

## SCHEDULES

### SCHEDULE 3

Regulation 10

#### Ecodesign requirements for refrigerating appliances with a direct sales function

#### Interpretation

1. In this Schedule and Schedules 4 and 5—

“annual energy consumption” (“AE”) means the average daily energy consumption multiplied by 365 (days per year), expressed in kilowatt hours per year (“kWh/a”), calculated in accordance with paragraph 2 of Schedule 4;

“beverage cooler” means a refrigerating appliance with a direct sales function—

- (a) which is designed to cool, at a specified speed, packaged non-perishable beverages, excluding wine, loaded at ambient temperature, for sale at specified temperatures below the ambient temperature;
- (b) which allows access to the beverages directly through open sides or through one or more doors, drawers or both;
- (c) in which the temperature may increase during periods of no demand, for the purpose of energy saving, in view of the non-perishable nature of the beverages;

“chilled operating temperature” means a temperature—

- (a) between -3.5 degrees Celsius (°C) and 15 °C for appliances equipped with energy management systems for saving energy; and
- (b) between -3.5 °C and 10 °C for appliances not so equipped;

“climate class factor” (“CC”) means a correction factor that accounts for the difference in ambient conditions for which the refrigerating appliance with a direct sales function is designed;

“carousel cabinet” means a round or circular shape supermarket cabinet equipped with a turning system which provides a 360° display of foodstuff, and can be installed as—

- (a) a standalone unit, or
- (b) a unit connecting two linear supermarket cabinets;

“combined cabinet” means a refrigerating appliance with a direct sales function which combines display and opening directions from a vertical and a horizontal cabinet;

“corner or curved cabinet” means a refrigerating appliance with a direct sales function—

- (a) which is used to achieve geometrical continuity between two linear cabinets that are at an angle to each other or that form a curve;
- (b) which does not have a recognisable longitudinal axis or length since it consists only of a filling shape (wedge or similar) and is not designed to function as a stand-alone refrigerated unit;
- (c) in which the two ends of the corner or curved cabinet are inclined at an angle between 30 ° and 90 °;

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

“daily energy consumption” (“ $E_{\text{daily}}$ ”) means the energy used by a refrigerating appliance with a direct sales function over 24 hours at reference conditions, expressed in kilowatt hours per day (kWh/24h);

“declared values” means the values provided by the manufacturer, importer or authorised representative for the stated, calculated or measured technical parameters in the technical documentation, in accordance with the conformity assessment procedure referred to in regulation 11;

“door gasket” means a mechanical seal which fills the space between the door and the cabinet of the refrigerating appliance with a direct sales function to prevent leakage from the cabinet to the outdoor air;

“energy efficiency index” (“EEI”) means an index number for the relative energy efficiency of a refrigeration appliance with a direct sales function expressed as a percentage, calculated in accordance with paragraph 2 of Schedule 4;

“equivalent model” means a model which has the same technical characteristics relevant for the technical information to be provided, but which is placed on the market or put into service by the same manufacturer, importer or authorised representative as another model with a different model identifier;

“freezer” means a refrigerating appliance with a direct sales function that continuously maintains the temperature of the products stored in the cabinet at frozen operating temperature;

“frozen operating temperature” means a temperature below  $-12\text{ }^{\circ}\text{C}$ ;

“gelato-scooping cabinet” means a refrigerating appliance with a direct sales function in which ice-cream can be stored, displayed and scooped, within prescribed temperature limits as set out in Part 1 of Table 7 in Schedule 4;

“guarantee” means any undertaking by the retailer or a manufacturer, importer or authorised representative to the consumer, to—

(a) reimburse the price paid for the appliance; or

(b) repair or replace refrigerating appliances with a direct sales function in any way,

if they do not meet the specifications set out in the guarantee statement or in the relevant advertising;

“horizontal cabinet” means a refrigerating appliance with a direct sales function with horizontal display, opening on its top, and accessible from above;

“horizontal serve-over counter with integrated storage” means a horizontal cabinet for assisted service, which includes refrigerated storage which is of at least 100 litres (L) per metre (m) length and which is normally placed at the serve-over counter’s base;

