

## SCHEDULE 2

### AMENDMENTS TO COMMISSION REGULATIONS RELATED TO ECODESIGN

#### Commission Regulation (EU) No 813/2013

**19.**—(1) [Commission Regulation \(EU\) No 813/2013](#) of 2 August 2013 implementing [Directive 2009/125/EC](#) of the European Parliament and of the Council with regard to ecodesign requirements for space heaters and combination heaters is amended as follows.

(2) In Article 1 (subject matter and scope), in paragraph 2(c)—

- (a) after “heaters” insert “that immediately before exit day would have been”;
- (b) after “Council”, insert “, as that Directive had effect immediately before exit day”.

(3) In Article 2 (definitions)—

- (a) at the beginning, for the words from “In addition” to “this Regulation:”, substitute  
“The definitions set out in the Ecodesign for Energy-Related Products Regulations 2010 apply; and for any term that is not defined in those Regulations, the definitions set out in [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, as it had effect immediately before exit day, apply. The following definitions also apply—”;
- (b) for subparagraph (23), substitute—  
“(23) ‘conversion coefficient’ (*CC*) means a coefficient the value of which is  $CC = 2.5$ .” and;
- (c) after subparagraph (23), insert—  
“(24) ‘approved body’ has the meaning given to it in paragraph 1(1) of Schedule 1B to the Ecodesign for Energy-Related Products Regulations 2010.”.

(4) In Article 4 (conformity assessment)—

- (a) for paragraph 1, substitute—  
“**1.** For the purposes of regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010, the procedure for assessing whether an energy-related product complies with this implementing measure is the internal design control system set out in Part 1 of Schedule 1A to the Ecodesign for Energy-Related Products Regulations 2010 or the management system for assessing conformity set out in Part 2 of Schedule 1A to those Regulations, without prejudice to paragraph 3.”;
- (b) after paragraph 2, insert—  
“**3.** The conformity of series-produced boilers must be certified by—
  - (a) examination of the efficiency of a boiler type in accordance with module B as described in Annex 3 to [Directive 92/42/EEC](#), subject to the modifications in paragraph 4; and
  - (b) a declaration of conformity to the approved type in accordance with module C, D or E as described in Annex 4 to [Directive 92/42/EEC](#) subject to the modifications in paragraph 5.

For boilers burning gaseous fuels, the procedures for assessing the conformity of their efficiency must be those used to assess conformity to the safety requirements laid down in 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](#).

4. The modifications referred to in paragraph 3(a) are that Annex 3 to [Directive 92/42/EEC](#) is to be read as if—

- (a) the definitions in Article 2 of [Commission Regulation \(EU\) No 813/2013](#) of 2 August 2013 implementing [Directive 2009/125/EC](#) of the European Parliament and of the Council with regard to eco-design requirements for space heaters and combination heaters apply and prevail over any conflicting definitions in [Directive 92/42/EEC](#);
- (b) in each instance—
  - (i) for “Community”, there were substituted “United Kingdom”;
  - (ii) for “the Directive” there were substituted “Article 4 of [Commission Regulation \(EU\) No 813/2013](#) of 2 August 2013 implementing [Directive 2009/125/EC](#) of the European Parliament and of the Council with regard to eco-design requirements for space heaters and combination heaters”;
  - (iii) for “EC type-examination”, there were substituted “type-examination”;
  - (iv) for “notified body” there were substituted “approved body”;
  - (v) for “notified bodies” there were substituted “approved bodies”;
  - (vi) for “standards referred to in Article 5(2)” there were substituted “relevant designated standards”;
- (c) in the heading, “EC” were omitted;
- (d) in paragraph 3, for the fourth indent, there were substituted—
  - “a list of the designated standards applied in full or in part, and descriptions of the solutions adopted to meet the essential requirements of Article 4 of [Commission Regulation \(EU\) No 813/2013](#) of 2 August 2013 implementing [Directive 2009/125/EC](#) of the European Parliament and of the Council with regard to eco-design requirements for space heaters and combination heaters where the relevant designated standards have not been applied.”;
- (e) in paragraph 5, for “this Directive”, there we substituted “Article 4 of [Commission Regulation \(EU\) No 813/2013](#) of 2 August 2013 implementing [Directive 2009/125/EC](#) of the European Parliament and of the Council with regard to eco-design requirements for space heaters and combination heaters”.

