Commission Regulation (EU) No 813/2013 of 2 August 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for space heaters and combination heaters (Text with EEA relevance)

COMMISSION REGULATION (EU) No 813/2013

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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 Ecodesign Consultation Forum,

Whereas:

(1) Under Directive 2009/125/EC ecodesign requirements should be set by the Commission for energy-related products representing significant volumes of sales and trade, having a significant environmental impact and presenting significant potential for improvement through design in terms of their environmental impact without entailing excessive costs.

(2) Provisions on the efficiency of boilers were established by Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels[(2)].

(3) Article 16(2)(a) 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 Ecodesign 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 for heating and water heating equipment.

(4) The Commission has carried out a preparatory study on the technical, environmental and economic aspects of space heaters and combination (space and water) heaters typically used in the Union. The study was devised together with stakeholders and interested parties from the Union and third countries, and the results have been made publicly available.

(5) The environmental aspects of space heaters and combination heaters that have been identified as significant for the purposes of this Regulation are energy consumption in the use phase and (for heat pump heaters) sound power levels. In addition, for heaters

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using fossil fuels, emissions of nitrogen oxides, carbon monoxide, particulate matter and hydrocarbons are identified as significant environmental aspects.

(6) It is not appropriate to set ecodesign requirements for emissions of carbon monoxide, particulate matter and hydrocarbons as no suitable European measurement methods are as yet available. With a view to developing such measurement methods, the Commission mandated the European standardisation organisations to consider ecodesign requirements for those emissions during the review of this Regulation. National provisions for ecodesign requirements on emissions of carbon monoxides, particulate matter and hydrocarbons of space heaters and combination heaters may be maintained or introduced until the corresponding Union ecodesign requirements enter into force. The provisions of Directive 2009/142/EC of the European Parliament and of the Council of 30 November 2009 relating to appliances burning gaseous fuels[3], which limit the combustion products of appliances burning gaseous fuels in relation to health and safety, are not affected.

(7) The preparatory study shows that requirements regarding the other ecodesign parameters referred to in Annex I, Part 1 to Directive 2009/125/EC are not necessary in the case of space heaters and combination heaters. In particular, greenhouse gas emissions related to refrigerants used in heat pump heaters for heating today's European building stock are not identified as significant. The appropriateness of setting ecodesign requirements for these greenhouse gas emissions will be reassessed when reviewing this Regulation.

(8) The scope of this Regulation should include boiler space heaters, cogeneration space heaters and heat pump space heaters providing heat to water-based central heating systems for space heating purposes, and boiler combination heaters and heat pump combination heaters providing heat to water-based central heating systems for space heating purposes and heat to deliver hot drinking and sanitary water. These heaters are designed to use gaseous or liquid fuels, including from biomass (unless predominantly), electricity and ambient or waste heat.

(9) Heaters that are designed for using gaseous or liquid fuels predominantly (more than 50 %) produced from biomass have specific technical characteristics which require further technical, economic and environmental analyses. Depending on the outcome of the analyses, ecodesign requirements for those heaters should be set at a later stage, if appropriate.

(10) Annual energy consumption related to space heaters and combination heaters was estimated to have been 12 089 PJ (about 289 Mtoe) in the Union in 2005, corresponding to 698 Mt CO_2 emissions. Unless specific measures are taken, annual energy consumption is expected to be 10 688 PJ in 2020. Annual emissions of nitrogen oxides related to space heaters and combination heaters were estimated to have been 821 kt SO_x equivalent in the Union in 2005. Unless specific measures are taken, annual emissions are expected to be 783 kt SO_x equivalent in 2020. The preparatory study shows that the use-phase energy consumption and emissions of nitrogen oxides of space heaters and combination heaters can be significantly reduced.

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(11) The energy consumption of space heaters and combination heaters can be reduced by applying existing cost-effective non-proprietary technologies which lead to a reduction in the combined costs of purchasing and operating these products.

(12) In the Union there are almost five million dwellings with shared open-flue systems. For technical reasons it is not possible to replace existing boiler space heaters and boiler combination heaters by efficient condensing boilers in dwellings with a shared open-flue system. The requirements contained in this Regulation allow non-condensing boilers specifically designed for such a configuration to remain on the market; this is to prevent undue costs for consumers, to give manufacturers time to develop boilers dedicated to more efficient heating technologies, and to give Member States time to reflect on national building codes.

