

*Draft Regulations laid before Parliament under paragraph 2(2) of Schedule 2 to the European Communities Act 1972, and paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.*

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D R A F T   S T A T U T O R Y   I N S T R U M E N T S

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**2019 No.**

**EXITING THE EUROPEAN UNION**

**ENERGY CONSERVATION**

**The Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019**

*Made* - - - -

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*Coming into force in accordance with regulation 1*

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The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(b).

The Secretary of State is a Minister designated(c) for the purposes of section 2(2) of the European Communities Act 1972 in relation to energy and energy sources.

In accordance with paragraph 2(2) of Schedule 2 to the European Communities Act 1972, and paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

## PART 1

### Introduction

#### Citation and commencement

1.—(1) These Regulations may be cited as the Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019.

(2) This regulation and Part 2 come into force on the 21st day after the day on which these Regulations are made.

(3) The remaining provisions of these Regulations come into force on exit day.

## PART 2

### Amendment of the Energy Information Regulations 2011: European Communities Act 1972

#### Amendment to the Energy Information Regulations 2011

2. Paragraph 1 of Schedule 1 to the Energy Information Regulations 2011(d) is amended as follows—

(a) after the entry relating to household lamps insert—

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|                       |                                |
|-----------------------|--------------------------------|
| “Commission Delegated | The dates set out in Article 9 |
|-----------------------|--------------------------------|

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(a) 1972 c. 68. Section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3 of, and the Schedule to, the European Union (Amendment) Act 2008 (c. 7). The European Communities Act 1972 will be repealed on exit day by section 1 of the European Union (Withdrawal) Act 2018 (c. 16).

(b) 2018 c. 16.

(c) S.I. 2010/761.

(d) S.I. 2011/1524, amended by S.I. 2012/2897, S.I. 2012/3005, S.I. 2013/1232, S.I. 2014/1290, S.I. 2015/469, S.I. 2016/838 and S.I. 2018/255.

|     |   |  |
|-----|---|--|
|     | Regulation (EU) No 874/2012 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of electrical lamps and luminaires                         | and 10 of Commission Delegated Regulation (EU) No 874/2012”.                         |
| (b) | after the entry relating to household electric ovens insert—  |  |
|     | “Commission Delegated Regulation (EU) No 65/2014 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of domestic ovens and range hoods | The dates set out in Article 10 of Commission Delegated Regulation (EU) No 65/2014”. |

### PART 3

Amendment of subordinate legislation: European Union (Withdrawal) Act 2018

#### **Amendments to the Ecodesign for Energy-Related Products Regulations 2010**

3. Schedule 1 makes amendments to the Ecodesign for Energy-Related Products Regulations 2010(a).

#### **Amendments to Commission regulations related to ecodesign**

4. Schedule 2 makes amendments to Commission regulations related to ecodesign.

#### **Amendments to the Energy Information Regulations 2011**

5. Schedule 3 makes amendments to the Energy Information Regulations 2011(b).

#### **Amendments to Regulation (EU) 2017/1369 setting a framework for energy labelling**

6. Schedule 4 makes amendments to Regulation (EU) 2017/1369 setting a framework for energy labelling.

#### **Amendments to Commission delegated regulations related to energy labelling**

7. Schedule 5 makes amendments to Commission delegated regulations related to energy labelling.

*Name*  
Minister of State

Date Department for Business, Energy and Industrial Strategy

(a) S.I. 2010/2617, amended by S.I. 2011/1043, S.I. 2011/2677, S.I. 2012/3005, S.I. 2013/1232, S.I. 2014/1290, S.I. 2015/469, S.I. 2016/838 and S.I. 2017/1143.  
(b) S.I. 2011/1524, amended by S.I. 2012/2897, S.I. 2012/3005, S.I. 2013/1232, S.I. 2014/1290, S.I. 2015/469, S.I. 2016/838 and S.I. 2018/255.

## AMENDMENTS TO THE ECODESIGN FOR ENERGY-RELATED PRODUCTS REGULATIONS 2010

### The Ecodesign for Energy-Related Products Regulations 2010

1. The Ecodesign for Energy-Related Products Regulations 2010 are amended as follows.

#### Amendment of regulation 2

2.—(1) Regulation 2 (interpretation) is amended as follows.

(2) For paragraph (1), substitute—

“(1) In these Regulations—

“applicable implementing measure” means in relation to an energy-related product mentioned in the left hand column of the table in paragraph 4 of Schedule 1, the corresponding implementing measure referred to in the right hand column of that table;

“approved body” has the meaning given to it in paragraph 1(1) of Schedule 1B;

“authorised person” means a person authorised by the market surveillance authority in accordance with regulation 12;

“authorised representative” means—

(a) a person who—

(i) immediately before exit day was established in the United Kingdom or an EEA state and was appointed by a manufacturer by written mandate to act on its behalf in relation to such tasks as are specified in the mandate with regard to the manufacturer’s obligations under these Regulations, an implementing measure, or RAMS; and

(ii) on or after exit day continues to be so established and appointed by the manufacturer to perform those tasks; or

(b) a person who, on or after exit day, is established in the United Kingdom and is appointed by a manufacturer by written mandate to act on its behalf in relation to such tasks as are specified in the mandate with regard to the manufacturer’s obligations under these Regulations, an implementing measure, or RAMS;

“companies qualifying as small or medium-sized” means a company that qualifies as small under section 382 of the Companies Act 2006<sup>(a)</sup> or as medium-sized under section 465 of that Act;

“components and sub-assemblies” means parts which are intended to be incorporated into products and—

(a) which are not placed on the market or put into service as individual parts for end-users; or

(b) the environmental performance of which cannot be assessed independently;

“conformity assessment activities” means any activities connected with conformity assessment, including calibration, testing, certification and inspection;

“conformity assessment body” means a body that performs conformity assessment activities;

“designated standard” has the meaning given to it by regulation 2A;

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(a) 2006 c. 46 as amended by S.I. 2013/3008 and S.I. 2015/980.

“the Decision” means Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products(a), as it had effect immediately before exit day;

“the Directive” means 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(b) as it had effect immediately before exit day;

“ecodesign requirement” means any requirement in relation to a product, or the design of a product, intended to improve its environmental performance, or any requirement for the supply of information with regard to the environmental aspects of a product;

“ecological profile” means a description, in accordance with the implementing measure applicable to the product, of the inputs and outputs (such as materials, emissions and waste) associated with a product throughout its life cycle which are significant from the point of view of its environmental impact, expressed in physical quantities that can be measured;

“energy-related product” means—

- (a) any good that has an impact on energy consumption during use which is placed on the market or put into service; and
- (b) parts—
  - (i) which are intended to be incorporated into any good that has an impact on energy consumption during use which is placed on the market or put into service;
  - (ii) which are placed on the market or put into service as individual parts for end-users; and
  - (iii) of which the environmental performance can be assessed independently;

“environmental aspect” means an element or function of a product that can interact with the environment during its life cycle;

“environmental impact” means any change to the environment wholly or partially resulting from a product during its life cycle;

“environmental performance” of a product means the results of the manufacturer’s management of the environmental aspects of the product, as reflected in its technical documentation file where a technical documentation file is required for that product;

“identification number” means the number which identifies an approved body and follows a UK marking(c) affixed to a product pursuant to regulation 4, which is affixed—

- (a) by the approved body; or
- (b) where instructed to do so by the approved body, by the manufacturer or the manufacturer’s authorised representative;

“implementing measure” means a measure made under the Directive before exit day, or regulations made under regulation 22 on or after exit day;

“importer” means a person established in the United Kingdom who places a product from outside the United Kingdom on the United Kingdom market;

“life cycle” means the consecutive and interlinked stages of a product from raw material use to final disposal;

“manufacturer” means a person who—

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(a) OJ L 218, 13.8.2008, p. 82–128.

(b) OJ L 285 31.10.2009, p. 10, as amended by Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency (OJ L 315, 14.11.2012, p. 1).

(c) For the purpose of any enactment, the UK marking is defined as the marking in the form published in accordance with RAMS.

- (a) manufactures a product; or
- (b) has a product designed or manufactured;  
and markets that product under its name or trademark;

“place on the market” except in regulation 20A, means the first making available of a product on the United Kingdom market, and related expressions must be construed accordingly;

“product” means an energy-related product;

“product design” means the set of processes that transform legal, technical, safety, functional, market or other requirements to be met by a product into the technical specification for that product;

“put into service” except in regulation 20A, means the first use of a product for its intended purpose on the United Kingdom market, and related expressions must be construed accordingly;

“RAMS” means Regulation (EC) No 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 No 339/93;

“self-regulation” includes voluntary agreements; and

“technical specification” means, except in regulation 2A, a document that prescribes technical requirements to be fulfilled by a product, process, service or system.”.

(3) For paragraph (2), substitute—

“(2) Expressions not defined in paragraph (1) which are used in these Regulations and—

- (a) in an implementing measure;
- (b) in the Directive; or
- (c) in RAMS;

have the meaning they bear in that implementing measure, Directive, or RAMS.”.

### **Insertion of regulation 2A**

3. After regulation 2 (interpretation) insert—

#### **“Designated standards**

**2A.**—(1) Subject to paragraphs (6) and (7), in these Regulations a “designated standard” is a reference to a technical specification which is—

- (a) adopted by a recognised standardisation 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), a “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;
  - (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;
- (b) the characteristics required of a service including levels of quality, performance, interoperability, environmental protection, health or safety; and

- (c) 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 regulation a “recognised standardisation body” means any one of the following organisations—

- (a) the European Committee for Standardization (CEN);
- (b) the European Committee for Electrotechnical Standardization (CENELEC);
- (c) the European Telecommunications Standards Institute (ETSI);
- (d) the International Organization for Standardization (ISO);
- (e) the International Electrotechnical Commission (IEC);
- (f) the International Telecommunication Union (ITU);
- (g) the British Standards Institution (BSI).

(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 sufficient attention to the standard to all persons who may have an interest in the standard.

(5) Before publishing the reference to a standard adopted by the British Standards Institution, the Secretary of State must have regard to whether the standard is consistent with standards adopted by the other recognised standardisation bodies.

(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) The Secretary of State may by regulations amend paragraph (3) to reflect any changes in the name or structure of a recognised standardisation body.

(9) Regulations made under paragraph (8) are to be made by statutory instrument.

(10) A statutory instrument containing regulations made under paragraph (8) is subject to annulment in pursuance of a resolution of either House of Parliament.”.

#### **Amendment to Part 2**

4. In the heading of Part 2, for “CE”, substitute “UK”.

#### **Amendment to regulation 3**

5.—(1) Regulation 3 (restrictions on energy-related products) is amended as follows.

(2) In paragraph (1), for “CE”, substitute “UK”

(3) After paragraph (2), insert—

“(3) Schedule 1A (conformity assessment procedures) has effect and reproduces provisions of Annexes 4 and 5 to the Directive (as it has effect immediately before exit day), with amendments, to correct deficiencies in retained EU law.

(4) Schedule 1B (conformity assessment bodies) has effect.”.

#### **Amendment to regulation 4**

6.—(1) Regulation 4 (conformity assessments, declarations of conformity and the CE marking) is amended as follows.

(2) In the heading, for “CE”, substitute “UK”.

(3) In paragraph (1), for the words from “with” to “EEA State”, substitute “with paragraph (2)”.

(4) In paragraph (2)(b)(ii), for “CE”, substitute “UK”.

(5) In paragraph (3), for “(CE marking)”, substitute “(UK marking)”.

### **Amendment to regulation 7**

7.—(1) Regulation 7 (presumption of conformity) is amended as follows.

(2) In paragraph (1), for “CE”, substitute “UK”.

(3) For paragraph (2), substitute—

“(2) Unless the contrary is proved, where designated standards have been applied to an energy-related product, the product is presumed to comply with the applicable implementing measure to the extent that the designated standards relate to the requirements of that measure.”.

(4) In paragraph (3), after “awarded a community eco-label” insert “before exit day”.

### **Amendment to regulation 8**

8. In regulation 8 (misleading markings), for “CE”, substitute “UK”.

### **Amendment to regulation 10**

9. Omit regulation 10(1) and (2).

### **Amendment to Part 7**

10. For the heading of Part 7 substitute—

“Revocations, review, transitional provision and obligations which are met by complying with obligations in the Directive”.

### **Insertion of regulations 20A and 20B**

11. After regulation 20 (revocations) insert—

#### **“Transitional provisions in relation to EU Exit**

**20A.**—(1) Part 2 does not apply to a product which—

- (a) was placed on the market or put into service during the pre-exit period; and
- (b) is in conformity with the legislation of an EEA state that implements the Directive.

(2) Subject to paragraph (3), where a product was placed on the market or put into service during the pre-exit period, despite the amendments made by Schedule 1 to the Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019, any obligation to which a person was subject under these Regulations as they had effect immediately before exit day, continues to have effect as it did immediately before exit day, in relation to that product.

(3) Paragraph (2) does not apply to any obligation to take action outside the United Kingdom in respect of that product.

(4) Where during the pre-exit period—

- (a) a product has not been placed on the market or put into service; and
- (b) a manufacturer, authorised representative or importer has taken any action in compliance with regulations 4 or 5 as they had effect immediately before exit day in relation to that product,

that action has effect as if it had been done in compliance with regulations 4 or 5 as they have effect on and after exit day.

(5) In this regulation—

“placed on the market” has the same meaning it had in these Regulations as they had effect immediately before exit day;



“pre-exit period” means the period beginning with 20th November 2010 and ending immediately before exit day;

“put into service” has the same meaning it had in these Regulations as they had effect immediately before exit day.

### **Obligations met by complying with the Directive**

**20B.**—(1) In this regulation—

- (a) any reference to an Article or an Annex is a reference to an Article of, or an Annex to, the Directive;
- (b) “CE marking” has the meaning given in Article 5(2);
- (c) “EC declaration of conformity” has the same meaning as in Article 5(3); and
- (d) “harmonised standard” has the meaning given to it in Article 2(27).

(2) Subject to paragraph (8), paragraph (3) applies where—

- (a) before placing a product on the market or putting a product into service, the manufacturer complies with legislation in an EEA state that implements—
  - (i) Article 5 (marking and the EC declaration of conformity); and
  - (ii) Article 8 (conformity assessment); and
- (b) the EC declaration of conformity is translated into English.

(3) Where this paragraph applies—

- (a) the requirements in regulation 4 are deemed to be met;
- (b) Schedules 1 and 1A are disapplied;
- (c) regulation 3 applies subject to the modification that references to the “UK marking” are to be read as references to the “CE marking”;
- (d) regulation 7 applies subject to the modifications that—
  - (i) the reference to the “UK marking” is to be read as a reference to the “CE marking”; and
  - (ii) references to “designated standards” are to be read as references to “harmonised standards”;
- (e) regulation 8 applies subject to the modification that the reference to the “UK marking” is to be read as a reference to the “CE marking”; and
- (f) regulation 9 applies subject to the modification that references to a “declaration of conformity” or a “declaration” are to be read as references to an “EC declaration of conformity”.

(4) Subject to paragraph (8), paragraph (5) applies where—

- (a) before placing a product on the market or putting a product into service, the importer complies with legislation in an EEA state implementing Article 4 (responsibilities of the importer); and
- (b) the EC declaration of conformity is translated into English.

(5) Where this paragraph applies—

- (a) the requirements imposed on the importer in regulation 5 are deemed to be met;
- (b) Schedules 1 and 1A are disapplied;
- (c) regulation 7 applies subject to the modification that references to “designated standards” are to be read as references to “harmonised standards”;
- (d) regulation 8 applies subject to the modification that the reference to the “UK marking” is to be read as a reference to the “CE marking”; and

- (e) regulation 9 applies subject to the modification that references to a “declaration of conformity” or a “declaration” are to be read as references to an “EC declaration of conformity”.
- (6) Subject to paragraph (8), paragraph (7) applies where—
- (a) before placing a product on the market or putting a product into service, the authorised representative complies with legislation in an EEA state that implements—
    - (i) Article 5 (marking and the EC declaration of conformity); and
    - (ii) Article 8 (conformity assessment); and
  - (b) the EC declaration of conformity is translated into English.
- (7) Where this paragraph applies—
- (a) the requirements imposed on the authorised representative in regulation 5 are deemed to be met;
  - (b) Schedules 1 and 1A are disapplied;
  - (c) regulation 7 applies subject to the modification that references to “designated standards” are to be read as references to “harmonised standards”;
  - (d) regulation 8 applies subject to the modification that the reference to the “UK marking” is to be read as a reference to the “CE marking”; and
  - (e) regulation 9 applies subject to the modification that references to a “declaration of conformity” or a “declaration” are to be read as references to an “EC declaration of conformity”.
- (8) Where there is no designated standard or part of a designated standard which corresponds exactly to a harmonised standard or part of a harmonised standard referred to in Article 10, paragraphs (2)(a)(ii), (4) and (6)(a)(ii) are to be treated as requiring the manufacturer to have carried out the conformity assessment procedure set out in Article 8.”.

**Insertion of regulation 22**

12. After regulation 21, insert—

**“PART 8**

**Implementing measures**

**Power of the Secretary of State to make implementing measures**

**22.**—(1) Subject to paragraphs (3) and (6), where the Secretary of State is satisfied that a product meets the criteria listed in paragraph (2), the Secretary of State must, by regulations, make an implementing measure in respect of that product.

