assessment procedure referred to in Article 8(2) of Directive 2009/125/EC shall be the internal design control set out in its Annex IV or the management system set out in its Annex V.

2. For the purposes of conformity assessment pursuant to Article 8 of Directive 2009/125/EC, the technical documentation shall contain the information set out in point 2 of Annex II, point 2(b) of Annex V and point 2(b) of Annex VII to this Regulation.

Article 5

Verification procedure for market surveillance purposes

The authorities of the Member States shall apply the verification procedure set out in Annex IX, Annex X and Annex XI when performing the market surveillance checks referred to in Article 3(2) of Directive 2009/125/EC to ensure compliance with the requirements set out in Annex II, Annex V and Annex VII to this Regulation.

Article 6

Indicative benchmarks

The indicative benchmarks for best-performing professional refrigerated storage cabinets, condensing units and process chillers available on the market at the time of entry into force of this Regulation are set out in Annex XII.

Article 7

Review

The Commission shall review this Regulation in the light of technological progress and present the results of that review to the Consultation Forum no later than five years from the date of entry into force of this Regulation. The review shall include the following:

1. for professional refrigerated storage cabinets, an assessment of the appropriateness of introducing, in particular:
 - (a) ecodesign requirements for cabinets listed in Article 1(1);
 - (b) stricter requirements for heavy-duty cabinets;
 - (c) information requirement on a professional refrigerated storage cabinet's capacity to cool down foodstuffs;
 - (d) a method for determining the standard annual energy consumption for refrigerator-freezers;
 - (e) a revised method for the standard annual energy consumption of counter cabinets;
2. for blast cabinets, an assessment of the appropriateness of introducing ecodesign requirements for these products;
3. for walk-in cold rooms, an assessment of the appropriateness of introducing ecodesign requirements for these products;
4. for condensing units and process chillers:
 - (a) an assessment of the appropriateness of setting ecodesign requirements covering direct greenhouse gas emissions related to refrigerants;
 - (b) an assessment of the appropriateness of setting ecodesign requirements for condensing units with a rated cooling capacity lower than 0,1 kW at low temperature and 0,2 kW at medium temperature and condensing units with a rated cooling capacity higher than 20 kW at low temperature and 50 kW at medium temperature;

- (c) an assessment of the appropriateness of setting ecodesign requirements for condensing units sold with an evaporator, compressor packs and racks which do not include a condenser, and condensing units which do not use air as heat transfer medium for the condenser;
 - (d) an assessment of the appropriateness of setting ecodesign requirements for process chillers using evaporative condensing and process chillers using absorption technology;
- 5. for all products, a check if newer versions of quoted sources are available for GWP values;
 - 6. for all products, the value of the admitted tolerances in the verification procedure for the measured value of the energy consumption.

Article 8

Entry into force

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 May 2015.

For the Commission

The President

Jean-Claude JUNKER

ANNEX I

Definitions applicable for Annexes II to XII

For the purposes of Annexes II to XII the following definitions shall apply:

Definitions related to professional refrigerated storage cabinets and blast cabinets

- (1) 'net volume' means the volume containing foodstuffs within the load limit;
- (2) 'chilled operating temperature' means that the temperature of foodstuffs stored in the cabinet is continuously maintained at a temperature between $-1\text{ }^{\circ}\text{C}$ and $5\text{ }^{\circ}\text{C}$;
- (3) 'frozen operating temperature' means that the temperature of foodstuffs stored in the cabinet is continuously maintained at a temperature lower than $-15\text{ }^{\circ}\text{C}$, which is understood as the highest temperature of the warmest package test;
- (4) 'multi-use cabinet' means that a professional refrigerated storage cabinet or separate compartment of the same cabinet may be set at different temperatures for chilled or frozen foodstuffs;
- (5) 'combined cabinet' means a professional refrigerated storage cabinet including two or more compartments with different temperatures for the refrigeration and storage of foodstuffs;
- (6) '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;
- (7) 'vertical cabinet' means a professional refrigerated storage cabinet of overall height equal to or higher than 1 050 mm with one or more front doors or drawers accessing the same compartment;
- (8) 'counter cabinet' means a professional refrigerated storage cabinet of overall height lower than 1 050 mm with one or more front doors or drawers accessing the same compartment;
- (9) 'light-duty cabinet', also known as 'semi-professional cabinet', means a professional refrigerated storage cabinet only capable of continuously maintaining chilled or frozen operating temperature in all its compartment(s) in ambient conditions corresponding to climate class 3, as detailed in Table 3 of Annex IV; if the cabinet is able to maintain temperature in ambient conditions corresponding to climate class 4, it shall not be considered a light-duty cabinet;
- (10) 'equivalent professional refrigerated storage cabinet' means a professional refrigerated storage cabinet model placed on the market with the same net volume, same technical, efficiency and performance characteristics, and same compartment types and volumes as another professional refrigerated storage cabinet model placed on the market under a different commercial code number by the same manufacturer;
- (11) 'equivalent blast cabinet' means a blast cabinet model placed on the market with the same technical, efficiency and performance characteristics, as another blast cabinet model placed on the market under a different commercial code number by the same manufacturer;

Definitions related to condensing units

- (12) 'rated cooling capacity' (P_A) means the cooling capacity that the condensing unit enables the vapour compression cycle to reach, once connected to an evaporator and an expansion device, when operating at full load, and measured at standard rating conditions with the reference ambient temperature set at $32\text{ }^{\circ}\text{C}$, expressed in kW to two decimal places;

- (13) 'rated power input' (D_A) means the electrical power input needed by the condensing unit (including the compressor, the condenser fan(s) and possible auxiliaries) to reach the rated cooling capacity, expressed in kW to two decimal places;
- (14) 'rated coefficient of performance' (COP_A) means the rated cooling capacity, expressed in kW, divided by the rated power input, expressed in kW, expressed to two decimal places;
- (15) 'coefficients of performance COP_B , COP_C and COP_D ' mean the cooling capacity, expressed in kW, divided by the power input, expressed in kW, expressed to two decimal places at rating points B, C and D;
- (16) 'seasonal energy performance ratio' ($SEPR$) is the efficiency ratio of a condensing unit for providing cooling at standard rating conditions, representative of the variations in load and ambient temperature throughout the year, and calculated as the ratio between annual cooling demand and annual electricity consumption, expressed to two decimal places;
- (17) 'annual cooling demand' means the sum of each bin-specific cooling demand multiplied by the corresponding number of bin hours;
- (18) 'bin-specific cooling demand' means the cooling demand for every bin in the year, calculated as the rated cooling capacity multiplied by the part load ratio, expressed in kW to two decimal places;
- (19) 'part load' ($P_c(T_j)$) means the cooling load at a specific ambient temperature T_j , calculated as the full load multiplied by the part load ratio corresponding to the same ambient temperature T_j and expressed in kW at two decimal places;
- (20) 'part load ratio' ($PR(T_j)$) at a specific ambient temperature T_j means the ambient temperature T_j minus 5 °C divided by the reference ambient temperature minus 5 °C, and — for medium temperature — multiplied by 0,4 and added to 0,6, and — for low temperature — multiplied by 0,2 and added to 0,8. For ambient temperatures higher than the reference ambient temperature, the part load ratio shall be 1. For ambient temperatures lower than 5 °C, the part load ratio shall be 0,6 for medium temperature and 0,8 for low temperature. The part load ratio can be expressed at three decimal places or in percentage, after multiplying by 100, at one decimal place;
- (21) 'annual electricity consumption' is calculated as the sum of the ratios between each bin-specific cooling demand and the corresponding bin-specific coefficient of performance, multiplied by the corresponding number of bin hours;
- (22) 'ambient temperature' means the dry bulb air temperature, expressed in degrees Celsius;
- (23) 'bin' (bin_j) means a combination of an ambient temperature T_j and bin hours h_j , as set out in Table 6 of Annex VI;
- (24) 'bin hours' (h_j) means the hours per year at which an ambient temperature occurs for each bin, as set out in Table 6 of Annex VI;
- (25) 'reference ambient temperature' means the ambient temperature, expressed in degrees Celsius, at which the part load ratio is equal to 1. It is set at 32 °C;
- (26) 'bin-specific coefficient of performance' (COP_j) means the coefficient of performance for every bin in the year, derived from the part load, the declared cooling demand and declared coefficient of performance for specified bins, and calculated for other bins by linear interpolation, corrected where necessary by the degradation coefficient;
- (27) 'declared cooling demand' means the cooling demand at a limited number of specified bins, and calculated as the rated cooling capacity multiplied by the corresponding part load ratio;
- (28) 'declared coefficient of performance' means the coefficient of performance at a limited number of specified bins, and calculated as the declared cooling capacity divided by the declared power input;

