MINUTES
MEETING OF THE CONSULTATION FORUM UNDER
ARTICLE 18 OF THE ECODESIGN OF ENERGY-RELATED PRODUCTS
(DIRECTIVE 2009/125/EC)
POSSIBLE REQUIREMENTS FOR REFRIGERATED COMMERCIAL DISPLAY CABINETS

ROOM AB-2B
CENTRE A. BORSCHETTE, RUE FROISSERT 36, 1040 BRUSSELS
02 JULY 2014, 10.00 – 17.00

Participants: See Annex

Documents:
The Commission services circulated the working documents on "Possible requirements for refrigerated commercial display cabinets" on 02 June 2014 (corrected on the 06 June 2014).

1. WELCOME AND INTRODUCTION

The Chairman welcomed the participants and indicated that the purpose of the meeting was to discuss the working documents on possible requirements for refrigerated commercial display cabinets. Two stakeholders (EPEE, CLASP) will be allowed to make short presentations outlining their positions.

2. ADOPTION OF THE AGENDA

The agenda was adopted without changes.

3. WORKING DOCUMENT ON POSSIBLE REQUIREMENTS FOR REFRIGERATED COMMERCIAL DISPLAY CABINETS

The Commission presented the working documents.

3.1. SCOPE

BE asked if walk-in cold rooms found in supermarkets would be covered by the scope, as they were taken out of the scope of professional refrigeration. IT declared that major changes would be necessary before a final version can be agreed, in particular as regards the inclusion of small ice-cream freezers (ICF) and vending machines (VM) with low savings potential, and the need for further segmentation that should include the product types, temperature classes, remote and plug-in cabinets.
ECOS asked how commercial and/or household refrigeration regulations would be aligned, in particular for wine coolers, minibars and vertical static air cabinets. Moreover, ECOS asked if there would be information requirements (in tier 1 or 2) and whether for built-in cabinets the same information requirements would eventually apply. NL fully agrees with the Commission proposal regarding scope and classification as it is simple and allows products to compete in functionality and efficiency. In particular for labelling, NL is not in favour of making many subclasses or categories, while for ecodesign it might make sense to make more subcategories as we need to make sure there are no unintended consequences due to an overly broad categorisation. The debate between the NL request for a simple approach and the IT request for segmentation to suit the market needs was lengthy. DE asked whether wine cooler devices are in the scope of the household cold appliances regulation.

The Commission services responded by stating that:

- The preparatory phase showed that walk-in cold rooms are substantially customized and very few retailers have this type of cabinets. Nevertheless, the Commission remains open to eventually re-include them if this is deemed appropriate.
- The Commission acknowledged the low savings potential for the ICF and VM categories and clarified that the proposed segmentation was based on the data provided by industry (2,600 data entries) and the observed distribution of performance and efficiencies.
- Concerning wine coolers and minibars, the Commission considered that both types should be under the scope of the household cold appliances regulation regardless of whether the intended use is domestic or commercial. Vertical static air cabinets are normally not used for commercial purposes as they cannot withstand the opening regime typical for such cabinets and represent a very minor share of the market. Built-in cabinets should be further explored in particular as regards the appropriateness of information requirements.

Eurovent considered that the estimated savings potential should be recalculated taking due account of the actual ambient temperatures and maximum usage of the cabinets, and that the proposed segmentation should be revisited. Eurovent proposed taking corner cabinets out of the scope because there is no test method available UK agreed with the scope, although some cabinets (e.g. roll-in) may unintentionally be excluded if the categories are too broad. Moreover, exemptions should be carefully treated not to create loopholes, e.g. in the case of herbs and lettuce in soil that may erroneously be interpreted as living foodstuffs. IT clarified that minibars with automatic accounting (i.e. when a beverage is dispensed) are to be considered vending machines (`minibar’ is in fact a commercial name and not a technical definition). Moreover, IT considered that any further sub-categorisation should be the same for both energy label and ecodesign proposals.