- (2) The criteria referred to in paragraph (1) are that—
- (a) the product, according to the most recently available figures and considering the quantities placed on the market or put into service, has a significant environmental impact within the United Kingdom; and
  - (b) the product presents significant potential for improvement in terms of its environmental impact without entailing excessive costs, taking into account in particular—
    - (i) the absence of other relevant legislation or failure of market forces to address the issue properly; and
    - (ii) the existence of a wide disparity in the environmental performance of products available on the United Kingdom market with equivalent functionality.

- (3) The Secretary of State must not make an implementing measure in respect of a product that is the subject of self-regulation where such self-regulation—
- (a) meets at least the criteria in Annex 8 to the Directive, read subject to the modifications in regulation 23(1)(a) and (d); and
  - (b) is expected to achieve the Secretary of State’s ecodesign policy objectives more quickly or at lesser expense than an implementing measure.
- (4) Before exercising the power in paragraph (1), the Secretary of State must—
- (a) consider the life cycle of the product and all its significant environmental aspects, including its energy efficiency, and the feasibility of their improvement;
  - (b) consider any relevant legislation;
  - (c) consider any self-regulation which meets the criteria in Annex 8 to the Directive read subject to the modifications in regulation 23(1)(a) and (d);
  - (d) prepare a draft implementing measure;
  - (e) carry out an assessment of the draft implementing measure, which must consider its impact on the environment, consumers and manufacturers, including companies qualifying as small or medium-sized, in terms of competitiveness, innovation, market access and costs and benefits;
  - (f) consult on the draft implementing measure;
  - (g) prepare an explanatory memorandum of the draft implementing measure based on the assessment referred to in sub-paragraph (e); and
  - (h) set an implementation date, and any staged or transitional measures or periods, taking into account, in particular, possible impacts on companies qualifying as small or medium-sized, or on specific product groups manufactured primarily by companies qualifying as small or medium-sized.
- (5) For the purposes of paragraph (4)(a)—
- (a) the depth of analysis to be carried out by the Secretary of State on the environmental aspects and on the feasibility of their improvement must be proportionate to their significance; and
  - (b) the Secretary of State must take into account that the adoption of ecodesign requirements on the significant environmental aspects of a product must not be unduly delayed by uncertainties regarding the other aspects.
- (6) The Secretary of State must not make an implementing measure in respect of a product unless the Secretary of State is satisfied that the implementing measure—
- (a) has no significant negative impact on the functionality of the product, from the perspective of the user;
  - (b) has no adverse effects on health, safety and the environment;
  - (c) has no significant negative impact on consumers in particular as regards the affordability and the life cycle cost of the product;
  - (d) has no significant negative impact on industry’s competitiveness;
  - (e) does not have the consequence of imposing proprietary technology on manufacturers; and
  - (f) does not impose an excessive administrative burden on manufacturers.
- (7) An implementing measure made under paragraph (1)—
- (a) must lay down ecodesign requirements in accordance with Annex 1 and Annex 2 to the Directive, read subject to the modifications in regulation 23(1)(a) to (c);
  - (b) must introduce specific ecodesign requirements for selected environmental aspects which have a significant environmental impact;
  - (c) must specify, in particular:
    - (i) the exact definition of the type of product covered;

- (ii) the ecodesign requirements for the product covered, implementation dates, and any staged or transitional measures or periods and—
  - (aa) in the case of generic ecodesign requirements, the relevant phases and aspects selected from those mentioned in paragraph 1.1 and 1.2 of Annex 1, read subject to the modifications in regulation 23(1)(a) and (b), accompanied by examples of parameters selected from those mentioned in paragraph 1.3 of Annex 1, read subject to the modifications in regulation 23(1)(a) and (b), as guidance when evaluating improvements regarding identified environmental aspects; and
  - (bb) in the case of specific ecodesign requirements, the level of the requirements that apply;
- (iii) the ecodesign parameters referred to in Part 1 of Annex 1, read subject to the modifications in regulation 23(1)(a) and (b), relating to which no ecodesign requirement is necessary;
- (iv) the installation requirements of the product where it has direct relevance to the product's environmental performance;
- (v) where available, the designated standards that apply and if no designated standards apply, the measurement standards and measurement methods to be used;
- (vi) requirements on information to be provided by manufacturers notably on the elements of the technical documentation which are needed to facilitate the checking of the compliance of the product with the implementing measure;
- (vii) the duration of the transitional period during which it is permitted to place on the market or put into service products which comply with legislation in force in the United Kingdom before the coming into force of the implementing measure;
- (viii) the date for the evaluation and possible revision of the implementing measure, taking into account the speed of technological progress;
- (d) must specify the procedures for assessing the product's conformity with the implementing measure, including—
  - (i) the choice open to the manufacturer between the internal design control procedure set out in Part 1 of Schedule 1A and the management system procedure set out in Part 2 of that Schedule;
  - (ii) where duly justified and proportionate to the risks involved, in addition to the choice in paragraph (i), one or more of the Modules described in Annex 2 to the Decision, as it had effect immediately before exit day, read subject to the modifications in regulation 23(2); and
  - (iii) where relevant, the criteria relating to approved bodies;
- (e) must contain requirements formulated so as to ensure that market surveillance authorities can verify the conformity of the product with the requirements of the implementing measure;
- (f) must specify whether verification can be achieved directly on the product or on the basis of the technical documentation;
- (g) may provide that no ecodesign requirement is necessary for certain specified ecodesign parameters referred to in Part 1 of Annex 1 to the Directive read subject to the modifications in regulation 23(1)(a) and (b);
- (h) where appropriate, must include provisions on the balancing of various environmental aspects;
- (i) may, subject to being proportionate and taking into account legitimate confidentiality of commercially sensitive information—

- (i) require information to be supplied by the manufacturer that may influence the way the product is handled, used or recycled by parties other than the manufacturer; and
- (ii) require a manufacturer or its authorised representative placing components and sub-assemblies on the market or putting them into service to provide the manufacturer of a product covered by an implementing measure with—
  - (aa) relevant information on the material composition of the components and sub-assemblies; and
  - (bb) relevant information on the consumption of energy, materials and resources of the components and sub-assemblies; and
- (j) must not apply to means of transport for persons or goods.

(8) Where, for the purposes of paragraph (7)(d)(ii), the procedure for assessing a product's conformity with the implementing measure includes one or more Modules, the implementing measure may—

- (a) regarding technical documentation, require information additional to that which is already stipulated in the Modules;
- (b) regarding the time for which the manufacturer and approved body are obliged to keep any kind of documentation, alter the period stipulated in the Modules;
- (c) specify the manufacturer's choice as to whether the tests are carried out either by an accredited in-house body or under the responsibility of an approved body chosen by the manufacturer;
- (d) where product verification is performed, specify the manufacturer's choice as to whether the examinations and tests to check the conformity of the products with the appropriate requirements will be carried out by examination and testing of every product, or by examination and testing of the products on a statistical basis;
- (e) provide for the type examination certificate to have a period of validity;
- (f) regarding the type examination certificate, specify relevant information relating to conformity assessment and in-service control to be included in it or its annexes;
- (g) provide for different arrangements regarding the obligations the approved body has to report to the Secretary of State; and
- (h) if the approved body carries out periodic audits, specify their frequency.

(9) Where an implementing measure made under paragraph (1) requires information to be supplied by the manufacturer that may influence the way the product is handled, used or recycled by parties other than the manufacturer—

- (a) the implementing measure may require that information to include, as applicable—
  - (i) information from the designer relating to the manufacturing process;
  - (ii) information for consumers on the significant environmental characteristics and performance of a product, to allow consumers to compare these aspects of the products;
  - (iii) information for consumers on how to install, use and maintain the product in order to minimise its impact on the environment and to ensure optimal life expectancy, as well as on how to return the product at end-of-life, and, where appropriate, information on the period of availability of spare parts and the possibilities of upgrading products; and
  - (iv) information for treatment facilities concerning disassembly, recycling, or disposal at end-of-life; and
- (b) the implementing measure must require that information—
  - (i) to be given on the product itself wherever possible; and

- (ii) to take into account obligations under other relevant legislation, such as the Waste Electrical and Electronic Equipment Regulations 2013<sup>(a)</sup>.

### **Modifications to Annexes 1, 2 and 8 of the Directive**

**23.**—(1) The modifications referred to in paragraphs (3)(a), (4)(c), (7)(a), (c) and (g) of regulation 22 are as follows—

- (a) Annexes 1, 2 and 8 to the Directive are to be read as if the definitions in regulation 2 of these Regulations apply and prevail over any conflicting definitions in the Directive.
- (b) Annex 1 to the Directive is to be read as if—
  - (i) before Part 1—
    - (aa) in the first paragraph, the words from “The Commission must” to the end were omitted; and
    - (bb) in the second paragraph, for the words from “Article 15” to the end there were substituted “regulation 22 of the Ecodesign for Energy-Related Products Regulations 2010, the Secretary of State must identify, as appropriate to the product covered by the implementing measure, the relevant ecodesign parameters from among those listed in Part 1 and the requirements for the manufacturer listed in Part 3”;
  - (ii) in Part 1—
    - (aa) in paragraph 1.2(e), for “Directive 2002/96/EC” there were substituted “the Waste Electrical and Electronic Equipment Regulations 2013”; and
    - (bb) for paragraph 1.3(d), there were substituted—

“(d) use of substances classified as hazardous to health or the environment according to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006, and taking into account legislation on the marketing and use of specific substances, such as—

      - (i) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC;
      - (ii) the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012<sup>(b)</sup>; and”;
    - (cc) in paragraph 1.3(k), for the words from “Directive 97/68/EC” to the end there were substituted “Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC”;

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(a) S.I. 2013/3113, amended by S.I. 2014/1771, S.I. 2015/1968, S.I. 2016/738, S.I. 2016/1154, S.I. 2018/102.

(b) S.I. 2012/3032, as amended by S.I. 2018/942.

- (iii) Part 2 were omitted; and
  - (iv) in Part 3, in the second subparagraph of paragraph 2, for “the Commission”, there were substituted “the Secretary of State”;
- (c) Annex 2 to the Directive is to be read as if—
- (i) before paragraph 1, in the second subparagraph—
    - (aa) for “Article 15, the Commission” there were substituted “regulation 22 of the Ecodesign for Energy-Related Products Regulations 2010, the Secretary of State”; and
    - (bb) the words from “in accordance” to “Article 19(2),” were omitted;
  - (ii) in the fifth subparagraph of paragraph 1, for “data provided from the European Central Bank” there were substituted “relevant data”; and
  - (iii) paragraph 2 were omitted;
- (d) Annex 8 to the Directive is to be read as if—
- (i) before paragraph 1, for the unnumbered paragraph, there were substituted—
 

“In addition to the basic legal requirement that self-regulatory initiatives must comply with all applicable domestic and international rules, the following non-exhaustive list of indicative criteria may be used to evaluate whether a self-regulatory initiative may be considered by the Secretary of State as an alternative to an implementing measure—”;
  - (ii) in paragraph 5, in the second subparagraph, “Member States,” were omitted;
  - (iii) in paragraph 6, in the first subparagraph—
    - (aa) for “Commission services”, there were substituted “Secretary of State”;
    - (bb) after “objectives”, there were inserted “in the United Kingdom context”;
  - (iv) in paragraph 6, in the second subparagraph, the words from “It must” to the end were omitted; and
  - (v) in paragraph 8, for “the policy objectives of this Directive” there were substituted “relevant ecodesign policy objectives”.
- (2) The modifications referred to in regulation 22(7)(d)(ii) to Annex 2 of the Decision, as it had effect immediately before exit day, are that Annex 2 is to be read as if—
- (a) the definitions in regulation 2 of these Regulations apply and prevail over any conflicting definitions in the Decision;
  - (b) in each instance—
    - (i) for “EC design examination certificate”, there were substituted “design examination certificate”;
    - (ii) for “EC-type examination”, there were substituted “type-examination”;
    - (iii) for “harmonised standards” there were substituted “designated standards”;
    - (iv) for “its notifying authorities” and “the notifying authorities”, there were substituted “the Secretary of State”;
    - (v) references to a “notified body” were references to an “approved body”;
    - (vi) for “the national authorities”, “relevant authorities” and “relevant national authorities”, there were substituted “the Secretary of State”; and
    - (vii) the words “the references of which have been published in the Official Journal of the European Union”, were omitted; and
  - (c) in the description of “Module B”, in the third paragraph of point 8—
    - (i) for “The Commission, the Member States”, there were substituted “The Secretary of State”; and

- (ii) for “the Commission and the Member States”, there were substituted “the Secretary of State”;
- (d) in the description of “Module H1”, in the third paragraph of point 4.5—
  - (i) for “The Commission, the Member States”, there were substituted “The Secretary of State”; and
  - (ii) for “the Commission and the Member States”, there were substituted “the Secretary of State”; and
- (e) in the heading to the Table, “Community” were omitted; and
- (f) in the Table—
  - (i) for “national authorities” there were substituted “the Secretary of State”; and
  - (ii) for “EC-design examination certificate” there were substituted “design examination certificate”.

### **Form of implementing measure**

**24.**—(1) The power to make an implementing measure under regulation 22(1) is exercisable by statutory instrument, and—

- (a) in the case of an implementing measure which lays down ecodesign requirements identical to requirements adopted by the European Commission (if a draft of the instrument has not been laid before, and approved by a resolution of, each House of Parliament) the statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament; and
  - (b) in any other case, the statutory instrument must not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (2) An implementing measure under regulation 22(1) may—
- (a) amend the list of energy-related products and corresponding implementing measures in the table in paragraph 4 of Schedule 1;
  - (b) make different provision for different cases or circumstances;
  - (c) include supplementary, incidental and consequential provision; and
  - (d) make transitional provision and savings.”.

### **Amendment to Schedule 1**

**13.**—(1) Schedule 1 (Declaration of Conformity) is amended as follows.

(2) In paragraph 3—

- (a) in sub-paragraph (c)(i), for “harmonised”, substitute “designated”; and
- (b) for sub-paragraph (c)(iii), substitute—
  - “(iii) the reference to other legislation, not referred to in paragraph 4, providing for the affixing of the UK marking; and”.

### **Insertion of Schedule 1A**

**14.** After Schedule 1, insert—



## Conformity Assessment Procedures

### PART 1

#### Internal design control

##### **The internal design control procedure**

- 1.—(1) The internal design control procedure is a procedure—
  - (a) whereby the manufacturer, or its authorised representative, ensures that a product is in conformity with the relevant requirements of the applicable implementing measure; and
  - (b) which complies with the requirements specified in sub-paragraph (2).
- (2) The following are specified as requirements of an internal design control procedure—
  - (a) the manufacturer, or its authorised representative, must compile a technical documentation file making possible an assessment of the conformity of the product with the requirements of the applicable implementing measure;
  - (b) the technical documentation file must contain, in particular—
    - (i) a general description of the product and of its intended use;
    - (ii) the results of relevant environmental assessment studies carried out by the manufacturer, or references to environmental assessment literature or case studies, which are used by the manufacturer in evaluating, documenting and determining product design solutions;
    - (iii) the ecological profile, where required by the implementing measure;
    - (iv) elements of the product design specification relating to environmental design aspects of the product;
    - (v) a list of the relevant designated standards, applied in full or in part, and a description of the solutions adopted to meet the requirements of the applicable implementing measure where the designated standards have not been applied or where those standards do not cover entirely the requirements of the applicable implementing measure;
    - (vi) a copy of the information concerning the environmental design aspects of the product provided in accordance with any requirements of the applicable measure relating to the supply of information that may influence the way the product is handled, used or recycled by parties other than the manufacturer; and
    - (vii) the results of measurements on the ecodesign requirements carried out, including details of the conformity of these measurements as compared with the ecodesign requirements set out in the applicable implementing measure; and
  - (c) the manufacturer must take all measures necessary to ensure that the product is manufactured in compliance with the design specifications referred to in paragraph (b)(iv) and with the requirements of the implementing measure which applies to it.

## PART 2

### Management system

#### **The management system procedure**

- 2.—(1) The management system procedure is a procedure—
- (a) whereby the manufacturer ensures that a product is in conformity with the relevant requirements of the applicable implementing measure; and
  - (b) which complies with the requirements specified in sub-paragraph (2).
- (2) Paragraphs 3 to 6 specify the requirements of a management system procedure.

#### **The environmental product performance policy**

- 3.—(1) The manufacturer must, on request by the authorities of the United Kingdom—
- (a) demonstrate conformity with the requirements of the applicable implementing measure; and
  - (b) provide a framework for setting and reviewing environmental product performance objectives and indicators with a view to improving the overall environmental product performance.
- (2) All the measures adopted by the manufacturer to improve the overall environmental performance of, and to establish the ecological profile of, a product, if required by the implementing measure, through design and manufacturing, must be documented in a systematic and orderly manner in the form of written procedures and instructions.
- (3) The procedures and instructions referred to in sub-paragraph (2) must contain, in particular, an adequate description of—
- (a) the list of documents that must be prepared to demonstrate the product's conformity, and, if relevant, that have to be made available;
  - (b) the environmental product performance objectives and indicators and the organisational structure, responsibilities, powers of the manufacturer's management and the allocation of resources with regard to their implementation and maintenance;
  - (c) the checks and tests to be carried out after manufacture to verify product performance against environmental performance indicators;
  - (d) the procedures for controlling the required documentation and ensuring that it is kept up-to-date; and
  - (e) the method of verifying the implementation and effectiveness of the environmental elements of the management system.