(13) The combined effect of the ecodesign requirements set out in this Regulation and the Commission Delegated Regulation (EU) No 811/2013 of 18 February 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of space heaters, combination heaters, packages of space heater, temperature control and solar device and packages of combination heater, temperature control and solar device[(4)] is expected to result by 2020 in estimated annual energy savings of about 1 900 PJ (about 45 Mtoe), corresponding to around 110 Mt CO_2 emissions, and a reduction in annual nitrogen oxides emissions of some 270 kt SO_x equivalent, compared to what would happen if no measures were taken.

(14) Ecodesign requirements should harmonise energy consumption, sound power level and nitrogen oxides emission requirements for space heaters and combination heaters throughout the Union, thus helping to make the internal market operate better and to improve the environmental performance of these products.

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

(16) The ecodesign requirements should be introduced gradually to give manufacturers a sufficient timeframe to redesign their products subject to this Regulation. The timing should be such that 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.

(17) Product parameters should be measured and calculated using reliable, accurate and reproducible methods which take into account recognised state-of-the-art measurement and calculation methods, including, where available, harmonised standards adopted by the European standardisation organisations under a request from the Commission, in accordance with the procedures laid down in the Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation[(5)].

(18) In accordance with Article 8(2) of Directive 2009/125/EC, this Regulation specifies which conformity assessment procedures apply.

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(19) To facilitate compliance checks, manufacturers should provide information 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.

(20) To further limit the environmental impact of space heaters and combination heaters, manufacturers should provide information on disassembly, recycling and/or disposal.

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

(22) Directive 92/42/EEC should be repealed, except for Articles 7(2) and 8 thereof and Annexes III to V thereto, and new provisions should be laid down by this Regulation to ensure that the scope is extended to heaters other than boilers, to further improve the energy efficiency of space heaters and combination heaters, and to improve other significant environmental aspects of space heaters and combination heaters.

(23) 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

Subject matter and scope

1 This Regulation establishes ecodesign requirements for the placing on the market and/or putting into service of space heaters and combination heaters with a rated heat output ≤ 400 kW, including those integrated in packages of space heater, temperature control and solar device or packages of combination heater, temperature control and solar device as defined in Article 2 of Commission Delegated Regulation (EU) No 811/2013.

2 This Regulation shall not apply to:

a heaters specifically designed for using gaseous or liquid fuels predominantly produced from biomass;

b heaters using solid fuels;

c heaters within the scope of Directive 2010/75/EU of the European Parliament and of the Council[(6)];

d heaters generating heat only for the purpose of providing hot drinking or sanitary water;

e heaters for heating and distributing gaseous heat transfer media such as vapour or air;

f cogeneration space heaters with a maximum electrical capacity of 50 kW or above;

g heat generators designed for heaters and heater housings to be equipped with such heat generators placed on the market before 1 January 2018 to replace identical heat generators and identical heater housings. The replacement product or its packaging shall clearly indicate the heater for which it is intended.

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Article 2

Definitions

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

(1) 'heater' means a space heater or combination heater;

(2) 'space heater' means a device that

(a) provides heat to a water-based central heating system in order to reach and maintain at a desired level the indoor temperature of an enclosed space such as a building, a dwelling or a room; and

(b) is equipped with one or more heat generators;

(3) 'combination heater' means a space heater that is designed to also provide heat to deliver hot drinking or sanitary water at given temperature levels, quantities and flow rates during given intervals, and is connected to an external supply of drinking or sanitary water;

(4) 'water-based central heating system' means a system using water as a heat transfer medium to distribute centrally generated heat to heat emitters for the space heating of buildings, or parts thereof;

(5) 'heat generator' means the part of a heater that generates the heat using one or more of the following processes:

(a) combustion of fossil fuels and/or biomass fuels;

(b) use of the Joule effect in electric resistance heating elements;

(c) capture of ambient heat from an air source, water source or ground source, and/or waste heat;

whereby a heat generator designed for a heater and a heater housing to be equipped with such a heat generator shall be also considered a heater;

(6) 'heater housing' means the part of a heater designed to have a heat generator fitted;

(7) 'rated heat output' (*Prated*) means the declared heat output of a heater when providing space heating and, if applicable, water heating at standard rating conditions, expressed in kW; for heat pump space heaters and heat pump combination heaters the standard rating conditions for establishing the rated heat output are the reference design conditions, as set out in Annex III, Table 4;

(8) 'standard rating conditions' means the operating conditions of heaters under average climate conditions for establishing the rated heat output, seasonal space heating energy efficiency, water heating energy efficiency, sound power level and nitrogen oxide emissions;

(9) '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;