

*Changes to legislation:* There are outstanding changes not yet made to Commission Regulation (EU) 2015/1095. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## [<sup>F1</sup>ANNEX IX

### **Product compliance verification by market surveillance authorities for professional refrigerated storage cabinets**

#### **Textual Amendments**

**F1** Substituted by Commission Regulation (EU) 2016/2282 of 30 November 2016 amending Regulations (EC) No 1275/2008, (EC) No 107/2009, (EC) No 278/2009, (EC) No 640/2009, (EC) No 641/2009, (EC) No 642/2009, (EC) No 643/2009, (EU) No 1015/2010, (EU) No 1016/2010, (EU) No 327/2011, (EU) No 206/2012, (EU) No 547/2012, (EU) No 932/2012, (EU) No 617/2013, (EU) No 666/2013, (EU) No 813/2013, (EU) No 814/2013, (EU) No 66/2014, (EU) No 548/2014, (EU) No 1253/2014, (EU) 2015/1095, (EU) 2015/1185, (EU) 2015/1188, (EU) 2015/1189 and (EU) 2016/2281 with regard to the use of tolerances in verification procedures (Text with EEA relevance).

The verification tolerances defined in this Annex relate only to the verification of the measured parameters by Member State authorities and shall not be used by the manufacturer or importer as an allowed tolerance to establish the values in the technical documentation or in interpreting these values with a view to achieving compliance or to communicate better performance by any means.

When verifying the compliance of a product model with the requirements laid down in this Regulation pursuant to Article 3(2) of Directive 2009/125/EC, for the requirements referred to in this Annex, the authorities of the Member States shall apply the following procedure:

- (1) The Member State authorities shall verify one single unit of the model.
- (2) The model shall be considered to comply with the applicable requirements if:
  - (a) the values given in the technical documentation pursuant to point 2 of Annex IV to Directive 2009/125/EC (declared values), and, where applicable, the values used to calculate these values, are not more favourable for the manufacturer or importer than the results of the corresponding measurements carried out pursuant to paragraph (g) thereof; and
  - (b) the declared values meet any requirements laid down in this Regulation, and any required product information published by the manufacturer or importer does not contain values that are more favourable for the manufacturer or importer than the declared values; and
  - (c) when the Member State authorities test the unit of the model, the determined values (the values of the relevant parameters as measured in testing and the values calculated from these measurements) comply with the respective verification tolerances as given in Table 8.
- (3) If the results referred to in point 2(a) or (b) are not achieved, the model and all equivalent professional refrigerated storage cabinets that have been listed as equivalent products in the manufacturer's or importer's technical documentation shall be considered not to comply with this Regulation.
- (4) If the result referred to in point 2(c) is not achieved, the Member State authorities shall 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 that have been listed as equivalent products in the technical documentation.

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- (5) The model shall be considered to comply with the applicable requirements if, for these three units, the arithmetical mean of the determined values complies with the respective verification tolerances given in Table 8.
- (6) If the result referred to in point 5 is not achieved, the model and all equivalent professional refrigerated storage cabinets that have been listed as equivalent products in the manufacturer's or importer's technical documentation shall be considered not to comply with this Regulation.
- (7) The Member State authorities shall provide all relevant information to the authorities of the other Member States and to the Commission without delay after a decision being taken on the non-compliance of the model according to points 3 and 6.

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

The Member State authorities shall only apply the verification tolerances that are set out in Table 8 and shall only use the procedure described in points 1 to 7 for the requirements referred to in this Annex. No other tolerances, such as those set out in harmonised standards or in any other measurement method, shall be applied.

TABLE 8

**Verification tolerances**

<b>Parameters</b>	<b>Verification tolerances</b>
Net volume	The determined value shall not be lower than the declared value by more than 3 %.
Energy consumption ( <i>E24h</i> )	The determined value shall not exceed the declared value by more than 10 %.]

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**Changes and effects yet to be applied to :**

- Annex 9 word substituted by S.I. 2019/539 Sch. 2 para. 24(11)(e)(i)
- Annex 9 word substituted by S.I. 2019/539 Sch. 2 para. 24(11)(e)(ii)
- Annex 9 words substituted by S.I. 2019/539 Sch. 2 para. 24(11)(a)
- Annex 9 words substituted by S.I. 2019/539 Sch. 2 para. 24(11)(b)
- Annex 9 words substituted in earlier amending provision S.I. 2019/539, Sch. 2 para. 24(11)(a) by S.I. 2020/1528 reg. 6(1)reg. 6(2)(b)(xxii)
- Annex 9 words substituted in earlier amending provision S.I. 2019/539, Sch. 2 para. 24(11)(b) by S.I. 2020/1528 reg. 6(3)reg. 6(4)(b)(xxii)

**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Signature words omitted by S.I. 2019/539 Sch. 2 para. 24(6)
- Annex 10(2)(a) words substituted by S.I. 2019/539 Sch. 2 para. 24(12)(c)(i)
- Annex 10(2)(a) words substituted by S.I. 2019/539 Sch. 2 para. 24(12)(c)(ii)
- Annex 10(7) omitted by S.I. 2019/539 Sch. 2 para. 24(12)(d)
- Annex 8 para. 1 words substituted by S.I. 2019/539 Sch. 2 para. 24(10)
- Annex 2 para. 2(d)(iii) words inserted by S.I. 2019/539 Sch. 2 para. 24(7)
- Annex 2 para. 2(d)(iii) words substituted in earlier amending provision S.I. 2019/539, Sch. 2 para. 24(7) by S.I. 2020/1528 reg. 4
- Annex 4 para. 1 words substituted by S.I. 2019/539 Sch. 2 para. 24(8)
- Annex 9(2)(a) words substituted by S.I. 2019/539 Sch. 2 para. 24(11)(c)(i)
- Annex 9(2)(a) words substituted by S.I. 2019/539 Sch. 2 para. 24(11)(c)(ii)
- Annex 9(7) omitted by S.I. 2019/539 Sch. 2 para. 24(11)(d)
- Annex 6 para. 1 words substituted by S.I. 2019/539 Sch. 2 para. 24(9)
- Annex 11(2)(a) words substituted by S.I. 2019/539 Sch. 2 para. 24(13)(c)(i)
- Annex 11(2)(a) words substituted by S.I. 2019/539 Sch. 2 para. 24(13)(c)(ii)
- Annex 11(7) omitted by S.I. 2019/539 Sch. 2 para. 24(13)(d)