#### **Planning**

4. The manufacturer must establish and maintain—
- (a) procedures for establishing the ecological profile of the product;
  - (b) environmental product performance objectives and indicators, which consider technological options, taking into account technical and economic requirements; and
  - (c) a programme for achieving these objectives.

#### **Implementation and documentation**

- 5.—(1) The manufacturer must ensure that the documentation concerning the management system complies, in particular, with the following—

- (a) responsibilities and authorities must be defined and documented for the purpose of ensuring effective environmental product performance and reporting on the management system's operation for review and improvement;
  - (b) documents must be established indicating the design control and verification techniques implemented and processes and systematic measures used when designing the product; and
  - (c) information must be established and maintained to describe the core environmental elements of the management system and the procedures for controlling all documents required.
- (2) The manufacturer must ensure that the documentation concerning the product contains, in particular—
- (a) a general description of the product and of its intended use;
  - (b) the results of relevant environmental assessment studies carried out by the manufacturer, or references to environmental assessment literature or case studies, which are used by the manufacturer in evaluating, documenting and determining product design solutions;
  - (c) the ecological profile, where required by the implementing measure;
  - (d) documents describing the results of measurements on the ecodesign requirements carried out including details of the conformity of these measurements as compared with the ecodesign requirements set out in the applicable implementing measure;
  - (e) specifications established by the manufacturer indicating, in particular, the designated standards which have been applied; where designated standards are not applied or where they do not cover entirely the requirements of the relevant implementing measure, the means used to ensure compliance; and
  - (f) a copy of the information concerning the environmental design aspects of the product provided in accordance with any requirements of the applicable measure relating to the supply of information that may influence the way the product is handled, used or recycled by parties other than the manufacturer.

### **Checking and corrective action**

- 6.** The manufacturer must—
- (a) take all measures necessary to ensure that the product is manufactured in compliance with its design specification and with the requirements of the implementing measure which applies to it;
  - (b) establish and maintain procedures to investigate and respond to non-conformity, and implement changes in the documented procedures resulting from corrective action; and
  - (c) carry out at least every three years a full internal audit of the management system with regard to its environmental elements.”.

### **Insertion of Schedule 1B**

- 15.** After Schedule 1A (conformity assessment procedures)(a), insert—

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(a) As inserted by these Regulations.

Conformity Assessment Bodies

PART 1

Approval of Conformity Assessment Bodies

**Approved bodies**

- 1.—(1) An approved body is a conformity assessment body which—
- (a) has been approved by the Secretary of State pursuant to the procedure set out in paragraph 2; or
  - (b) immediately before exit day was a notified body in respect of which no action has been taken by the Secretary of State to suspend or withdraw the body’s status as a notified body.
- (2) Sub-paragraph (1) has effect subject to paragraph 5.
- (3) In this Schedule—
- “accreditation certificate” means a certificate, issued by the UK national accreditation body, attesting that a conformity assessment body meets the approved body requirements;
- “approved body requirements” means the requirements set out in Part 2;
- “notified body” means a body—
- (a) which the Secretary of State had before exit day notified to the European Commission and member States in accordance with Article 8(1) of Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels; and
  - (b) in respect of which no action has been taken to suspend or withdraw the body’s status as a notified body; and
- “UK national accreditation body” means the body appointed by the Secretary of State in accordance with Article 4 of RAMS.

**Approval of conformity assessment bodies**

- 2.—(1) The Secretary of State may approve only those conformity assessment bodies that qualify for approval.
- (2) A conformity assessment body qualifies for approval if the first and second conditions below are met.
- (3) The first condition is that the conformity assessment body has applied to the Secretary of State to become an approved body and that application is accompanied by—
- (a) a description of—
    - (i) the conformity assessment activities that the conformity assessment body intends to carry out;
    - (ii) the conformity assessment procedure in respect of which the conformity assessment body claims to be competent;
    - (iii) the category of products in respect of which the conformity assessment body claims to be competent; and
  - (b) either—
    - (i) an accreditation certificate; or

- (ii) the documentary evidence necessary for the Secretary of State to verify, recognise and regularly monitor the conformity assessment body's compliance with the approved body requirements.

(4) The second condition is that the Secretary of State is satisfied that the conformity assessment body meets the approved body requirements.

(5) For the purposes of sub-paragraph (4), the Secretary of State may accept an accreditation certificate, provided in accordance with sub-paragraph (3)(b)(i), as sufficient evidence that the conformity assessment body meets the approved body requirements.

(6) When deciding whether to approve a conformity assessment body, the Secretary of State may—

- (a) have regard to any other matter which appears to the Secretary of State to be relevant; and
- (b) set such conditions in relation to the approval as the Secretary of State considers appropriate.

### **Presumption of conformity of approved bodies**

3.—(1) Where a conformity assessment body demonstrates its conformity with the criteria laid down in a designated standard (or part of such standard), the Secretary of State is to presume that the conformity assessment body meets the approved body requirements covered by that standard (or that part of that standard).

(2) The presumption in sub-paragraph (1) is rebuttable.

### **Monitoring**

4. The Secretary of State must monitor each approved body with a view to verifying that the body—

- (a) continues to meet the approved body requirements;
- (b) meets any conditions set—
  - (i) in accordance with paragraph 2(6)(b); or
  - (ii) in the case of an approved body which was a notified body immediately before exit day, by the Secretary of State immediately before exit day; and
- (c) carries out its functions in accordance with these Regulations.

### **Restriction, suspension or withdrawal of approval**

5.—(1) Where the Secretary of State determines that an approved body—

- (a) no longer meets an approved body requirement; or
- (b) is failing to fulfil its obligations under these Regulations, other than a condition referred to in paragraph 4(b),

the Secretary of State must restrict, suspend or withdraw the body's status as an approved body under paragraph 1.

(2) Where the Secretary of State determines that an approved body no longer meets a condition referred to in paragraph 4(b), the Secretary of State may restrict, suspend or withdraw the body's status as an approved body under paragraph 1.

(3) In deciding what action is required under sub-paragraph (1) or (2), the Secretary of State must have regard to the seriousness of the non-compliance.

(4) Before taking action under sub-paragraph (1) or (2), the Secretary of State must—

- (a) give notice in writing to the approved body of the proposed action and the reasons for it;

- (b) give the approved body an opportunity to make representations to the Secretary of State regarding the proposed action within a reasonable period from the date of the notice; and
- (c) consider any such representations made by the approved body.

(5) Where the Secretary of State has taken action in respect of an approved body under sub-paragraph (1) or (2), or where an approved body has ceased its activity, the approved body must, at the request of the Secretary of State—

- (a) transfer its files relating to the activities it has undertaken as an approved body to another approved body or to the Secretary of State; or
- (b) keep its files relating to the activities it has undertaken as an approved body available for the Secretary of State and market surveillance authorities for a period of 10 years from the date they were created.

(6) The activities undertaken as an approved body referred to in sub-paragraph (5) include any activities that the body has undertaken as a notified body.

### **Operational matters in relation to approved bodies**

6.—(1) Subject to the terms of its approval and to sub-paragraph (3), an approved body must carry out the conformity assessment activities and procedures—

- (a) in respect of which the body's approval was given under paragraph 2; or
- (b) in respect of which the body's approval as an approved body was made.

(2) Where an approved body carries out a conformity assessment procedure, it must do so in accordance with Part 3.

(3) An approved body must make provision for a manufacturer to be able to make an appeal against a refusal by the approved body—

- (a) to issue a type-examination certificate referred to in Annexes 3 and 4 to Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels (the "1992 Directive"), read as if modified by Article 4(4) and (5) 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 (the "2013 Regulation"); or
- (b) to affix, or cause to be affixed, the approved body's identification number pursuant to paragraph 1 of the Module D: Production quality assurance section or paragraph 1 of the Module E: Product quality assurance section of Annex 4 to the 1992 Directive read as if modified by Article 4(5) of the 2013 Regulation.

### **Subsidiaries and contractors**

7.—(1) An approved body may subcontract specific conformity assessment activities, or use a subsidiary to carry out such activities provided—

- (a) the body is satisfied that the subcontractor or subsidiary meets the approved body requirements;
- (b) the body has informed the Secretary of State that it is satisfied that the subcontractor or subsidiary meets those requirements; and
- (c) the economic operator for whom the activities are to be carried out has consented to the activities being carried out by that person.

(2) The approved body which subcontracts specific conformity assessment activities or uses a subsidiary to carry out such activities remains responsible for the proper performance of those activities (irrespective of where the subcontractor or subsidiary is established).

(3) Where an approved body subcontracts, or uses a subsidiary to carry out, a specific conformity assessment activity, the approved body must, for a period of 10 years beginning

on the day on which the activity is first carried out, keep available for inspection by the Secretary of State all relevant documentation concerning—

- (a) the assessment of the qualifications of the subcontractor or the subsidiary; and
- (b) the conformity assessment activity carried out by the subcontractor or subsidiary.

(4) In this paragraph, “subsidiary” has the meaning given to it in section 1159 of the Companies Act 2006(a).

### **Register of approved bodies**

**8.**—(1) The Secretary of State must—

- (a) assign an approved body identification number to each approved body; and
- (b) compile and maintain a register of—
  - (i) approved bodies;
  - (ii) their approved body identification numbers;
  - (iii) the activities for which they have been approved; and
  - (iv) any restrictions on those activities.

(2) The register referred to in sub-paragraph (1) must be made publicly available.

### **UK national accreditation body**

**9.** The Secretary of State may authorise the UK national accreditation body to carry out the following activities on behalf of the Secretary of State—

- (a) assessing whether a conformity assessment body meets the approved body requirements;
- (b) monitoring approved bodies in accordance with paragraph 4; and
- (c) compiling and maintaining the register of approved bodies, in accordance with paragraph 8.

## **PART 2**

### **Approved body requirements**

**10.**—(1) A conformity assessment body must be established in the United Kingdom and have legal personality.

(2) A conformity assessment body must be a third party body independent of the organisation or the product it assesses. A body belonging to a business association or professional federation representing businesses involved in the design, manufacturing, provision, assembly, use or maintenance of products which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.

(3) A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment activities must not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the products that they assess, nor the representative of any of those parties.

(4) Sub-paragraph (3) does not preclude the use of assessed products that are necessary for the operations of the conformity assessment body or the use of such products for personal purposes.

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(a) 2006 c. 46.

(5) A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks must not be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of those products, or represent the parties engaged in those activities. They must not engage in any activity (including consultancy services) that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are approved.

(6) A conformity assessment body must ensure that the activities of its subsidiaries or sub-contractors do not affect the confidentiality, objectivity or impartiality of its conformity assessment activities.

(7) A conformity assessment body and its personnel must carry out conformity assessment activities with the highest degree of professional integrity and the requisite competence in the specific field and must be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, particularly with regard to persons or groups of persons who have an interest in the results of those activities.

(8) A conformity assessment body must be capable of carrying out all of the conformity assessment activities for which it has been approved, whether that assessment is carried out by the body itself or on its behalf and under its responsibility.

(9) A conformity assessment body must have at its disposal—

- (a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment activities;
- (b) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency of and the ability to reproduce those procedures, and have appropriate policies and procedures in place that distinguish between tasks it carries out as an approved body and other activities; and
- (c) procedures for the performance of conformity assessment activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.

(10) A conformity assessment body must have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and must have access to the necessary equipment or facilities.

(11) The personnel responsible for carrying out conformity assessment must have—

- (a) sound technical and vocational training, covering all conformity assessment activities in relation to which the conformity assessment body has been approved;
- (b) satisfactory knowledge of the requirements of the assessments which the conformity assessment body carries out, and adequate authority to carry out those assessments;
- (c) appropriate knowledge and understanding of the essential safety requirements, of the applicable designated standards and of the applicable provisions of these Regulations; and
- (d) the ability to draw up certificates, records and reports demonstrating that the assessments have been carried out.

(12) A conformity assessment body must be able to demonstrate the impartiality of its top level management and the personnel responsible for carrying out the conformity assessment activities.

(13) The remuneration of the top level management and the personnel responsible for carrying out the conformity assessment activities must not depend on the number of assessments carried out or on the results of those assessments.

(14) A conformity assessment body must have, and must satisfy the Secretary of State that it has, adequate civil liability insurance in respect of its activities.



(15) A conformity assessment body must ensure that its personnel observe professional secrecy with regard to all information obtained in carrying out their tasks in accordance with these Regulations, and that proprietary rights are protected.

(16) Sub-paragraph (15) does not prevent the personnel from providing the information to the Secretary of State.

(17) A conformity assessment body must participate in, or ensure that its personnel who are responsible for carrying out the conformity assessment activities are informed of, the relevant standardisation activities and the activities of any approved body coordination group established by the Secretary of State and must apply as general guidance the administrative decisions and documents produced as a result of the work of that group.

## PART 3

### Operational obligations of approved bodies

**11.**—(1) An approved body must carry out conformity assessments in accordance with the conformity assessment procedures.

(2) An approved body must carry out conformity assessments in a proportionate manner, avoiding unnecessary burdens on economic operators.

(3) An approved body must perform its activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.

(4) An approved body must respect the degree of rigour and the level of protection required to ensure that the product is in conformity with the requirements of these Regulations.

(5) Where an approved body finds that essential safety requirements or corresponding designated standards or other technical specifications have not been met by a manufacturer, it must require the manufacturer to take appropriate corrective measures and must not issue a certificate of conformity.

(6) Where, in the course of the monitoring of conformity following the issue of a certificate of conformity, an approved body finds that a product is no longer in conformity with the essential safety requirements, it must require the manufacturer to take appropriate corrective measures and must, if necessary, suspend or withdraw the certificate of conformity.

(7) Where the approved body has required a manufacturer to take corrective measures and the manufacturer has failed to take such measures, or those measures have not had the required effect, the approved body must restrict, suspend or withdraw any certificate of conformity.

(8) Sub-paragraph (9) applies where an approved body is minded to—

- (a) refuse to issue a certificate of conformity;
- (b) restrict, suspend or withdraw a certificate of conformity.

(9) Where this paragraph applies, the approved body must—

- (a) give the person applying for the certificate of conformity, or the person to whom the certificate of conformity has been given, a notice in writing giving reasons and specifying the date on which the refusal, restriction, suspension or withdrawal is intended to take effect;
- (b) give the person referred to in paragraph (a), an opportunity to make representations within a reasonable period from the date of the notice; and
- (c) take account of any representations made within the period referred to in paragraph (b) before taking its decision.

(10) An approved body must inform the Secretary of State of—

- (a) any refusal, restriction, suspension or withdrawal of a certificate of conformity;
- (b) any circumstances affecting the scope of or conditions for approval under paragraph 2;
- (c) any request for information which it has received from a market surveillance authority regarding conformity assessment activities;
- (d) on request, any conformity assessment activities performed within the scope of its approval under paragraph 2 and any other activity performed, including cross-border activities and subcontracting.

(11) An approved body must make provision in its contracts with its clients enabling such clients to appeal against a decision—

- (a) to refuse to issue a certificate of conformity or grant an approval;
- (b) to restrict, suspend or withdraw a certificate of conformity or approval.

(12) An approved body must provide other bodies approved under these Regulations carrying out similar conformity assessment activities covering the same products with relevant information on issues relating to negative and, on request, positive conformity assessment results.

(13) An approved body must participate in the work of any approved body coordination group established by the Secretary of State, directly or by means of its designated representatives.”.

### **Amendment to Schedule 3**

**16.** In Schedule 3—

- (a) in paragraph 1, for “notified”, substitute “approved”;
- (b) in paragraph 4, omit “for the purposes of Article 4(7) of the Marketing Decision”.

## **SCHEDULE 2**

Regulation 4

### **AMENDMENTS TO COMMISSION REGULATIONS RELATED TO ECODESIGN**

#### **Commission Regulation (EC) No 1275/2008**

**1.**—(1) Commission Regulation (EC) No 1275/2008 of 17 December 2008 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for standby and off mode, and networked standby, electric power consumption of electrical and electronic household and office equipment is amended as follows.

(2) Article 2 (definitions) is amended as follows—

- (a) at the beginning, for the words from “For the purposes” to “also apply:”, substitute—

“The definitions set out in the Ecodesign for Energy-Related Products Regulations 2010(a) 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(b), as it had effect immediately before exit day, apply. The following definitions also apply—”;

- (b) for the definition of “off mode” in paragraph 6, substitute—

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(a) S.I. 2010/2617, amended by S.I. 2011/1043, S.I. 2011/2677, S.I. 2012/3005, S.I. 2013/1232, S.I. 2014/1290, S.I. 2015/469, S.I. 2016/838, S.I. 2017/1143 and Part 3 of this instrument.

(b) OJ L 285, 31.10.2009, p. 10–35.

“(6) ‘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(a);”.

(3) For Article 4 (conformity assessment), substitute—

“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.”.

(4) Omit Article 7 (revision).

