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COMMISSION REGULATION (EU) No .../..

of XXX

**setting ecodesign requirements for solid fuel boilers pursuant to Directive 2009/125/EC
of the European Parliament and of the Council and repealing Commission Regulation
(EU) 2015/1189**

(Text with EEA relevance)

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COMMISSION REGULATION (EU) No .../..

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setting ecodesign requirements for solid fuel boilers pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulation (EU) 2015/1189

(Text with EEA relevance)

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,

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 boilers with a rated heat output of 1,000 kW or less, including those integrated in packages of a solid fuel boiler, supplementary heaters, temperature controls and solar devices as defined in Article 2 of Delegated Regulation (EU) No .../.... **[OP - Please insert here references of the energy labelling regulation on solid fuel boilers].**
2. This Regulation shall not apply to:
 - (a) boilers within the scope of Directive 2010/75/EU of the European Parliament and of the Council²;
 - (b) boilers generating heat only for the purpose of providing hot drinking or sanitary water;

¹ OJ L 285, 31.10.2009, p. 10.

² OJ L 334, 17.12.2010, p. 17.

- (c) boilers for heating and distributing gaseous heat transfer media such as vapour or air;
- (d) solid fuel cogeneration boilers with a maximum electrical capacity of 50 kW or above.

Article 2

Definitions

In addition to the definitions set out in Article 2 of Directive 2009/125/EC, the following definitions shall apply for the purposes of this Regulation:

- (1) ‘solid fuel boiler’ means a device equipped with one or more solid fuel heat generators that provides heat to a water-based central heating system in order to reach and maintain at a desired level the indoor temperature of one or more enclosed spaces, with a heat loss to its surrounding environment of no more than 6% of rated heat output;
- (2) ‘rated heat output’ (P_r) means the declared heat output of a solid fuel boiler when providing heating of enclosed spaces, expressed in kW;
- (3) ‘solid fuel cogeneration boiler’ means a solid fuel boiler capable of simultaneously generating heat and electricity;
- (4) ‘solid fuel heat generator’ means the part of a solid fuel boiler that generates the heat through the combustion of solid fuels;
- (5) ‘water-based central heating system’ means a system using water as a heat transfer medium to distribute centrally generated heat to heat emitting devices for the heating of enclosed spaces within buildings or parts thereof, including block heating or district heating networks;
- (6) ‘solid fuel’ means a fuel that is solid at normal indoor room temperatures, including solid biomass and solid fossil fuel;
- (7) ‘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;
- (8) ‘fossil fuel’ means fuel other than biomass, including anthracite, brown coal, coke, bituminous coal; for the purposes of this Regulation it also includes peat;
- (9) ‘preferred fuel’ means the single solid fuel which is to be preferably used for the boiler according to the manufacturer’s instructions;
- (10) ‘other suitable fuel’ means a solid fuel, other than the preferred fuel, which can be used in the solid fuel boiler according to the manufacturer’s instructions and includes any fuel that is mentioned in the instruction manual for installers and end-users, on free access websites of manufacturers, in technical promotional material and in advertisements;

- (11) '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;
- (12) 'model identifier' means the code, usually alphanumeric, which distinguishes a specific product model from other models with the same trade mark or manufacturer's, importer's or authorised representative's name;
- (13) 'equivalent model' means a model which has the same technical characteristics relevant for the technical information to be provided, but which is placed on the market or put into service by the same manufacturer, importer or authorised representative as another model with a different model identifier;

Article 3

Ecodesign requirements and timetable

- 1. Solid fuel boilers referred to in Article 1 shall meet the ecodesign requirements set out in Annex II for the preferred fuel and for the other suitable fuels declared according to Annex II.
- 2. Compliance with ecodesign requirements shall be measured and calculated in accordance with the methods 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, particle number measurements shall be carried out according to the provisions 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 IV 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 boilers 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 boilers are being tested, that have the effect of altering the behaviour or properties of those solid fuel boilers 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 boilers 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 boiler 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 boiler 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 boilers available on the market at the time of entry into force of this Regulation are set out in Annex V.

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 the verification tolerances should be modified.

Article 8

Repeal

Regulation (EU) 2015/1189 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.