“ice-cream freezer” means a horizontal cabinet intended to store or display and sell pre-packed ice cream, where access by the consumer to the pre-packed ice cream is achieved by opening a non-transparent or transparent lid from the top, with a net volume  $\leq 600$  litres (L) and, only in the case of transparent lid ice-cream freezers, a net volume divided by the total display area  $\geq 0.35$  meters (m);

“integral cabinet” means a refrigerating appliance with a direct sales function that has an integrated refrigeration system which incorporates a compressor and condensing unit;

“M” and “N” mean modelling parameters that take into account the total display area or volume-dependence of the energy use, with values as set out in Table 6 in Schedule 4;

“M-package” means a test package fitted with a temperature measuring device;

“model identifier” means the code, usually alphanumeric, which distinguishes a specific product model from other models with the same trade mark or the same manufacturer’s, importer’s or authorised representative’s name;

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

“multi-temperature vending machine” means a refrigerated vending machine including at least two compartments with different operating temperatures;

“P” means a correction factor that accounts for the differences between integral and remote cabinets;

“professional repairer” means a person who provides services of repair and professional maintenance of refrigerating appliances with a direct sales function;

“refrigerated drum vending machine” means a refrigerated vending machine with rotating drums each divided in partitions, in which the foodstuffs and other items are placed on a horizontal surface, and are retrieved through individual delivery doors;

“refrigerator” means a refrigerating appliance with a direct sales function that continuously maintains the temperature of the products stored in the cabinet at chilled operating temperature;

“roll-in cabinet” means a supermarket cabinet which enables goods to be displayed directly on their pallets or rolls which can be placed inside by lifting, swinging, or removing the lower front part, where fitted;

“saladette” means a refrigerating appliance with a direct sales function 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 pizza toppings or salad items;

“serve-over fish counter with flaked ice” means a cabinet for horizontal assisted service, designed and marketed specifically for fresh fish display. It is characterised by having on its top a bed of flaked ice used to maintain the temperature of the displayed fresh fish, and it also has a built in drain outlet;

“spare part” means a separate part that can replace a part with the same or similar function in a product;

“standard annual energy consumption” (“SAE”) means the reference annual energy consumption of a refrigeration appliance with a direct sales function, expressed in kilowatt hours per year (kWh/a), calculated in accordance with paragraph 2 of Schedule 4;

“supermarket cabinet” means a refrigerating appliance with a direct sales function intended for the sale and display of foodstuffs and other items in retail applications, such as in supermarkets, but does not include beverage coolers, refrigerated vending machines, gelato-scooping cabinets and ice-cream freezers;

“temperature coefficient” (“C”) means a correction factor that accounts for the difference in operating temperature;

“total display area” (“TDA”) means the total visible foodstuffs and other items area, including visible area through glazing, defined by the sum of horizontal and vertical projected surface areas of the net volume, expressed in square meters (m<sup>2</sup>);

“transparent lid” means a door made of a transparent material that covers at least 75 per cent of the door surface and that allows the end-user to see items through it;

“vacuum insulation panel” (“VIP”) means an insulation panel consisting of a firm, highly-porous material encased in a thin, gas-tight outer envelope, from which the gases are evacuated and which is sealed to prevent outside gases from entering the panel;

“vertical cabinet” means a refrigerating appliance with a direct sales function with a vertical or inclined display opening from the front.

## **Energy efficiency requirements**

2.—(1) Subject to paragraph 6, until 31 August 2023 the EEI of refrigerating appliances with a direct sales function must not be above the values as set out in Table 3.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Table 3**

**Maximum EEI**

	EEI (per cent)
Ice-cream freezers	80
All other refrigerating appliances with a direct sales function	100

(2) Subject to sub-paragraph (3) and paragraph 6, from 1 September 2023 the EEI of refrigerating appliances with a direct sales function, must not be above the values as set out in Table 4.

(3) Sub-paragraph (2) does not apply to refrigerated drum vending machines.

**Table 4**

**Maximum EEI**

	EEI (per cent)
Ice-cream freezers	50
All other refrigerating appliances with a direct sales function	80

**Resource efficiency requirements**

3.—(1) Refrigerating appliances with a direct sales function must meet the following resource efficiency requirements.