(5) At the end of Article 8 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(6) Annex 3 (product compliance verification by market surveillance authorities) is amended as follows—

- (a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;
- (b) in section 1—
  - (i) for the first paragraph, 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—”;

(ii) in subparagraph (2)(a)—

- (aa) 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
- (bb) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;

(iii) subparagraph (7) is omitted;

(iv) in the second paragraph—

- (aa) for “7” substitute “6”; and
- (bb) for “harmonised” substitute “designated”.

(7) Annex 4 (benchmarks) is amended as follows—

- (a) in the first paragraph, for “purpose of Annex I, Part 3, point 2, to Directive 2005/32/EC” substitute “purposes of this Regulation”; and
- (b) in the second paragraph, for “Directive 2004/108/EC”, substitute “the Electromagnetic Compatibility Regulations 2016”.

### **Commission Regulation (EC) No 107/2009**

**2.**—(1) Commission Regulation (EC) No 107/2009 of 4 February 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for simple set-top boxes is amended as follows.

(2) In Article 2 (definitions), at the beginning, for the words from “For the purposes” to “also apply:”, substitute—

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(a) S.I. 2016/1091, amended by S.I. 2017/1206.

“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—”.

(3) For Article 5 (conformity assessment), substitute—

“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.”.

(4) Omit Article 8 (revision).

(5) At the end of Article 9 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(6) Annex 2 (product compliance verification by market surveillance authorities) is amended as follows—

- (a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;
- (b) for the second paragraph, 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
- (ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;

(d) subparagraph (7) is omitted;

(e) in the fourth paragraph—

- (i) for “7” substitute “6”; and
- (ii) for “harmonised” substitute “designated”.

(7) In Annex 3 (benchmarks), in the first paragraph, for “purpose of Annex I, part 3, point 2, of Directive 2005/32/EC” substitute “purposes of this Regulation”.

### **Commission Regulation (EC) No 244/2009**

**3.**—(1) Commission Regulation (EC) No 244/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for non-directional household lamps is amended as follows.

(2) In Article 2 (definitions), at the beginning, for the words from “For the purposes” to “also apply:”, 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—”.

(3) 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.”;

(b) in paragraph 2, for “Article 8 of Directive 2005/32/EC” substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”.

(4) 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 3.”.

(5) Omit Article 7 (revision).

(6) At the end of Article 8 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(7) In Annex 1 (technical parameters covered and definitions for the purposes of Annexes 2 to 4), in the definition of “lamp mercury content” after “Commission Decision 2002/747/EC”, insert “, as it had effect immediately before exit day”.

(8) In Annex 2 (ecodesign requirements for non-directional household lamps), in paragraph 3.1(a), after “Directive 98/11/EC(a)”, insert “, as it had effect immediately before exit day”.

(9) Annex 3 (verification procedure for market surveillance purposes) is amended as follows—

(a) in the first paragraph, for “Member State”, substitute “United Kingdom”;

(b) in the fourth paragraph—

(i) for “authorities of the Member States”, substitute “United Kingdom authorities”;

(ii) in the first point, for the words from “harmonised” to “Directive 2005/32/EC”, substitute “designated standards”.

#### **Commission Regulation (EC) No 245/2009**

**4.**—(1) Commission Regulation (EC) No 245/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps, and repealing Directive 2000/55/EC of the European Parliament and of the Council is amended as follows.

(2) In Article 2 (definitions), at the beginning, for the words from “For the purposes” to “also apply:”, 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—”.

(3) In Article 4 (conformity assessment)—

(a) for the first paragraph, 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

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(a) OJ L 71, 10.3.1998, p. 1.

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.”;

(b) in the second paragraph, for “Article 8 of Directive 2005/32/EC” substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”.

(4) Omit Article 8 (revision).

(5) At the end of Article 9 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(6) Annex 1 (exemptions) is amended as follows—

(a) in paragraph 1, for “Article 8 of Directive 2009/125/EC” substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”;

(b) for paragraph 2(b), substitute—

“(b) lamps that immediately before exit day would have been covered by the requirements of Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres(a) or Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres(b);”;

(c) for paragraph 2(c), substitute—

“(c) emergency lighting luminaires and emergency sign luminaires within the meaning of Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits(c) immediately before exit day;”;

(d) for paragraph 2(e) substitute—

“(e) luminaires that immediately before exit day would have been covered by the requirements of—

(i) Directive 2014/34/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to equipment and protective systems intended for use in potentially explosive atmospheres(d);

(ii) Directive 1999/92/EC of the European Parliament and of the Council of 16 December 1999 on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres(e);

(iii) Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC(f);

(iv) Council Directive 93/42/EEC of 14 June 1993 concerning medical devices(g); or

(v) Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys(h); and

(f) luminaires integrated into equipment that immediately before exit day would have been covered by the requirements referred to in (e)(i) to (v).”;

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(a) OJ L 96, 29.3.2014, p. 309–356.

(b) OJ L 23, 28.1.2000, p. 57–64.

(c) OJ L 96, 29.3.2014, p. 357–374.

(d) OJ L 96, 29.3.2014, p. 309–356.

(e) OJ L 23, 28.1.2000, p. 57–64.

(f) OJ L 157, 9.6.2006, p. 24–86.

(g) OJ L 169, 12.7.1993, p. 1–43.

(h) OJ L 170, 30.6.2009, p. 1–37.

- (e) in the final paragraph, for “Article 8 of Directive 2009/125/EC”, substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”.
- (7) Annex 3 (ecodesign requirements for fluorescent and high intensity discharge lamps and ballasts and luminaires able to operate such lamps) is amended as follows—
- (a) in the first subparagraph of paragraph 1.3, for “Article 8 of Directive 2005/32/EC”, substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”;
  - (b) in the first subparagraph of paragraph 2.2, for “Article 8 of Directive 2005/32/EC”, substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”;
  - (c) in the second subparagraph of section A of paragraph 3.2, for “Article 8 of Directive 2005/32/EC”, substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”.
- (8) Annex 4 (verification procedure for market surveillance purposes) is amended as follows—
- (a) in each instance, for the words “Member State” or “Member States”, substitute “United Kingdom”;
  - (b) omit “referred to in Article 3(2) of Directive 2005/32/EC”;
  - (c) in the second paragraph, omit the words from “, including” to “Union”.

#### **Commission Regulation (EC) No 278/2009**

**5.**—(1) Commission Regulation (EC) No 278/2009 of 6 April 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for no-load condition electric power consumption and average active efficiency of external power supplies is amended as follows.

(2) In Article 2 (definitions), at the beginning, for the words from “For the purposes” to “also apply:”, 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—”.

(3) For Article 4 (conformity assessment), substitute—

“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.”.

(4) Omit Article 7 (revision).

(5) At the end of Article 9 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(6) Annex 2 (product compliance verification by market surveillance authorities) is amended as follows—

- (a) in each instance, for “Member State” or “Member States” substitute “United Kingdom”;
- (b) for the second paragraph, 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
  - (ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;
- (d) subparagraph (7) is omitted;
- (e) in the fourth paragraph—
  - (i) for “7” substitute “6”; and
  - (ii) for “harmonised” substitute “designated”.

**Commission Regulation (EC) No 640/2009**

6.—(1) Commission Regulation (EC) No 640/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for electric motors is amended as follows.

(2) In Article 2 (definitions), at the beginning, for the words from “In addition” to “shall apply:”, 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—”.

(3) For Article 4 (conformity assessment), substitute—

“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.”.

(4) For Article 5 (verification procedure for market surveillance purposes), substitute—

“When performing market surveillance checks to assess compliance with the requirements set out in this Regulation, the authorities of the United Kingdom must apply the verification procedure described in Annex 3.”.

(5) Omit Article 7 (revision).

(6) At the end of Article 8 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(7) Annex 3 (product compliance verification by market surveillance authorities) is amended as follows—

- (a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;
- (b) for the second paragraph, 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



- (ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;
- (d) subparagraph (6) is omitted; and
- (e) in the fourth paragraph—
  - (i) for “6” substitute “5”; and
  - (ii) for “harmonised” substitute “designated”.

**Commission Regulation (EC) No 641/2009**

7.—(1) Commission Regulation (EC) No 641/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products is amended as follows.

(2) In Article 2 (definitions), at the beginning, for “For the purposes of this Regulation, the following definitions shall apply:”, 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—”.

(3) For Article 4 (conformity assessment), substitute—

“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.”.

(4) 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 1, the authorities of the United Kingdom must apply the verification procedure described in Annex 3.”.

(5) Omit Article 7 (revision).

(6) At the end of Article 8 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(7) In Annex 2 (measurement methods and methodology for calculating the energy efficiency index), in paragraph 1, the words from “, including” to “Union” are omitted.

(8) In Annex 3 (product compliance verification by market surveillance authorities)—

- (a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;
- (b) for the second paragraph, 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
- (ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;

- (d) subparagraph (7) is omitted; and
- (e) in the fourth paragraph—
  - (i) for “7” substitute “6”; and
  - (ii) for “harmonised” substitute “designated”.

**Commission Regulation (EC) No 642/2009**

**8.**—(1) Commission Regulation (EC) No 642/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for televisions is amended as follows.

(2) In Article 2 (definitions)—

(a) at the beginning, for the words from “In addition” to “shall apply:”, 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 paragraph 7, substitute—

“7. ‘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;”.

(3) In Article 4 (conformity assessment), for the first paragraph, substitute—

“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.”.

(4) Omit Article 6 (revision).

(5) At the end of Article 8 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(6) Annex 3 (product compliance verification by market surveillance authorities) is amended as follows—

(a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;

(b) in section A—

(i) for the first paragraph, 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 procedure in subparagraph (1) to (6) below.

The authorities of the United Kingdom must also apply the steps set out in subparagraphs 2(a), 2(b) and 3 below during the verification procedure set out in part B of this Annex.”;

(ii) in subparagraph (2)(a)—

- (aa) 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

- (bb) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;
- (iii) subparagraph (7) is omitted;
- (iv) in the third paragraph—
  - (aa) for “7” substitute “6”; and
  - (bb) for “harmonised” substitute “designated”;
- (c) in section B—
  - (i) for the first paragraph, substitute—
 

“When performing market surveillance checks, the authorities of the United Kingdom must apply the following verification procedure for the requirements set out in subparagraphs 1(d) and 2(c) of section 3 of Annex 1, as applicable. They shall use the applicable procedure below, after having deactivated and/or disconnected, as applicable, all network ports of the unit.”;
  - (ii) in the second paragraph, for “Member States’ authorities”, substitute “The United Kingdom authorities”;
- (d) in section C, the words from “, including” to “Union” are omitted.

**Commission Regulation (EC) No 643/2009**

9.—(1) Commission Regulation (EC) No 643/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for household refrigerating appliances is amended as follows.

(2) In Article 2 (definitions), at the beginning, for the words from “In addition” to “shall apply:”, 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—”.

(3) In Article 4 (conformity assessment)—

(a) for the first paragraph, 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.”;

(b) in the second paragraph, for “Article 8 of Directive 2005/32/EC” substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”.

(4) 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 5.”.

(5) Omit Article 7 (revision).

(6) At the end of Article 9 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(7) In Annex 3 (measurements), in the first paragraph, omit the words from “, including” to “Union”.

(8) Annex 5 (product compliance verification by market surveillance authorities) is amended as follows—

- (a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;
- (b) for the second paragraph, 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
  - (ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;
- (d) subparagraph (7) is omitted; and
- (e) in the fourth paragraph—
  - (i) for “7” substitute “6”; and
  - (ii) for “harmonised” substitute “designated”.

#### **Commission Regulation (EU) No 1015/2010**

**10.**—(1) Commission Regulation (EU) No 1015/2010 of 10 November 2010 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household washing machines is amended as follows.

(2) In Article 2 (definitions), 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—”.

(3) Article 4 (conformity assessment) is amended as follows—

- (a) for the first paragraph, 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.”;

- (b) in the second paragraph, for “Article 8 of Directive 2009/125/EC” substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”.

(4) 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 1, the authorities of the United Kingdom must apply the verification procedure described in Annex 3.”.

(5) Omit Article 7 (revision).

(6) At the end of Article 8 (entry into force and application), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(7) In Annex 2 (method for calculating the Energy Efficiency Index, Washing Efficiency Index, water consumption and remaining moisture content), in paragraph 2, omit the words from “, including” to “Union”.

(8) Annex 3 (product compliance verification by market surveillance authorities) is amended as follows—

(a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;

(b) for the second paragraph, 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

(ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;

(d) subparagraph (7) is omitted;

(e) for the third paragraph, substitute—

“The authorities of the United Kingdom must use measurement procedures which take into account the generally recognised, state-of-the-art, reliable, accurate and reproducible measurement methods and must use the measurement and calculation methods set out in Annex 2.”; and

(f) in the fourth paragraph—

(i) for “7” substitute “6”; and

(ii) for “harmonised” substitute “designated”.

### **Commission Regulation (EU) No 1016/2010**

**11.**—(1) Commission Regulation (EU) No 1016/2010 of 10 November 2010 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household dishwashers is amended as follows.

(2) In Article 2 (definitions), 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—”.

(3) In Article 4 (conformity assessment)—

(a) for the first paragraph, 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.”;

(b) in the second paragraph, for “Article 8 of Directive 2009/125/EC” substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”.

(4) 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 1, the authorities of the United Kingdom must apply the verification procedure described in Annex 3.”.

(5) Omit Article 7 (revision).

(6) At the end of Article 8 (entry into force and application), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(7) In Annex 2 (method for calculating the energy efficiency index, the cleaning efficiency index and the drying efficiency index), in the first paragraph of section 2 and of section 3, in both instances, omit the words from “, including” to “Union”.

(8) Annex 3 (product compliance verification by market surveillance authorities) is amended as follows—

(a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;

(b) for the second paragraph, 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

(ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;

(d) subparagraph (7) is omitted;

(e) for the third paragraph, substitute—

“The authorities of the United Kingdom must use measurement procedures which take into account the generally recognised, state-of-the-art, reliable, accurate and reproducible measurement methods and must use the measurement and calculation methods set out in Annex 2.”; and

(f) in the fourth paragraph—

(i) for “7” substitute “6”; and

(ii) for “harmonised” substitute “designated”.

### **Commission Regulation (EU) No 327/2011**

**12.**—(1) Commission Regulation (EU) No 327/2011 of 30 March 2011 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for fans driven by motors with an electric input power between 125 W and 500 kW is amended as follows.

(2) In Article 1 (subject matter and scope), in paragraph 1, for “Directive 2009/125/EC”, substitute “the Ecodesign for Energy-Related Products Regulations 2010”.

(3) In Article 2 (definitions), at the beginning, for the words from “In addition” to “shall apply”, 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—”.

(4) For Article 4 (conformity assessment), substitute—

“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.”.

(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 this Regulation, the authorities of the United Kingdom must apply the verification procedure described in Annex 3.”.

(6) Omit Article 7 (revision).

(7) At the end of Article 8 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(8) In Annex 2 (measurements and calculations), in paragraph 2, omit the words from “, including” to “Union”.

(9) Annex 3 (product compliance verification by market surveillance authorities) is amended as follows—

(a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;

(b) for the second paragraph, 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

(ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;

(d) subparagraph (6) is omitted; and

(e) in the fourth paragraph—

(i) for “6” substitute “5”; and

(ii) for “harmonised” substitute “designated”.

### **Commission Regulation (EU) No 206/2012**

**13.**—(1) Commission Regulation (EU) No 206/2012 of 6 March 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for air conditioners and comfort fans is amended as follows.

(2) In Article 2 (definitions), at the beginning, for the words from “For the purposes” to “shall apply:”, 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.”.

(3) Article 4 (conformity assessment) is amended as follows—

(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.”;
- (b) in paragraph 2, for “Article 8 of Directive 2009/125/EC” substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”.
- (4) 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 1, the authorities of the United Kingdom must apply the verification procedure described in Annex 3.”.
- (5) Omit Article 7 (revision).
- (6) At the end of Article 8 (entry into force and application), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.
- (7) In Annex 1 (Ecodesign requirements), for paragraph 1(8), substitute—
- “(8) ‘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;”.
- (8) In Annex 2 (measurements and calculations) in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.
- (9) Annex 3 (product compliance verification by market surveillance authorities) is amended as follows—
- (a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;
- (b) for the second paragraph, 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
- (ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;
- (d) subparagraph (7) is omitted; and
- (e) in the fourth paragraph—
- (i) for “7” substitute “6”; and
- (ii) for “harmonised” substitute “designated”.

#### **Commission Regulation (EU) No 547/2012**

**14.—**(1) Commission Regulation (EU) No 547/2012 of 25 June 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for water pumps is amended as follows.

(2) In Article 2 (definitions), at the beginning, for the words from “In addition” to “definitions apply:”, 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—”.

(3) For Article 4 (conformity assessment), substitute—

“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.”.

(4) 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.”.

(5) Omit Article 7 (revision).

(6) At the end of Article 8 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(7) In Annex 3 (measurements and calculations), in the first paragraph, for the words from “harmonised” to “Union”, substitute “designated standards”.

(8) Annex 4 (product compliance verification by market surveillance authorities) is amended as follows—

(a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;

(b) for the second paragraph, 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

(ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;

(d) subparagraph (7) is omitted; and

(e) in the fourth paragraph—

(i) for “7” substitute “6”; and

(ii) for “harmonised” substitute “designated”.

