Commission Regulation (EC) No 245/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps, and repealing Directive 2000/55/EC of the European Parliament and of the Council (Text with EEA relevance)

COMMISSION REGULATION (EC) No 245/2009

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(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council[(1)], and in particular Article 15(1) thereof,

After consulting the Ecodesign Consultation Forum,

Whereas:

(1) Under Directive 2005/32/EC ecodesign requirements shall be set by the Commission for energy using products representing significant volumes of sales and trades, having significant environmental impact and presenting significant potential for improvement in terms of their environmental impact without entailing excessive costs.

(2) Article 16(2) second indent of Directive 2005/32/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 shall as appropriate introduce an implementing measure on tertiary sector lighting products.

(3) The Commission has carried out two preparatory studies which analysed the technical, environmental and economic aspects of lighting products typically used in the tertiary (office lighting and public street lighting) sector. The studies have been developed together with stakeholders and interested parties from the Community and third countries, and the results have been made publicly available on the EUROPA website of the European Commission.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EC) No 245/2009. 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*

(4) Mandatory ecodesign requirements apply to products placed on the market wherever they are installed, therefore such requirements cannot be made dependent on the application in which the product is used (such as office lighting or public street lighting). Therefore this Regulation should address specific products, such as fluorescent lamps without integrated ballast, high intensity discharge lamps, and ballasts and luminaires able to operate such lamps. Indicative benchmarks can be helpful in guiding users on the best available technology for specific applications (such as office or public street lighting).

(5) Products subject to this Regulation are meant to be used essentially for general lighting purposes, meaning that they contribute to the provision of artificial light replacing natural light for the purposes of normal human vision. Special purpose lamps (such as lamps used in computer screens, photocopiers, tanning appliances, terrarium lighting and other similar applications) should not be subject to this Regulation.

(6) The environmental aspects of the EuPs covered that are identified as significant for the purposes of this Regulation are:

(a) energy in the use phase;

(b) mercury content of lamps.

(7) The annual electricity consumption related to products subject to this Regulation in the Community has been estimated to be 200 TWh in 2005, corresponding to 80 Mt CO_2 emissions. Without taking specific measures, the consumption is predicted to increase to 260 TWh in 2020. The preparatory studies showed that electricity consumption of products subject to this Regulation can be significantly reduced.

(8) Mercury content of the installed base of lamps has been estimated to be 12,6 tons in 2005. Without taking specific measures, the mercury content of the installed lamp base is predicted to increase to 18,6 tons in 2020 while it has been demonstrated that it can be significantly reduced.

(9) In the absence of internationally agreed scientific methods for measuring its environmental impact, the significance of the so-called ‘light pollution’ could not be assessed. However it is accepted that measures developed for increasing the lighting efficacy of tertiary lighting equipment can have a positive impact on ‘light pollution’.

(10) Improvements of electricity consumption of products subject to this Regulation should be achieved by applying existing non-proprietary cost effective technologies, which lead to a reduction of the combined expenses for purchasing and operating equipment.

(11) Ecodesign requirements for products subject to this Regulation should be set with a view to improving the environmental performance of the products affected, contributing to the functioning of the internal market and to the Community objective of reducing energy consumption by 20 % in 2020.

(12) This Regulation should increase the market penetration of technologies yielding improved energy efficiency for products subject to this Regulation, leading to estimated energy savings of 38 TWh in 2020, compared to a business as usual scenario.

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(13) The setting of energy efficiency requirements for lamps subject to this Regulation will lead to a decrease of their overall mercury content.

(14) The ecodesign requirements should not have negative impact on the functionality of the product and should not negatively affect health, safety or the environment. In particular, the benefits of reducing the electricity consumption during the use phase should over-compensate potential, if any, additional environmental impacts during the production phase of products subject to this Regulation.

(15) A staged entry into force of the ecodesign requirements should provide a sufficient timeframe for manufacturers to redesign products subject to this Regulation as appropriate. The timing of the stages should be set in such a way that negative impacts related to functionalities of equipment on the market are avoided, and cost impacts for end-users and manufacturers, in particular small and medium enterprises, are taken into account, while ensuring timely achievement of the objectives of this Regulation. The revision according to Article 8 should, *inter alia*, verify whether the performance requirement of ballasts for HID lamps in Annex III Section 2.1.C will be achievable eight years after this Regulation has entered into force.

(16) The removal of replacement lamps from the market should be planned taking into account impacts on the end-users. Member States could impose higher requirements on lighting installations.

(17) Measurements of the relevant product parameters should be performed taking into account the generally recognised state of the art measurement methods; manufacturers may apply harmonised standards set up in accordance with Article 10 of Directive 2005/32/EC.