- (29) 'declared cooling capacity' means the cooling capacity which the unit delivers to meet the specific cooling demand at a limited number of specified bins, expressed in kW to two decimal places;
- (30) 'declared power input' means the electrical power input needed by the condensing unit to meet the declared cooling capacity, expressed in kW to two decimal places;
- (31) 'degradation coefficient' (Cdc) is set at 0,25 and means the measure of efficiency loss due to the possible on/off cycling of condensing units necessary to satisfy the required part load in case the unit's capacity control cannot unload to the required part load;
- (32) 'capacity control' means the ability of a condensing unit to change its capacity by changing the volumetric flow rate of the refrigerant, to be indicated as 'fixed' if the unit cannot change its volumetric flow rate, 'staged' if the volumetric flow rate is changed or varied in series of not more than two steps, or 'variable' if the volumetric flow rate is changed or varied in series of three or more steps;

Definitions related to process chillers

- (33) 'rated cooling capacity' (P_A), expressed in kW to two decimal places, means the cooling capacity that the process chiller is able to reach, when operating at full load, and measured at standard rating conditions with the reference ambient temperature at 35 °C for air-cooled chillers and 30 °C water inlet temperature at the condenser for water-cooled chillers;
- (34) 'rated power input' (D_A) means the electrical power input needed by the process chiller (including the compressor, the condenser fan(s) or pumps(s), the evaporator pump(s) and possible auxiliaries) to reach the rated cooling capacity, expressed in kW to two decimal places;
- (35) 'rated energy efficiency ratio' (EER_A) means the rated cooling capacity, expressed in kW, divided by the rated power input, expressed in kW, expressed to two decimal places;
- (36) 'seasonal energy performance ratio' ($SEPR$) is the efficiency ratio of a process chiller for providing cooling at standard rating conditions, representative of variations in load and ambient temperature throughout the year, and calculated as the ratio between annual cooling demand and annual electricity consumption, expressed to two decimal places;
- (37) 'annual cooling demand' means the sum of each bin-specific cooling demand multiplied by the corresponding number of bin hours;
- (38) 'bin-specific cooling demand' means the rated cooling capacity multiplied by the part load ratio, for every bin in the year, expressed in kW to two decimal places;
- (39) 'part load' ($P_c(T_j)$) means the cooling load at a specific ambient temperature T_j , calculated as the full load multiplied by the part load ratio corresponding to the same ambient temperature T_j and expressed in kW at two decimal places;
- (40) 'part load ratio' ($PR(T_j)$) at a specific ambient temperature T_j means:
 - (a) for process chillers using an air-cooled condenser, the ambient temperature T_j minus 5 °C divided by the reference ambient temperature minus 5 °C, and multiplied by 0,2 and added to 0,8. For ambient temperatures higher than the reference ambient temperature, the part load ratio shall be 1. For ambient temperatures lower than 5 °C, the part load ratio shall be 0,8;
 - (b) for process chillers using a water-cooled condenser, the water inlet temperature T_j minus 9 °C divided by the reference water inlet temperature (30 °C) minus 9 °C, and multiplied by 0,2 and added to 0,8. For ambient temperatures higher than the reference ambient temperature, the part load ratio shall be 1. For ambient temperatures lower than 5 °C (9 °C water inlet temperature at the condenser), the part load ratio shall be 0,8;

The part load ratio can be expressed at three decimal places or in percentage, after multiplying by 100, at one decimal place

- (41) 'annual electricity consumption' is calculated as the sum of the ratios between each bin-specific cooling demand and the corresponding bin-specific energy efficiency ratio, multiplied by the corresponding number of bin hours;
- (42) 'ambient temperature' means:
 - (a) for process chillers using an air-cooled condenser, the air dry bulb temperature, expressed in degrees Celsius
 - (b) for process chillers using a water-cooled condenser, the water inlet temperature at the condenser, expressed in degrees Celsius;
- (43) 'bin' (bin_i) means a combination of an ambient temperature T_i and bin hours h_i , as set out in Annex VIII;
- (44) 'bin hours' (h_i) means the hours per year at which an ambient temperature occurs for each bin, as set out in Annex VIII;
- (45) 'reference ambient temperature' means the ambient temperature, expressed in degrees Celsius, at which the part load ratio is equal to 1. It shall be set at 35 °C. For air-cooled process chillers, the air inlet temperature to the condenser is then defined as 35 °C while for water-cooled process chillers the water inlet temperature to the condenser is defined as 30 °C;
- (46) 'bin-specific energy efficiency ratio' (EER_i) means the energy efficiency ratio for every bin in the year, derived from the part load, the declared cooling demand and declared energy efficiency ratio for specified bins, and calculated for other bins by linear interpolation, corrected where necessary by the degradation coefficient;
- (47) 'declared cooling demand' means the cooling demand at a limited number of specified bins, and calculated as the rated cooling capacity multiplied by the corresponding part load ratio;
- (48) 'declared energy efficiency ratio' means the energy efficiency ratio at a limited number of specified bins;
- (49) 'declared power input' means the electrical power input needed by the process chiller to meet the declared cooling capacity;
- (50) 'declared cooling capacity' means the cooling capacity delivered by the chiller to meet the declared cooling demand;
- (51) 'degradation coefficient' (C_c) means the measure of efficiency loss due to cycling of process chillers at part load; if C_c is not determined by measurement, then the default degradation coefficient is $C_c = 0,9$;
- (52) 'capacity control' means the ability of a process chiller to change its capacity by changing the volumetric flow rate of the refrigerant, to be indicated as 'fixed' if the process chiller cannot change its volumetric flow rate, 'staged' if the volumetric flow rate is changed or varied in series of not more than two steps, or 'variable' if the volumetric flow rate is changed or varied in series of three or more steps;

Common definitions:

- (53) 'global warming potential' (GWP) means the measure of how much 1 kg of the refrigerant applied in the vapour compression cycle is estimated to contribute to global warming, expressed in kg CO₂ equivalents over a 100-year time horizon;

- (54) for fluorinated refrigerants, the GWP values shall be those published in the Fourth Assessment Report adopted by the Intergovernmental Panel on Climate Change ⁽¹⁾ (2007 IPCC GWP values for a 100-year period);
 - (55) for non-fluorinated gases, the GWP values are those published in the first IPCC assessment over a 100-year period;
 - (56) GWP values for mixtures of refrigerants shall be based on the formula stated in Annex I to Regulation (EC) No 842/2006, with the values of the Fourth Assessment Report adopted by the Intergovernmental Panel on Climate Change (2007 IPCC GWP values for a 100-year period);
 - (57) for refrigerants not included in the above references, the Report of the 2010 Assessment of the Scientific Assessment Panel ⁽²⁾ (SAP) under the Montreal Protocol and the UNEP 2010 report on Refrigeration, Air Conditioning and Heat Pumps ⁽³⁾, or newer if available before the date of entry into force, shall be used as references.
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⁽¹⁾ IPCC Fourth Assessment Climate Change 2007, Report of the Intergovernmental Panel on Climate Change: http://www.ipcc.ch/publications_and_data/publications_and_data_reports.shtml

⁽²⁾ http://ozone.unep.org/Assessment_Panels/SAP/Scientific_Assessment_2010/index.shtml

⁽³⁾ <http://ozone.unep.org/teap/Reports/RTOC/>

ANNEX II

Ecodesign requirements for professional refrigerated storage cabinets and blast cabinets**1. REQUIREMENTS FOR ENERGY EFFICIENCY**

- (a) Professional refrigerated storage cabinets within the scope of this Regulation, with the exception of heavy-duty cabinets and refrigerator-freezers, shall comply with the following energy efficiency index (EEI) limits:

- (i) From 1 July 2016: $EEI < 115$
- (ii) From 1 January 2018: $EEI < 95$
- (iii) From 1 July 2019: $EEI < 85$

The EEI of a professional refrigerated storage cabinet shall be calculated in accordance with the procedure described in Annex III.