*Availability of spare parts*

(2) Manufacturers, authorised representatives or importers of refrigerating appliances with a direct sales function must make available to professional repairers at least the following spare parts for a minimum period of eight years after placing the last unit of the model on the market—

- (a) light sources;
- (b) no-frost heating resistors;
- (c) printed circuit boards;
- (d) software and firmware, including reset software;
- (e) starting relays;
- (f) temperature sensors; and
- (g) thermostats.

(3) Manufacturers, authorised representatives or importers of refrigerating appliances with a direct sales function must make available to professional repairers and end-users at least the following spare parts for a minimum period of eight years after placing the last unit of the model on the market—

- (a) door gaskets;
- (b) door handles and hinges;
- (c) knobs, dials and buttons; and
- (d) peripheral trays, baskets and racks for storage,

(4) Manufacturers, authorised representatives or importers of refrigerating appliances with a direct sales function must ensure that the spare parts mentioned in sub-paragraphs (2) and (3) can be replaced with the use of commonly available tools and without permanent damage to the appliance.

(5) The manufacturer, authorised representative or importer must, no later than two years after the first unit of a model is placed on the market—

(a) publish for that product the list of spare parts referred to in sub-paragraph (2) and the procedure for ordering them on a website which is accessible to the public without charge; and

(b) ensure that the information referred to in paragraph (a) remains accessible throughout the period that the spare parts remain available.

(6) When the first unit of a model is placed on the market, the manufacturer, authorised representative or importer must—

(a) publish for that product—

(i) the list of spare parts referred to in sub-paragraph (3);

(ii) the procedure for ordering them; and

(iii) the repair instructions;

on a website which is accessible to the public without charge; and

(b) ensure that the information referred to in paragraph (a) remains accessible throughout the period that the spare parts remain available.

#### *Maximum delivery time for spare parts*

(7) Subject to sub-paragraph (8), during the period referred to in sub-paragraph (2), the manufacturer, importer or authorised representative must ensure delivery of spare parts for refrigerating appliances with a direct sales function within 15 working days of receiving an order.

(8) In relation to products specified in sub-paragraph (2), sub-paragraph (7) does not apply to repairers who have not registered with the manufacturer, importer or authorised representative in accordance with sub-paragraph (10).

#### *Access to repair and maintenance information*

(9) From no later than two years after the placing on the market of the first unit of a model or of an equivalent model until the end of the period referred to in sub-paragraph (2), the manufacturer, importer or authorised representative must provide access to the appliance repair and maintenance information to professional repairers in accordance with the following provisions.

(10) The manufacturer's, importer's or authorised representative's website must set out the process for professional repairers to register for access to repair and maintenance information.

(11) Before granting access to the information, the manufacturer, authorised representative or importer may require the professional repairer to demonstrate that –

(a) the professional repairer has the technical competence to repair refrigerating appliances with a direct sales function and complies with the Electricity at Work Regulations 1989;

(b) the professional repairer is covered by insurance for liabilities resulting from its activities.

(12) The request for registration must be accepted or refused within 5 working days from the date of the request.

(13) Once registered, a professional repairer must be given access to requested repair and maintenance information within one working day of any request. The information may be provided for an equivalent model or model of the same family, if appropriate. The available repair and maintenance information must include—

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (a) component and diagnosis information (such as minimum and maximum theoretical values for measurements);
- (b) diagnostic fault and error codes (including manufacturer-specific codes, where applicable);
- (c) a disassembly map or exploded view;
- (d) information on how to access data records of reported failure incidents stored on the refrigerating appliance with a direct sales function (where applicable);
- (e) instructions for installation of relevant software and firmware including reset software;
- (f) list of necessary repair and test equipment;
- (g) technical manual of instructions for repair;
- (h) unequivocal appliance identification; and
- (i) wiring and connection diagrams.

(14) Manufacturers, authorised representatives or importers may charge reasonable and proportionate fees for access to the repair and maintenance information or for receiving regular updates. A fee is reasonable if it does not discourage access by failing to take into account the extent to which the professional repairer uses the information.

