Commission Regulation (EC) No 244/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for non-directional household lamps (Text with EEA relevance)

COMMISSION REGULATION (EC) No 244/2009

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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) first 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 domestic lighting products.

(3) The Commission has carried out a preparatory study which analysed the technical, environmental and economic aspects of lighting products typically used in households. The study has 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 Commission.

(4) Mandatory ecodesign requirements apply to products placed on the Community market wherever they are installed or used, therefore such requirements cannot be made dependent on the application in which the product is used (such as for domestic lighting).

(5) Products subject to this Regulation are designed essentially for the full or partial illumination of a household room, by replacing or complementing natural light with artificial light, in order to enhance visibility within that space. Special purpose lamps

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designed essentially for other types of applications (such as traffic signals, terrarium lighting, or household appliances) and clearly indicated as such on accompanying product information should not be subject to the ecodesign requirements set out in this Regulation.

(6) New technologies emerging on the market such as light emitting diodes should be subject to this Regulation.

(7) The environmental aspects of the products covered that are identified as significant for the purposes of this Regulation are energy in the use phase as well as mercury content and mercury emissions.

(8) The annual electricity consumption related to products subject to this Regulation in the Community has been estimated to be 112 TWh in 2007, corresponding to 45 Mt CO_2 emissions. Without taking specific measures, the consumption is predicted to increase to 135 TWh in 2020. The preparatory studies showed that electricity consumption of products subject to this Regulation can be significantly reduced.

(9) Mercury emitted in the different life cycle phases of the lamps, including from use-phase electricity generation and from the 80 % of compact fluorescent lamps containing mercury which are presumed not to be recycled at the end of life, has been estimated to be 2,9 tonnes in 2007 from the installed stock of lamps. Without taking specific measures, the mercury emissions of the installed lamp stock is predicted to increase to 3,1 tonnes in 2020 while it has been demonstrated that it can be significantly reduced. Although the mercury content of compact fluorescent 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 of 27 January 2003 on the restriction of the use of certain hazardous substances in electrical and electronic equipment[(2)]. The setting of energy efficiency requirements for lamps subject to this Regulation will lead to a decrease of the overall mercury emissions.

(10) Article 10(1)(d) of the Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on Waste Electrical and Electronic Equipment[(3)] should be fully implemented to ensure minimising the potential risks for the environment and for human health in case of accidental breakage of compact fluorescent lamps or at their end of life.

(11) 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 the equipment.

(12) 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 compared with the assumed energy consumption in that year if no measures are implemented.

(13) This Regulation should increase the market penetration of energy efficient products subject to this Regulation, leading to estimated energy savings of 39 TWh in 2020,

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compared with the assumed energy consumption in that year if no Ecodesign measure is implemented.

(14) The ecodesign requirements should not affect functionality from the user's perspective 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 re-design 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.

(16) 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 as soon as they are made available and published for that purpose in the *Official Journal of the European Union*.

(17) In accordance with Article 8 of Directive 2005/32/EC, this Regulation should specify the applicable conformity assessment procedures.

(18) 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.

(19) 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 to facilitating access to information. This can further facilitate the integration of best design technologies for improving the life cycle environmental performance of products subject to this Regulation.

(20) A review of this measure should take particular note of the evolution of sales of special purpose lamp types so as to verify that they are not used for general lighting purposes, of the development of new technologies such as LEDs and of the feasibility of establishing energy efficiency requirements at the 'A' class level as defined in Commision Directive 98/11/EC of 27 January 1998 implementing Council Directive 92/75 with regard to energy labeling of household lamps[(4)].

(21) The requirements contained in this measure allow halogen lamps of socket G9 and R7s to remain on the market for a limited period of time, recognising the need to service the existing luminaire stock, to prevent undue costs on consumers and to give time to manufacturers to develop luminaires dedicated to more efficient lighting technologies.