- (b) From 1 July 2016, heavy-duty cabinets shall have an EEI lower than 115.

2. REQUIREMENTS FOR PRODUCT INFORMATION

- (a) From 1 July 2016, the following product information on professional refrigerated storage cabinets shall be provided, in the instruction booklet for installers and end-users, and in the free access websites of manufacturers, their authorised representatives and importers:

- (i) the category of the appliance, namely whether it is vertical or counter;
- (ii) where applicable, whether the cabinet is heavy-duty, light-duty or refrigerator-freezer;
- (iii) the intended operating temperature(s) of the cabinet — chilled, frozen or multi-use;
- (iv) the net volume of each compartment, expressed in litres and rounded to one decimal place;
- (v) the annual energy consumption of the cabinet, expressed in kWh per year;
- (vi) the energy efficiency index of the cabinet, except for refrigerator-freezers, where the indicative daily energy consumption shall be declared, by testing the compartments exclusively intended for chilled operating temperature, at chilled operating temperature, and the ones exclusively intended for frozen operating temperature, at frozen operating temperature;
- (vii) for light-duty cabinets, it shall be indicated that 'This appliance is intended for use in ambient temperatures up to 25 °C and therefore is not suitable for use in hot professional kitchens';
- (viii) for heavy-duty cabinets, it shall be indicated that 'This appliance is intended for use in ambient temperatures up to 40 °C';
- (ix) any specific precautions which are to be taken when the cabinet is used and maintained in order to optimise its energy efficiency;
- (x) the type, name and global warming potential (GWP) of the refrigerant fluid contained in the cabinet;
- (xi) the refrigerant charge, expressed in kg and rounded to two decimal places;
- (xii) information relevant for recycling or disposal at end-of-life.

Table 1 below provides an indicative layout for the requested information

Table 1

Information requirements for professional refrigerated storage cabinets

Model(s): [information identifying the model(s) to which the information relates]			
Intended use		storage	
Operating temperature(s)		chilled/frozen/multi-use	
Category		Vertical/counter	
(where applicable) Heavy-duty/light-duty			
Refrigerant fluid(s): [information to identify the refrigerant fluid(s), including GWP]			
Item	Symbol	Value	Unit
Annual Energy Consumption	AEC	x,xx	kWh
Energy Efficiency Index	EEI	x,xx	
Net volume	V _N	x,x	litre
(where applicable)			
Chilled volume	V _{NRef}	x,x	litre
Frozen volume	V _{NFrz}	x,x	litre
Refrigerant charge		x,xx	kg
Contact details	Name and address of the manufacturer or its authorised representative.		

- (b) From 1 July 2016, for professional refrigerated storage cabinets a section of the free access websites of manufacturers for installers and other professionals, their authorised representatives, or importers shall be provided, containing information relevant for:
- (i) installation in order to optimise energy efficiency of the appliances;
 - (ii) non-destructive disassembly for maintenance purposes;
 - (iii) disassembly and dismantling for disposal at end-of life.
- (c) From 1 July 2016 the following indicative product information on blast cabinets shall be provided in the instruction booklet for installers and end-users, and in the free access websites of manufacturers, their authorised representatives and importers:
- (i) Full load capacity of the cabinet expressed in kg of foodstuffs, and rounded to two decimal places;
 - (ii) The standard temperature cycle, meaning from which temperature in °C down to which temperature in °C foodstuffs are intended to be cooled and in how many minutes;

- (iii) The energy consumption, in kWh per kg of foodstuffs per standard temperature cycle and rounded to two decimal places;
 - (iv) In the case of integral equipment, type, name and GWP of the refrigerant fluid contained in the cabinet and refrigerant charge (kg) rounded to two decimal places. In the case of equipment designed to be used with a remote condensing unit (not supplied with the blast cabinet itself), the intended refrigerant charge when used with a recommended condensing unit and the intended refrigerant fluid type, name and GWP;
- (d) The technical documentation for the purposes of conformity assessment pursuant to Article 4 shall contain the following elements:
- (i) elements specified in points (a) and (c) for professional refrigerated storage cabinets and blast cabinets respectively;
 - (ii) where the information included in the technical documentation file for a particular model has been obtained by calculation on the basis of design, or extrapolation from other equivalent refrigerating appliances, or both, the documentation shall include details of such calculations or extrapolations, or both, and of tests undertaken by suppliers to verify the accuracy of the calculations undertaken. The information shall also include a list of all other equivalent models where the information was obtained on the same basis;
 - (iii) the information contained in this technical documentation may be merged with the technical documentation provided in accordance with measures under Directive 2010/30/EU of the European Parliament and of the Council ⁽¹⁾.
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⁽¹⁾ 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).

ANNEX III

Method for calculating the energy efficiency index for professional refrigerated storage cabinets

For the calculation of the energy efficiency index (EEI) of a professional refrigerated storage cabinet model, the annual energy consumption of the cabinet is compared to its standard annual energy consumption.

The EEI is calculated as:

$$EEI = (AEC/SAEC) \times 100$$

Where:

$$AEC = E_{24h} \times af \times 365$$

AEC = annual energy consumption of the cabinet in kWh/year

E24h = energy consumption of the cabinet over 24 hours

af = *adjustment factor* to be applied only for light-duty cabinets, according to Annex IV, point 2(b)

$$SAEC = M \times V_n + N$$

SAEC = standard annual energy consumption of the cabinet in kWh/year

V_n = net volume of the appliance, which is the sum of net volumes of all compartments of the cabinet, expressed in litres.

M and N are given in the Table 2.

Table 2

M and N coefficient values

Category	Value for M	Value for N
Vertical Chilled	1,643	609
Vertical Frozen	4,928	1 472
Counter Chilled	2,555	1 790
Counter Frozen	5,840	2 380

ANNEX IV

Measurements and calculations for professional refrigerated storage cabinets

1. For the purposes of compliance and verification of compliance with the requirements of this Regulation, measurements and calculations shall be made using harmonised standards the reference numbers of which have been published for that purpose in the *Official Journal of the European Union*, or using other reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art methods. In the case of professional refrigerated storage cabinets, they shall meet the conditions and technical parameters set out in points 2 and 3.
2. For establishing the values of annual energy consumption and energy efficiency index for professional refrigerated storage cabinets, measurements shall be made under the following conditions:
 - (a) The temperature of test packages shall be between – 1 °C and 5 °C for chilled cabinets and lower than – 15 °C for frozen cabinets;
 - (b) The ambient conditions shall correspond to climate class 4 as detailed in Table 3, except for light-duty cabinets which shall be tested in ambient conditions corresponding to climate class 3. Adjustment factors of 1,2 for light-duty cabinets at chilled operating temperature and 1,1 for light-duty cabinets at frozen operating temperature should then be applied to the testing results thus obtained for light-duty cabinets for the purpose of information declaration according to Annex II, point 2(a);
 - (c) Professional refrigerated storage cabinets shall be tested:
 - at chilled operating temperature in the case of a combined cabinet containing at least one compartment exclusively intended for chilled operating temperature;
 - at chilled operating temperature in the case of a professional refrigerated storage cabinet which has solely one compartment exclusively intended for chilled operating temperature;
 - at frozen operating temperature in all other cases.
3. The ambient conditions of climate classes 3, 4 and 5 are shown in Table 3.

