

ANNEX XXIII

Amendments to Annex IV to Regulation (EU) 2015/1188

Annex IV is replaced by the following:

ANNEX IV

Product compliance verification by market surveillance authorities

The verification tolerances defined in this Annex relate only to the verification of the measured parameters by Member State authorities and shall not be used by the manufacturer or importer as an allowed tolerance to establish the values in the technical documentation or in interpreting these values with a view to achieving compliance or to communicate better performance by any means.

When verifying the compliance of a product model with the requirements laid down in this Regulation pursuant to Article 3(2) of Directive 2009/125/EC, for the requirements referred to in this Annex, the authorities of the Member States shall apply the following procedure:

- (1) The Member State authorities shall verify one single unit of the model.
- (2) The model shall be considered to comply with the applicable requirements if:
 - (a) the values given in the technical documentation pursuant to point 2 of Annex IV to Directive 2009/125/EC (declared values), and, where applicable, the values used to calculate these values, are not more favourable for the manufacturer or importer than the results of the corresponding measurements carried out pursuant to paragraph (g) thereof; and
 - (b) the declared values meet any requirements laid down in this Regulation, and any required product information published by the manufacturer or importer does not contain values that are more favourable for the manufacturer or importer than the declared values; and
 - (c) when the Member State authorities test the unit of the model, the determined values (the values of the relevant parameters as measured in testing and the values calculated from these measurements) comply with the respective verification tolerances as given in Table 9.
- (3) If the results referred to in point 2(a) or (b) are not achieved, the model and all models that have been listed as equivalent models in the manufacturer's or importer's technical documentation shall be considered not to comply with this Regulation.
- (4) If the result referred to in point 2(c) is not achieved, the Member State authorities shall select three additional units of the same model for testing, except for electric local space heaters, where non-compliance is determined without further tests, and points 6 and 7 below apply immediately. For other models, as an alternative, the three additional units selected may be of one or more different models that have been listed as equivalent models in the manufacturer's or importer's technical documentation.
- (5) The model shall be considered to comply with the applicable requirements if, for these three units, the arithmetical mean of the determined values complies the respective verification tolerances given in Table 9.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EU) 2016/2282, ANNEX XXIII. (See end of Document for details)

- (6) If the result referred to in point 4 or 5 is not achieved, the model and all models that have been listed as equivalent models in the manufacturer's or importer's technical documentation shall be considered not to comply with this Regulation.
- (7) The Member State authorities shall provide all relevant information to the authorities of the other Member States and to the Commission without delay after a decision being taken on the non-compliance of the model according to points 3 and 6.

The Member State authorities shall use the measurement and calculation methods set out in Annex III.

The Member State authorities shall only apply the verification tolerances that are set out in Table 9 and shall only use the procedure described in points 1 to 7 for the requirements referred to in this Annex. No other tolerances, such as those set out in harmonised standards or in any other measurement method, shall be applied.

TABLE 9

Verification tolerances

Parameters	Verification tolerances
Seasonal space-heating energy efficiency, η_s , for electric local space heaters	The determined value shall not be lower than the declared value at the nominal heat output of the unit.
Seasonal space-heating energy efficiency, η_s , for liquid fuel and gaseous fuel domestic local space heaters	The determined value shall not be lower than the declared value by more than 8 %.
Seasonal space-heating energy efficiency, η_s , for luminous and tube local space heaters	The determined value shall not be lower than the declared value by more than 10 %.
Emissions of nitrogen oxides for gaseous and liquid fuel domestic local space heaters and luminous and tube local space heaters	The determined value shall not exceed the declared value by more than 10 %.

Changes to legislation:

There are currently no known outstanding effects for the Commission Regulation (EU) 2016/2282, ANNEX XXIII.