3.2. ECODESIGN REQUIREMENTS

FI proposed a more stringent tier 1 (130) and 2 (110), and to remove tier 3. UK opposed tier 3 coming into force after the review date and considered the current draft proposal to be too lenient as there are already cabinets in UK today that comply with tier 3. The UK proposed tier 1 (110) and tier 2 (80). FI supported the UK proposal. DK also considered the tiers to be too lenient, suggested to skip tier 2 and proposed a three year period between tier 1 and tier 2. CLASP was concerned about the categorisation and about some products affected within these categories. EPEE advocated only two tiers and considered approx. 2600 data entries as too few for a good analysis. NL also opposed having any tier coming into force after the revision date and considered two tiers to be sufficient.
**CLASP** presented a preliminary comparison between public data from other regions (i.e. USA-California, Canada and UK) and the EU draft proposal. The presentation focused on (i) stringency and reference lines for beverage coolers (BC), (ii) impact of new test methods on reference lines and (iii) stringency level for the supermarket segment.

The **Commission services** presented industry data (>1800 data points) for vertical, semi-vertical and combined chillers (the most populated subcategory). This data does not allow drawing the conclusion that remote and plug-in cabinets should be treated with different M-N values (see previous comments under point 3.1.), nor that a big share of these cabinets would be phased out in tier 1, or even in tier 3. A similar analysis for other subcategories was shown.

**NL** questioned the different segmentation for both EL and ED draft measures. **DE** drew attention to the adjusted net volume for multi-temperature cabinets (see **Annex III (d)**) and asked why a total display area parameter was not defined and why temperature classes were not taken into account in the calculation method, not even as correction factors. **IT** considered that the 3 tiers are unevenly distributed and that an analysis for each cloud of data points should be performed (each subcategory of products). **ECOS** recommended more stringent requirements, supported the three tiers approach as it gives a long term signal to industry but only makes sense if the third tier is ambitious enough. **Eurovent** questioned the appropriateness and quality of the M-N values, and considered that the maximum energy savings do not properly reflect reality.

The **Commission services** responded by stating:

- Concerning further segmentation of the cabinets and the requirements, the proposal is based on functionality (i.e. to display/present a foodstuff 'X' at a temperature 'Y'). This function can be achieved by using different cabinet designs and display options.
- For BCs, comparisons with the US are difficult, as they have a long history of different MEPS criteria and their products have already moved to other efficient levels. The average volume of the US BC's is also much larger.
- The approach for MEPS and labels is aimed at achieving a clear proposal, based on the above mentioned principle of functionality. While for MEPS a single value for all products is proposed, a one-size-fits-all solution could not be found for the label.
- Concerning the adjusted Total Display Area (TDA), the Commission considered that the method should be in line with method for adjusted net volume.

**BE** considered that the presented linear regression might not be appropriate and non-linear functions should be explored. **NL** agreed with the approach based on functionality since otherwise a category for each individual cabinet would be necessary. **CLASP** considered that there is a legitimate right to use certain cabinets (i.e. roll-in) which may have difficulties to reach higher efficiencies (e.g. VC2 multi-deck), mainly due to physical limitations. Nevertheless, in France the majority of retailers have signed a voluntary agreement to phase out open cabinets by 2020. **EPEE** said that energy savings will be welcomed by retailers but food retailing is about merchandising/displaying and sales, and the views of retailers would be useful. **Orgalime/EFCEM** considered that the display function is not adequately accounted for, and that other aspects such as flexibility (for the retailer or customer, manufacturer) and different constraints (positioning of the cabinet, safety, local temperatures) need to be taken into account. **BE** supported the proposal from the NL for BC. **SE** did not see a problem with phasing out some specific product types (including open cabinets), and there could be stricter requirements for smaller products than for larger ones. The use of TDA as a metric might result in negative effects (i.e. increase in energy consumption compared to volume) and for some products volume would be better
than TDA. UK did not support roll-in cabinets being phased out and supported not being too prescriptive about doors. The impact of the TDA measurement needs to be looked at as cabinets with different thickness but the same TDA might actually have very different energy consumption. DK, after consultation with Danish industry, recommended the use of metric TDA only for soft scoop ice cream cabinets; for the other categories ‘volume’ might be better. The Commission should look more into the question of roll-in cabinets.

