

Regulation (EU) 2016/426 of the European Parliament and of the Council of 9 March 2016 on appliances burning gaseous fuels and repealing Directive 2009/142/EC (Text with EEA relevance)

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope

- 1 This Regulation applies to appliances and fittings.
- 2 For the purposes of this Regulation, an appliance is considered to be ‘normally used’ where the following conditions are met:
 - a it is correctly installed and regularly serviced in accordance with the manufacturer’s instructions;
 - b it is used with a normal variation in the gas quality and a normal fluctuation in the supply pressure as set out by [^{F1}the Secretary of State under] Article 4(1);
 - c it is used in accordance with its intended purpose or in a way which can be reasonably foreseen.
- 3 This Regulation does not apply to appliances specifically designed:
 - a for use in industrial processes carried out on industrial premises;
 - b for use on aircrafts and railways;
 - c for research purposes for temporary use in laboratories.

For the purposes of this paragraph, an appliance is considered to be ‘specifically designed’ when the design is only intended to address a specific need for a specific process or use.

4 Where, for appliances or fittings, the aspects covered by this Regulation are covered more specifically by other [^{F2}enactments], this Regulation does not apply or ceases to apply to such appliances or fittings in respect of those aspects.

5 The rational use of energy essential requirement laid down in point 3.5 of Annex I to this Regulation does not apply to appliances covered by [^{F3}an implementing measure within the meaning given in the Ecodesign for Energy-Related Products Regulations 2010].

^{F4}6

Textual Amendments

- F1** Words in Art. 1(2)(b) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(2)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in Art. 1(4) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(2)(b)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council, CHAPTER I. (See end of Document for details)

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| F3 | Words in Art. 1(5) substituted (31.12.2020) by The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696) , reg. 1, Sch. 36 para. 2(2)(c) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1) |
| F4 | Art. 1(6) omitted (31.12.2020) by virtue of The Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/696) , reg. 1, Sch. 36 para. 2(2)(d) (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1) |

Article 2

Definitions

For the purposes of this Regulation the following definitions apply:

- (1) ‘appliances’ means appliances burning gaseous fuels used for cooking, refrigeration, air-conditioning, space heating, hot water production, lighting or washing, and also forced draught burners and heating bodies to be equipped with such burners;
- (2) ‘fittings’ means safety devices, controlling devices or regulating devices and sub-assemblies thereof, designed to be incorporated into an appliance or to be assembled to constitute an appliance;
- (3) ‘burning’ means a process in which gaseous fuel reacts with oxygen producing heat or light;
- (4) ‘washing’ means the entire washing process, including drying and ironing;
- (5) ‘cooking’ means the art or practice of preparing or warming food for consumption with the use of heat and employing a wide range of methods;
- (6) ‘gaseous fuel’ means any fuel which is in a gaseous state at a temperature of 15 °C under an absolute pressure of 1 bar;
- (7) ‘industrial process’ means the extraction, growth, refining, processing, production, manufacture or preparation of materials, plants, livestock, animal products, food or other products with a view to their commercial use;
- (8) ‘industrial premises’ means any place where the main activity carried out is an industrial process that would be subject to specific national health and safety regulations;
- (9) ‘gas family’ means a group of gaseous fuels with similar burning behaviour linked together by a range of Wobbe indices;
- (10) ‘gas group’ means a specified range of Wobbe indices within that of the gas family concerned;
- (11) ‘Wobbe index’ means an indicator of the interchangeability of fuel gases used to compare the combustion energy output of different composition fuel gases in an appliance;
- (12) ‘appliance category’ means the identification of gas families and/or gas groups that an appliance is designed to burn safely and at the desired performance level, as indicated by the appliance category marking;
- (13) ‘energy efficiency’ means the ratio of output of performance of an appliance to input of energy;

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council, CHAPTER I. (See end of Document for details)