Table 3

Ambient conditions of climate classes 3, 4 and 5

Test room climate class	Dry bulb temperature, °C	Relative humidity, %	Dew point, °C	Water vapour mass in dry air, g/kg
3	25	60	16,7	12,0
4	30	55	20,0	14,8
5	40	40	23,9	18,8

ANNEX V

Ecodesign requirements for condensing units

1. REQUIREMENTS FOR ENERGY EFFICIENCY

- (a) From 1 July 2016, the coefficient of performance (COP) and the seasonal energy performance ratio (SEPR) of condensing units shall not fall below the following values:

Operating temperature	Rated capacity P_A	Applicable ratio	Value
Medium	$0,2 \text{ kW} \leq P_A \leq 1 \text{ kW}$	COP	1,20
	$1 \text{ kW} < P_A \leq 5 \text{ kW}$	COP	1,40
	$5 \text{ kW} < P_A \leq 20 \text{ kW}$	SEPR	2,25
	$20 \text{ kW} < P_A \leq 50 \text{ kW}$	SEPR	2,35
Low	$0,1 \text{ kW} \leq P_A \leq 0,4 \text{ kW}$	COP	0,75
	$0,4 \text{ kW} < P_A \leq 2 \text{ kW}$	COP	0,85
	$2 \text{ kW} < P_A \leq 8 \text{ kW}$	SEPR	1,50
	$8 \text{ kW} < P_A \leq 20 \text{ kW}$	SEPR	1,60

- (b) From 1 July 2018, the coefficient of performance (COP) and the seasonal energy performance ratio (SEPR) of condensing units shall not fall below the following values:

Operating temperature	Rated capacity P_A	Applicable ratio	Value
Medium	$0,2 \text{ kW} \leq P_A \leq 1 \text{ kW}$	COP	1,40
	$1 \text{ kW} < P_A \leq 5 \text{ kW}$	COP	1,60
	$5 \text{ kW} < P_A \leq 20 \text{ kW}$	SEPR	2,55
	$20 \text{ kW} < P_A \leq 50 \text{ kW}$	SEPR	2,65
Low	$0,1 \text{ kW} \leq P_A \leq 0,4 \text{ kW}$	COP	0,80
	$0,4 \text{ kW} < P_A \leq 2 \text{ kW}$	COP	0,95
	$2 \text{ kW} < P_A \leq 8 \text{ kW}$	SEPR	1,60
	$8 \text{ kW} < P_A \leq 20 \text{ kW}$	SEPR	1,70

- (c) For condensing units intended to be charged with a refrigerant fluid with a global warming potential lower than 150, COP and SEPR values can be lower than the values indicated in point 1(a) by a maximum of 15 % and in point 1(b) by a maximum of 10 %
- (d) Condensing units capable of operating both at medium and low temperature shall comply with the requirements of each category for which they are declared.

2. REQUIREMENTS FOR PRODUCT INFORMATION

From 1 July 2016, the following product information on condensing units shall be provided:

- (a) the instruction manuals for installers and end-users, and free access websites of manufacturers, their authorised representatives and importers, shall contain the following elements:
 - (i) intended evaporating temperature, expressed in degrees Celsius (medium temperature – 10 °C, low temperature – 35 °C);
 - (ii) for condensing units with a rated cooling capacity lower than 5kW and 2kW for medium and low temperatures respectively:
 - the rated COP, at full load and 32 °C ambient temperature, rounded to two decimal places, and rated cooling capacity and power input, expressed in kW and rounded to two decimal places;
 - the COP value, at full load and 25 °C ambient temperature, rounded to two decimal places, and corresponding cooling capacity and power input, expressed in kW and rounded to two decimal places;
 - (iii) for condensing units with a rated cooling capacity higher than 5kW and 2kW for medium and low operating temperatures respectively:
 - the SEPR value, rounded to two decimal places;
 - the annual electricity consumption, expressed in kWh per year;
 - the rated cooling capacity, rated power input and rated COP;
 - the declared cooling capacity and declared power input, expressed in kW and rounded to three decimal places, and the COP value, rounded to two decimal places, at rating points B, C and D;
 - (iv) for condensing units intended for use at ambient temperature above 35 °C, the COP value, at full load and 43 °C ambient temperature, rounded to two decimal places, and corresponding cooling capacity and power input, expressed in kW and rounded to two decimal places;
 - (v) the type(s) and name(s) of refrigerant fluid(s) intended to be used with the condensing unit;
 - (vi) any specific precautions that are to be taken when the condensing unit is maintained;
 - (vii) any specific precautions that are to be taken to optimise the efficiency of the condensing unit when it is integrated into a refrigerating appliance;
 - (viii) information relevant for recycling or disposal at end-of-life.
- (b) a section of the free access websites of manufacturers for installers and other professionals, their authorised representatives, or importers shall be provided, containing information relevant for:
 - (i) installation in order to optimise energy efficiency of the appliances;
 - (ii) non-destructive disassembly for maintenance purposes;
 - (iii) disassembly and dismantling for disposal at end-of life.
- (c) the technical documentation for the purposes of conformity assessment pursuant to Article 4 shall contain the following elements:
 - (i) the elements specified in point (a);

- (ii) where the information relating to a specific model has been obtained by calculation on the basis of design or extrapolation from other combinations, the details of such calculations or extrapolations, and of any tests undertaken to verify the accuracy of the calculations, including details of the mathematical model for calculating the performance of such combinations and details of the measurements taken to verify that model.

Tables 4 and 5 below provide an indicative layout for the requested information

Table 4

Information requirements for condensing units with a rated cooling capacity lower than 5kW and 2kW for medium and low operating temperatures respectively

Model(s): [information identifying the model(s) to which the information relates]

Refrigerant fluid(s): [information to identify the refrigerant fluid(s) intended to be used with the condensing unit]

Item	Symbol	Value		Unit
Evaporating temperature (*)	t	– 10 °C	– 35 °C	°C

Parameters at full load and ambient temperature 32 °C

Rated cooling capacity	P_A	x,xxx	x,xxx	kW
Rated power input	D_A	x,xxx	x,xxx	kW
Rated COP	COP_A	x,xx	x,xx	

Parameters at full load and ambient temperature 25 °C

Cooling capacity	P_2	x,xxx	x,xxx	kW
Power input	D_2	x,xxx	x,xxx	kW
COP	COP_2	x,xx	x,xx	

Parameters at full load and ambient temperature 43 °C

(where applicable)

Cooling capacity	P_3	x,xxx	x,xxx	kW
Power input	D_3	x,xxx	x,xxx	kW
COP	COP_3	x,xx	x,xx	

Other items

Capacity control	fixed/step/variable
Contact details	Name and address of the manufacturer or its authorised representative.

(*) For condensing units intended to operate at only one evaporating temperature, one of the two columns related to 'Value' can be deleted.

Table 5

Information requirements for condensing units with a rated cooling capacity higher than 5kW and 2kW for medium and low operating temperatures respectively

Model(s): [information identifying the model(s) to which the information relates]

Refrigerant fluid(s): [information to identify the refrigerant fluid(s) intended to be used with the condensing unit]

Item	Symbol	Value		Unit
Evaporating temperature (*)	t	– 10 °C	– 35 °C	°C
Annual electricity consumption	Q	x	x	kWh/a
Seasonal energy performance ratio	SEPR	x,xx	x,xx	

Parameters at full load and ambient temperature 32 °C

(point (A))

Rated cooling capacity	P_A	x,xx	x,xx	kW
Rated power input	D_A	x,xx	x,xx	kW
Rated COP	COP_A	x,xx	x,xx	

Parameters at part load and ambient temperature 25 °C

(point (B))

Declared cooling capacity	P_B	x,xx	x,xx	kW
Declared power input	D_B	x,xx	x,xx	kW
Declared COP	COP_B	x,xx	x,xx	

Parameters at part load and ambient temperature 15 °C

(point (C))

Declared cooling capacity	P_c	x,xx	x,xx	kW
Declared power input	D_c	x,xx	x,xx	kW
Declared COP	COP_c	x,xx	x,xx	

Parameters at part load and ambient temperature 5 °C

(point (D))

Declared cooling capacity	P_D	x,xx	x,xx	kW
Declared power input	D_D	x,xx	x,xx	kW
Declared COP	COP_D	x,xx	x,xx	

Parameters at full load and ambient temperature 43 °C

(where applicable)

Cooling capacity	P_3	x,xx	x,xx	kW
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Power input	D_3	x,xx	x,xx	kW
Declared COP	COP_3	x,xx	x,xx	
Other items				
Capacity control	fixed/step/variable			
Degradation coefficient for fixed and staged capacity units	Cdc	0,25		
Contact details	Name and address of the manufacturer or its authorised representative.			
(*) For condensing units intended to operate at only one evaporating temperature, one of the two columns related to 'Value' can be deleted.				