5. The modifications referred to in paragraph 3(b) are that Annex 4 to [Directive 92/42/EEC](#) is to be read as if—

- (a) the definitions in Article 2 of [Commission Regulation \(EU\) No 813/2013](#) of 2 August 2013 implementing [Directive 2009/125/EC](#) of the European Parliament and of the Council with regard to eco-design requirements for space heaters and combination heaters apply and prevail over any conflicting definitions in [Directive 92/42/EEC](#);
- (b) in each instance—
  - (i) for “Community”, there were substituted “United Kingdom”;
  - (ii) for “CE marking”, there were substituted “UK marking”;
  - (ii) for “the Directive”, there were substituted “Article 4 of [Commission Regulation \(EU\) No 813/2013](#) of 2 August 2013 implementing [Directive 2009/125/EC](#) of the European Parliament and of the Council with regard to eco-design requirements for space heaters and combination heaters”;

- (iii) for “this Directive”, there were substituted “Article 4 of [Commission Regulation \(EU\) No 813/2013](#) of 2 August 2013 implementing [Directive 2009/125/EC](#) of the European Parliament and of the Council with regard to ecodesign requirements for space heaters and combination heaters”;
    - (iv) for “EC type-examination”, there were substituted “type-examination”;
    - (v) for “notified body” there were substituted “approved body”; and
    - (vi) for “notified bodies” there were substituted “approved bodies”;
  - (c) in the description of “Module C: Conformity to type”, in paragraph 4—
    - (i) for “standard or standards referred to in Article 5(2)”, there were substituted “designated standard”; and
    - (ii) for “Directive” there were substituted “legislation”;
  - (d) in the description of “Module D: Production quality assurance”, in paragraph 3.3, for “harmonized” there were substituted “designated”; and
  - (e) in the description of “Module E: Product quality assurance”—
    - (i) in subparagraph 3.2, for “standard(s) referred to in Article 5”, there were substituted “designated standard”; and
    - (ii) in subparagraph 3.3, for “harmonized”, there were substituted “designated”.
- (5) For Article 5 (verification procedure for market surveillance purposes) substitute—

“When performing market surveillance checks to assess compliance with the requirements set out in Annex 2, the authorities of the United Kingdom must apply the verification procedure described in Annex 4.”.
- (6) Omit Article 7 (review).
- (7) At the end of Article 10 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.
- (8) In Annex 1 (definitions applicable for Annexes 2 to 5), for subparagraph (46), substitute—

“(46) ‘off mode’ means a condition in which the equipment is connected to a mains power source and is not providing any function other than—

  - (a) an indication of off mode condition; or
  - (b) functionalities intended only to ensure electromagnetic compatibility pursuant to the Electromagnetic Compatibility Regulations 2016;”.
  - (9) In Annex 3 (measurements and calculations), in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.
  - (10) Annex 4 (product compliance verification by market surveillance authorities) is amended as follows—
    - (a) in each instance, for “Member State”, substitute “United Kingdom”;
    - (b) before subparagraph (1), for the words from “When verifying” to “following procedure”, substitute—

“When verifying the compliance of a product model with the requirements laid down in this Regulation, for the requirements referred to in this Annex the authorities of the United Kingdom must apply the following procedure—”;
    - (c) in subparagraph (2)(a)—
      - (i) for “point 2 of Annex IV to [Directive 2009/125/EC](#) (declared values)” substitute “paragraph 1(2) of Part 1 of Schedule 1A to the Ecodesign for Energy-Related Products Regulations 2010”; and

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- (ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;
- (d) omit subparagraph (7); and
- (e) in the fourth paragraph—
  - (i) for “7” substitute “6”; and
  - (ii) for “harmonised” substitute “designated”.