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COMMISSION DELEGATED REGULATION (EU) …/...

of XXX

supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of air-to-air air conditioners, air-to-air heat pumps and comfort fans

repealing Regulation (EU) No 626/2011 with regard to energy labelling of air conditioners

(Text with EEA relevance)

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation 2017/1369 of the European Parliament and of the Council of 28 July 2017 setting a framework for energy labelling[1] repealing Directive 2010/30/EU, and in particular Articles 11 and 16 thereof,

Whereas:

(1) Regulation 2017/1369 empowers the Commission to adopt delegated acts as regards the labelling or re-scaling of the labelling of product groups representing significant potential for energy savings and, where relevant, other resources.

(2) Provisions on the energy labelling of air conditioners were established by Commission Delegated Regulation (EU) No 626/2011 of 4 May 2011 supplementing Directive 2010/30/EU[2].

(3) The Communication from the Commission COM(2016) 773[3] (ecodesign working plan) established by the Commission in application of point 1 of Article 16 of Directive 2009/125/EC of the European Parliament and of the Council[4] sets out the working priorities under the ecodesign and energy labelling framework for the period 2016-2019. The ecodesign working plan identifies the energy-related product groups to be considered as priorities for the undertaking of preparatory studies and eventual adoption of implementing measures, as well as the review of Commission Regulation (EU) No 206/2012[5] and Regulation (EU) No 626/2011.

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1 OJ L 198, 28.07.2017, p. 1.

2 OJ L 178, 2011, p. 1.

3 Communication from the Commission. Ecodesign working plan 2016-2019, COM(2016) 773 final, 30.11.2012016.

4 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 (OJ L 285, 31.10.2009, p. 10).

5 Commission Regulation (EU) No 206/2012 of 6 March 2012 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for air conditioners and comfort fans (OJ L 72, 10.03.2012, p. 7).

(4) Measures from the ecodesign working plan have an estimated potential to deliver in total in excess of 260 TWh of annual final energy savings in 2030, which is equivalent to reducing greenhouse gas emissions by approximately 100 million tonnes per year in 2030. Air conditioners and comfort fans is one of the product groups listed in the ecodesign working plan.

(5) Air conditioners are among the product groups mentioned in Article 11(5)(b) of Regulation (EU) 2017/1369 for which the Commission should adopt a delegated act to introduce an A to G rescaled label.

(6) Regulation (EU) No 626/2011 contains a review clause in Article 7 requiring the Commission to review the regulation in light of technological progress.

(7) The Commission has reviewed Regulation (EU) No 626/2011 and analysed technical, environmental and economic aspects of as well as real-life user behaviour. The review was undertaken in close cooperation with stakeholders and interested parties from the Union and third countries. The results of the review were made public and presented to the Consultation Forum established by Article 14 of Regulation (EU) 2017/1369.

(8) The review concluded that there was a need for the introduction of revised energy labelling requirements for air-to-air air conditioners, air-to-air heat pumps and comfort fans.

(9) The environmental aspect of air-to-air air conditioners, air-to-air heat pumps and comfort fans, identified as significant for the purposes of this Regulation, is energy consumption in the use phase.

(10) The review has shown that the electricity of products subject to this Regulation can be further significantly reduced by implementing energy label measures focusing on energy efficiency and annual energy consumption. In order for end-users to make an informed decision, information on airborne acoustical noise should also be included.

(11) The relevant product parameters should be measured using reliable, accurate and reproducible methods. Those methods should take into account recognised state-of-the-art measurement methods including, where available, harmonised standards adopted by the European standardisation bodies, as listed in Annex I to Regulation (EU) No 1025/2012 of the European Parliament and of the Council[6].

(12) To improve the effectiveness of this Regulation, products that automatically alter their performance in test conditions to improve the declared parameters should be prohibited.

(13) Recognising the growth of sales of energy-related products through internet hosting platforms, rather than directly from suppliers' websites, it should be clarified that internet sales platforms should be responsible for enabling the displaying of the label provided by the supplier in proximity to the price. They should inform the supplier of that obligation, but should not be responsible for the accuracy or content of the label and the product information sheet provided. However, in application of Article 14(1)(b) of Directive 2000/31/EC on electronic commerce, such internet hosting platforms should act expeditiously to remove or to disable access to information about

[6] 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).

the product in question if they are aware of the non-compliance (e.g. missing, incomplete or incorrect label or product information sheet) for example if informed by the market surveillance authority. A supplier selling directly to end-users via its own website is covered by dealers' distance selling obligations referred to in Article 5 of Regulation (EU) 2017/1369.

(14) The measures provided for in this Regulation were discussed by the Consultation Forum and the Member States' experts in accordance Articles 14 and 18 of Regulation (EU) 2017/1369.

(15) Regulation (EU) No 626/2011 should be repealed and new provisions should be laid down by this Regulation.

HAS ADOPTED THIS REGULATION:

Article 1
Subject matter and scope

This Regulation establishes requirements for the labelling of, and the provision of supplementary product information on, of electric mains operated air-to-air air conditioners and air-to-air heat pumps with a rated capacity of ≤ 12 kW for cooling, or heating if the product has no cooling function, and comfort fans with an electric fan power input ≤ 125W.