### **Commission Regulation (EU) No 932/2012**

**15.**—(1) Commission Regulation (EU) No 932/2012 of 3 October 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household tumble driers is amended as follows.

(2) In Article 2 (definitions), 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—”.

(3) 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.”;

(b) in paragraph 2, for “conformity assessment pursuant to Article 8 of Directive 2009/125/EC”, substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”.

(4) 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 1, the authorities of the United Kingdom must apply the verification procedure described in Annex 3.”.

(5) Omit Article 7 (revision).

(6) At the end of Article 8 (entry into force and application), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States”.

(7) Annex 3 (product compliance verification by market surveillance authorities) is amended as follows—

(a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;

(b) for the second paragraph, 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

(ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;

(d) subparagraph (7) is omitted;

(e) for the third paragraph, substitute—

“The authorities of the United Kingdom must use measurement procedures which take into account the generally recognised, state-of-the-art, reliable, accurate and reproducible measurement methods and must use the measurement and calculation methods set out in Annex 2.”; and

(f) in the fourth paragraph—

(i) for “7” substitute “6”; and

(ii) for “harmonised” substitute “designated”.

### **Commission Regulation (EU) No 1194/2012**

**16.—**(1) Commission Regulation (EU) No 1194/2012 of 12 December 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign

requirements for directional lamps, light emitting diode lamps and related equipment is amended as follows.

(2) In Article 2 (definitions), 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—”.

(3) Article 4 (conformity assessment) is amended as follows—

(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.”;

(b) in paragraph 2, for “Article 8 of Directive 2009/125/EC” substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”.

(4) For Article 5 (verification procedure for market surveillance purposes) substitute—

“When performing market surveillance checks to assess compliance with the requirements set out in this Regulation, the authorities of the United Kingdom must apply the verification procedure described in Annex 4.”.

(5) Omit Article 7 (revision).

(6) At the end of Article 8 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(7) In Annex 1 (product information requirements for special purpose products), in paragraphs 1 and 2, in both instances, for “Article 8 of Directive 2009/125/EC”, substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”.

(8) In Annex 3 (ecodesign requirements)—

(a) in paragraph 2.3(b), for “Article 8 of Directive 2009/125/EC”, substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”;

(b) in paragraph 3.1.3(o) for “Directive 2012/19/EU of the European Parliament and of the Council”, substitute “the Waste Electrical and Electronic Equipment Regulations 2013(a)”.

(9) In Annex 4 (verification procedure for market surveillance purposes)—

(a) in each instance, for “Member State authorities”, substitute “United Kingdom authorities”;

(b) before section 1, for the first paragraph, 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 verification procedures listed in this Annex.”;

(c) before section 1, in the second paragraph, omit the words from “, including” to “Union”;

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(a) S.I. 2013/3113, amended by S.I. 2014/1771, S.I. 2015/1968, S.I. 2016/738, S.I. 2016/1154, S.I. 2018/102, and S.I. 2018/942.

- (d) in section 1 (verification procedure for lamps other than LED lamps and for LED lamps that are meant to be replaced in the luminaire by the end-user) in the first paragraph, for “Member States’ authorities” substitute “The authorities of the United Kingdom”;
- (e) in section 2 (verification procedure for LED modules not intended to be removed from the luminaire by the end-user)—
  - (i) in the first paragraph, for “Member States’ authorities” substitute “the authorities of the United Kingdom”;
  - (ii) in the second paragraph, for “Member States’ authorities” substitute “The authorities of the United Kingdom”;
  - (iii) in subparagraph (3)—
    - (aa) for “CE marked product(s) from the Union market”, substitute “products from the United Kingdom market with the UK marking”;
    - (bb) in each instance, for “Union”, substitute “United Kingdom”; and
  - (iv) in subparagraph (4), for “CE marked products from the Union market”, substitute “products from the United Kingdom market with the UK marking”; and
- (f) in section 3 (verification procedure for equipment designed for installation between the mains and the lamps)—
  - (i) in the second paragraph, omit the words from “, including” to “Union”; and
  - (ii) in the sixth paragraph, omit the words from “The Member” to the end.

**Commission Regulation (EU) No 617/2013**

17.—(1) Commission Regulation (EU) No 617/2013 of 26 June 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for computers and computer servers is amended as follows.

(2) In Article 2 (definitions), at the beginning, for “The following definitions shall apply:”, 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—”.

(3) For Article 6 (conformity assessment), substitute—

“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.”.

(4) In Article 7 (market surveillance and verification procedure), for “Directive 2009/125/EC”, substitute “the Ecodesign for Energy-Related Products Regulations 2010”.

(5) Omit Article 9 (revision).

(6) At the end of Article 10 (entry into force and application), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(7) Annex 3 (measurements by market surveillance authorities and product compliance verification by market surveillance authorities) is amended as follows—

- (a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;
- (b) in section 1 (measurements), in the first paragraph, for the words from “harmonised” to “Union”, substitute “designated standards”;

(c) in section 2 (product compliance verification by market surveillance authorities)—

(i) for the first paragraph, 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—”;

(ii) in subparagraph (2)(a)—

(aa) 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

(bb) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;

(iii) omit subparagraph (7); and

(iv) in the third paragraph, for “7” substitute “6”.

(8) In Annex 4 (indicative benchmarks), for “purpose of Part 3, point 2 of Annex I to Directive 2009/125/EC” substitute “purposes of this Regulation”.

### **Commission Regulation (EU) No 666/2013**

**18.**—(1) Commission Regulation (EU) No 666/2013 of 8 July 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for vacuum cleaners is amended as follows.

(2) 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) in subparagraph (10), for the words from “Directive” to “Council” substitute “Supply of Machinery (Safety) Regulations 2008(a)”;

(c) in subparagraph (16), for the words from “Directive” to “Council” substitute “the Electrical Equipment (Safety) Regulations 2016(b)”.

(3) 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.”;

(b) in paragraph 2, for “Article 8 of Directive 2009/125/EC” substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”.

(4) For Article 5 (verification procedure for market surveillance purposes) substitute—

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(a) S.I. 2008/1597, amended by S.I. 2011/2157, O. 2014/469, S.I. 2015/1630, S.I. 2015/1682, S.I. 2016/1105, S.I. 2018/235 and S.I. 2018/236.

(b) S.I. 2016/1101, amended by S.I. 2017/1206 and S.I. 2018/966.

“When performing market surveillance checks to assess compliance with the requirements set out in Annex 1, the authorities of the United Kingdom must apply the verification procedure described in Annex 3.”.

(5) Omit Article 7 (revision).

(6) At the end of Article 9 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(7) In Annex 1 (ecodesign requirements), in paragraph 2(a), after “any delegated acts”, insert “, as they had effect immediately before exit day,”.

(8) In Annex 2 (measurement and calculation methods), in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.

(9) Annex 3 (product compliance verification by market surveillance authorities) is amended as follows—

(a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;

(b) for the second paragraph, 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

(ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;

(d) subparagraph (7) is omitted; and

(e) in the fourth paragraph—

(i) for “7” substitute “6”; and

(ii) for “harmonised” substitute “designated”.

### **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 ecodesign 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 ecodesign 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 ecodesign 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 ecodesign 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 ecodesign 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”;
    - (iii) 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 ecodesign 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
  - (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”.

### **Commission Regulation (EU) No 814/2013**

**20.**—(1) Commission Regulation (EU) No 814/2013 of 2 August 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for water heaters and hot water storage tanks 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 (18), substitute—

“(18) ‘conversion coefficient’ (*CC*) means a coefficient the value of which is  $CC = 2.5$ .”.

(4) In Article 4 (conformity assessment), for the first paragraph, 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.”.

(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 5.”.

(6) Article 7 (review) is omitted.

(7) At the end of Article 9 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(8) In Annex 3 (measurements), in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.

(9) In Annex 4 (calculations), in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.

(10) Annex 5 (product compliance verification by market surveillance authorities) is amended as follows—

(a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;

(b) for the second paragraph, 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

(ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;

(d) subparagraph (7) is omitted; and

(e) in the fourth paragraph—

(i) for “7” substitute “6”; and

(ii) for “harmonised” substitute “designated”.

### **Commission Regulation (EU) No 66/2014**

**21.**—(1) Commission Regulation (EU) No 66/2014 of 14 January 2014 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for domestic ovens, hobs and range hoods is amended as follows.

(2) 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 (25), substitute—

“(25) ‘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;”.

(3) In Article 4 (conformity assessment)—

(a) for the first paragraph, 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.”;

(b) in the second paragraph, for “Article 8 of Directive 2009/125/EC” substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”.

(4) 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 1, the authorities of the United Kingdom must apply the verification procedure described in Annex 3.”.

(5) Article 7 (review) is omitted.

(6) At the end of Article 8 (entry into force and application), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(7) In Annex 2 (measurements and calculations), in the first paragraph, for the words from “harmonised” to “Union”, substitute “designated standards”.

(8) Annex 3 (product compliance verification by market surveillance authorities) is amended as follows—

(a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;

(b) for the second paragraph, 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

(ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;

(d) subparagraph (7) is omitted; and

(e) in the fourth paragraph—

(i) for “7” substitute “6”; and

(ii) for “harmonised” substitute “designated”.

### **Commission Regulation (EU) No 548/2014**

**22.—**(1) Commission Regulation (EU) No 548/2014 of 21 May 2014 on implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to small, medium and large power transformers is amended as follows.

(2) In Article 2 (definitions), at the beginning, for “For the purpose of this Regulation and its annexes the following definitions shall apply.”, 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—”.

(3) For Article 4 (conformity assessment), substitute—

“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.”.

(4) For Article 5 (verification procedure for market surveillance purposes) substitute—

“When performing market surveillance checks to assess compliance with the requirements set out in this Regulation, the authorities of the United Kingdom must apply the verification procedure described in Annex 3.”.

(5) Omit Article 7 (review).

(6) At the end of Article 8 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(7) In Annex 2 (measurement and calculation methods), in the first paragraph, omit the words from “, including” to “Union”.

(8) Annex 3 (product compliance verification by market surveillance authorities) is amended as follows—

(a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;

(b) for the second paragraph, 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

(ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;

(d) subparagraph (4) is omitted; and

(e) in the fourth paragraph—

(i) for “4” substitute “3”; and

(ii) for “harmonised” substitute “designated”.

#### **Commission Regulation (EU) No 1253/2014**

**23.**—(1) Commission Regulation (EU) No 1253/2014 of 7 July 2014 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for ventilation units is amended as follows.

(2) In Article 1, in subparagraph 2(d), after “Council”, insert “, as it had effect immediately before exit day”.

(3) In Article 2 (definitions), at the beginning, for “For the purposes of this Regulation the following definitions shall apply:”, 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—”.

(4) In Article 5 (conformity assessment), in paragraph 1, for the words from “Manufacturers of ventilation” to “Annex V to that Directive”, 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.”.

(5) For Article 6 (verification procedure for market surveillance purposes) substitute—

“When performing market surveillance checks to assess compliance with the requirements set out for RVUs in Annex 2 and for NRVUs in Annex 3 the authorities of the United Kingdom must apply the verification procedure described in Annex 6.”.

(6) In Article 7 (benchmarks), omit “referred to in point (2) of Part 3 of Annex 1 to Directive 2009/125/EC”.

(7) Article 8 (review) is omitted.

(8) At the end of Article 9 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(9) Annex 6 (product compliance verification by market surveillance authorities) is amended as follows—

(a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;

(b) for the second paragraph, 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

(ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;

(d) subparagraph (6) is omitted; and

(e) in the fourth paragraph—

(i) for “6” substitute “5”; and

(ii) for “harmonised” substitute “designated”.

### **Commission Regulation (EU) No 2015/1095**

**24.**—(1) Commission Regulation (EU) No 2015/1095 of 5 May 2015 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for professional refrigerated storage cabinets, blast cabinets, condensing units and process chillers is amended as follows.

(2) In Article 2 (definitions), in paragraph 1, for “The following definitions shall apply:”, 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—”.

(3) In Article 4 (conformity assessment)—

(a) for the first paragraph, 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.”;
- (b) in the second paragraph, for “Article 8 of Directive 2009/125/EC” substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”.
- (4) For Article 5 (verification procedure for market surveillance purposes), substitute—
- “When performing market surveillance checks to assess compliance with the requirements set out in Annexes 2, 5 and 7, the authorities of the United Kingdom must apply the verification procedures described in Annexes 9, 10 and 11.”.
- (5) Omit Article 7 (review).
- (6) At the end of Article 8 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.
- (7) In Annex 2 (ecodesign requirements for professional refrigerated storage cabinets and blast cabinets), in paragraph 2(d)(iii), after “Council”, insert “, as it had effect immediately before exit day”.
- (8) In Annex 4 (measurements and calculations for professional refrigerated storage cabinets), in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.
- (9) In Annex 6 (measurements and calculations for condensing units), in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.
- (10) In Annex 8 (measurements and calculations for process chillers), in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.
- (11) Annex 9 (product compliance verification by market surveillance authorities for professional refrigerated storage cabinets) is amended as follows—
- (a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;
- (b) for the second paragraph, 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
- (ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;
- (d) subparagraph (7) is omitted; and
- (e) in the fourth paragraph—
- (i) for “7” substitute “6”; and
- (ii) for “harmonised” substitute “designated”.
- (12) Annex 10 (product compliance verification by market surveillance authorities for condensing units) is amended as follows—
- (a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;
- (b) for the second paragraph, 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
  - (ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;
- (d) subparagraph (7) is omitted; and
- (e) in the fourth paragraph—
  - (i) for “7” substitute “6”; and
  - (ii) for “harmonised” substitute “designated”.

(13) Annex 11 (product compliance verification by market surveillance authorities for process chillers) is amended as follows—

- (a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;
- (b) for the second paragraph, 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
  - (ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;
- (d) subparagraph (7) is omitted; and
- (e) in the fourth paragraph—
  - (i) for “7” substitute “6”; and
  - (ii) for “harmonised” substitute “designated”.

### **Commission Regulation (EU) 2015/1185**

**25.**—(1) Commission Regulation (EU) 2015/1185 of 24 April 2015 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for solid fuel local space heaters is amended as follows.

(2) In Article 2 (definitions), at the beginning, for the words from “In addition” to “shall apply:”, 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—”.

(3) In Article 4 (conformity assessment)—

- (a) for the first paragraph, 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.”;

- (b) in the second paragraph, for “Article 8 of Directive 2009/125/EC” substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”.
- (4) For Article 5 (verification procedure for market surveillance purposes), substitute—
  - “When performing market surveillance checks to assess compliance with the requirements set out in this Regulation, the authorities of the United Kingdom must apply the verification procedures described in Annex 2.”.
- (5) Omit Article 7 (review).
- (6) In Article 8 (transitional provisions), for “Member States”, substitute “the authorities of the United Kingdom”.
- (7) At the end of Article 9 (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 (2), substitute—
  - “(2) ‘conversion coefficient’ (*CC*) means a coefficient the value of which is  $CC = 2.5$ .”.
- (9) In Annex 2 (ecodesign requirements), in paragraph 3(b)(i), omit “of the Member State”.
- (10) In Annex 3 (measurements and calculations), in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.
- (11) Annex 4 (product compliance verification by market surveillance authorities) is amended as follows—
  - (a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;
  - (b) for the second paragraph, 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
    - (ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;
  - (d) subparagraph (7) is omitted; and
  - (e) in the fourth paragraph—
    - (i) for “7” substitute “6”; and
    - (ii) for “harmonised” substitute “designated”.

### **Commission Regulation (EU) 2015/1188**

**26.**—(1) Commission Regulation (EU) 2015/1188 of 28 April 2015 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for local space heaters is amended as follows.

(2) In Article 2 (definitions), at the beginning, for the words from “In addition” to “shall apply”, 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—”.

(3) In Article 4 (conformity assessment)—



(a) for the first paragraph, 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.”;

(b) in the second paragraph, for “Article 8 of Directive 2009/125/EC” substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”.

(4) 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.”.

(5) Omit Article 7 (review).

(6) At the end of Article 9 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(7) In Annex 1 (definitions applicable for Annexes 2 to 5), for subparagraph (2), substitute—

“(2) ‘conversion coefficient’ (*CC*) means a coefficient the value of which is  $CC = 2.5$ .”.

(8) In Annex 3 (measurements and calculations), in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.

(9) In Annex 4 (product compliance verification by market surveillance authorities)—

(a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;

(b) for the second paragraph, 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

(ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;

(d) subparagraph (7) is omitted; and

(e) in the fourth paragraph—

(i) for “7” substitute “6”; and

(ii) for “harmonised” substitute “designated”.

### **Commission Regulation (EU) 2015/1189**

**27.**—(1) Commission Regulation (EU) 2015/1189 of 28 April 2015 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for solid fuel boilers is amended as follows.

(2) In Article 2 (definitions), 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—”.

(3) In Article 4 (conformity assessment)—

(a) for the first paragraph, 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.”;

(b) in the second paragraph, for “Article 8 of Directive 2009/125/EC” substitute “regulation 4(2)(a) of the Ecodesign for Energy-Related Products Regulations 2010”.

(4) For Article 5 (verification procedure for market surveillance purposes), substitute—

“When performing market surveillance checks to assess compliance with the requirements set out in this Regulation, the authorities of the United Kingdom must apply the verification procedures described in Annex 2.”.

(5) Omit Article 7 (review).

