COUNCIL DIRECTIVE

of 10 December 1982

amending Directive 78/170/EEC on the performance of heat generators for space heating and the production of hot water in new or existing non-industrial buildings and on the insulation of heat and domestic hot-water distribution in new non-industrial buildings

(82/885/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas Directive 78/170/EEC (3) requires Member States to take all necessary measures to ensure that all new heat generators for space heating and/or the production of domestic hot water in new or existing non-industrial buildings comply with minimum performance requirements;

Whereas the said Directive provides that compliance with these minimum performance requirements should be assured by an inspection carried out either at the stage of manufacture of the generator or at the time of installation;

Whereas it further provides that, in the case of heat generators subject to inspection at the time of installation, energy losses must not exceed the levels laid down by the Member States;

Whereas it nevertheless provides that those appliances for which type-testing is not practicable will be the subject of a subsequent proposal after appropriate technical studies have been carried out;

Whereas, these studies having been duly completed, appropriate measures should be adopted in respect of the said heat generators;

Whereas these studies show the need to provide for the possibility of an interval between the time of installation of a generator for which type-testing is not practicable and the time at which an on-site inspection is carried out;

Whereas, moreover, these studies have led to the drafting of a code of practice indicating the procedures to be followed for the on-site performance testing of a liquid or gaseous fuel fired heat generator subject to inspection in connection with its installation;

Whereas it is consequently necessary for inspections of the generators in question to be carried out in compliance with the said code, which constitutes a minimum common basis throughout the Community; whereas the provisions of the code do not apply to solid-fuel heat generators;

Whereas it is appropriate that, in order to permit ready verification of compliance with the rules relating to an inspection carried out in connection with installation, provision be made for a data plate similar to that laid down for heat generators inspected at the stage of manufacture; whereas this plate may be replaced by the inspection report; whereas, in the event of non-compliance with the performance requirements or levels of energy loss, the inspection report will be sent to the competent administrative authority;

Whereas the measures adopted to implement this Directive should incorporate the measures adopted for the approximation of the laws of the Member States in the fields concerned by this Directive and should be directed towards facilitating the work on harmonization or standardization in progress or to be undertaken in these fields at Community level or internationally;

Whereas Directive 78/170/EEC should therefore be amended,

(1) OJ No C 175, 14. 7. 1980, p. 12.
(2) OJ No C 300, 18. 11. 1980, p. 6.
(3) OJ No L 52, 23. 2. 1978, p. 32.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 78/170/EEC is hereby amended as follows:

1. The words 'economically justifiable' shall be inserted before the words 'minimum performance requirements' in the first subparagraph of Article 1 (1);

2. The fourth subparagraph of Article 1 (1) shall be replaced by the following:

   'Electric heat generators with resistances, heat pumps and connections to a remote heating network shall be excluded.';

3. The last subparagraph of Article 1 (1) shall be deleted;

4. The following paragraphs shall be inserted in Article 1:

   '3a. Heat generators subject to inspection at the time of installation which do not comply with minimum performance requirements shall be the subject of a decision by the competent administrative authority, which may even order that a generator be taken out of service; compliance with these requirements shall be certified by means of a data plate giving at least the details provided for in paragraph 3, with the exception of the last indent regarding the consumption of the generator when working to rated capacity.

   Indication of the maximum temperature of the heating fluid provided for in the fifth indent may be omitted if the temperature is specified in another document.

   The inspecting body shall be required to provide the user with an inspection report in a form laid down by the Member State; this report must state, in particular, the details which must be given on the data plate provided for in the first subparagraph; It may replace the plate.

   When an inspection report states that a heat generator fails to comply with the minimum performance requirements, the inspecting body shall forward a copy of the report to the competent administrative authority. In the case of any heat generator coming from another Member State the competent administrative authority of the place where the inspection is carried out shall, with the owner's consent, provide the supplier, at the latter's request, with a copy of the inspection report.

   3b. The inspection of heat generators at the time of installation shall be carried out in compliance with the code of practice annexed to this Directive. The provisions of the code shall constitute a minimum common basis for the inspection procedure throughout the Community. They may be supplemented, but not cancelled or contradicted, by provisions decided upon by the Member States. The provisions of the code shall not apply to solid-fuel fired heat generators or to condensing boilers.';

5. Article 1 (4) shall be replaced by the following:

   '4. In the case of heat generators subject to inspection at the time of installation, Member States may fix, instead of minimum performance requirements, maximum levels of energy loss in accordance with point 3.1 of the code of practice.

   In such case, the provisions of paragraphs 3a and 3b shall apply'.

Article 2

The Annex to this Directive shall be added to Directive 78/170/EEC.

Article 3

Member States shall adopt the measures relating to the testing of heat generators at the time of installation within 18 months of notification of this Directive.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 10 December 1982.

For the Council

The President

G. FENGER MØLLER