ANNEX VI

Measurements and calculations for condensing units

1. For the purposes of compliance and verification of compliance with the requirements of this Regulation, measurements and calculations shall be made using harmonised standards the reference numbers of which have been published for that purpose in the *Official Journal of the European Union*, or using other reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art methods. They shall meet the conditions and technical parameters set out in point 2.
2. For establishing the values of cooling capacity, power input, coefficient of performance and seasonal energy performance ratio, measurements shall be made under the following conditions:
 - (a) the reference ambient temperature at the outdoor heat exchanger (condenser) shall be 32 °C;
 - (b) the saturated evaporating temperature at the indoor heat exchanger (evaporator) shall be – 35 °C for low temperature and – 10 °C for medium temperature;
 - (c) where applicable, the variations of ambient temperature throughout the year, representative of average climate conditions in the Union, and the corresponding number of hours when these temperatures occur, shall be as set out in Table 6;
 - (d) where applicable, the effect of the degradation of energy efficiency caused by cycling, depending on the type of capacity control of the condensing unit, shall be taken into account.

Table 6

Variations of outdoor temperatures across the year under average climate conditions in Europe for condensing units

j	T _j	h _j	j	T _j	h _j	j	T _j	h _j
1	– 19	0,08	15	– 5	56,61	29	9	371,63
2	– 18	0,41	16	– 4	76,36	30	10	377,32
3	– 17	0,65	17	– 3	106,07	31	11	376,53
4	– 16	1,05	18	– 2	153,22	32	12	386,42
5	– 15	1,74	19	– 1	203,41	33	13	389,84
6	– 14	2,98	20	0	247,98	34	14	384,45
7	– 13	3,79	21	1	282,01	35	15	370,45
8	– 12	5,69	22	2	275,91	36	16	344,96
9	– 11	8,94	23	3	300,61	37	17	328,02
10	– 10	11,81	24	4	310,77	38	18	305,36
11	– 9	17,29	25	5	336,48	39	19	261,87
12	– 8	20,02	26	6	350,48	40	20	223,90
13	– 7	28,73	27	7	363,49	41	21	196,31
14	– 6	39,71	28	8	368,91	42	22	163,04

j	T _j	h _j
43	23	141,78
44	24	121,93
45	25	104,46
46	26	85,77
47	27	71,54
48	28	56,57

j	T _j	h _j
49	29	43,35
50	30	31,02
51	31	20,21
52	32	11,85
53	33	8,17
54	34	3,83

j	T _j	h _j
55	35	2,09
56	36	1,21
57	37	0,52
58	38	0,40

ANNEX VII

Ecodesign requirements for process chillers

1. REQUIREMENTS FOR ENERGY EFFICIENCY

- (a) From 1 July 2016, the seasonal energy performance ratio (SEPR) of process chillers shall not fall below the following values:

Heat transfer medium at the condensing side	Operating temperature	Rated cooling capacity P_A	Minimum SEPR value
Air	Medium	$P_A \leq 300$ kW	2,24
		$P_A > 300$ kW	2,80
	Low	$P_A \leq 200$ kW	1,48
		$P_A > 200$ kW	1,60
Water	Medium	$P_A \leq 300$ kW	2,86
		$P_A > 300$ kW	3,80
	Low	$P_A \leq 200$ kW	1,82
		$P_A > 200$ kW	2,10

- (b) From 1 July 2018, the seasonal energy performance ratio (SEPR) of process chillers shall not fall below the following values:

Heat transfer medium at the condensing side	Operating temperature	Rated cooling capacity P_A	Minimum SEPR value
Air	Medium	$P_A \leq 300$ kW	2,58
		$P_A > 300$ kW	3,22
	Low	$P_A \leq 200$ kW	1,70
		$P_A > 200$ kW	1,84
Water	Medium	$P_A \leq 300$ kW	3,29
		$P_A > 300$ kW	4,37
	Low	$P_A \leq 200$ kW	2,09
		$P_A > 200$ kW	2,42

- (c) For process chillers intended to be charged with a refrigerant fluid with a global warming potential lower than 150, SEPR values can be lower than the values indicated in points 1(a) and (b) by a maximum of 10 %.

2. REQUIREMENTS FOR PRODUCT INFORMATION

From 1 July 2016, the following product information on process chillers shall be provided:

- (a) the instruction manuals for installers and end-users, and free access websites of manufacturers, their authorised representatives and importers, shall contain the following elements:
 - (i) intended operating temperature, expressed in degrees Celsius (medium temperature – 8 °C, low temperature – 25 °C);
 - (ii) the type of process chiller, either air-cooled or water-cooled;
 - (iii) the rated cooling capacity, rated power input, expressed in kW and rounded to two decimal places;
 - (iv) the rated energy efficiency ratio (EER_A), rounded to two decimal places;
 - (v) declared cooling capacity and declared power input at rating points B, C and D, expressed in kW and rounded to two decimal places;
 - (vi) declared EER at rating points B, C, and D, rounded to two decimal places;
 - (vii) the SEPR value, rounded to two decimal places;
 - (viii) the annual electricity consumption, in kWh per year;
 - (ix) type(s) and name(s) of refrigerant fluid(s) intended to be used with the process chiller;
 - (x) any specific precautions that are to be taken when the process chiller is maintained;
 - (xi) information relevant for recycling or disposal at end-of-life;
- (b) a section of the free access websites of manufacturers for installers and other professionals, their authorised representatives, or importers shall be provided, containing information relevant for:
 - (i) installation in order to optimise energy efficiency of the appliances;
 - (ii) non-destructive disassembly for maintenance purposes;
 - (iii) disassembly and dismantling for disposal at end-of life;
- (c) the technical documentation for the purposes of conformity assessment pursuant to Article 4 shall contain the following elements:
 - (i) the elements specified in point (a);
 - (ii) where the information relating to a specific model has been obtained by calculation on the basis of design or extrapolation from other combinations, the details of such calculations or extrapolations, and of any tests undertaken to verify the accuracy of the calculations, including details of the mathematical model for calculating the performance of such combinations and details of the measurements taken to verify that model.

Table 7

Information requirements for process chillers

Model(s): [information identifying the model(s) to which the information relates]

Type of condensing: [air-cooled/water-cooled]

Refrigerant fluid(s): [information identifying the refrigerant fluid(s) intended to be used with the process chiller]

Item	Symbol	Value		Unit
Operating temperature	t	– 8 °C	– 25 °C	°C
Seasonal Energy Performance Ratio	SEPR	x,xx	x,xx	

Annual electricity consumption	Q	x	x	kWh/a
Parameters at full load and reference ambient temperature (point A)				
Rated cooling capacity	P_A	x,xx	x,xx	kW
Rated power input	D_A	x,xx	x,xx	kW
Rated EER	EER_A	x,xx	x,xx	
Parameters at rating point B				
Declared cooling capacity	P_B	x,xx	x,xx	kW
Declared power input	D_B	x,xx	x,xx	kW
Declared EER	EER_B	x,xx	x,xx	
Parameters at rating point C				
Declared cooling capacity	P_c	x,xx	x,xx	kW
Declared power input	D_c	x,xx	x,xx	kW
Declared EER	EER_C	x,xx	x,xx	
Parameters at rating point D				
Declared cooling capacity	P_D	x,xx	x,xx	kW
Declared power input	D_D	x,xx	x,xx	kW
Declared EER	EER_D	x,xx	x,xx	
Other items				
Capacity control		fixed/staged (**)/variable		
Degradation coefficient for fixed and staged capacity units (*)	C_c	x,xx	x,xx	
Contact details	Name and address of the manufacturer or its authorised representative.			
(*) If C_c is not determined by measurement then the default degradation coefficient shall be $C_c = 0,9$. Where the default C_c value is chosen, then results from cycling tests shall not be required. Otherwise, the cooling cycling test value shall be required. (**) For staged capacity units, two values divided by a slash (/) shall be declared in each box in the section referring to 'cooling capacity' and 'EER'. For process chillers intended to operate at only one operating temperature, one of the two columns related to 'Value' can be deleted.				