(18) In conformity with Article 8 of Directive 2005/32/EC, this Regulation should specify that the applicable conformity assessment procedures are the internal design control set out in Annex IV to Directive 2005/32/EC and the management system for assessing conformity set out in Annex V to Directive 2005/32/EC.

(19) In order to facilitate compliance checks manufacturers should provide information in the technical documentation referred to in Annexes V and VI to Directive 2005/32/EC in so far as this information relates to the requirements laid down in this Regulation.

(20) In addition to the legally binding requirements, the identification of indicative benchmarks for best available technologies for products subject to this Regulation should contribute to ensuring wide availability and easy access to information. This is particularly useful for small and medium enterprises and very small firms, as it further facilitates the integration of best design technologies for improving the life cycle environmental performance of products subject to this Regulation.

(21) Although the mercury content of fluorescent and high intensity discharge lamps is considered to be a significant environmental aspect, it is appropriate to regulate it under Directive 2002/95/EC of the European Parliament and of the Council[(2)], which covers also the lamp types exempted from this Regulation.

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(22) Directive 2000/55/EC of the European Parliament and of the Council of 18 September 2000 on energy efficiency requirements for ballasts for fluorescent lighting[(3)] is an implementing measure of Directive 2005/32/EC and has an ongoing effect on the installed ballast base, due to long luminaire and magnetic ballast lifetimes. However, there is further improvement potential, and more demanding minimum energy efficiency requirements as compared to Directive 2000/55/EC would be appropriate. Directive 2000/55/EC should therefore be replaced by this Regulation.

(23) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 19(1) of Directive 2005/32/EC,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation establishes ecodesign requirements for the placing on the market of fluorescent lamps without integrated ballast, of high intensity discharge lamps, and of ballasts and luminaires able to operate such lamps as defined in Article 2, even when they are integrated into other energy-using products.

This Regulation also provides indicative benchmarks for products intended for use in office lighting and public street lighting.

The products listed in Annex I shall be exempt from the requirements set out in this Regulation.

Article 2

Definitions

For the purposes of this Regulation, the definitions set out in Directive 2005/32/EC shall apply. The following definitions shall also apply:

1. ‘general lighting’ means substantially uniform lighting of an area without provision for special local requirements;

2. ‘office lighting’ means a fixed lighting installation for office work intended to enable people to perform visual tasks efficiently and accurately;

3. ‘public street lighting’ means a fixed lighting installation intended to provide good visibility to users of outdoor public traffic areas during the hours of darkness to support traffic safety, traffic flow and public security;

4. ‘discharge lamp’ means a lamp in which the light is produced, directly or indirectly, by an electric discharge through a gas, a metal vapour or a mixture of several gases and vapours;

5. ‘ballast’ means a device which serves mainly to limit the current of the lamp(s) to the required value in case it is connected between the supply and one or more discharge lamps. A ballast may also include means for transforming the supply voltage, dimming

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the lamp, correcting the power factor and, either alone or in combination with a starting device, providing the necessary conditions for starting the lamp(s);

6. ‘luminaire’ means an apparatus which distributes, filters or transforms the light transmitted from one or more light sources and which includes all the parts necessary for supporting, fixing and protecting the light sources and, where necessary, circuit auxiliaries together with the means for connecting them to the supply, but not the light sources themselves;

7. ‘fluorescent lamps’ means discharge lamps of the low pressure mercury type in which most of the light is emitted by one or several layers of phosphors excited by the ultraviolet radiation from the discharge;

8. ‘fluorescent lamps without integrated ballast’ means single and double capped fluorescent lamps without integrated ballast;

9. ‘high intensity discharge lamps’ means electric discharge lamps in which the light producing arc is stabilised by wall temperature and the arc has a bulb wall loading in excess of 3 watts per square centimetre.

For the purposes of Annexes I and III to VII, the definitions set out in Annex II shall also apply.

Article 3

Ecodesign requirements

The ecodesign requirements related to fluorescent lamps without integrated ballast, to high intensity discharge lamps and to ballasts and luminaires able to operate such lamps are set out in Annex III.

Article 4

Conformity assessment

The procedure for assessing conformity referred to in Article 8 of Directive 2005/32/EC shall be the internal design control system set out in Annex IV to Directive 2005/32/EC or the management system set out in Annex V to Directive 2005/32/EC.

For the purposes of conformity assessment pursuant to Article 8 of Directive 2005/32/EC, the technical documentation file shall contain a copy of the product information provided in accordance with Annex III parts 1.3, 2.2, and 3.2.

Article 5

Verification procedure for market surveillance purposes

Surveillance checks shall be carried out in accordance with the verification procedure set out in Annex IV.