Article 2
Definitions

For the purposes of this Regulation, the following definitions shall apply:

(1) 'air-to-air air conditioner' means a device that:

(a) has an indoor side heat exchanger (evaporator), which extracts heat from the from the indoor air or ventilation supply air (heat source), by means of an air-moving device, either through ducting or directly from the cooled space; and

(b) is equipped with a cold generator; and

(c) has an outdoor side heat exchanger (condenser), which releases this heat to ambient air or ventilation exhaust air (heat sink); and

(d) may provide additional functionalities such as dehumidification, air-purification, ventilation; and

(e) may use water (either condensate water that is formed on the evaporator side or externally added water) for evaporation on the condenser, provided that the device is also able to function without the use of additional water using air only; and

where the purpose of the device is to contribute to a certain level of human thermal comfort;

(2) 'cold generator' means the part of a cooling product that generates a temperature difference allowing heat to be extracted from ambient air or ventilation supply air (heat source) and transferred to ambient air or ventilation exhaust air (heat sink), using a vapour compression cycle or a sorption cycle;

(3) 'air-to-air heat pump' means a device that:

(a) has an outdoor side heat exchanger (evaporator), which extracts heat from ambient air or ventilation exhaust air (heat source); and

(b) is equipped with a heat generator; and

(c) may be equipped with an electric supplementary heater; and

(d) has an indoor side heat exchanger (condenser), which releases heat by means of an air-moving device, either through ducting or directly into the heated space or to ventilation supply air (heat sink); and

(e) may provide additional functionalities such as dehumidification, air-purification, ventilation; and

(f) may use water (either condensate water that is formed on the evaporator side or externally added water) for evaporation on the condenser, provided that the device is also able to function without the use of additional water, using air only; and

(g) may operate in reverse in which case it functions as an air-to-air air conditioner; and

where the purpose of the device is to contribute to a certain level of human thermal comfort;

(4) 'heat generator' means the part of heat pump that generates useful heat by capturing heat from the ambient air or ventilation exhaust air (heat source) and transfers this heat to the heated space or to ventilation supply air (heat sink) using a vapour compression cycle;

(5) 'electric supplementary heater' means a non-preferential heater that generates heat in case the heat demand is greater than the rated heat output of the preferential heater, using the Joule effect in electric heating elements;

(6) 'rated capacity' (P_{rated}) means the cooling or heating capacity of the vapour compression cycle of the unit at standard rating conditions;

(7) 'standard rating conditions' means the combination of indoor (T_{in}) and outdoor temperatures (T_j) that describe the operating conditions of air-to-air air conditioners and air-to-air heat pumps while establishing the sound power level, rated capacity, rated air flow rate, the rated energy efficiency ratio (EER_{rated}) and/or rated coefficient of performance (COP_{rated}), as set out in Annex III, Table 9 and 10;

(8) 'rated air flow rate' means the air flow rate of air-to-air air conditioners and air-to-air heat pumps measured at the air outlet of indoor and/or outdoor units (if applicable) of air conditioners at standard rating conditions for cooling (or heating, if the product has no cooling function), expressed in cubic meters per hour (m^3/h);

(9) 'indoor temperature' (T_{in}) means the dry bulb indoor air temperature, expressed in degrees Celsius (°C). The relative humidity may be indicated by the corresponding wet bulb temperature, expressed in degrees Celsius (°C);

(10) 'outdoor temperature' (T_j) means the dry bulb outdoor air temperature, expressed in degrees Celsius (°C). The relative humidity may be indicated by a corresponding wet bulb temperature, expressed in degrees Celsius (°C);

(11) 'sound power level of air-to-air air conditioners and air-to-air heat pumps' means the A-weighted sound power level indoors and/or outdoors measured at standard rating

conditions for cooling (or heating, if the product has no cooling function), expressed in A weighted decibels (dB(A));

(12) 'rated energy efficiency ratio' (EER_{rated}) means the declared capacity for cooling divided by the rated power input for cooling of a air-to-air air conditioner when providing cooling at standard rating conditions;

(13) 'declared capacity' is the capacity of the vapour compression cycle of the air-to-air air conditioner for cooling ($P_{d,c}(T_j)$) or air-to-air heat pump for heating ($P_{d,h}(T_j)$), pertaining to an outdoor temperature T_j and indoor temperature (T_{in}), expressed in kilowatt (kW);

(14) 'rated power input for cooling' (P_{EER}) means the electric power input of an air-to-air air conditioner when providing cooling at standard rating conditions, expressed in kilowatt (kW);

(15) 'rated coefficient of performance' (COP_{rated}) means the declared capacity for heating divided by the rated power input for heating of an air-to-air heat pump when providing heating at standard rating conditions;

(16) 'rated power input for heating' (P_{COP}) means the electric power input of an air-to-air heat pump when providing heating at standard rating conditions, expressed in kilowatt (kW);

(17) 'comfort fan' means an appliance primarily designed for creating air movement around or on part of a human body for personal cooling comfort, including comfort fans that can perform additional functionalities such as lighting;

(18) 'fan power input' (P_F) means the electric power input of a comfort fan operating at the declared maximum fan flow rate, measured with the oscillating mechanism active (if/when applicable), expressed in watt (W);

(19) 'point of sale' means a location where air-to-air air conditioners, air-to-air heat pumps and/or comfort fans are displayed or offered for sale, hire or hire-purchase.