ANNEX VIII

Measurements and calculations for process chillers

1. For the purposes of compliance and verification of compliance with the requirements of this Regulation, measurements and calculations shall be made using harmonised standards the reference numbers of which have been published for that purpose in the *Official Journal of the European Union*, or using other reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art methods. They shall meet the conditions and technical parameters set out in points 2 and 3.
 2. For establishing the values of cooling capacity, power input, energy efficiency ratio and seasonal energy performance ratio, measurements shall be made under the following conditions:
 - (a) the reference ambient temperature at the outdoor heat exchanger shall be 35 °C for air-cooled chillers and 30 °C water inlet temperature at the condenser for water-cooled chillers;
 - (b) the outlet temperature of the liquid at the indoor heat exchanger shall be – 25 °C for low temperature and – 8 °C for medium temperature;
 - (c) the variations of ambient temperature throughout the year, representative of average climate conditions in the Union, and the corresponding number of hours when these temperatures occur, shall be as set out in Table 6 in Annex VI;
 - (d) the effect of the degradation of energy efficiency caused by cycling depending on the type of capacity control of the process chiller shall be taken into account.
-

ANNEX IX

Verification procedure for market surveillance purposes for professional refrigerated storage cabinets

When performing the market surveillance checks referred to in Article 3(2) of Directive 2009/125/EC, the authorities of Member States shall apply the following verification procedure for the requirements set out in Annex II:

1. The Member State authorities shall test one single unit per model.
2. The model shall be considered to comply with the applicable requirements set out in Annex II where:
 - (a) the declared values comply with the requirements set out in Annex II;
 - (b) the measured volume is not lower than the rated value by more than 3 %;
 - (c) the measured value of energy consumption is not greater than the rated value (E24h) by more than 10 %.
3. Where the result referred to in point 2 is not achieved, the Member State authorities shall randomly select three additional units of the same model for testing. As an alternative, the three additional units selected may be of one or more different models which have been listed as equivalent product in the technical documentation.
4. The model shall be considered to comply with the applicable requirements set out in Annex II where:
 - (a) the average of the three units for the measured volume is not lower than the rated value by more than 3 %;
 - (b) the average of the three units for the measured value of energy consumption is not greater than the rated value (E24h) by more than 10 %.
5. If the results referred to in point 4 are not achieved, the model and all other equivalent professional refrigerated storage cabinet models shall be considered not to comply with this Regulation. The Member State authorities shall provide the test results and other relevant information to the authorities of other Member States and to the Commission within one month of the decision being taken on the non-compliance of the model.

Member State authorities shall use the measurement and calculation methods set out in Annexes III and IV.

The verification tolerances set out in this Annex relate only to the verification of the measured parameters by Member State authorities and shall not be used by the supplier as an allowed tolerance to establish the values in the technical documentation. The values and classes on the label or in the product fiche shall not be more favourable for the supplier than the values reported in the technical documentation.

ANNEX X

Verification procedure for market surveillance purposes for condensing units

When performing the market surveillance checks referred to in Article 3(2) of Directive 2009/125/EC, the authorities of Member States shall apply the following verification procedure for the requirements set out in Annex V:

1. The Member State authorities shall test one single unit per model.
2. The condensing unit model shall be considered to comply with the applicable requirements set out in Annex V where:
 - (a) the declared values comply with the requirements set out in Annex V;
 - (b) for condensing units with a rated cooling capacity higher than 2 kW at low temperature and 5 kW at medium temperature, the seasonal energy performance ratio (*SEPR*) is not more than 10 % lower than the declared value, with point A measured at the rated cooling capacity;
 - (c) for condensing units with a rated cooling capacity lower than 2 kW at low temperature and 5 kW at medium temperature, the rated coefficient of performance (COP_A) is not more than 10 % lower than the declared value measured at the rated cooling capacity;
 - (d) for condensing units with a rated cooling capacity lower than 2 kW at low temperature and 5 kW at medium temperature, the coefficients of performance COP_B , COP_C , COP_D are not more than 10 % lower than the declared value measured at the declared cooling capacity;
3. If the result referred to in point 2 is not achieved, the Member State authorities shall randomly select three additional units of the same model for testing.
4. The condensing unit model shall be considered to comply with the applicable requirements set out in Annex V where:
 - (a) for condensing units with a rated cooling capacity higher than 2 kW at low temperature and 5 kW at medium temperature, the average of the three units for seasonal performance energy ratio (*SEPR*) is not more than 10 % lower than the declared value, with point A measured at the rated cooling capacity;
 - (b) for condensing units with a rated cooling capacity lower than 2 kW at low temperature and 5 kW at medium temperature, the average of the three units for the rated coefficient of performance (COP_A) is not more than 10 % lower than the declared value measured at the rated cooling capacity;
 - (c) for condensing units with a rated cooling capacity lower than 2 kW at low temperature and 5 kW at medium temperature, the averages of the three units for the coefficients of performance COP_B , COP_C , COP_D are not more than 10 % lower than the declared value measured at the declared cooling capacity.
5. If the results referred to in point 4 are not achieved, the model shall be considered not to comply with this Regulation.

Member State authorities shall use the measurement and calculation methods set out in Annex VI.

The verification tolerances set out in this Annex relate only to the verification of the measured parameters by Member State authorities and shall not be used by the supplier as an allowed tolerance to establish the values in the technical documentation.

ANNEX XI

Verification procedure for market surveillance purposes for process chillers

When performing the market surveillance checks referred to in Article 3(2) of Directive 2009/125/EC, the authorities of the Member States shall apply the following verification procedure for the requirements set out in Annex VII:

1. The Member State authorities shall test one single unit per model.
2. The process chiller model shall be considered to comply with the applicable requirements set out in Annex VII where:
 - (a) the declared values comply with the requirements set out in Annex VII;
 - (b) the seasonal energy performance ratio (*SEPR*) is not more than 10 % lower than the declared value, with point A measured at the rated cooling capacity;
 - (c) the rated energy efficiency ratio (*EER_A*) is not more than 10 % lower than the declared value, measured at the rated cooling capacity.
3. Where the result referred to in point 2 is not achieved, the Member State authorities shall randomly select three additional units of the same model for testing.
4. The process chiller model shall be considered to comply with the applicable requirements set out in Annex VII where:
 - (a) the average of the three units for seasonal performance energy ratio (*SEPR*) is not more than 10 % lower than the declared value, with point A measured at the rated cooling capacity;
 - (b) the average of the three units for the rated energy efficiency ratio (*EER_A*) is not more than 10 % lower than the declared value, measured at the rated cooling capacity.
5. If the results referred to in point 4 are not achieved, the model shall be considered not to comply with this Regulation.

Member State authorities shall use the measurement and calculation methods set out in Annex VIII.

The verification tolerances set out in this Annex relate only to the verification of the measured parameters by Member State authorities and shall not be used by the supplier as an allowed tolerance to establish the values in the technical documentation.