(6) In Article 8 (transitional provision), for “Member States”, substitute “the authorities of the United Kingdom”.

(7) At the end of Article 9 (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 to Annexes 2 to 5), for subparagraph (12), substitute—

“(12) ‘conversion coefficient’ (*CC*) means a coefficient the value of which is  $CC = 2.5$ .”.

(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” or “Member States”, substitute “United Kingdom”;

(b) for the second paragraph, 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

(ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;

(d) subparagraph (7) is omitted; and

(e) in the fourth paragraph—

(i) for “7” substitute “6”; and

(ii) for “harmonised” substitute “designated”.

### **Commission Regulation (EU) 2016/2281**

**28.**—(1) 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 is amended as follows.

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

- (a) after “installations” insert “that immediately before exit day would have been”; and
- (b) after “emissions”, insert “, as it had effect immediately before exit day”.

(3) In Article 2 (definitions), at the beginning, for the words from “For the purposes” to “Directive 2009/125/EC:”, 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—”.

(4) For Article 4 (conformity assessment), substitute—

“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.”.

(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 9 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(8) Annex 1 (definitions applicable for Annexes 2 to 5) is amended as follows—

(a) for the first paragraph substitute—

“For the purposes of this Regulation, the definitions 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 (1), substitute—

“(1) ‘conversion coefficient’ (*CC*) means a coefficient the value of which is  $CC = 2.5$ .”;

(c) for subparagraph (82), substitute—

“(82) ‘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 (measurement and calculation), in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.

(10) In Annex 4 (product compliance verification by market surveillance authorities)—

- (a) in each instance, for “Member State” or “Member States”, substitute “United Kingdom”;
- (b) for the second paragraph, 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
  - (ii) for “paragraph (g) thereof”, substitute “paragraph 1(2)(b)(vii) of Part 1 of Schedule 1A to those Regulations”;
- (d) subparagraph (8) is omitted; and
- (e) in the fourth paragraph—
  - (i) for “8” substitute “7”; and
  - (ii) for “harmonised” substitute “designated”.

## SCHEDULE 3

Regulation 5

# AMENDMENTS TO THE ENERGY INFORMATION REGULATIONS 2011

### **The Energy Information Regulations 2011**

1. The Energy Information Regulations 2011(a) are amended as follows.

#### **Amendment to regulation 2**

2.—(1) Regulation 2 (interpretation) is amended as follows.

(2) In paragraph (1)—

- (a) omit the definition of “EU measure”;
- (b) in the definition of “market surveillance authority”, omit “and”;
- (c) after the definition of “market surveillance authority”, insert—

““product-specific measure” means in relation to a product mentioned in column 1 of the table in Schedule 1, the corresponding measure referred to in column 2 of that table; and”.

(3) In paragraph (2)—

- (a) in sub-paragraph (a), for “an EU measure” substitute “a product-specific measure”;
- (b) after sub-paragraph (c), for “that EU measure” substitute “that product-specific measure”.

#### **Amendment to regulation 3**

3. In regulation 3 (scope), in paragraph (2)(a), for “a third country”, substitute “outside the United Kingdom”.

#### **Amendment to regulation 4**

4.—(1) Regulation 4 (enforcement) is amended as follows.

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(a) S.I. 2011/1524, amended by S.I. 2012/2897, S.I. 2012/3005, S.I. 2013/1232, S.I. 2014/1290, S.I. 2015/469, S.I. 2016/838 and S.I. 2018/255.

(2) In paragraph (1)(d), for “Article 11(13) (procedure for the introduction and rescaling of labels)”, substitute “Article 11B (duties placed on suppliers and dealers where labels are rescaled)”.

(3) In paragraph (2)—

(a) for sub-paragraph (b) substitute—

“(b) Article 4(2), (6) and (8) (obligations of suppliers in relation to product information);”;

(b) in sub-paragraph (e), for “Article 11(13) (procedure for the introduction and rescaling of labels)”, substitute “Article 11B (duties placed on suppliers and dealers where labels are rescaled)”.

## **Amendment to regulation 6**

5. In regulation 6(a), for “EU measures”, substitute “product-specific measures”.

## **Amendment to Schedule 1**

6. In Schedule 1 (EU measures)—

(a) in the heading, for “EU measures”, substitute “Product-specific measures”;

(b) in paragraph 1 for “EU measure”, substitute “product-specific measure”;

(c) in the heading to column 2 of the table, for “EU measure”, substitute “Product-specific measure”;

(d) in the heading to column 3 of the table, for “EU measure”, substitute “product-specific measure”;

(e) at the end, insert—

“2.—(1) In the table in paragraph 1, in Column 2 of the row relating to household combined washer-driers, the reference to Commission Directive 96/60/EC implementing Council Directive 92/75/EEC with regard to energy labelling of household combined washer-driers(a), is to be read as a reference to that Commission Directive as it had effect immediately before exit day, and subject to the modifications in subparagraph (2).

(2) The modifications referred to in subparagraph (1) are that the Commission Directive is to be read as if—

(a) in each place in which they occur, references to “harmonized standards” were references to “designated standards within the meaning of the Ecodesign for Energy-Related Products Regulations 2010”;

(b) in Article 1—

(i) for paragraph 2, there were substituted—

“2. The information required by this Directive must be measured in accordance with designated standards.”;

(ii) paragraph 3 were omitted;

(c) Article 3 were omitted;

(d) Article 4 were omitted;

(e) Article 6 were omitted;

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(a) O.J. L 266, 18.10.1996, p. 1, as amended by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded of 23 September 2003 (OJ L 236,23.9.2003, p. 33) and Commission Directive 2006/80/EC of 23 October 2006 adapting certain directives in the field of energy, by reason of the accession of Bulgaria and Romania (OJ L 362, 20.12.2006, p. 67).

- (f) in Annex 1 (the label)—
  - (i) in paragraph 2, in Note 4—
    - (aa) the words from “Without prejudice” to “scheme” were omitted; and
    - (bb) after “Council Regulation (EEC) No 880/92” there were inserted “of 23 March 1992 on a Community eco-label award scheme, before exit day”;
  - (ii) in paragraph 2, for Note 12, there were substituted—
    - “(XII) Where manufacturers so choose, noise during washing, spinning and drying cycles using standard 60°C cotton washing cycle and ‘dry cotton’ drying cycle, determined in accordance with—
      - (a) EN 60704-3;
      - (b) EN 60704-2-4 for washing and spinning;
      - (c) EN 60704-2-6 for drying; or
      - (d) any relevant measurement standard maintained by a recognised standardisation body”;
  - (iii) in paragraph 3, there were omitted the words from “The Secretary of the Committee” to the end; and
- (g) in Annex 2 (the fiche)—
  - (i) in point 4—
    - (aa) the words from “Without prejudice” to “scheme” were omitted.
    - (bb) after “Regulation (EEC) No 880/92” there were inserted “of 23 March 1992 on a Community eco-label award scheme, before exit day”;
  - (ii) for point 18, there were substituted—
    - “18. Where manufacturers so choose, noise during washing, spinning and drying cycles using standard 60°C cotton washing cycle and ‘dry cotton’ drying cycle, determined in accordance with—
      - (a) EN 60704-3;
      - (b) EN 60704-2-4 for washing and spinning;
      - (c) EN 60704-2-6 for drying; or
      - (d) any relevant measurement standard maintained by a recognised standardisation body.”.

#### **Amendment to Schedule 2**

- 7.** In Schedule 2 (powers of entry and warrants), for paragraph 1(3)(a), substitute—
- “(a) be accompanied by such other persons as the authorised person considers necessary; and”.

#### **Amendment to Schedule 3**

- 8.** In Schedule 3 (testing), in each instance in paragraphs 2(1), 3(1) and (2)(a), and 6(a) for “an EU measure”, substitute “a product-specific measure”.

#### **Amendment to Schedule 4**

- 9.** In Schedule 4 (civil sanctions)—
- (a) in paragraph 7(1), for “an EU measure” substitute “a product-specific measure”;
  - (b) in paragraph 13, in each instance in subparagraphs (1)(b), (2)(b)(ii) and (3) for “an EU measure”, substitute “a product-specific measure”.

## AMENDMENTS TO REGULATION (EU) 2017/1369 SETTING A FRAMEWORK FOR ENERGY LABELLING

### **Regulation (EU) 2017/1369**

1. Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU is amended as follows.

#### **Amendment to Article 1**

2. In Article 1 (subject-matter and scope), in paragraph 2(a), for “a third country”, substitute “outside the United Kingdom”.

#### **Amendment to Article 2**

3.—(1) Article 2 (definitions) is amended as follows.

(2) In point (7), for “Union”, substitute “United Kingdom”.

(3) For point (8), substitute—

“‘placing on the market’ means the first making available of a product on the United Kingdom market, and related expressions must be construed accordingly;”.

(4) For point (9), substitute—

“‘putting into service’ means the first use of a product for its intended purpose on the United Kingdom market;”.

(5) In point (11), for “Union”, substitute “United Kingdom”.

(6) For point (12), substitute—

“‘importer’ means a person established in the United Kingdom who places a product from outside the United Kingdom on the United Kingdom market;”.

(7) For point (14), substitute—

“‘supplier’ means a manufacturer established in the United Kingdom, the authorised representative of a manufacturer who is not established in the United Kingdom, or an importer, who places a product on the United Kingdom market;”.

(8) For point (18), substitute—

“‘designated standard’ has the meaning given to it by regulation 2A of the Ecodesign for Energy-Related Products Regulations 2010;”.

(9) In point (19), for “Article 11(10) and (11)” substitute “Article 11(10)(a) and (b)”.

(10) Omit point (25).

(11) After point (26), insert—

“(27) ‘delegated act’ means a product-specific measure listed in column 2 of the table in Schedule 1 to the Energy Information Regulations 2011 or made by the Secretary of State under Article 11.”.

#### **Amendment to Article 3**

4.—(1) Article 3 (general obligation of supplies) is amended as follows.

(2) In paragraph 1, omit the second subparagraph.

(3) In paragraph 2, for “Article 11(13)”, substitute “Article 11B”.

#### **Amendment to Article 4**

**5.**—(1) Article 4 (obligations of suppliers in relation to the product database) is amended as follows.

(2) In the heading, for “the product database”, substitute “product information”.

(3) Omit paragraph 1.

(4) For the first and second subparagraphs of paragraph 2, substitute—

“2. Where units of models covered by a delegated act are placed on the market the supplier must make an electronic version of the technical documentation available for inspection within 10 days of a request received from market surveillance authorities.”.

(5) Omit paragraphs 3 and 4.

(6) In paragraph 5, for “obligations referred to in paragraphs 1 and 2”, substitute “obligation referred to in paragraph 2”.

(7) For paragraph 6, substitute—

“6. After the final unit of a model has been placed on the market, the supplier shall keep the information concerning that model for a period of 15 years unless, where appropriate in relation to the average life span of a product, a shorter retention period is specified pursuant to Article 11A(4)(p).”.

(8) After paragraph 6, insert—

“7. For the purposes of paragraph 2, technical documentation includes but is not limited to—

(a) a general description of the model, sufficient for it to be unequivocally and easily identified;

(b) references to the designated standards applied or other measurement standards used;

(c) specific precautions that must be taken when the model is assembled, installed, maintained or tested;

(d) the measured technical parameters of the model;

(e) the calculations performed with the measured technical parameters;

(f) the conditions of testing that must be applied, if not described sufficiently in point (b);

(g) the model identifier of all equivalent models already placed on the market.

8. On request, suppliers must provide any data not specified in paragraph 7 to the market surveillance authorities which is necessary for those authorities to carry out their tasks under this Regulation.”.

#### **Amendment to Article 5**

**6.** In Article 5 (obligations of dealers), in paragraph 3, omit the words from “; or, if it chooses” to the end

#### **Amendment to Article 7**

**7.**—(1) Article 7 (obligations of Member States) is amended as follows.

(2) In the heading, for “Member States”, substitute “the Secretary of State”.

(3) In paragraph 1—

(a) for “Member States shall”, substitute “The Secretary of State must”;

(b) for “their territories”, substitute “the United Kingdom”.

(4) In paragraph 2, for “Member States provide”, substitute “the Secretary of State provides”.

(5) In paragraph 3—



- (a) for “Member States shall”, substitute “The Secretary of State must”;
  - (b) omit the words from “The Commission” to the end.
- (6) In paragraph 4—
- (a) in the first subparagraph—
    - (i) for “Member States”, substitute “The Secretary of State”;
    - (ii) for “shall”, in each of the first three places in which it occurs, substitute “must”;
    - (iii) for “Rules which fulfil”, substitute “Rules which immediately before exit day fulfil”;
  - (b) omit the second subparagraph.

**Amendment to Article 8**

**8.**—(1) Article 8 (Union market surveillance and control of products entering the Union market) is amended as follows.

- (2) In the heading, for “Union”, in both places in which it occurs, substitute “United Kingdom”.
- (3) In paragraph 1, for “16 to 29”, substitute “16 to 21 and 26 to 29”.
- (4) Omit paragraph 2.
- (5) In paragraph 3, for “Member States”, substitute “The United Kingdom’s”.
- (6) Omit paragraph 4.

**Amendment to Article 9**

**9.**—(1) Article 9 (procedure at national level for dealing with products presenting a risk) is amended as follows.

- (2) In paragraph 1, omit “of one Member State”.
- (3) Omit paragraph 3.
- (4) In paragraph 4, for “market throughout the Union”, substitute “United Kingdom market”.
- (5) In paragraph 5, for “their national market”, substitute “the United Kingdom market”.
- (6) Omit paragraphs 6 to 8.
- (7) In paragraph 9, for “Member States shall” substitute “The Secretary of State must”.
- (8) After paragraph 9, insert—

“10. Corrective or restrictive measures pursuant to paragraph 2, 4, 5 or 9 must be extended to all units of a non-compliant model and of its equivalent models, except those units which the supplier demonstrates are compliant.”.

**Omission of Article 10**

- 10.** Omit Article 10 (union safeguard procedure).

**Substitution of Article 11**

- 11.** For Article 11 (procedure for the introduction and rescaling of labels) substitute—

*“Article 11*

**Power of the Secretary of State to introduce and rescale labels**

1. The Secretary of State may, by regulations, make a product-specific measure to introduce labels for a product group if the Secretary of State is satisfied that the product group meets the following criteria—

- (a) according to the most recently available figures and considering the quantities placed on the United Kingdom market, the product group has significant potential for saving energy and where relevant, other resources;

- (b) within the product group, models with equivalent functionality differ significantly in the relevant performance levels;
- (c) the introduction of energy labelling requirements for the product group has no significant negative impacts as regards the affordability and the life cycle cost of the product group; and
- (d) the introduction of energy labelling requirements for the product group has no significant negative impact on the functionality of the product during use.

2. The Secretary of State must consult such persons as the Secretary of State considers appropriate before making a product-specific measure to introduce a label.

3. Where—

- (a) the Secretary of State is satisfied that the conditions in paragraph 1(a) to (d) are met; and
- (b) a label is required by a delegated act which came into force on or before 1st August 2017,

the Secretary of State must make a product-specific measure to rescale the label in order to ensure a homogenous A to G scale, with the aim of displaying the rescaled label both in shops and online within 18 months of the date of entry into force of the product-specific measure.

4. When determining the order of labels to be rescaled in accordance with paragraph 3, the Secretary of State must take into account the proportion of products in the highest classes.

5. The Secretary of State may make a product-specific measure to rescale a label introduced in accordance with paragraph 1, or to further rescale a label rescaled in accordance with paragraph 3—

- (a) where the conditions under point (a) or (b) of paragraph 6 are met; and
- (b) following consultation carried out in accordance with paragraph 7.

6. The Secretary of State must review a label introduced in accordance with paragraph 1 or rescaled in accordance with paragraph 3 with a view to rescaling if the Secretary of State estimates that—

- (a) 30% of the units of models belonging to a product group sold within the United Kingdom market fall into the top energy efficiency class A and further technological development can be expected; or
- (b) 50% of the units of models belonging to a product group sold within the United Kingdom market fall into the top two energy efficiency classes A and B and further technological development can be expected.

7. The Secretary of State must consult such persons as the Secretary of State considers appropriate within 36 months of estimating that the conditions referred to in point (a) or (b) of paragraph 6 are met, and such consultation must include—

- (a) publication of the outcome of the review referred to in paragraph 6; and
- (b) where appropriate, a draft product-specific measure.

8. If, for a specific product group, the conditions of point (a) or (b) of paragraph 6 are not met within eight years after the date of entry into force of the relevant delegated act, the Secretary of State must identify which barriers, if any, have prevented the label from fulfilling its role.

9. Where a label is introduced or rescaled, the Secretary of State must ensure that—

- (a) no products are expected to fall into energy efficiency class A at the moment of the introduction of the label and the estimated time within which a majority of models are expected to fall into that class is at least 10 years later; or

- (b) where technology is expected to develop more rapidly than described in subparagraph (a), no products are expected to fall into energy efficiency classes A and B at the moment of the introduction of the label.