The Commission services responded by:

- Requesting SE to send written evidence on the use of volume instead of TDA as a parameter.
- Stating, concerning roll-in cabinets, that data showed that both very inefficient and efficient ones, which could even meet tier 3, exist.
- Stating, concerning the temperature classes classification based solely on chilling versus frozen temperatures, that the proposed measures are based on the assumption that a cabinet designed to be energy efficient for a given temperature class will be efficient within a close range of similar temperatures. Moreover, temperature classes are included in the information requirements.

IT insisted that the analysis should take into consideration temperature classes. CLASP said there is evidence that the same cabinet at H1 or M2 classes could have a 25% difference in energy consumption. Therefore, the regulation should prescribe the reference temperature at which the MEPS would be tested. EPEE saw the need to differentiate subcategories as well as the required temperature classes. One option to address this might be using the most demanding temperature range as reference for calculations for all cabinets.

The Commission services answered that these two issues (subcategories and temperature classes) would be analysed further in the next steps and requested input from industry.

NL said it should be clearly specified at what temperature the product should be tested to meet the MEPS requirements, otherwise cabinets will be tested at the temperature range with the least energy consumption and this might have a large impact on the label classes. IT agreed with the comments from NL. This problem might be solved by measuring at the lowest temperature range the manufacturer declares the cabinet is designed for. The key point is that cabinets may not perform outside the designed temperature class. One option to deal with this would be the introduction of correction factors to avoid penalizing one cabinet vs. another.

EPEE considered that (i) the calculation of energy consumption in the Business as Usual scenario (BAU) is too high; (ii) laboratory conditions should not be considered and instead conditions under normal operation must be taken into account (i.e. lower ambient temperature); (iii) the display function is of utmost importance and cabinets should not only be seen as a simple storage device; and (iv) their sector does not have actual energy consumption of the cabinets available.

As regards the actual energy consumption of cabinets (under real life operation conditions), DK considered that it would be good for such data to be available even though contacts with Danish retailers showed that laboratory data only deviate slightly from real conditions and that the EC approach is fine.

IT asked whether ambient temperatures are different from laboratory tests and suggested the possibility of modifying testing conditions through a mandate. EPEE confirmed that average ambient temperatures are in general below 25°C and added that humidity is probably lower as well (below 60%). Eurovent indicated that there are only data at class 3 (25°C and 60% humidity, according to the
standard. NL considered that this difference should have been taken into account during the preparatory study as it might be possible to derive correction factors for base cases, BAU and savings. While the measurements are laid down in harmonised standards, if there is a significant gap this should be taken into account during the impact assessment phase. DK declared that according to some field tests the actual ambient temperature conditions are more similar to climate class 3 than 4. Eurovent said that normally climate class 3 is chosen for robustness purposes but this does not reflect actual energy consumption, which is why various correction factors are applied when designing the whole system. Eurovent recalled that the majority of retailers do not seem to want to move to other ambient testing conditions. DE asked for more clarification of the distinction between 'unit' vs. 'unit model' (see Annex V) as this might lead to confusion. Clear definitions and/or the use of a similar approach to the 'allowance scheme' in the UK might be necessary. UK asked to include in the review clause the refurbishment of cabinets. NL agreed with UK and recommended the replacement of the text in Annex V with the final agreed text from the omnibus review as regards the notion of 'equivalent product'. Eurovent said that some wording in the text did not come from the standard and highlighted the concern that some cabinets are substantially modified after the manufacturer ships them.

The Commission services commented as follows:

- In the preparatory phase, several retailers supported the use of a label to better inform purchasing decisions, especially for procurement departments.
- Retailers have been involved in the work and were invited to this Consultation Forum meeting.
- Concerning the wording 'unit' and 'unit model', this is standard language in the context of eco-design/energy labelling and market surveillance. The 'equivalent model/product' notion is already included in the definition of these draft proposals.
- It should be taken into account that eco-design measures apply only to products placed on the market, and not to products that have been substantially modified (as per the Blue Guide).