ANNEX XII

Indicative benchmarks referred to in Article 6

1. At the date of entry into force of this Regulation, the best available technology on the market for professional refrigerated storage cabinets in terms of their energy efficiency index (EEI) was identified as follows:

	Net volume (litres)	Annual energy consumption	EEI
Chilled vertical	600	474,5	29,7
Chilled counter	300	547,5	21,4
Frozen vertical	600	1 825	41,2
Frozen counter	200	1 460	41,0

2. At the date of entry into force of this Regulation, the best available technology on the market for condensing units in terms of rated coefficient of performance and seasonal energy performance ratio was identified as follows:

Operating temperature	Rated capacity P_A	Applicable ratio	Benchmark value
Medium	$0,2 \text{ kW} \leq P_A \leq 1 \text{ kW}$	COP	1,9
	$1 \text{ kW} < P_A \leq 5 \text{ kW}$	COP	2,3
	$5 \text{ kW} < P_A \leq 20 \text{ kW}$	SEPR	3,6
	$20 \text{ kW} < P_A \leq 50 \text{ kW}$	SEPR	3,5
Low	$0,1 \text{ kW} \leq P_A \leq 0,4 \text{ kW}$	COP	1,0
	$0,4 \text{ kW} < P_A \leq 2 \text{ kW}$	COP	1,3
	$2 \text{ kW} < P_A \leq 8 \text{ kW}$	SEPR	2,0
	$8 \text{ kW} < P_A \leq 20 \text{ kW}$	SEPR	2,0

3. At the date of entry into force of this Regulation, the best available technology on the market for process chillers in terms of seasonal energy performance ratio was identified as follows:

Heat transfer medium at the condensing side	Operating temperature	Rated cooling capacity P_A	Minimum SEPR value
Air	Medium	$P_A \leq 300 \text{ kW}$	3,4
		$P_A > 300 \text{ kW}$	3,7
	Low	$P_A \leq 200 \text{ kW}$	1,9
		$P_A > 200 \text{ kW}$	1,95
Water	Medium	$P_A \leq 300 \text{ kW}$	4,3
		$P_A > 300 \text{ kW}$	4,5
	Low	$P_A \leq 200 \text{ kW}$	2,3
		$P_A > 200 \text{ kW}$	2,7

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1096**of 7 July 2015****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day 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, 7 July 2015.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development*

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	20,6
	MA	160,0
	MK	48,9
	ZZ	76,5
0709 93 10	TR	120,2
	ZZ	120,2
0805 50 10	AR	108,1
	TR	108,0
	UY	135,9
	ZA	138,2
	ZZ	122,6
0808 10 80	AR	89,3
	BR	105,8
	CL	132,3
	NZ	156,3
	US	121,0
	ZA	129,9
	ZZ	122,4
	ZZ	122,4
0808 30 90	AR	117,9
	CL	138,9
	NZ	235,1
	ZA	120,9
	ZZ	153,2
0809 10 00	TR	238,6
	ZZ	238,6
0809 29 00	TR	258,9
	ZZ	258,9
0809 30 10, 0809 30 90	CL	181,4
	ZZ	181,4
0809 40 05	CL	126,8
	IL	241,9
	ZZ	184,4

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COMMISSION DECISION (EU) 2015/1097

of 8 April 2015

on the compatibility with Union law of the measures to be taken by Denmark pursuant to Article 14 of Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) ⁽¹⁾, and in particular Article 14(2) thereof,

Having regard to the opinion of the committee established pursuant to Article 29 of Directive 2010/13/EU,

Whereas:

- (1) By letter of 6 January 2015, Denmark notified to the Commission certain measures to be taken, pursuant to Article 14(1) of Directive 2010/13/EU.
- (2) The Commission verified, within a period of three months from receipt of this notification, the compatibility of those measures with Union law, in particular with regard to the proportionality of the measures and the transparency of the national consultation procedure.
- (3) In examining the measures, the Commission took into consideration the available data on the Danish audiovisual market, in particular as regards the impact on the television market.
- (4) The list of events of major importance for society was drawn up by Denmark in a clear and transparent manner, following a wide public consultation.
- (5) On the basis of detailed evidence and viewing figures provided by the Danish authorities, the Commission verified that the list of designated events, drawn up in accordance with Article 14(1) of Directive 2010/13/EU, met at least two of the following criteria considered to be reliable indicators of the importance of such events for society: (i) a special general resonance within the Member State, and not simply a significance to those who ordinarily follow the sport or activity concerned; (ii) a generally recognised, distinct cultural importance for the population of the Member State, in particular as a catalyst of cultural identity; (iii) involvement of the national team in the event concerned in the context of a competition or tournament of international importance; and (iv) the fact that the event has traditionally been broadcast on free-to-air television and has commanded large television audiences.
- (6) The notified list of events of major importance for society contains a number of designated events, which are considered as events of major importance for society, such as the summer and winter Olympic Games. As demonstrated by the Danish authorities, the summer and winter Olympic Games commanded large television audiences and have traditionally been broadcast on free-to-air television. In addition they have a special general resonance in Denmark, as they are particularly popular with the general public, not just with those who usually follow sport events.

⁽¹⁾ OJ L 95, 15.4.2010, p. 1.

- (7) The finals and semi-finals of the football World Cup for men and of the European football championship for men are also considered as events of major importance for society. The list also includes all the matches involving the Danish national team within those events, as well as the qualifying games of the Danish national team. As demonstrated by the Danish authorities, these events commanded large television audiences and have traditionally been broadcast on free-to-air television. In addition they have a special general resonance in Denmark, as they are particularly popular with the general public, not just with those who usually follow sport events. They involve a national team in an international tournament of major importance.
- (8) The finals, semi-finals and all matches involving the Danish national team as well as the qualifying matches involving the Danish national team of the women's World and European handball championships commanded large television audiences and have traditionally been broadcast on free-to-air television. Additionally, they generate a particular and widespread interest in Denmark, even among audiences that do not usually follow this sport. They involve a national team in an international tournament of major importance. The particular and widespread interest is reinforced by the fact that the Danish national team has earned significant achievements in these tournaments.
- (9) The finals, semi-finals and all matches involving the Danish national team as well as the qualifying matches involving the Danish national team of the men's World and European handball championships commanded large television audiences and have traditionally been broadcast on free-to-air television. Moreover, they generate a particular and widespread interest in Denmark, even among audiences that do not usually follow this sport. They involve a national team in an international tournament of major importance. The particular and widespread interest is reinforced by the fact that the Danish national team has earned significant achievements in these tournaments.
- (10) The designated measures do not go beyond what is necessary to achieve the aim pursued, namely protection of the right to information and wide access of the public to television coverage of events of major importance for society. This conclusion takes into account the modalities according to which the events in question will be broadcast, the definition of a 'qualifying broadcaster', the role of arbitration in the resolution of disputes arising in the course of implementation of the measures, and the fact that the executive order containing the list of events will apply to events for which contracts on exclusive rights are concluded after the executive order entered into force. It may therefore be concluded that the effects on the right to property, as provided for in Article 17 of the European Charter of Fundamental Rights, do not go beyond those which are intrinsically linked to the inclusion of the events in the list provided for in Article 14(1) of Directive 2010/13/EU.
- (11) For the same reasons, the Danish measures appear to be proportionate to justify derogation from the fundamental freedom to provide services laid down in Article 56 of the Treaty on the Functioning of the European Union. The overriding public interest is to ensure wide public access to broadcasts of events of major importance for society. In addition, the Danish measures do not constitute any discrimination or market foreclosure against other Member States' broadcasters, right holders or other economic operators.
- (12) The designated measures are moreover compatible with Union competition rules. The definition of the qualifying broadcasters for the broadcasting of listed events is based on objective criteria, which allow actual and potential competition for acquiring the rights to broadcast these events. In addition, the number of designated events is not disproportionate to an extent that would distort competition on the downstream free-to-air and pay television markets. Therefore, it may be considered that the effects on freedom of competition do not go beyond those which are intrinsically linked to the inclusion of the events in the list provided for in Article 14(1) of Directive 2010/13/EU.
- (13) The Commission communicated the measures to be taken by Denmark to the other Member States and presented the results of its verification to the committee established pursuant to Article 29 of Directive 2010/13/EU. The committee adopted a favourable opinion,

HAS DECIDED AS FOLLOW:

Sole Article

1. The measures to be taken by Denmark, pursuant to Article 14(1) of Directive 2010/13/EU, and notified to the Commission pursuant to Article 14(2) of that Directive, are compatible with Union law.