10. Where a product-specific measure introduces or rescales a label, the product-specific measure—

- (a) must require a class to be shown on the label of new product units in grey, as specified in the product-specific measure where the product units belong to a product group in which models belonging to energy efficiency class E, F or G are no longer allowed to be placed on the market or put into service because of an implementing measure within the meaning given in the Ecodesign for Energy-Related Products Regulations 2010; and
- (b) by way of derogation from point (19) of Article 2, may require fewer energy efficiency classes to be shown on the label, if for technical reasons it is impossible to define seven energy efficiency classes that correspond to significant energy and cost savings from a customer's perspective, and provided that the dark green to red spectrum of the label is retained.

#### *Article 11A*

##### **Procedure and requirements for the introduction and rescaling of labels**

1. This Article applies to the exercise of the power to make a product-specific measure under Article 11.

2. The power to make a product-specific measure is exercisable by statutory instrument and—

- (a) in the case of a product-specific measure which introduces or amends requirements relating to a label such that those requirements are identical to those adopted by the European Union (if a draft of the instrument has not been laid before, and approved by a resolution of, each House of Parliament), the statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament; and
- (b) in any other case, a statutory instrument must not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

3. A product-specific measure may—

- (a) amend the table in Schedule 1 to the Energy Information Regulations 2011;
- (b) make different provision for different cases or circumstances;
- (c) include supplementary, incidental and consequential provision; and
- (d) make transitional provision and savings.

4. A product-specific measure must specify, in particular—

- (a) the definition of the specific product group falling under the definition of 'energy-related product' set out in point (1) of Article 2 which is to be covered by the detailed labelling requirements;
- (b) the design and content of the label, including (subject to Article 11(10)(b)) a scale showing consumption of energy consisting of A to G steps, and such steps—
  - (i) as far as possible, must have uniform design characteristics across product groups and must in all cases be clear and legible;
  - (ii) where possible, must correspond to significant energy and cost savings and appropriate product differentiation from the customer's perspective; and
  - (iii) where possible, must be displayed in a prominent position on the label as specified in the delegated act;
- (c) where appropriate, the use of other resources and supplementary information concerning the product, in which case—

- (i) the label must emphasise the energy efficiency of the product;
  - (ii) the supplementary information must be unambiguous with no negative impact on the clear intelligibility and effectiveness of the label as a whole towards customers; and
  - (iii) the other resources and supplementary information must be based on data relating to physical product characteristics that are measurable and verifiable by market surveillance authorities;
- (d) where appropriate, the inclusion of a reference in the label allowing customers to identify products that are energy smart, that is to say, capable of automatically changing and optimising their consumption patterns in response to external stimuli (such as signals from or via a central home energy managing system, price signals, direct control signals, or local measurement) or capable of delivering other services which increase energy efficiency and the up-take of renewable energy, with the aim to improve the environmental impact of energy use over the whole energy system;
  - (e) the locations where the label must be displayed, such as attached to the product unit where no damage is caused to it, printed on the packaging, provided in electronic format or displayed online, taking into account the requirements of Article 3(1), and the implications for customers, suppliers and dealers;
  - (f) where appropriate, electronic means for labelling products;
  - (g) the manner in which the label and product information sheet are to be provided in the case of distance selling;
  - (h) the required contents and, where appropriate, the format and other details concerning the product information sheet and the technical documentation;
  - (i) the verification tolerances to be used when verifying compliance with the requirements;
  - (j) how the energy class and the range of the efficiency classes available on the label must be included in visual advertisements and technical promotional material, including legibility and visibility;
  - (k) the measurement and calculation methods referred to in Article 13, to be used to determine label and product information sheet information, including the definition of the energy efficiency index (EEI), or equivalent parameter;
  - (l) whether for larger appliances a higher level of energy efficiency is required to reach a given energy class;
  - (m) the format of any additional references on the label allowing customers to access through electronic means more detailed information on the product performance included in the product information sheet, such format being—
    - (i) a website address;
    - (ii) a dynamic quick response code (QR code);
    - (iii) a link on online labels; or
    - (iv) any other appropriate consumer-oriented means;
  - (n) how, where appropriate, energy classes describing the product's energy consumption during use should be shown on the product's interactive display;
  - (o) the date for the evaluation and possible consequent revision of the product-specific measure; and
  - (p) as regards the requirement to keep information in Article 4(6), a retention period of less than 15 years, where appropriate, in relation to the average lifespan of the product.

## Article 11B

### Duties placed on suppliers and dealers where labels are rescaled

1. Except where a delegated act referred to in Article 11A(4)(e) provides for specific rules for energy labels printed on packaging, where a label is rescaled—
  - (a) subject to subparagraphs (b) and (c), the supplier must, when placing a product on the market, provide both the existing and the rescaled labels and the product information sheets to the dealer for a period beginning four months before the date specified in the relevant delegated act for starting the display of the rescaled label;
  - (b) by way of derogation from subparagraph (a), if the existing and the rescaled label require different testing of the model, the supplier may choose not to supply the existing label with units of models placed on the market or put into service during the four-month period before the date specified in the relevant delegated act for starting the display of the rescaled label if no units belonging to the same model or equivalent models were placed on the market or put into service before the start of the four-month period;
  - (c) where the supplier chooses not to supply the existing label in accordance with subparagraph (b)—
    - (i) the dealer must not offer those units for sale before that date; and
    - (ii) the supplier must notify the dealer concerned of that consequence as soon as possible, including when it includes such units in its offers to dealers;
  - (d) subject to subparagraph (e), the supplier must, for products placed on the market or put into service before the four-month period, deliver the rescaled label on request from the dealer in accordance with Article 3(2) as from the start of that period. For such products, the dealer must obtain a rescaled label in accordance with Article 5(2);
  - (e) by way of derogation from subparagraph (d)—
    - (i) a dealer who is unable to obtain a rescaled label in accordance with subparagraph (d) for units already in its stock because the supplier has ceased its activities is permitted to sell those units exclusively with the non-rescaled label until nine months after the date specified in the relevant delegated act for starting the display of the rescaled label; or
    - (ii) if the non-rescaled and the rescaled label require different testing of the model, the supplier is exempt from the obligation to supply a rescaled label for units placed on the market or put into service before the four-month period, if no units belonging to the same model or equivalent models are placed on the market or put into service after the start of the four-month period, in which case the dealer is permitted to sell those units exclusively with the non-rescaled label until nine months after the date specified in the relevant delegated act for starting the display of the rescaled label; and
  - (f) the dealer—
    - (i) must replace the existing labels on products on display, both in shops and online, with the rescaled labels within 14 working days after the date specified in the relevant delegated act for starting the display of the rescaled label; and
    - (ii) must not display the rescaled labels before that date.”.

### Omission of Article 12

12. Omit Article 12 (product database).

### Amendment to Article 13

- 13.—(1) Article 13 (harmonised standards) is amended as follows.
- (2) In the heading, for “Harmonised” substitute “Designated”.

- (3) Omit paragraph 1.
- (4) In paragraph 2, for “such harmonised” substitute “designated”.
- (5) In paragraph 3, for “Harmonised”, substitute “Designated”.
- (6) In paragraph 4, for “harmonised”, substitute “designated”.

#### **Omission of Articles 14 to 19**

- 14.** Omit Articles 14 to 19.

#### **Amendment to Article 20**

- 15.**—(1) Article 20 (repeal and transitional measures) is amended as follows.
- (2) In paragraph 3, omit “or the Commission”.
- (3) In paragraph 4—
  - (a) in the first subparagraph—
    - (i) after “Delegated acts adopted”, insert “before exit day”;
    - (ii) for “Article 16” substitute “Article 11”;
  - (b) in the second subparagraph, after “adopted”, insert “before exit day”.
- (4) In paragraph 5—
  - (a) for “Commission adopts” substitute “European Commission adopted”;
  - (b) after “Article 16 of this Regulation”, insert “as it had effect before exit day”;
  - (c) after “Article 16(3) of this Regulation”, insert “as it had effect before exit day”.

#### **Insertion of Article 20A**

- 16.** After Article 20 insert—

*“Article 20A*

**Transitional provisions in relation to EU Exit**

1. Articles 3 to 6 do not apply to a product which—
  - (a) was placed on the market or put into service during the pre-exit period; and
  - (b) is in conformity with Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU as it had effect immediately before exit day.
2. Subject to paragraph 3, where a product was placed on the market or put into service during the pre-exit period, despite the amendments made by Schedule 4 to the Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019(a), any obligation to which a person was subject under this Regulation as it had effect immediately before exit day, continues to have effect as it did immediately before exit day, in relation to that product.
3. Paragraph 2 does not apply to—
  - (a) any obligation of any enforcing authority to inform the European Commission or the Member States of any matter;
  - (b) any obligation to take action outside the United Kingdom in respect of that product; or
  - (c) any obligation to contribute to, maintain, or use the product database.
4. In this Article—

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(a) S.I. 2018/XXXX

“placed on the market” has the meaning given to it in this Regulation as it had effect immediately before exit day;

“pre-exit period” means the period beginning with 1 August 2017 and ending immediately before exit day;

“put into service” has the meaning given to it in this Regulation as it had effect immediately before exit day.”.

#### **Amendment to Article 21**

**17.** In Article 21 (entry into force and application)—

- (a) omit “concerning the obligations of suppliers in relation to the product database”;
- (b) omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

#### **Omission of Annex 1**

**18.** Omit Annex 1 (information to be entered in the product database and functional criteria for the public part of the database).

## **SCHEDULE 5**

Regulation 7

### **AMENDMENTS TO COMMISSION DELEGATED REGULATIONS RELATED TO ENERGY LABELLING**

#### **Commission Delegated Regulation (EU) No 1059/2010**

**1.**—(1) Commission Delegated Regulation (EU) 1059/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household dishwashers is amended as follows.

(2) In Article 3 (responsibilities of suppliers), in subparagraph (c), for “Member States and to the Commission”, substitute “United Kingdom”.

(3) In Article 6 (verification procedure for market surveillance purposes), for “Member States”, substitute “The authorities of the United Kingdom”.

(4) Omit Article 7 (revision).

(5) At the end of Article 10 (entry into force and application), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(6) In Annex 1 (label), in subparagraph (2) of section 1, after “EU Ecolabel”, insert “before exit day”.

(7) In Annex 2 (product fiche), in paragraph 1(e), after “EU Ecolabel”, insert “before exit day”.

(8) In Annex 3 (technical documentation), in paragraph 1(c), for “harmonised”, substitute “designated”.

(9) In Annex 5 (product compliance verification by market surveillance authorities)—

- (a) for each instance of “Member State” or “Member States”, substitute “United Kingdom”;
- (b) omit subparagraph (7);
- (c) for the third paragraph, substitute—

“The United Kingdom authorities must use measurement procedures which take into account the generally recognised, state-of-the-art, reliable, accurate and reproducible measurement methods, and must use the measurement and calculation methods set out in Annex 7.”;

- (d) in the fourth paragraph—
  - (i) for “7” substitute “6”; and
  - (ii) for “harmonised” substitute “designated”.

(10) In Annex 7 (method for calculating the Energy Efficiency Index, the Drying Efficiency Index and water consumption), in the first paragraph of section 2, omit the words from “, including” to “Union”.

### **Commission Delegated Regulation (EU) No 1060/2010**

**2.**—(1) Commission Delegated Regulation (EU) No 1060/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household refrigerating appliances is amended as follows.

(2) In Article 3 (responsibilities of suppliers), in subparagraph (c), for “Member States and to the Commission”, substitute “the United Kingdom”.

(3) In Article 6 (verification procedure for market surveillance purposes), for “Member States”, substitute “The authorities of the United Kingdom”.

(4) Omit Article 7 (revision).

(5) At the end of Article 10 (entry into force and application), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(6) In Annex 2 (label)—

- (a) in subparagraph (2) of section 1, after “EU Ecolabel”, insert “before exit day”;
- (b) in subparagraph (2) of section 2, after “EU Ecolabel”, insert “before exit day”.

(7) In Annex 3 (product fiche), in paragraph 1(e), after “EU Ecolabel award”, insert “before exit day”.

(8) In Annex 4 (technical documentation), in paragraph 1(c), for “harmonised”, substitute “designated”.

(9) In Annex 6 (measurements), in paragraph 1, omit the words from “, including” to “Union”.

(10) In Annex 7 (product compliance verification by market surveillance authorities)—

- (a) for each instance of “Member State” or “Member States”, substitute “United Kingdom”;
- (b) omit subparagraph (7);
- (c) in the fourth paragraph—
  - (i) for “7” substitute “6”; and
  - (ii) for “harmonised” substitute “designated”.

### **Commission Delegated Regulation (EU) No 1061/2010**

**3.**—(1) Commission Delegated Regulation (EU) No 1061/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household washing machines is amended as follows.

(2) In Article 3 (responsibilities of suppliers), in subparagraph (c), for “Member States and to the Commission”, substitute “United Kingdom”.

(3) In Article 6 (verification procedure for market surveillance purposes), for “Member States”, substitute “The authorities of the United Kingdom”.

(4) Omit Article 7 (revision).

(5) At the end of Article 10 (entry into force and application), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(6) In Annex 1 (label), in subparagraph (2) of section 1, after “EU Ecolabel”, insert “before exit day”.



(7) In Annex 2 (product fiche), in paragraph 1(e), after “EU Ecolabel award”, insert “before exit day”.

(8) In Annex 3 (technical documentation), in paragraph 1(c), for “harmonised”, substitute “designated”.

(9) In Annex 5 (product compliance verification by market surveillance authorities)—

(a) for each instance of “Member State” or “Member States”, substitute “United Kingdom”;

(b) omit subparagraph (7);

(c) for the third paragraph, substitute—

“The United Kingdom authorities must use measurement procedures which take into account the generally recognised, state-of-the-art, reliable, accurate and reproducible measurement methods, and must use the measurement and calculation methods set out in Annex 7.”;

(d) in the fourth paragraph—

(i) for “7” substitute “6”; and

(ii) for “harmonised” substitute “designated”.

#### **Commission Delegated Regulation (EU) No 1062/2010**

4.—(1) Commission Delegated Regulation (EU) No 1062/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of televisions is amended as follows.

(2) In Article 2 (definitions), for subparagraph (7) substitute—

“(7) ‘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.”.

(3) In Article 3 (responsibilities of suppliers), in paragraph 1(c), for “Member States and to the Commission”, substitute “the United Kingdom”.

(4) In Article 6 (verification procedure for market surveillance purposes), for “Member States”, substitute “The authorities of the United Kingdom”.

(5) Omit Article 7 (revision).

(6) At the end of Article 9 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(7) In Annex 3 (product fiche), in paragraph 1(c), after “EU Ecolabel”, insert “before exit day”.

(8) In Annex 4 (technical documentation), in subparagraph (c), for “harmonised”, substitute “designated”.

(9) In Annex 5 (label), in point 6 of subparagraph (a) of section 1, after “European Union Ecolabel”, insert “before exit day”.

(10) In Annex 7 (measurements), in paragraph 1, omit the words from “, including” to “Union”.

(11) In Annex 8 (product compliance verification by market surveillance authorities)—

(a) for each instance of “Member State” or “Member States”, substitute “United Kingdom”;

(b) omit subparagraph (7);

(c) in the fourth paragraph—

(i) for “7” substitute “6”; and

(ii) for “harmonised” substitute “designated”.

### **Commission Delegated Regulation (EU) No 626/2011**

**5.**—(1) Commission Delegated Regulation (EU) No 626/2011 of 4 May 2011 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of air conditioners is amended as follows.

(2) In Article 3 (responsibilities of suppliers), in paragraph 1(c) for “Member States and to the Commission”, substitute “United Kingdom”.

(3) In Article 6 (verification procedure for market surveillance purposes), for “Member States”, substitute “the authorities of the United Kingdom”.

(4) Omit Article 7 (revision).

(5) At the end of Article 10 (entry into force and application), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(6) In Annex 1 (definitions applicable for the purposes of Annexes 2 to 7), for subparagraph (8) substitute—

“(8) ‘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;”.

(7) In Annex 3 (the label) in subparagraph (b) of—

(a) paragraph 1.1 of section 1, after ““EU eco-label””, insert “before exit day”;

(b) paragraph 2.1 of section 2, after ““EU eco-label””, insert “before exit day”;

(c) paragraph 3.1 of section 3, after ““EU eco-label””, insert “before exit day”;

(d) paragraphs 4.1, 4.3 and 4.5 of section 4, in each instance, after ““EU eco-label””, insert “before exit day”; and

(e) paragraphs 5.1, 5.3 and 5.5 of section 5, in each instance, after ““EU eco-label””, insert “before exit day”.

(8) In Annex 4 (product fiche), for paragraph 1(c) substitute “where a model has been granted a ‘European Union eco-label’ under Regulation (EC) No 66/2010 before exit day, a copy of the eco-label may be added;”.

(9) In Annex 5 (technical documentation), in subparagraph (c), for “harmonised”, substitute “designated”.

(10) In Annex 7 (measurements and calculations), in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.

(11) In Annex 8 (product compliance verification by market surveillance authorities)—

(a) for each instance of “Member State” or “Member States”, substitute “United Kingdom”;

(b) omit subparagraph (7);

(c) in the fourth paragraph—

(i) for “7” substitute “6”; and

(ii) for “harmonised” substitute “designated”.

### **Commission Delegated Regulation (EU) No 392/2012**

**6.**—(1) Commission Delegated Regulation (EU) No 392/2012 of 1 March 2012 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household tumble driers is amended as follows.