- (14) ‘making available on the market’ means any supply of an appliance or a fitting for distribution or use on the [^{F5}market of Great Britain] in the course of a commercial activity, whether in return for payment or free of charge;
- (15) ‘placing on the market’ means the first making available of an appliance or a fitting on the [^{F6}market of Great Britain];
- (16) ‘putting into service’ means the first use of an appliance in [^{F7}Great Britain] by its end-user;
- (17) ‘manufacturer’ means any natural or legal person who manufactures an appliance or a fitting or who has an appliance or a fitting designed or manufactured, and markets that appliance or fitting under his name or trademark or uses the appliance for his own purposes;
- (18) ‘authorised representative’ means any natural or legal person established within the [^{F8}United Kingdom] who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks;
- (19) [^{F9} “importer” means a person who—
- a is established in the United Kingdom and places an appliance or fitting from a country outside of the United Kingdom on the market; or
 - b is established in Northern Ireland and places an appliance or fitting on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state;]
- (20) ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes an appliance or a fitting available on the market;
- (21) ‘economic operators’ means the manufacturer, the authorised representative, the importer and the distributor;
- (22) ‘technical specification’ means a document that prescribes technical requirements to be fulfilled by an appliance or a fitting;
- (23) ^{F10}
- (24) ^{F10}
- (25) ^{F10}
- (26) ‘conformity assessment’ means the process demonstrating whether the essential requirements of this Regulation relating to an appliance or a fitting have been fulfilled;
- (27) ‘conformity assessment body’ means a body that performs conformity assessment activities including calibration, testing, certification and inspection;
- (28) ‘recall’ means any measure aimed at achieving the return of an appliance that has already been made available to the end-user or of a fitting that has already been made available to an appliance manufacturer;
- (29) ‘withdrawal’ means any measure aimed at preventing an appliance or a fitting in the supply chain from being made available on the market;
- (30) ^{F11}

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- (31) ^{F11}
- (32) [^{F12} ‘approved body’ has the meaning given in Article 19;
- (33) ‘designated standard’ has the meaning given in Article 6A;
- (34) ‘enforcement authority’ means a person enforcing this Regulation under regulation 4 of the Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018 (S.I. 2018/389);
- (35) ‘UK marking’ means the marking in the form set out in Annex 2 of Regulation (EC) 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) 339/93;
- (36) ‘UK national accreditation body’ means the body appointed by the Secretary of State in accordance with Article 4 of Regulation (EC) 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) 339/93;
- (37) ‘Regulation 2016/426 (pre-exit)’ means Regulation (EU) 2016/426 of the European Parliament and of the Council on appliances burning gaseous fuels and repealing Directive 2009/142/EC, as it had effect immediately before IP completion day;
- (38) In this Regulation, references to “the market surveillance authority” are to be construed in accordance with regulation 3 of the Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018.]

Textual Amendments

- F5** Words in Art. 2(14) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(3)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 25(4)); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 2(15) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(3)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 25(4)); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 2(16) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(3)(aa)** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 25(5)); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 2(18) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(UK\(NI\) Indication\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1460), reg. 1(2), **Sch. 5 para. 1(6)(b)**
- F9** Art. 2(19) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(3)(c)** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/1460, reg. 1(4), Sch. 3 para. 25(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Art. 2(23)-(25) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(3)(d)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Art. 2(30)-(31) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(3)(d)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Art. 2(32)-(38) inserted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/696), reg. 1, **Sch. 36 para. 2(3)(e)** (as amended by S.I. 2020/676, regs. 1(1), 2 and S.I. 2020/852, regs. 2(2), 4(2), Sch. 1 para. 1(v)(iii)); 2020 c. 1, Sch. 5 para. 1(1)

Article 3

Making available on the market and putting into service

1 Appliances shall only be made available on the market and put into service if, when normally used, they comply with this Regulation.

2 Fittings shall only be made available on the market if they comply with this Regulation.

^{F13}

Textual Amendments

F13 Art. 3(3) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(4)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

^{F14} Article 4

Gas supply conditions

1 The Secretary of State must publish information, in accordance with Annex II, about the types of gas and corresponding supply pressures of gaseous fuels used in the United Kingdom.

2 The information that is published under paragraph 1, may be—

- a published in such form and manner as the Secretary of State considers appropriate;
- b reviewed by the Secretary of State at any time, and if it is revised following such a review, the Secretary of State must publish revised information as soon as reasonably practicable following that review.

3 Where the Secretary of State considers it necessary to do so to take account of any technical developments with regard to gas supply conditions, the Secretary of State may by regulations amend the content of the information regarding gas supply conditions as set out in Annex II.

4 Before making regulations under this Article, the Secretary of State must consult such persons as the Secretary of State considers appropriate.

5 Where regulations are made under this Article, the Secretary of State must, as soon as reasonably practicable after those regulations come into force, publish revised information in accordance with Annex II as amended by those regulations.

6 Regulations made under this Article may—

- a make different provisions for different cases; and
- b make such supplemental, consequential and transitional provisions as the Secretary of State considers appropriate.

7 Regulations made under this Article are to be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council, CHAPTER I. (See end of Document for details)

Textual Amendments

- F14** Art. 4 substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(5)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Article 5

Essential requirements

Appliances and fittings shall meet the essential requirements set out in Annex I which apply to them.