(22) 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:

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Article 1

Subject matter and scope

This Regulation establishes ecodesign requirements for the placing on the market of non-directional household lamps, including when they are marketed for non-household use or when they are integrated into other products. It also establishes product information requirements for special purpose lamps.

The requirements set out in this Regulation shall not apply to the following household and special purpose lamps:

(a) lamps having the following chromaticity coordinates x and y:
- $x < 0{,}200$ or $x > 0{,}600$
- $y < -2{,}3172\ x^2 + 2{,}3653\ x - 0{,}2800$ or $y > -2{,}3172\ x^2 + 2{,}3653\ x - 0{,}1000$;

(b) directional lamps;

(c) lamps having a luminous flux below 60 lumens or above 12 000 lumens;

(d) lamps having:
- 6 % or more of total radiation of the range 250-780 nm in the range of 250-400 nm,
- the peak of the radiation between 315-400 nm (UVA) or 280-315 nm (UVB);

(e) fluorescent lamps without integrated ballast;

(f) high-intensity discharge lamps;

(g) incandescent lamps with E14/E27/B22/B15 caps, with a voltage equal to or below 60 volts and without integrated transformer in Stages 1-5 according to Article 3.

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. ‘household room illumination’ means the full or partial illumination of a household room, by replacing or complementing natural light with artificial light, in order to enhance visibility within that space;

2. ‘lamp’ means a source made in order to produce an optical radiation, usually visible, including any additional components necessary for starting, power supply or stable operation of the lamp or for the distribution, filtering or transformation of the optical radiation, in case those components cannot be removed without permanently damaging the unit;

3. ‘household lamp’ means a lamp intended for household room illumination; it does not include special purpose lamps;

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4. **[**F1‘special purpose lamp’ means a lamp that uses the technologies covered by this Regulation but is intended for use in special applications because of its technical parameters as described in the technical documentation. Special applications are those that require technical parameters not necessary for the purposes of lighting average scenes or objects in average circumstances. These applications are of the following types:

   (a) applications where the primary purpose of the light is not lighting, such as

      (i) emission of light as an agent in chemical or biological processes (such as polymerisation, ultraviolet light used for curing/drying/ hardening, photodynamic therapy, horticulture, pet care, anti-insect products);

      (ii) image capture and image projection (such as camera flashlights, photocopiers, video projectors);

      (iii) heating (infrared lamps);

      (iv) signalling (such as traffic control or airfield lamps);

   (b) lighting applications where

      (i) the spectral distribution of the light is intended to change the appearance of the scene or object lit, in addition to making it visible (such as food display lighting or coloured lamps as defined in point 1 of Annex I), with the exception of variations in correlated colour temperature; or

      (ii) the spectral distribution of the light is adjusted to the specific needs of particular technical equipment, in addition to making the scene or object visible for humans (such as studio lighting, show effect lighting, theatre lighting); or

      (iii) the scene or object lit requires special protection from the negative effects of the light source (such as lighting with dedicated filtering for photosensitive patients or photosensitive museum exhibits); or

      (iv) lighting is required only for emergency situations (such as emergency lighting luminaires or control gears for emergency lighting); or

      (v) the lighting products have to withstand extreme physical conditions (such as vibrations or temperatures below – 20 °C or above 50 °C);

   Incandescent lamps longer than 60 mm are not special purpose lamps, if they are resistant only to mechanical shock or vibrations and are not incandescent traffic signalling lamps; or they possess a rated power higher than 25 W and claim to have specific features that are also present in lamps having higher energy efficiency classes according to Regulation (EU) No 874/2012 (such as zero EMC emissions, CRI value higher or equal to 95, and UV emissions less or equal than 2 mW per 1 000 lm);**]**

5. ‘directional lamp’ means a lamp having at least 80 % light output within a solid angle of π sr (corresponding to a cone with angle of 120°);

6. ‘non-directional lamp’ means a lamp that is not a directional lamp;