

Brussels, XXX  
[...] (2025) XXX draft

**COMMISSION IMPLEMENTING REGULATION (EU) .../...**

**of XXX**

**setting ecodesign requirements for solid fuel local space heaters and for separate related controls pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Regulation (EU) 2015/1185**

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# COMMISSION IMPLEMENTING REGULATION (EU) .../...

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**setting ecodesign requirements for solid fuel local space heaters and for separate related controls pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Regulation (EU) 2015/1185**

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<sup>1</sup> and in particular Article 15(1) thereof,

Whereas:

(1) ...,

HAS ADOPTED THIS REGULATION:

## *Article 1* ***Subject matter and scope***

1. This Regulation lays down ecodesign requirements for the placing on the market and putting into service of solid fuel local space heaters with a nominal heat output of 50 kW or less. This Regulation also lays down ecodesign requirements for separate related controls.
2. This Regulation shall not apply to:
  - (a) solid fuel local space heaters designed, tested, marketed and declared exclusively for outdoor use;
  - (b) solid fuel local space heaters of which the direct heat output is less than 6% of the combined direct and indirect heat output at nominal heat output;
  - (c) solid fuel local space heaters that are not factory assembled, or are not provided as prefabricated components or parts by a single manufacturer which are to be assembled on site.
  - (d) air heating products;
  - (e) sauna stoves.

## *Article 2* ***Definitions***

For the purposes of this Regulation, the following definitions shall apply:

- (1) ‘solid fuel local space heater’ means a device equipped with one or more heat generators that convert solid fuels directly into heat output to provide thermal comfort for human beings in the enclosed space in which it is situated by direct heat

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<sup>1</sup> OJ L 285, 31.10.2009, p. 10.

transfer, possibly combined with heat output to other spaces or with heat transfer to a fluid;

- (2) 'nominal heat output' ( $P_{nom}$ ) means the heat output of a solid fuel local space heater comprising both direct heat output and, when applicable, indirect heat output, when operating at the setting for the rated heat output that can be maintained over an extended period, as declared by the manufacturer, expressed in kW;
- (3) 'separate related control' means a control intended to be used with solid fuel local space heaters in scope of this Regulation but placed on the market separately;
- (4) 'direct heat output' means the heat output of the product by radiation and convection of heat, as emitted by or from the product itself to air, excluding the heat output of the product to a heat transfer fluid, expressed in kW;
- (5) 'indirect heat output' means the heat output of the product to a heat transfer fluid by the same heat generation process that provides the direct heat output of the product, expressed in kW;
- (6) 'air heating product' means an air heating product as defined in Article 2, point (1), of Commission Regulation (EU) 2016/2281<sup>2</sup>;
- (7) 'sauna stove' means a solid fuel local space heater designed, tested, marketed and declared exclusively to be used in, dry or wet sauna's or similar environments;
- (8) 'solid fuel' means a fuel which is solid at normal indoor room temperatures, including biomass and solid fossil fuel;
- (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;
- (10) 'solid fossil fuel' means solid fuel other than biomass, including anthracite and dry steam coal, hard coke, low temperature coke, bituminous coal, lignite, a blend of fossil fuels or a blend of biomass and fossil fuel; for the purposes of this Regulation it also includes peat;
- (11) 'control' means the equipment that provides one or more control functions and that interfaces with the end-user to regulate the heat output of a solid fuel local space heater in scope of this Regulation;
- (12) 'control function' means each of the different control functions according to Table 10 and Table 11 of Annex III for the control of a solid fuel local space heater;
- (13)
- (14) 'declared values' means the values provided by the manufacturer, importer or authorised representative for the stated, calculated or measured technical parameters in accordance with Article 4, for the verification of compliance by the Member State authorities;

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<sup>2</sup> Commission Regulation (EU) 2016/2281 of 30 November 2016 implementing Directive 2009/125/EC of the European Parliament and of the Council establishing a framework for the setting of ecodesign requirements for energy-related products, with regard to ecodesign requirements for air heating products, cooling products, high temperature process chillers and fan coil units (OJ L 346, 20.12.2016, p. 1).

- (15) 'equivalent model' means a model placed on the market with the same technical parameters set out in Table 1 of Annex II as another model placed on the market by the same manufacturer;
- (16) 'model identifier' means the code, usually alphanumeric, which distinguishes a specific product model from other models with the same trade mark or the same manufacturer's, importer's or authorised representative's name.
- (17) 'particulate matter' means particles of various shape, structure and density scattered in the flue gas;
1. Article 3  
**Ecodesign requirements** Solid fuel local space heaters and separated related controls referred to in Article 1, shall meet the ecodesign requirements set out in Annex II.
2. Compliance with ecodesign requirements shall be measured and calculated in accordance with the procedure set out in Annex III.

