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)

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 EUROPEAN COMMISSION,

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

Having regard to 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[(1)], and in particular Article 15(1) thereof,

After consulting the Ecodesign Consultation Forum,

Whereas:

(1) Experience in implementing Commission Regulations on ecodesign requirements adopted on the basis of Directive 2009/125/EC has revealed that the verification tolerances laid down in the implementing measures, and intended for use only by market surveillance authorities, have been used by some manufacturers and importers to establish the values required to be provided in the technical documentation or to interpret those values with a view to achieving compliance or to communicate better performance of their products.

(2) The verification tolerances are designed to allow for variations that emerge in the measurements taken during verification tests, which are due to the differences in the measurement equipment used by manufacturers, importers and surveillance authorities across the Union. Verification tolerances should not be used by the manufacturer or importer for establishing the values in the technical documentation or for interpreting

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2016/2282. (See end of Document for details)*

those values in order to achieve compliance with ecodesign rules or to communicate better performance than has actually been measured and calculated. The parameters declared or published by the manufacturer or importer should not be more favourable for the manufacturer or importer than the values contained in the technical documentation.

(3) To ensure fair competition, to realise the energy savings that the Regulations were designed to achieve and to provide consumers with accurate information about the environmental and functional performance of products, it should be clarified that the verification tolerances set out in the implementing measures may only be used by the Member State authorities, for the purpose of verifying compliance.

(4) Commission Regulations (EC) No 1275/2008[(2)], (EC) No 107/2009[(3)], (EC) No 278/2009[(4)], (EC) No 640/2009[(5)], (EC) No 641/2009[(6)], (EC) No 642/2009[(7)], (EC) No 643/2009[(8)], (EU) No 1015/2010[(9)], (EU) No 1016/2010[(10)], (EU) No 327/2011[(11)], (EU) No 206/2012[(12)], (EU) No 547/2012[(13)], (EU) No 932/2012[(14)], (EU) No 617/2013[(15)], (EU) No 666/2013[(16)], (EU) No 813/2013[(17)], (EU) No 814/2013[(18)], (EU) No 66/2014[(19)], (EU) No 548/2014[(20)], (EU) No 1253/2014[(21)], (EU) 2015/1095[(22)], (EU) 2015/1185[(23)], (EU) 2015/1188[(24)], (EU) 2015/1189[(25)] and (EU) 2016/2281[(26)] should therefore be amended accordingly.

(5) Data provided by lighting industry actors shows that many lamp types intended as alternatives to the least efficient banned types (such as the mains-voltage halogen bulbs intended to replace incandescent bulbs) would be entirely removed from the market by Regulations (EC) No 244/2009[(27)], (EC) No 245/2009[(28)] and (EU) No 1194/2012[(29)] if manufacturers were prohibited from using the approach for data and information declaration described in the measurement standards supporting the verification tolerances set out in these Regulations in the way that is current practice throughout the industry. It is therefore appropriate not to amend those three Regulations through this Regulation, but to clarify the intended use of the tolerances in conjunction with a reassessment of the related minimum requirements when those Regulations are next reviewed.

(6) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 19(1) of Directive 2009/125/EC,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 1275/2008

Annex III to Regulation (EC) No 1275/2008 is amended in accordance with Annex I to this Regulation.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) 2016/2282. (See end of Document for details)*

Article 2

Amendments to Regulation (EC) No 107/2009

Annexes I and II to Regulation (EC) No 107/2009 are amended in accordance with Annex II to this Regulation.

Article 3

Amendments to Regulation (EC) No 278/2009

Annexes I and II to Regulation (EC) No 278/2009 are amended in accordance with Annex III to this Regulation.

Article 4

Amendments to Regulation (EC) No 640/2009

Annex III to Regulation (EC) No 640/2009 is amended in accordance with Annex IV to this Regulation.

Article 5

Amendments to Regulation (EC) No 641/2009

Annex III to Regulation (EC) No 641/2009 is amended in accordance with Annex V to this Regulation.

Article 6

Amendments to Regulation (EC) No 642/2009

Annexes II and III to Regulation (EC) No 642/2009 are amended in accordance with Annex VI to this Regulation.

Article 7

Amendments to Regulation (EC) No 643/2009

Annex V to Regulation (EC) No 643/2009 is amended in accordance with Annex VII to this Regulation.

Article 8

Amendments to Regulation (EU) No 1015/2010

Annex III to Regulation (EU) No 1015/2010 is amended in accordance with Annex VIII to this Regulation.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2016/2282. (See end of Document for details)*

Article 9

Amendments to Regulation (EU) No 1016/2010

Annex III to Regulation (EU) No 1016/2010 is amended in accordance with Annex IX to this Regulation.

Article 10

Amendments to Regulation (EU) No 327/2011

Annex III to Regulation (EU) No 327/2011 is amended in accordance with Annex X to this Regulation.

Article 11

Amendments to Regulation (EU) No 206/2012

Annex III to Regulation (EU) No 206/2012 is amended in accordance with Annex XI to this Regulation.

Article 12

Amendments to Regulation (EU) No 547/2012

Annex IV to Regulation (EU) No 547/2012 is amended in accordance with Annex XII to this Regulation.

Article 13

Amendments to Regulation (EU) No 932/2012

Annex III to Regulation (EU) No 932/2012 is amended in accordance with Annex XIII to this Regulation.

Article 14

Amendments to Regulation (EU) No 617/2013

Regulation (EU) No 617/2013 is amended as follows:

(1) the second point (e) of Article 2(20) is replaced by the following:

(e) dividing by 1 000 converts Mega into Giga;;

(2) Annexes II and III are amended in accordance with Annex XIV to this Regulation.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) 2016/2282. (See end of Document for details)*

Article 15

Amendments to Regulation (EU) No 666/2013

Annex III to Regulation (EU) No 666/2013 is amended in accordance with Annex XV to this Regulation.

Article 16

Amendments to Regulation (EU) No 813/2013

Annex IV to Regulation (EU) No 813/2013 is amended in accordance with Annex XVI to this Regulation.

Article 17

Amendments to Regulation (EU) No 814/2013

Annex V to Regulation (EU) No 814/2013 is amended in accordance with Annex XVII to this Regulation.

Article 18

Amendments to Regulation (EU) No 66/2014

Annex III to Regulation (EU) No 66/2014 is amended in accordance with Annex XVIII to this Regulation.

Article 19

Amendments to Regulation (EU) No 548/2014

Annex III to Regulation (EU) No 548/2014 is amended in accordance with Annex XIX to this Regulation.

Article 20

Amendments to Regulation (EU) No 1253/2014

Annex VI to Regulation (EU) No 1253/2014 is amended in accordance with Annex XX to this Regulation.

Article 21

Amendments to Regulation (EU) 2015/1095

Annexes IX, X and XI to Regulation (EU) 2015/1095 are amended in accordance with Annex XXI to this Regulation.