DK considered the definition of volume according to Annex III (d) too simple and recommended using the net volume and load limit value as per the approach used for household appliances. IT warned that the exclusion of refurbished cabinets would discourage resource efficiency solutions for existing products. Additionally, the correction factor for freezers in Annex III (d) – that is, 1.92 - corresponds to an ambient temperature of 25°C and a freezer temperature of -12°C. If instead a freezer temperature of -18°C were to be used, this factor would increase to 2.15. EPEE considered that for some ICF and supermarket freezer cases there seem to be overlaps and asked for a clear definition of these two categories. The convenor of CEN TC 44 WG 6, ensured that a good definition of 'net volume' will be proposed in the WGs responsible for drafting the standards for BC and ICF, while for other commercial products TDA should be the preferred parameter. CLASP stated that the relevant test standard is the right place for a good definition of volume to be worked out.

3.3. END OF LIFE REQUIREMENTS (EoL)

The Commission services presented the EoL proposal, clarifying that they consider these requirements to be complementary to the WEEE Directive.

IT suggested dealing with the safety issue of flammable gases in foams by means of an expansion of the scope of standard IEC 60335-2-89 (apparently currently only applied to household refrigerators). IT opposed the dismantling requirements, while several other Member States, including NL, UK, DK and SE, supported the proposal but called for a revised formulation of the requirements. In particular, terminology such as 'easily identified', 'easily accessed' or 'standard tools' would be difficult to verify
coherently across the EU. The inclusion of a video was suggested, although IT doubted its effectiveness as a stand-alone requirement.

**UK** mentioned that the issue of EoL requirements as part of Ecodesign is currently being addressed horizontally by a dedicated standardisation mandate, as it is relevant for many product groups.

**Orgalime** mentioned confidentiality as an argument against providing detailed (public) dismantling information. However, several other participants considered that products on the market can be readily bought by competitors, dismantled and examined, so confidentiality does not seem to be an issue in this respect.

**EVA** indicated that in the case of vending machines, modularity is already one of the essential design parameters, as retrofitting is commonplace in this sector.

### 3.4. Labelling Requirements

**NL** asked why 5 different label tables have been proposed while 2 might suffice, supported an A-G scale and recommended validity for a period of 5-7 years with class A not populated and reserved for BNAT, and B (and maybe C) for BAT. IT advocated going beyond class A and using pluses, BNAT in A, BAT in A, following professional or household refrigeration - also to prevent a clustering of products in classes C and D which deters technological development. IT agreed with having five tables but argued that further differentiation inside categories (for instance between remote and plug-in) would be necessary. **DK** agreed with NL about reserving class A for BNAT and questioned the benefits of having big cabinets (beyond plug-in) labelled. **SE** preferred A with plusses as customers are used to it and recommended A class being empty at the beginning. **FR** agreed with NL, supported the A-G scale and recommended class A exclusively for BAT. Industry expressed mixed views on labelling, it might be unnecessary for a B2B market with around 50-70% of cabinets being customized, and where proper surveillance cannot be guaranteed as there is only a limited number of qualified laboratories in the Member States. However labelling could be a powerful tool to promote the energy efficiency and differentiate between remote and plug-in cabinets. **SE** suggested not labelling larger cabinets, in order to take into account the constraint of adequate monitoring by MS. **NL** argued that if compliance with the label cannot be ensured, it can also not be ensured for the eco-design requirements. If a specific situation arises (i.e. for customized products) **NL** recommended an approach based on an 'equivalent product', 'product family' or 'base model' notion to cope with this. **ECOS** supported the top classes being empty at the start as efficiency developments are usually underestimated (e.g. in the case of dishwashers and professional refrigeration). **IT** recommended avoiding that manufacturers compete only on low prices with products clustered around only 2-3 static classes. **ECOS** suggested a more ambitious label with more stringent F/G classes and avoiding A with pluses. **UK** considered that the top classes should be empty and asked the Commission services for clarification about the foreseen review of all labelling regulations. **EVA** was concerned that the proposed labels are based on current test methods, which will differ from the future testing method that is being developed. **ECOS** supported an indication of the refrigerant (natural refrigerants and low GWP) on the label to complement the F-gases regulation. **CLASP** recalled the risk of overlap between ICF and horizontal freezers, both having to be tested and labelled under climate classes 3 and 4. If this happens the same product would appear with different labels. The convenor of CEN TC 44 WG 6, said they are working on new standards for ICF and BC where the specific climate class would be defined. Nevertheless, it is preferable to use climate class 3 and if other climate classes were needed the use of correction factors should be encouraged (as in the case for domestic cold appliances).
The Commission services responded as follows:

