

## ANNEX XIII

### **Amendments to Annex X to Delegated Regulation (EU) 2015/1094**

Annex X is replaced by the following:

#### ANNEX X

##### **Product compliance verification by market surveillance authorities**

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.

When verifying the compliance of a product model with the requirements laid down in this Delegated Regulation, 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 Article 5(b) of Directive 2010/30/EU (declared values), and, where applicable, the values used to calculate these values, are not more favourable for the supplier than the corresponding values given in the test reports pursuant to point (iii) of the abovementioned Article; and
  - (b) the values published on the label and in the product fiche are not more favourable for the supplier than the declared values, and the indicated energy efficiency class is not more favourable for the supplier than the class determined by 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 4.
- (3) If the results referred to in points 2(a) or (b) are not achieved, the model and all equivalent professional refrigerated storage cabinets that have been listed as equivalent models in the supplier's technical documentation shall be considered not to comply with this Delegated 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 models in the technical documentation.
- (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 tolerances given in Table 4.
- (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 models

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**Changes to legislation:** There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/254, ANNEX XIII. (See end of Document for details)

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in the supplier's technical documentation shall be considered not to comply with this Delegated 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 VIII and IX.

The Member State authorities shall only apply the verification tolerances that are set out in Table 4 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 4

**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 ( $E_{24h}$ )	The determined value shall not exceed the declared value by more than 10 %.

**Changes to legislation:**

There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2017/254, ANNEX XIII.