(2) In Article 3 (responsibilities of suppliers), in paragraph (c), for “Member States and to the Commission”, substitute “United Kingdom”.

(3) In Article 6 (verification procedure for market surveillance purposes), for “Member States”, substitute “The authorities of the United Kingdom”.

(4) Omit Article 7 (revision).

(5) At the end of Article 10 (entry into force and application), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(6) In Annex 1 (label)—

(a) in paragraph 1.2 of section 1, after ““EU Ecolabel””, insert “before exit day”;

(b) in paragraph 2.2 of section 2, after ““EU Ecolabel””, insert “before exit day”;

(c) in paragraph 3.2 of section 3, after ““EU Ecolabel””, insert “before exit day”.

(7) In Annex 2 (product fiche), in paragraph 1(h), after ““EU Ecolabel award””, insert “before exit day”.

(8) In Annex 3 (technical documentation), in paragraph 1(c), for “harmonised”, substitute “designated”.

(9) In Annex 5 (product compliance verification by market surveillance authorities)—

(a) for each instance of “Member State” or “Member States”, substitute “United Kingdom”;

(b) omit subparagraph (7);

(c) for the third paragraph, substitute—

“The United Kingdom authorities must use measurement procedures which take into account the generally recognised, state-of-the-art, reliable, accurate and reproducible measurement methods, and must use the measurement and calculation methods set out in Annex 7.”;

(d) in the fourth paragraph—

(i) for “7” substitute “6”; and

(ii) for “harmonised” substitute “designated”.

### **Commission Delegated Regulation (EU) No 874/2012**

7.—(1) Commission Delegated Regulation (EU) No 874/2012 of 12 July 2012 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of electrical lamps and luminaires is amended as follows.

(2) In Article 3 (responsibilities of suppliers)—

(a) in paragraphs 1(b) and 2(a), in both instances, for the words “Member States and to the Commission”, substitute “United Kingdom”;

(b) in paragraph 2(d), for the words from “Commission” to “Directive 2009/125/EC” substitute “any other requirements for lamps”;

(c) in the third paragraph, after “Directive 2009/125/EC” insert “or other ecodesign legislation”.

(3) In Article 4 (responsibilities of dealers), in paragraph 2(c) for the words from “Commission” to “Directive 2009/125/EC”, substitute “any other requirements for lamps”.

(4) In Article 6 (verification procedure for market surveillance purposes), for “Member States”, substitute “The authorities of the United Kingdom”.

(5) Omit Article 7 (revision).

(6) At the end of Article 10 (entry into force and application), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(7) In Annex 1 (label), in the final paragraph of section 1, after ““EU ecolabel”” insert “before exit day”.

(8) In Annex 3 (technical documentation)—

(a) in subparagraph (c), for “harmonised”, substitute “designated”;

- (b) at the end of the second paragraph, insert “or measures listed in paragraph 4 of Schedule 1 to the Ecodesign for Energy-Related Products Regulations 2010”.
- (9) In Annex 5 (product compliance verification by market surveillance authorities)—
  - (a) for each instance of “Member State” or “Member States”, substitute “United Kingdom”;
  - (b) in section 1—
    - (i) omit subparagraph (4);
    - (ii) for the first paragraph, substitute—
 

“The United Kingdom authorities must use measurement procedures which take into account the generally recognised, state-of-the-art, reliable, accurate and reproducible measurement methods, and must use the measurement and calculation methods set out in Annex 7.”;
    - (iii) in the second paragraph—
      - (aa) for “4” substitute “3”; and
      - (bb) for “harmonised” substitute “designated”.

**Commission Delegated Regulation (EU) No 665/2013**

**8.**—(1) Commission Delegated Regulation (EU) No 665/2013 of 3 May 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of vacuum cleaners is amended as follows.

- (2) In Article 2 (definitions)—
  - (a) in subparagraph (10), for the words from “Directive” to “Council” substitute “the Supply of Machinery (Safety) Regulations 2008”;
  - (b) in subparagraph (16), for the words from “Directive” to “Council” substitute “the Electrical Equipment (Safety) Regulations 2016”.
- (3) In Article 3 (responsibilities of suppliers and timetable), in paragraph 1(c), for “Member States and to the Commission”, substitute “United Kingdom”.
- (4) In Article 6 (verification procedure for market surveillance purposes), for “Member States”, substitute “The authorities of the United Kingdom”.
- (5) Omit Article 7 (revision).
- (6) At the end of Article 9 (entry into force), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.
- (7) In Annex 2 (the label), in the second paragraph of—
  - (a) subsections 1.1, 1.2 and 1.3, in each instance, after ““EU eco-label””, insert “before exit day”;
  - (b) subsections 2.1, 2.2 and 2.3, in each instance, after ““EU eco-label””, insert “before exit day”.
- (8) In Annex 3 (fiche), in paragraph 1(j), after ““EU Eco-label award””, insert “before exit day”.
- (9) In Annex 4 (technical documentation)—
  - (a) in paragraph 1(c) for “harmonised”, substitute “designated”;
  - (b) at the end of paragraph 3, insert “or measures listed in paragraph 4 of Schedule 1 to the Ecodesign for Energy-Related Products Regulations 2010”.
- (10) In Annex 6 (measurement and calculation methods), in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.
- (11) In Annex 7 (product compliance verification by market surveillance authorities)—
  - (a) for each instance of “Member State” or “Member States”, substitute “United Kingdom”;
  - (b) omit subparagraph (7);
  - (c) in the fourth paragraph—

- (i) for “7” substitute “6”; and
- (ii) for “harmonised” substitute “designated”.

### **Commission Delegated Regulation (EU) No 811/2013**

**9.**—(1) Commission Delegated Regulation (EU) No 811/2013 of 18 February 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of space heaters, combination heaters, packages of space heater, temperature control and solar device and packages of combination heater, temperature control and solar device is amended as follows.

(2) In Article 3 (responsibilities of suppliers and timetable), in paragraphs 1(c), 2(c), 3(b), 4(b), 5(c) and 6(c), in each instance, for “Member States and to the Commission”, substitute “United Kingdom”.

(3) In Article 6 (verification procedure for market surveillance purposes), for “Member States”, substitute “The authorities of the United Kingdom”.

(4) Omit Article 7 (review).

(5) At the end of Article 8 (entry into force and application), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(6) In Annex 1 (definitions applicable for Annexes 2 to 8)—

(a) for subparagraph (11), substitute—

“(11) ‘conversion coefficient’ (*CC*) means a coefficient the value of which is  $CC = 2.5$ .”;

(b) 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;”.

(7) In Annex 3 (the labels), in subparagraph (b) of subsections 1.1.3 and 1.1.4, in both instances, after “EU Ecolabel”, insert “before exit day”.

(8) In Annex 5 (technical documentation), in subparagraph (c) of sections 1, 2, 3, 4, 5 and 6, in each instance, for “harmonised”, substitute “designated”.

(9) In Annex 7 (measurements and calculations), in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.

(10) In Annex 8 (product compliance verification by market surveillance authorities)—

(a) for each instance of “Member State” or “Member States”, substitute “United Kingdom”;

(b) omit subparagraph (7);

(c) in the fourth paragraph—

(i) for “7” substitute “6”; and

(ii) for “harmonised” substitute “designated”.

### **Commission Delegated Regulation (EU) No 812/2013**

**10.**—(1) Commission Delegated Regulation (EU) No 812/2013 of 18 February 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of water heaters, hot water storage tanks and packages of water heater and solar device 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 3 (responsibilities of suppliers and timetable), in paragraphs 1(c), 2(c), 3(b) and 4(c), in each instance, for “Member States and to the Commission”, substitute “United Kingdom”.

(4) In Article 6 (verification procedure for market surveillance purposes), for “Member States”, substitute “The authorities of the United Kingdom”.

(5) Omit Article 7 (review).

(6) At the end of Article 8 (entry into force and application), omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(7) In Annex 1 (definitions applicable for Annexes 2 to 9), for subparagraph (13), substitute—

“(13) ‘conversion coefficient’ (*CC*) means a coefficient the value of which is  $CC = 2.5$ .”.

(8) In Annex 3 (the labels), in subparagraph (b) of subsection 1.1.3, after “EU Ecolabel” insert “before exit day”.

(9) In Annex 5 (technical documentation), in subparagraph (c) in sections 1 to 4, in each instance, for “harmonised” substitute “designated”.

(10) In Annex 7 (measurements), in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.

(11) In Annex 8 (method for calculating the water heating energy efficiency of water heaters), in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.

(12) In Annex 9 (product compliance verification by market surveillance authorities)—

(a) for each instance of “Member State” or “Member States”, substitute “United Kingdom”;

(b) omit subparagraph (7);

(c) in the fourth paragraph—

(i) for “7” substitute “6”; and

(ii) for “harmonised” substitute “designated”.

### **Commission Delegated Regulation (EU) No 65/2014**

**11.**—(1) Commission Delegated Regulation (EU) No 65/2014 of 1 October 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of domestic ovens and range hoods is amended as follows.

(2) In Article 2 (definitions), for subparagraph (19), substitute—

“(19) ‘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;”.

(3) In Article 3 (responsibilities of suppliers and timetable), in subparagraphs (1)(a)(iii) and (1)(b)(iii), in both instances, for “Member States” substitute “United Kingdom”.

(4) In Article 6 (verification procedure for market surveillance purposes), for “Member States”, substitute “United Kingdom”.

(5) Omit Article 7 (review).

(6) At the end of Article 10 (entry into force and application), in the final paragraph, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(7) In Annex 2 (measurements and calculations), in the first paragraph, omit the words from “, including” to “Union”.

(8) In Annex 4 (fiche), for paragraph 2 of section A, substitute “Where a model has been granted a European Union eco-label under Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 before exit day, a copy of the eco-label may be added”.

(9) In Annex 5 (technical documentation), in paragraph 1(e) of section A and paragraph 1(e) of Section B, in both instances, for “harmonised”, substitute “designated”.

- (10) In Annex 8 (product compliance verification by market surveillance authorities)—
- (a) for each instance of “Member State” or “Member States”, substitute “United Kingdom”;
  - (b) omit subparagraph (7);
  - (c) in the fourth paragraph—
    - (i) for “7” substitute “6”; and
    - (ii) for “harmonised” substitute “designated”.

#### **Commission Delegated Regulation (EU) No 1254/2014**

**12.**—(1) Commission Delegated Regulation (EU) No 1254/2014 of 11 July 2014 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of residential ventilation units is amended as follows.

(2) In Article 1 (subject matter and scope), in paragraph 2(b), after “Council”, insert “, as it had effect immediately before exit day”.

(3) In Article 2 (definitions), after “Regulation the” insert “definitions in Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU as well as the”.

(4) In Article 3 (responsibilities of suppliers), in paragraph 1(c), for “Member State authorities and the Commission” substitute “authorities of the United Kingdom”.

(5) In Article 6 (verification procedure for market surveillance purposes), for “Member States”, substitute “the authorities of the United Kingdom”.

(6) Omit Article 7 (review).

(7) At the end of Article 8 (entry into force), in the second paragraph, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(8) In Annex 5 (technical documentation), in subparagraph (c), for “harmonised” substitute “designated”.

(9) In Annex 9 (product compliance verification by market surveillance authorities)—

- (a) for each instance of “Member State” or “Member States”, substitute “United Kingdom”;
- (b) omit subparagraph (7);
- (c) in the fourth paragraph—
  - (i) for “7” substitute “6”; and
  - (ii) for “harmonised” substitute “designated”.

#### **Commission Delegated Regulation (EU) 2015/1094**

**13.**—(1) Commission Delegated Regulation (EU) 2015/1094 of 5 May 2015 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of professional refrigerated storage cabinets is amended as follows.

(2) In Article 2 (definitions), after “The” insert “definitions in the Energy Information Regulations 2011 as well as the”.

(3) In Article 3 (responsibilities of suppliers and timetable), in paragraph 1(e), for “Member States” substitute “United Kingdom”.

(4) In Article 6 (verification procedure for market surveillance purposes), for “Member States”, substitute “The authorities of the United Kingdom”.

(5) Omit Article 7 (review).

(6) At the end of Article 8 (entry into force and application), in the second paragraph, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(7) In Annex 3 (labels)—

- (a) in the second paragraph of section 1, after “EU ecolabel” insert “before exit day”;

- (b) in the second paragraph of section 2, after “EU eco-label” insert “before exit day”.
- (8) In Annex 4 (product fiche), in paragraph 1(e), after “EU eco-label” insert “before exit day”.
- (9) In Annex 5 (technical documentation)—
  - (a) in paragraph 1(c), for “harmonised”, substitute “designated”;
  - (b) at the end of paragraph 3, insert “or measures listed in paragraph 4 of Schedule 1 to the Ecodesign for Energy-Related Products Regulations 2010”.
- (10) In Annex 9 (measurement and calculation), in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.
- (11) In Annex 10 (product compliance verification by market surveillance authorities)—
  - (a) for each instance of “Member State” or “Member States”, substitute “United Kingdom”;
  - (b) omit subparagraph (7);
  - (c) in the fourth paragraph—
    - (i) for “7” substitute “6”; and
    - (ii) for “harmonised” substitute “designated”.

#### **Commission Delegated Regulation (EU) 2015/1186**

**14.**—(1) Commission Delegated Regulation (EU) 2015/1186 of 24 April 2015 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of local space heaters is amended as follows.

- (2) In Article 3 (responsibilities of suppliers and timetable), in paragraphs 1(e) and 2(e), in both instances, for “Member States and to the Commission”, substitute “United Kingdom”.
- (3) In Article 6 (verification procedure for market surveillance purposes), for “Member States”, substitute “The authorities of the United Kingdom”.
- (4) Omit Article 7 (review).
- (5) At the end of Article 8 (entry into force), in the final paragraph, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.
- (6) In Annex 5 (technical documentation)—
  - (a) in paragraph (c), for “harmonised”, substitute “designated”;
  - (b) at the end of the second paragraph, insert “or measures listed in paragraph 4 of Schedule 1 to the Ecodesign for Energy-Related Products Regulations 2010”.
- (7) In Annex 8 (measurements and calculations), in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.
- (8) In Annex 9 (product compliance verification by market surveillance authorities)—
  - (a) for each instance of “Member State” or “Member States”, substitute “United Kingdom”;
  - (b) omit subparagraph (7);
  - (c) in the fourth paragraph—
    - (i) for “7” substitute “6”; and
    - (ii) for “harmonised” substitute “designated”.

#### **Commission Delegated Regulation (EU) 2015/1187**

**15.**—(1) Commission Delegated Regulation (EU) 2015/1187 of 27 April 2015 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of solid fuel boilers and packages of a solid fuel boiler, supplementary heaters, temperature controls and solar devices is amended as follows.

- (2) In Article 3 (responsibilities of suppliers and timetable), in paragraphs 1(e) and 3(e), in both instances, for “Member States and to the Commission”, substitute “United Kingdom”.



(3) In Article 6 (verification procedure for market surveillance purposes), for “Member States”, substitute “The authorities of the United Kingdom”.

(4) Omit Article 7 (review).

(5) At the end of Article 8 (entry into force), in the last paragraph, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(6) In Annex 1 (definitions applicable to Annexes 2 to 10), for subparagraph (5), substitute—

“(5) ‘conversion coefficient’ (*CC*) means a coefficient the value of which is  $CC = 2.5$ .”.

(7) In Annex 3 (the labels), in subparagraph (b) of subsections 1.1 and 1.2, in both instances, after “EU Ecolabel”, insert “before exit day”.

(8) In Annex 5 (technical documentation)—

(a) in subparagraph (c) of section 1 and section 2, in both instances, for “harmonised” substitute “designated”;

(b) at the end of the second unnumbered paragraph in section 1, after “Directive 2009/125/EC of the European Parliament and of the Council”, insert “or measures listed in paragraph 4 of Schedule 1 to the Ecodesign for Energy-Related Products Regulations 2010”.

(9) In Annex 8 (measurements and calculations), in paragraph 1, for the words from “harmonised” to “Union”, substitute “designated standards”.

(10) In Annex 10 (product compliance verification by market surveillance authorities)—

(a) for each instance of “Member State” or “Member States”, substitute “United Kingdom”;

(b) omit subparagraph (7);

(c) in the fourth paragraph—

(i) for “7” substitute “6”; and

(ii) for “harmonised” substitute “designated”.

## EXPLANATORY NOTE

*(This note is not part of these Regulations)*

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under paragraphs (a), (d), (f) and (g) of section 8(2) of the 2018 Act) arising from the withdrawal of the UK from the European Union, and under section 2(2) of the European Communities Act 1972.

These Regulations make amendments to legislation in the field of ecodesign and energy labelling for energy-related products. Schedule 1 amends the Ecodesign for Energy-Related Products Regulations 2010, including conferring a power for the Secretary of State to set ecodesign requirements in paragraph 12; Schedule 2 amends product-specific ecodesign-related regulations; Schedule 3 amends the Energy Information Regulations 2011; Schedule 4 amends Regulation (EU) 2017/1369 setting a framework for energy labelling including conferring a power for the Secretary of State to introduce and rescale energy labels in paragraph 11; and Schedule 5 amends product-specific energy labelling-related regulations.

The net costs imposed on business, the voluntary sector and the public sector by these Regulations have been assessed as being less than £5m in any year and therefore a full impact assessment has not been prepared.





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