Article 6

[^{F15} Making available, putting into service and exhibition at trade fairs, etc]

1 [^{F16} Nothing in this Regulation prohibits, restricts or impedes], on grounds relating to the aspects covered by this Regulation, ^{F17}... the making available on the market and the putting into service of appliances which comply with this Regulation.

2 [^{F18} Nothing in this Regulation prohibits, restricts or impedes], on grounds relating to the risks covered by this Regulation, ^{F19}... the making available on the market of fittings which comply with this Regulation.

3 At trade fairs, exhibitions, demonstrations or similar events, [^{F20} nothing in this Regulation prevents] the showing of appliances or fittings which do not comply with this Regulation, provided that a visible sign clearly indicates that such appliances or fittings do not comply with this Regulation and that they are not for sale until they have been brought into conformity. During demonstrations, adequate safety measures shall be taken to ensure the protection of persons, domestic animals and property.

Textual Amendments

- F15** Art. 6 heading substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(6)(a)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in Art. 6(1) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(6)(b)(i)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F17** Words in Art. 6(1) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(6)(b)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 6(2) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(6)(b)(i)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in Art. 6(2) omitted (31.12.2020) by virtue of [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(6)(b)(ii)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation: There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council, CHAPTER I. (See end of Document for details)

F20 Words in Art. 6(3) substituted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(6)(c)** (as amended by [S.I. 2020/676](#), regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)

[^{F21}Article 6A

Designated standard

1 Subject to paragraphs 6 and 7, in this Regulation a “designated standard” means a technical specification which is—

- a adopted by a recognised standardisation body [^{F22}or an international standardising body], for repeated or continuous application, with which compliance is not compulsory; and
- b designated by the Secretary of State, by publishing the reference to the standard and maintaining that publication in a manner the Secretary of State considers appropriate.

2 For the purposes of paragraph 1, “technical specification” means a document that prescribes technical requirements to be fulfilled by a product, process, service or system and which lays down one or more of the following—

- a the characteristics required of a product, including—
 - i levels of quality, performance, interoperability, environmental protection, health, safety or dimensions, and
 - ii the requirements applicable to the product as regards the name under which the product is sold, terminology, symbols, testing and test methods, packaging, marking or labelling and conformity assessment procedures; and
- b production methods and processes relating to the product, where these have an effect on the characteristics of the product.

3 For the purposes of this Article, a “recognised standardisation body” means any one of the following organisations—

- a the European Committee for Standardisation (CEN);
- b the European Committee for Electrotechnical Standardisation (Cenelec);
- c the European Telecommunications Standards Institute (ETSI);
- d the British Standards Institution (BSI).

3A. [^{F23}In this Article “international standardising body” has the same meaning as it has for the purposes of the Agreement on Technical Barriers to Trade, part of Annex 1A to the agreement establishing the World Trade Organisation signed at Marrakesh on 15 April 1994 (as modified from time to time).]

4 When considering whether the manner of publication of a reference is appropriate in accordance with paragraph 1(b), the Secretary of State must have regard to whether the publication will draw the standard to the attention of any person who may have an interest in the standard.

5 Before publishing the reference to a technical specification adopted by the British Standards Institution, the Secretary of State must have regard to whether the technical specification is consistent with [^{F24}such] technical specifications adopted by the other recognised standardisation bodies [^{F25}or by international standardising bodies as the Secretary of State considers to be relevant].

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6 The Secretary of State may remove from publication the reference to a standard which has been published in accordance with paragraph 1(b).

7 Where the Secretary of State removes the reference to a standard from publication, that standard is no longer a designated standard.

8 In this Article, a reference to a “product” is a reference to an appliance or fitting to which this Regulation applies.

9 The Secretary of State may, by regulations, amend paragraph 3 to reflect any changes in the name or structure of the recognised standardisation bodies.

10 Regulations made under paragraph 9 must be made by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F21** Art. 6A inserted (31.12.2020) by [The Product Safety and Metrology etc. \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/696\)](#), reg. 1, **Sch. 36 para. 2(7)** (as amended by S.I. 2020/676, regs. 1(1), 2); 2020 c. 1, Sch. 5 para. 1(1)
- F22** Words in Art. 6A(1)(a) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 24(a)**; S.I. 2020/1662, reg. 2(ee)
- F23** Art. 6A(3A) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 24(b)**; S.I. 2020/1662, reg. 2(ee)
- F24** Word in Art. 6A(5) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 24(c)(i)**; S.I. 2020/1662, reg. 2(ee)
- F25** Words in Art. 6A(5) inserted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), s. 40(7), **Sch. 4 para. 24(c)(ii)**; S.I. 2020/1662, reg. 2(ee)

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EU) 2016/426 of the European Parliament and of the Council, CHAPTER I.