2. The measures, as taken by Denmark, shall be published in the *Official Journal of the European Union*.

Done at Brussels, 8 April 2015.

For the Commission
Günther OETTINGER
Member of the Commission

ANNEX

ORDER ON THE USE OF TELEVISION RIGHTS TO EVENTS OF MAJOR IMPORTANCE FOR SOCIETY

The following is laid down pursuant to Sections 90(1) and 93(2) of the Radio and Television Broadcasting Act, see Consolidation Act No 255 of 20 March 2014:

SCOPE

- Section 1.** (1) This Order covers the use by television broadcasters of exclusive rights to events of major importance for society. The term 'television broadcaster' refers to undertakings providing programme services pursuant to Sections 1 and 2 of the Radio and Television Broadcasting Act.
- (2) Exclusive rights to such events may not be utilised in a way that prevents a substantial proportion of the public from following the events by live or deferred coverage on free television.

EVENTS OF MAJOR IMPORTANCE FOR SOCIETY

Section 2. In this Order an 'event of major importance for society' is understood to mean a sporting event fulfilling at least two of the following conditions:

- (1) It is of interest to persons other than those who normally follow the sport or sports concerned on television.
- (2) It belongs to a branch of sports which traditionally occupies a central place in Danish sports culture.
- (3) It is generally followed by many viewers.

Section 3. The following events are considered to be of major importance for society:

- (1) (summer and winter) Olympic Games: the games in their entirety, including the opening and closing ceremonies, subject to Section 7(2);
- (2) football World Cup and European Championship final rounds (men): all matches involving Denmark, plus the semi-finals and finals;
- (3) handball World Cup and European Championship final rounds (men and women): all matches involving Denmark, plus the semi-finals and finals;
- (4) Denmark's football World Cup and European Championship qualifying matches (men);
- (5) Denmark's handball World Cup and European Championship qualifying matches (men and women).

USE OF TELEVISION RIGHTS

Section 4. A substantial proportion of the public is considered to be prevented from following an event on free television unless:

- (1) the event is broadcast on a television channel or channels that a total of 90 per cent of all households can access on their television receiver(s) by aerial, satellite, cable or as IP/fibre TV at the time of broadcasting, and
- (2) the households receive the event free of charge except for:
 - (a) a media licence fee and
 - (b) any subscription fee paid to television operators providing the channel concerned in the least expensive package, or
 - (c) a subscription fee paid to receive that channel alone in the case of subscriptions not requiring subscription to a package.

Section 5. (1) Television broadcasters that are unable to utilise exclusive rights to an event of major importance for society in accordance with the restriction on the right of use laid down in Section 1(2), see Section 4, and that have acquired exclusive rights to broadcast such an event, see Section 3, may utilise those rights only if they can ensure by agreement with the broadcaster that a substantial proportion of the public is not prevented from following that event by live or deferred coverage on free television.

(2) Television broadcasters that are unable to utilise exclusive rights to an event of major importance for society in accordance with the restriction on the right of use laid down in Section 1(2), see Section 4, and that have acquired exclusive rights to broadcast such an event, see Section 3, shall in good time, and where permitted by the time of acquisition of those rights no later than six months before the event, grant the rights to (groups of) television broadcasters that are able to utilise exclusive rights to such an event in accordance with the restriction on the right of use laid down in Section 1(2), see Section 4, in order to determine whether there are (groups of) television broadcasters that wish to conclude fair commercial agreements to broadcast that event, see (3) and (4) below and Section 8. In cases where it is possible under point (1) of Section 6(1) to broadcast the event by deferred coverage, agreements proposed by a broadcaster or service provider that is unable to utilise exclusive rights to such an event in accordance with the restriction on the right of use laid down in Section 1(2), see Section 4, shall include the right to both live and deferred coverage.

(3) Television broadcasters that have been offered under (1) above an agreement to broadcast an event of major importance for society, see Section 3, shall give written notice of their interest in concluding such an agreement within 14 days of receipt of a written offer containing, in addition to a proposed price and other terms of contract, specific information on the event, including where and when it will be held.

(4) The provisions of (1) above do not apply in cases where a television broadcaster or service provider can demonstrate that no broadcaster or group of broadcasters that is able to utilise exclusive rights to an event of major importance for society in accordance with the restriction on the right of use laid down in Section 1(2), see Section 4, wishes to conclude a fair commercial agreement to broadcast that event.

Section 6. (1) Events of major importance for society as defined in Section 3 shall generally be broadcast live. The broadcasting of such events may, however, be deferred where such deferral is due to objective circumstances, e.g. where

1. the event takes place at night (00:00-06:00, Danish time);

2. the event consists of a series of concurrent events, such as the Olympics, or

3. live broadcasting would require rescheduling of the broadcast of events of major importance for society other than those referred to in Section 3.

(2) Coverage of an event of major importance for society shall generally be deferred by no more than 24 hours.

(3) The provisions of (1)-(2) above do not apply to events broadcast pursuant to Section 5(4).

Section 7. (1) Events of major importance for society as defined in Section 3 shall be broadcast in their entirety, subject to (2) below.

(2) Broadcasting of the summer and winter Olympics, see point (1) of Section 3, may be restricted to broad and representative coverage over a significant length of time of the event as a whole in the form of extracts that adequately reflect the full range of sports and participating countries. Emphasis shall also be placed on coverage of Denmark's participation and on the conditions set out in Section 2. The opening and closing ceremonies shall be broadcast live and in full, subject to Section 6. Parts of the Olympics that are not broadcast under the first and second points may be broadcast on channels that do not meet the requirements of Section 4.

(3) The provisions of (1)-(2) above do not apply to events broadcast pursuant to Section 5(4).

OTHER PROVISIONS

Section 8. Disputes relating to the agreement under Section 5(1)-(3) to broadcast an event of major importance for society, including price-related disputes, shall be resolved by arbitration, see the Arbitration Act.

Section 9. The Ministry of Culture will evaluate the Order within three years of its entry into force. The evaluation will cover developments in forms of distribution and discussions with the parties concerned.

INFRINGEMENT

Section 10. (1) Infringements of Sections 1(2), 5(1) and (2), 6(1) and (2) and 7(1) and (2) will be punishable by a fine.

(2) Companies, etc., (legal entities) may be held liable under the provisions of Chapter 5 of the Penal Code.

Section 11. (1) Under point (1) of Section 50(1) of the Radio and Television Broadcasting Act, a programme licence issued pursuant to Section 45 of that Act may be temporarily or permanently withdrawn if the holder grossly or repeatedly infringes the Act or provisions laid down pursuant thereto.

(2) Under point (1) of Section 50(2) of the Radio and Television Broadcasting Act, the Radio and Television Board may decide to temporarily or permanently discontinue programme services pursuant to Section 47 of the Act if the registered undertaking grossly or repeatedly infringes the Act or provisions laid down pursuant thereto.

ENTRY INTO FORCE

Section 12. This Order will enter into force on 1 May 2015 and apply to events for which an agreement concerning the use of exclusive rights is concluded after that date.

Ministry of Culture, 19 April 2015.

Marianne JELVED/Lars M. BANKE

CORRIGENDA**Corrigendum to Council Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons, by reason of the accession of Bulgaria and Romania**

(Official Journal of the European Union L 363 of 20 December 2006)

On page 214, Annex, Chapter V, point (h), table, columns headed 'Country'/'Plastic surgery Minimum period of training: 5 years':

for: 'United Kingdom'/'Cirugía plástica',

read: 'United Kingdom'/'Plastic surgery'.