#### *Article 4* **Conformity assessment**

1. The conformity assessment procedure shall be the procedure set out in Annex V.
2. In the absence of existing relevant standards and until the publication of the references of the relevant harmonised standards in the Official Journal, for solid fuel local space heaters using solid fuel other than compressed wood in the form of pellets and for solid fuel local space heaters using solid fossil fuel, conformity assessment shall be carried out according to the test methods laid down in Annex IV.
3. For the purposes of the conformity assessment, the technical documentation shall contain the declared values of the parameters listed in point 6 of Annex II to this Regulation and the details and results of the calculations undertaken in accordance with Annex III to this Regulation.
4. Where the information included in the technical documentation for a particular model has been obtained from either of the following means, the technical documentation shall include the details of the calculation, the assessment undertaken by the manufacturer to verify the accuracy of the calculation and, where appropriate, the declaration of identity between the models of different manufacturers:
- (a) from a model that has the same technical characteristics relevant for the technical information to be provided but is produced by a different manufacturer, or
  - (b) by calculation on the basis of design or extrapolation from another model of the same or a different manufacturer, or both.
5. The technical documentation shall include a list of all equivalent models, including the model identifiers.

#### *Article 5* **Verification procedure for market surveillance purposes**

Member States shall apply the verification procedure set out in Annex VI to this Regulation when performing the market surveillance checks referred to in Article 3(2) of Directive 2009/125/EC.

*Article 6*  
***Circumvention***

1. ~~Manufacturers, importers or authorised representatives shall not place on the market or put into service solid fuel local space heaters or separate related controls designed to alter their behaviour or properties when being tested, in order to obtain a more favourable result for any of the declared values of the parameters set out in this Regulation.~~

2. ~~Manufacturers, importers or authorised representatives shall not prescribe test instructions, specifically for when solid fuel local space heaters or separate related controls are being tested, that have the effect of altering the behaviour or properties of those solid fuel local space heaters or of those separate related controls in order to obtain a more favourable result for any of the declared values of the parameters set out in this Regulation.~~

3. ~~Manufacturers, importers or authorised representatives shall not place on the market or put into service solid fuel local space heaters or separate related controls designed to alter their behaviour or properties after being put into service resulting in a degrading of any of the declared values of the parameters set out in this Regulation.~~

*Article 7*  
***Software updates***

1. ~~Software or firmware updates shall not worsen any declared value for the parameters of a solid fuel local space heater or a separate related control when measured using the testing method applicable at the time of them being placed on the market or put into service.~~

2. ~~No change of any declared value for the parameters of a solid fuel local space heater or separate related control when measured using the testing method applicable at the time of them being placed on the market or put into service shall occur as a result of rejecting the update.~~

*Article 6*  
***Indicative benchmarks***

The indicative benchmarks for best-performing solid fuel local space heaters available on the market at the time of entry into force of this Regulation are set out in Annex VII.

*Article 7*  
***Review***

By 1 July 20XX(five years after application) the Commission shall review this Regulation in the light of technological progress and shall present the results of that review including, if appropriate, a draft revision proposal, to the Consultation Forum.

In particular, the review shall assess:

- whether it is appropriate to set stricter ecodesign requirements for energy efficiency and pollutant emissions;
- whether it is appropriate to set ecodesign requirements for emissions of particle number;
- whether it is appropriate to extend the ecodesign requirements to emissions of pollutants not currently regulated, such as benzo(a)pyrene and black carbon;

- whether it is appropriate to include into the scope of this Regulation local space heaters for outdoor use only and sauna stoves;
- whether the verification tolerances should be modified;

No later than *[OP – please insert the date – 24 months after day of entry into force of this Regulation]* the Commission shall present to the Consultation Forum a test procedure to measure and calculate particulate matter emissions from solid fuel local space heaters on the basis of the solid and condensable fractions of particulate matter. The test procedure shall also include the measurement and calculation of particle number.

#### *Article 8*

##### ***Repeal***

Regulation (EU) 2015/1185 is repealed as of 1 July 2027.

#### *Article 9*

##### ***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*.

It shall apply from 1 July 2027.

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