Commission Regulation (EU) 2015/1185 of 24 April 2015 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for solid fuel local space heaters (Text with EEA relevance)

COMMISSION REGULATION (EU) 2015/1185

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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 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 Consultation Forum referred to in Article 18 of Directive 2009/125/EC,

Whereas:

(1) Directive 2009/125/EC requires the Commission to set ecodesign requirements for energy-related products that represent significant volumes of sales and trade, that have a significant environmental impact and that present significant potential for improvement in terms of their environmental impact without entailing excessive costs.

(2) Article 16(2) of Directive 2009/125/EC provides that in accordance with the procedure referred to in Article 19(3) and the criteria set out in Article 15(2), and after consulting the Consultation Forum, the Commission should, as appropriate, introduce implementing measures for products offering a high potential for cost-effective reduction of greenhouse gas emissions, such as solid fuel local space heaters.

(3) The Commission has carried out a preparatory study to analyse the technical, environmental and economic aspects of solid fuel local space heaters typically used for heating purposes in residential and commercial buildings. The study has been carried out with stakeholders and interested parties from the Union and third countries, and the results have been made publicly available.

(4) The environmental aspects of solid fuel local space heaters that have been identified as significant for the purposes of this Regulation are energy consumption and emissions of particulate matter (dust), organic gaseous compounds, carbon monoxide and nitrogen oxides in the use phase.

(5) The preparatory study shows that further requirements regarding other ecodesign parameters referred to in Part 1 of Annex I to Directive 2009/125/EC are not necessary in the case of solid fuel local space heaters.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2015/1185. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) The scope of this Regulation should include solid fuel local space heaters designed to use solid fuels (biomass or fossil). Solid fuel local space heaters that have an indirect fluid heating functionality are also within the scope of this Regulation. Solid fuel local space heaters using non-woody biomass have specific technical characteristics and should therefore be exempted from this Regulation.

(7) Annual energy consumption related to solid fuel local space heaters was estimated to have been 627 PJ (15,0 Mtoe) in the Union in 2010 corresponding to 9,5 Mt of carbon dioxide (CO_2) emissions. Unless specific measures are taken, annual energy consumption related to solid fuel local space heaters is expected to be 812 PJ (19,4 Mtoe) in 2030 corresponding to 8,8 Mt of CO_2.

(8) The energy consumption of solid fuel local space heaters can be reduced by applying existing, non-proprietary technologies without an increase in the combined costs of purchasing and operating these products.

(9) Annual emissions of particulate matter (PM), organic gaseous compounds (OGCs) and carbon monoxide (CO) have been estimated at 142 kton/year, 119 kton/year and 1 658 kton/year respectively in 2010. As a result of specific measures adopted by Member States and technological development, these emissions are expected to be 94 kton/year, 49 kton/year and 1 433 kton/year respectively in 2030. Annual emissions of nitrogen oxides (NO_x) are expected to increase in the absence of specific measures because new local space heaters designs will rely on higher combustion temperatures.

(10) The emissions of solid fuel local space heaters could be further reduced by applying existing, non-proprietary technologies without an increase in the combined costs of purchasing and operating those products.

(11) Together, the ecodesign requirements set out in this Regulation and in Commission Delegated Regulation (EU) 2015/1186[(2)] are expected to result by 2030 in estimated annual energy savings of approximately 41 PJ (0,9 Mtoe) corresponding to 0,4 Mt of CO_2.

(12) The ecodesign requirements set out in this Regulation with regard to emissions from solid fuel local space heaters will result in reductions of particulate matter (PM), organics gaseous compounds (OGCs) and carbon monoxide (CO) of 27 kton/year, 5 kton/year and 399 kton/year respectively by 2030.

(13) This Regulation covers products with different technical characteristics. If the same efficiency requirements were placed on them certain technologies would be banned from the market, which would result in a negative impact for consumers. For this reason ecodesign requirements relative to the potential of each technology create a level playing field in the market.

(14) Ecodesign requirements should harmonise energy consumption, particulate matter, organic gaseous compounds, carbon monoxide and nitrogen oxides emission requirements for solid fuel local space heaters throughout the Union, for the internal market to operate better and in order to improve the environmental performance of those products.

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(15) The energy efficiency of solid fuel local space heaters decreases during real life operation when compared with energy efficiency as tested. In order to approach the seasonal space heating energy efficiency to the useful energy efficiency manufacturers should be encouraged to make use of controls. For this purpose, a global discount for this divergence between these two values is assumed. This discount can be recovered by choosing a number of control options.

(16) The ecodesign requirements should not affect the functionality or affordability of solid fuel local space heaters from the end-user's perspective and should not negatively affect health, safety or the environment.

(17) The time frame for introducing the ecodesign requirements should be sufficient for the manufacturers to redesign their products subject to this Regulation. The timing should take into account any cost impact for manufacturers, in particular for small and medium-sized enterprises, is taken into account, while ensuring timely achievement of the objectives of this Regulation.

(18) Solid fuel local space heaters are covered by harmonised standards to be used pursuant Article 7 of Regulation (EU) No 305/2011 of the European Parliament and of the Council[(3)]. For the sake of legal certainty and simplification, it is appropriate for the corresponding harmonised standards to be revised in order to reflect the ecodesign requirements established by this Regulation.

(19) Product parameters should be measured and calculated using reliable, accurate and reproducible measurement and calculation methods which take into account the recognised state-of-the-art measurement methods including, where available, harmonised standards adopted by the European standardisation organisations following a request by the Commission in accordance with the procedures laid down in Regulation (EU) No 1025/2012 of the European Parliament and of the Council[(4)].