Additional definitions are set out in Annex I.

Article 3

Obligations of suppliers

1. Suppliers shall ensure that:

(a) each air-to-air air conditioner, each air-to-air heat pump and each comfort fan is supplied with a printed label in the format as set out in Annex III;

(b) the parameters of the product information sheet, as set out in Annex V, are entered into the product database;

(c) if specifically requested by the dealer, the product information sheet shall be made available in printed form;

(d) the content of the technical documentation, set out in Annex VI, is entered into the product database;

(e) any visual advertisement for a specific model of an air-to-air air conditioners, an air-to-air heat pumps or a comfort fan, including on the internet, contains

the energy efficiency class and the range of energy efficiency classes available on the label, in accordance with Annex VII;

(f) any technical promotional material concerning a specific model of air-to-air air conditioner, air-to-air heat pump or comfort fan, including technical and promotional material on the internet, includes the energy efficiency classes available on the label, in accordance with Annex VII and Annex VIII;

(g) an electronic label in the format and containing the information, as set out in Annex III, shall be made available to dealers for each air-to-air air conditioner model, each air-to-air heat pump model and each comfort fan model;

(h) an electronic product information sheet, as set out in Annex V, is made available to dealers for each for each air-to-air air conditioner model, each air-to-air heat pump model and each comfort fan model.

2. The energy efficiency class shall be based on the seasonal space cooling energy efficiency and/or the seasonal space heating energy efficiency or the service value and shall be calculated in accordance with Annex IV.

Article 4

Obligations of dealers

Dealers shall ensure that:

(b) each air-to-air air conditioner, each air-to-air heat pump and each comfort fan, at the point of sale, including at trade fairs, bears the label provided by suppliers in accordance with point 1(a) of Article 3(a), with the label displayed in such a way as to be clearly visible;

(c) in the event of distance selling, the label and product information sheet are provided in accordance with Annexes VII and VIII;

(d) any visual advertisement for a specific model of an air-to-air air conditioner, an air-to-air heat pump or a comfort fan, including on the internet, contains the energy efficiency class and the range of efficiency classes available on the label, in accordance with Annexes VII and VIII;

(e) any technical promotional material concerning a specific model of an air-to-air air conditioner, an air-to-air heat pump or a comfort fan, including on the internet, which describes its specific technical parameters, includes the energy efficiency class of that model and the range of energy efficiency classes available on the label, in accordance with Annexes VII and VIII.

Article 5

Obligations of internet hosting platforms

Where a hosting service provider as referred to in Article 14 of Directive 2000/31/EC of the Parliament and of the Council[7] allows the direct selling of air-to-air air conditioners, air-to-air heat pumps and/or comfort fans through its internet site, the service provider shall enable the showing of the electronic label and electronic product information sheet provided by the

[7] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (OJ L 178 , 17.07.2000, p. 1).

dealer on the display mechanism in accordance with the provisions of Annex VIII and shall inform the dealer of the obligation to display them.

Article 6
Measurement methods

The information to be provided pursuant to Articles 3 and 4 shall be obtained by reliable, accurate and reproducible measurement and calculation methods, which take into account the recognised state-of-the-art measurement and calculation methods set out in Annex IV

Article 7
Verification procedure for market surveillance purposes

Member States shall apply the verification procedure laid down in Annex IX when performing the market surveillance checks referred to in point 3 of Article 8 of Regulation (EU) 2017/1369.

Article 8
Review

The Commission shall review this Regulation in the light of technological progress and present the results of this assessment, including if appropriate, a draft revision proposal, of this review to the Consultation Forum no later than *[OP – please insert date: five years after its entry into force of the present regulation]*. The review shall among other matters assess:

(a) the energy efficiency class;

(b) the possibility to introduce requirements on circular economy.

Article 9
Repeal

Regulation (EU) No 626/2011 is repealed with effect from 1 January 2022.

Article 10
Transitional measures

As from *[OP – please insert the day of entry into force of this Regulation]* until 28 February, the product fiche required under point 1(b) of Article 3 of Regulation (EU) No 626/2011 may be made available through the product database instead of being provided in printed form with the product. In that case the supplier shall ensure that if specifically requested by the dealer, the product fiche shall be made available in printed form.

Article 11
Entry into force and application

This Regulation shall enter into force on the twentieth day following its publication in the Official Journal of the European Union.

It shall apply from 1 January 2022. However, Article 10 shall apply from *[OP – please insert the day of entry into force of this Regulation]* and point 1(a), (b) and (c) of Article 3 shall apply from 1 September 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
Jean-Claude JUNCKER
The President