COMMISSION REGULATION (EU) …/…

of 30.11.2016


(Text with EEA relevance)
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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 products¹, and in particular Article 15(1) thereof,

After consulting the Ecodesign Consultation Forum,

Whereas:

(1) Experience in implementing Commission Regulations on ecodesign requirements adopted on the basis of Directive 2009/125/EC has revealed that the verification tolerances laid down in the implementing measures, and intended for use only by market surveillance authorities, have been used by some manufacturers and importers to establish the values required to be provided in the technical documentation or to interpret those values with a view to achieving compliance or to communicate better performance of their products.

(2) The verification tolerances are designed to allow for variations that emerge in the measurements taken during verification tests, which are due to the differences in the measurement equipment used by manufacturers, importers and surveillance authorities across the Union. Verification tolerances should not be used by the manufacturer or importer for establishing the values in the technical documentation or for interpreting those values in order to achieve compliance with ecodesign rules or to communicate better performance than has actually been measured and calculated. The parameters declared or published by the manufacturer or importer should not be more favourable for the manufacturer or importer than the values contained in the technical documentation.

(3) To ensure fair competition, to realise the energy savings that the Regulations were designed to achieve and to provide consumers with accurate information about the environmental and functional performance of products, it should be clarified that the

verification tolerances set out in the implementing measures may only be used by the Member State authorities, for the purpose of verifying compliance.


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No 548/2014\textsuperscript{20}, (EU) No 1253/2014\textsuperscript{21}, (EU) 2015/1095\textsuperscript{22}, (EU) 2015/1185\textsuperscript{23}, (EU) 2015/1188\textsuperscript{24}, (EU) 2015/1189\textsuperscript{25} and (EU) 2016/XXX [Air heating/cooling and chillers Number of the Regulation to be inserted before publication in the OJ] \textsuperscript{26} should therefore be amended accordingly.

(5) Data provided by lighting industry actors shows that many lamp types intended as alternatives to the least efficient banned types (such as the mains-voltage halogen bulbs intended to replace incandescent bulbs) would be entirely removed from the market by Regulations (EC) No 244/2009\textsuperscript{27}, (EC) No 245/2009\textsuperscript{28} and (EU) No 1194/2012\textsuperscript{29} if manufacturers were prohibited from using the approach for data and information declaration described in the measurement standards supporting the verification tolerances set out in these Regulations in the way that is current practice throughout the industry. It is therefore appropriate not to amend those three Regulations through this Regulation, but to clarify the intended use of the tolerances in conjunction with a reassessment of the related minimum requirements when those Regulations are next reviewed.

(6) 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,

\textsuperscript{26} Commission Regulation (EU) 2016/XXX of XX XXXXX 2016 [number and date to be inserted before publication in the OJ] implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for air heating products, cooling products and high temperature process chillers and fan coil units [Reference to be inserted before publication in the OJ].
HAS ADOPTED THIS REGULATION:

Article 1
Amendments to Regulation (EC) No 1275/2008
Annex III to Regulation (EC) No 1275/2008 is amended in accordance with Annex I to this Regulation.

Article 2
Amendments to Regulation (EC) No 107/2009
Annexes I and II to Regulation (EC) No 107/2009 are amended in accordance with Annex II to this Regulation.

Article 3
Amendments to Regulation (EC) No 278/2009
Annexes I and II to Regulation (EC) No 278/2009 are amended in accordance with Annex III to this Regulation.

Article 4
Amendments to Regulation (EC) No 640/2009
Annex III to Regulation (EC) No 640/2009 is amended in accordance with Annex IV to this Regulation.

Article 5
Amendments to Regulation (EC) No 641/2009
Annex III to Regulation (EC) No 641/2009 is amended in accordance with Annex V to this Regulation.

Article 6
Amendments to Regulation (EC) No 642/2009
Annexes II and III to Regulation (EC) No 642/2009 are amended in accordance with Annex VI to this Regulation.

Article 7
Amendments to Regulation (EC) No 643/2009
Annex V to Regulation (EC) No 643/2009 is amended in accordance with Annex VII to this Regulation.

Article 8
Amendments to Regulation (EU) No 1015/2010
Annex III to Regulation (EU) No 1015/2010 is amended in accordance with Annex VIII to this Regulation.
Article 9
Amendments to Regulation (EU) No 1016/2010
Annex III to Regulation (EU) No 1016/2010 is amended in accordance with Annex IX to this Regulation.

Article 10
Amendments to Regulation (EU) No 327/2011
Annex III to Regulation (EU) No 327/2011 is amended in accordance with Annex X to this Regulation.

Article 11
Amendments to Regulation (EU) No 206/2012
Annex III to Regulation (EU) No 206/2012 is amended in accordance with Annex XI to this Regulation.

Article 12
Amendments to Regulation (EU) No 547/2012
Annex IV to Regulation (EU) No 547/2012 is amended in accordance with Annex XII to this Regulation.

Article 13
Amendments to Regulation (EU) No 932/2012
Annex III to Regulation (EU) No 932/2012 is amended in accordance with Annex XIII to this Regulation.

Article 14
Amendments to Regulation (EU) No 617/2013
Regulation (EU) No 617/2013 is amended as follows:
(1) The second point (e) of Article 2(20) is replaced by the following:
   ‘(e) dividing by 1000 converts Mega into Giga;’
(2) Annexes II and III are amended in accordance with Annex XIV to this Regulation.

Article 15
Amendments to Regulation (EU) No 666/2013
Annex III to Regulation (EU) No 666/2013 is amended in accordance with Annex XV to this Regulation.

Article 16
Amendments to Regulation (EU) No 813/2013
Annex IV to Regulation (EU) No 813/2013 is amended in accordance with Annex XVI to this Regulation.
Article 17
Amendments to Regulation (EU) No 814/2013
Annex V to Regulation (EU) No 814/2013 is amended in accordance with Annex XVII to this Regulation.

Article 18
Amendments to Regulation (EU) No 66/2014
Annex III to Regulation (EU) No 66/2014 is amended in accordance with Annex XVIII to this Regulation.

Article 19
Amendments to Regulation (EU) No 548/2014
Annex III to Regulation (EU) No 548/2014 is amended in accordance with Annex XIX to this Regulation.

Article 20
Amendments to Regulation (EU) No 1253/2014
Annex VI to Regulation (EU) No 1253/2014 is amended in accordance with Annex XX to this Regulation.

Article 21
Amendments to Regulation (EU) 2015/1095
Annexes IX, X and XI to Regulation (EU) No 2015/1095 are amended in accordance with Annex XXI to this Regulation.

Article 22
Amendments to Regulation (EU) 2015/1185
Annex IV to Regulation (EU) No 2015/1185 is amended in accordance with Annex XXII to this Regulation.

Article 23
Amendments to Regulation (EU) 2015/1188
Annex IV to Regulation (EU) No 2015/1188 is amended in accordance with Annex XXIII to this Regulation.

Article 24
Amendments to Regulation (EU) 2015/1189
Annex IV to Regulation (EU) No 2015/1189 is amended in accordance with Annex XXIV to this Regulation.

Article 25
Amendments to Regulation (EU) 2016/XXX [Air heating/cooling and chillers number of the Regulation to be inserted before publication in the OJ]
Annex IV to Regulation (EU) 2016/XXX [number of the Regulation to be inserted before publication in the OJ] is amended in accordance with Annex XXV to this Regulation.
Article 26

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30.11.2016

For the Commission
The President
Jean-Claude JUNCKER