#### *Requirements for dismantling for material recovery and recycling*

(15) Manufacturers, importers or authorised representatives must ensure that refrigerating appliances with a direct sales function are designed in such a way that the materials and components referred to in Annex 7 of the WEEE Directive can be removed with the use of commonly available tools.

(16) If the refrigerating appliance with a direct sales function contains vacuum insulation panels, the appliance must be labelled with the letters “VIP”, in such a way that the labelling is clearly visible, legible and indelible.

#### **Information requirements**

4.—(1) Manufacturers, their authorised representatives or importers of refrigerating appliances with a direct sales function must provide the information specified in sub-paragraph (2)—

- (a) in instruction manuals for installers and end-users; and
- (b) on a website which is accessible to the public without charge.

(2) The information referred to in sub-paragraph (1) is—

- (a) for beverage coolers, the following statement: “This appliance is intended to operate in climates where the maximum temperature and the humidity are [fill in the applicable warmest temperature of the beverage cooler and the applicable relative humidity of the beverage cooler from Table 9 in Schedule 4] respectively”;
- (b) an estimate of the impact of temperature settings on food waste;
- (c) how to access professional repair such as internet web pages, addresses and contact details;
- (d) for ice-cream freezers, the following statement: “This appliance is intended to operate in climates where the temperature and the humidity ranges from [fill in the applicable minimum temperature of Table 11 in Schedule 4] to [fill in the applicable maximum temperature of Table 11] and from [fill in the applicable minimum relative humidity of Table 11] to [fill in the applicable maximum relative humidity of Table 11] respectively”;
- (e) instructions for the correct installation and end-user maintenance, including cleaning, of the refrigerating appliance with a direct sales function;

- (f) subject to paragraph 6, instructions on how to find the model information on a publicly accessible website;
  - (g) for integral cabinets, the recommended frequency for cleaning the condenser coil, expressed in times per year, and a statement that if the condenser coil is not cleaned, the efficiency of the appliance will decrease significantly;
  - (h) the minimum duration of the guarantee of the refrigerating appliance with a direct sales function offered by the manufacturer, importer or authorised representative;
  - (i) the minimum period during which spare parts, necessary for the repair of the refrigerating appliance with a direct sales function, are available;
  - (j) the recommended setting of temperatures in each compartment for optimum food preservation; and
  - (k) relevant information for ordering spare parts, directly or through other channels provided by the manufacturer, importer or authorised representative such as internet web pages, addresses and contact details.
- (3) The instruction manuals referred to in sub-paragraph (1)(a) must be provided with the product when it is placed on the market.

#### **Technical documentation requirements**

5.—(1) The technical documentation file required for the conformity assessment of the product must comply with sub-paragraphs (2) to (4).

(2) Where the information in the technical documentation for a particular model has been obtained—

- (a) from a model that has the same technical characteristics relevant for the technical information to be provided but is produced by a different manufacturer;
- (b) by calculation on the basis of design or extrapolation from another model of the same or a different manufacturer; or
- (c) by both paragraphs (a) and (b);

the technical documentation must include the details of any such calculation and the assessment undertaken by the manufacturer to verify the accuracy of the calculation, and, where appropriate, the declaration of identity between the models of different manufacturers.

(3) The technical documentation must include a list of all equivalent models, including the model identifiers.

(4) The technical documentation must include the information in the order and as set out in Schedule 25.

#### **Exemptions**

6. Paragraphs 2 and 4(2)(f) of this Schedule do not apply to—

- (a) refrigerating appliances with a direct sales function that do not use a vapour compression refrigeration cycle;
- (b) refrigerating appliances with a direct sales function for the sale and display of live foodstuffs, such as refrigerating appliances for the sale and display of living fish and shellfish, refrigerated aquaria and water tanks;
- (c) saladettes;
- (d) horizontal serve-over counters with integrated storage designed to work at chilled operating temperatures;

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (e) corner/curved and carousel cabinets;
- (f) vending machines designed to work at frozen operating temperatures;
- (g) serve-over fish counters with flaked ice.