

SCHEDULES

SCHEDULE 28

Regulation 50

Verification procedure for market surveillance purposes

Interpretation

1. In this Schedule “determined values” means the values of the relevant parameters as measured by the market surveillance authority in testing and the values calculated from these measurements.

Verification procedure

2.—(1) The market surveillance authority must apply the procedure set out in the following paragraphs when verifying the compliance of a product with these Regulations, using the measurement and calculation methods provided for in Schedule 4.

(2) The market surveillance authority must initially test one single unit of the model of the product to be verified.

(3) Subject to paragraph 3, the model conforms to these Regulations if all the following conditions are satisfied in respect of the tested unit—

- (a) the declared values and, where applicable, the values used to calculate the declared values, are not more favourable for the supplier than the corresponding measurements carried out pursuant to paragraph 1(2)(b)(vii) or 5(2)(d) of Schedule 1A to the 2010 Regulations;
- (b) the values published on the label and in the product information sheet are not more favourable for the supplier than the declared values;
- (c) the energy efficiency class indicated on the label is not more favourable for the supplier than the class determined by the declared values; and
- (d) the determined values meet the verification tolerances set out in Table 37.

3.—(1) If a unit complies with all the conditions of paragraph 2 except sub-paragraph (3)(d), the market surveillance authority must test three additional units of the model to be verified, or three units of equivalent models.

(2) A model subject to additional testing under this paragraph is deemed to comply with paragraph 2(3)(d) if the arithmetical mean of the determined values for the three additional units meets the verification tolerances set out in Table 37.

(3) If a model fails to meet the test set out in sub-paragraph (2), the model and all equivalent models do not conform to these Regulations.

4. Where a model has been designed to be able to detect it is being tested (for example by recognising test conditions or test cycles), and to react specifically by automatically altering its performance during the test with the objective of reaching a more favourable level for any of the parameters specified in these Regulations or included in the technical documentation or included in any of the documentation provided, the model and all equivalent models do not conform to these Regulations.

Verification tolerances

5.—(1) The verification tolerances set out in Table 37 must be used only by the market surveillance authority and only for the purposes of this Schedule.

(2) The supplier of a product must not use the verification tolerances—

- (a) as allowed tolerances to establish the declared values;
- (b) in order to interpret the declared values with a view to achieving compliance; or
- (c) to communicate better performance.

Table 37

Verification tolerances for measured parameters

<i>Parameters</i>	<i>Verification tolerances</i>
Net volume, and net compartment volume where applicable	The determined value must not be more than 3 per cent or 1L lower (whichever is the greater value) than the declared value.
Gross volume, and gross compartment volume where applicable	The determined value must not be more than 3 per cent or 1L lower (whichever is the greater value) than the declared value.
TDA, and compartment TDA where applicable	The determined value must not be more than 3 per cent lower than the declared value.
E_{daily}	The determined value must not be more than 10 per cent higher than the declared value.
AE	The determined value must not be more than 10 per cent higher than the declared value.