- Given that a one-size-fits-all solution could not be found, it was decided to propose five different label classes. The labelling (and ecodesign) proposal as currently drafted already provides a definition of what is an equivalent refrigerating appliance.
- Concerning the possible revision of the energy labelling Directive, this will depend in the first instance on the outcome of the ongoing review. If the label scale is changed, this could indeed mean that existing labelling delegated regulations would have to be revised. The procedure for this, if indeed it were to be necessary, could take different forms.
- The distinction between horizontal supermarket freezers and ICF is based on (i) volume, (ii) technology (e.g. static air vs. forced air, since only forced air can deliver the refrigeration capacity needed for frequent openings in supermarkets), and (iii) the fact that ICF are frequently exposed to higher ambient temperatures and are thus tested under climate class 4 rather than 3.

DE had investigated having daily instead of annual energy consumption indicated on the label but concluded that this would lead to oversizing of products. Food&drink Europe asked whether the responsibilities of dealers as outlined in Article 4 are applicable to producers of equipment or to buyers that subsequently re-sell this equipment. The Commission services answered that the responsibilities of dealers, and the definitions of 'manufacturer', 'supplier', and 'dealer', can be found in the eco-design and energy labelling Directives.

3.5. COMMENTS ON REMAINING ISSUES (INCLUDING DEFINITIONS, PRODUCT FICHE, VERIFICATION PROCEDURE, BENCHMARKS AND REVIEW CLAUSE)

IT supported the inclusion of benchmarks (also for subcategories and volume ranges). The verification procedure should be adapted in line with the ongoing review as regards tolerances and custom-made products should be properly addressed. UK cautioned against the risk of loopholes in the definition of 'supermarket segment', which may be avoided by inserting the word 'exclusively' before the text 'in catering or similar non-retail applications' in the relevant definition. DK expressed concern about the definition of Energy Management Device (EMD) and suggested giving a bonus to VM with EMD. CLASP considered that a three year review period might be more appropriate, as it expects a rapid change in energy performance in the first 2-3 years. EVA said the draft standard for VM already includes provisions for energy saving systems (i.e. EMD) e.g. switching off some systems. Eurovent was against a review period of three years, which is a period similar to the 'time to market' for a complete design of a new cabinet. Eurovent expressed concern about how cabinets whose design is based on individual customer specifications and made on a one-off basis would be addressed. Eurovent mentioned that a test for a refrigerated display cabinet costs around €10 000. CLASP clarified that this cost is for a remote cabinet, which is another reason to separate remote from plug-in cabinets and have separate categories within the regulation. ECOS questioned the limited data on soft scoop ice-cream freezers (SSICF) and warned against dropping this category out of the scope for this reason. As regards customised products, UK suggested looking at the approach adopted in the regulations for professional refrigeration or large ventilation units.

The Commission services responded:

- Concerning SSICF, there are energy consumption data but detailed information for improvement options is lacking.
• As regards the MSAs problem mentioned by Eurovent and the UK, the Commission services will look into those specific regulations (i.e. professional refrigeration or large ventilation units) for a solution.

4. FURTHER STEPS

The Commission services explained the steps leading to the possible adoption of the draft measures (end 2015) and asked for written comments and input from Forum members and stakeholders to the draft working documents (WDs) at the latest by 2 September 2014.

EPEE asked if one year between adoption and the entry into force of the first tier was foreseen. CLASP suggested taking on board comments made during the meeting on energy savings calculation during the impact assessment and suggested improved communication with stakeholders about what scenarios, segmentation and stringency levels are to be modelled. IT asked whether a revised text with more categories, more analysis and different reference scenarios would be available before the inter-service consultation (ISC).

The Commission services responded:

• Concerning the period between adoption and the entry into force of the first tier, while this should not be less than a year, the dates may still need to be changed as industry needs sufficient time to adapt to the requirements in the regulations.
• Concerning the revision of the draft regulations, all comments received will be taken into account as far as possible. As usual, draft regulations will be shared with CF members for information once the ISC starts.

5. AOB

No issues were raised.
ANNEX – Attendance List

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