(20) In accordance with Article 8 of Directive 2009/125/EC, this Regulation specifies which conformity assessment procedures apply.

(21) In order to facilitate compliance checks, manufacturers should provide the information contained in the technical documentation referred to in Annexes IV and V to Directive 2009/125/EC insofar as that information relates to the requirements laid down in this Regulation.

(22) To further limit the environmental impact of solid fuel local space heaters, manufacturers should provide information on disassembly, recycling and disposal.

(23) In addition to the legally binding requirements laid down in this Regulation, indicative benchmarks for best available technologies should be determined to ensure that information on the life-cycle environmental performance of solid fuel local space heaters is widely available and easily accessible.

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

HAS ADOPTED THIS REGULATION:

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Article 1

Subject matter and scope

1 This Regulation establishes ecodesign requirements for the placing on the market and putting into service of solid fuel local space heaters with a nominal heat output of 50 kW or less.

2 This Regulation shall not apply to:

a solid fuel local space heaters that are specified for the combustion of non-woody biomass only;

b solid fuel local space heaters that are specified for outdoor use only;

c solid fuel local space heaters of which the direct heat output is less than 6 % of the combined direct and indirect heat output at nominal heat output;

d solid fuel local space heaters that are not factory assembled, or are not provided as prefabricated components or parts by a single manufacturer which are to be assembled on site.

e air heating products;

f sauna stoves.

Article 2

Definitions

In addition to the definitions set out in Article 2 of Directive 2009/125/EC, the following definitions shall apply:

(1) ‘solid fuel local space heater’ means a space heating device that emits heat by direct heat transfer or by direct heat transfer in combination with heat transfer to a fluid, in order to reach and maintain a certain level of human thermal comfort within an enclosed space in which the product is situated, possibly combined with a heat output to other spaces, and is equipped with one or more heat generators that convert solid fuels directly into heat;

(2) ‘open fronted solid fuel local space heater’ means a solid fuel local space heater of which the fire bed and combustion gases are not sealed from the space in which the product is fitted and which is sealed to a chimney or fireplace opening or requires a flue duct for the evacuation of products of combustion;

(3) ‘closed fronted solid fuel local space heater’ means a solid fuel local space heater of which the fire bed and combustion gases can be sealed from the space in which the product is fitted and which is sealed to a chimney or fireplace opening or requires a flue duct for the evacuation of products of combustion;

(4) ‘cooker’ means a solid fuel local space heater, using solid fuels, that integrates in one enclosure the function of a solid fuel local space heater, and a hob an oven or both to be used for preparation of food and which is sealed to a chimney or fireplace opening or requires a flue duct for the evacuation of products of combustion;

(5) ‘flueless solid fuel local space heater’ means a solid fuel local space heater emitting the products of combustion into the space where the product is situated;

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(6) ‘open to chimney solid fuel local space heater’ means a solid fuel local space heater intended to sit under a chimney or in a fireplace without sealing between the product and the chimney or fireplace opening, and allowing the products of combustion pass unrestricted from the fire bed to the chimney or flue;

(7) ‘sauna stove’ means a solid fuel local space heater, incorporated in, or declared to be used in, dry or wet sauna's or similar environments;

(8) ‘air heating product’ means a product providing heat to an air-based heating system only that can be ducted and is designed to be used while fastened or secured in a specific location or wall mounted which distributes the air by means of an air moving device in order to reach and maintain a certain level of human thermal comfort within an enclosed space in which the product is situated;

(9) ‘solid fuel’ means a fuel which is solid at normal indoor room temperatures, including solid biomass and solid fossil fuel;

(10) ‘biomass’ means the biodegradable fraction of products, waste and residues from biological origin from agriculture (including vegetal and animal substances), forestry and related industries including fisheries and aquaculture, as well as the biodegradable fraction of industrial and municipal waste;

(11) ‘woody biomass’ means biomass originating from trees, bushes and shrubs, including log wood, chipped wood, compressed wood in the form of pellets, compressed wood in the form of briquettes, and sawdust;

(12) ‘non-woody biomass’ means biomass other than woody biomass, including, inter alia, straw, miscanthus, reeds, kernels, grains, olive stones, olive cakes and nut shells;

(13) ‘fossil solid fuel’ means solid fuel other than biomass, including anthracite and dry steam coal, hard coke, low temperature coke, bituminous coal, lignite, a blend of fossil fuels or a blend of biomass and fossil fuel; for the purposes of this Regulation it also includes peat;

(14) ‘preferred fuel’ means the single fuel for which is to be preferably used for the solid fuel local space heater according to the manufacturer's instructions;

(15) ‘other suitable fuel’ means a fuel, other than the preferred fuel, which can be used in the solid fuel local space heater according to the manufacturer's instructions and includes any fuel that is mentioned in the instruction manual for installers and end-users, on free access websites of manufacturers and suppliers, in technical or promotional material and in advertisements;

(16) ‘direct heat output’ means the heat output of the product by radiation and convection of heat, as emitted by or from the product itself to air excluding the heat output of the product to a heat transfer fluid, expressed in kW;

(17) ‘indirect heat output’ means the heat output of the product to a heat transfer fluid by the same heat generation process that provides the direct heat output of the product, expressed in kW;

(18) ‘indirect heating functionality’ means the product is capable of transferring part of the total heat output to a heat transfer fluid, for use as space heating or domestic hot water generation;

(19) ‘nominal heat output’ (P_{nom}) means the heat output of a solid fuel local space heater comprising both direct heat output and indirect heat output (where applicable), when