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DRAFT STATUTORY INSTRUMENTS

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**2021 No.**

The Ecodesign for Energy-Related Products and  
Energy Information (Amendment) Regulations 2021

PART 2

AMENDMENTS TO COMMISSION REGULATION  
(EU) 2019/424 RELATED TO ECODESIGN

**Amendments to Commission Regulation (EU) 2019/424: servers and data storage products**

3.—(1) Commission Regulation (EU) 2019/424 of 15 March 2019 laying down eco-design requirements for servers and data storage products pursuant to [Directive 2009/125/EC](#) of the European Parliament and of the Council and amending [Commission Regulation \(EU\) No 617/2013](#)(1) is amended as follows.

(2) In Article 4(2) (conformity assessment), for the words after “shall contain” substitute—  
“—

- (a) the information set out in point 3.4 of Annex 2; and
- (b) the details and results of the calculations carried out in accordance with—
  - (i) where applicable, point 2 of Annex 2; and
  - (ii) Annex 3 (measurements and calculations).”.

(3) In Article 6 (circumvention)—

- (a) for “manufacturer or importer” substitute “manufacturer, importer or authorised representative(2)”; and
- (b) after “the parameters” omit “declared by the manufacturer or importer”.

(4) After Article 7 (indicative benchmarks), insert—

*“Article 8*

*Review*

1. The Secretary of State must, before 25th December 2024—
  - (a) evaluate this Regulation, taking into account the speed of technological progress; and
  - (b) publish a report stating whether or not in their opinion this Regulation should be amended.

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(1) EUR 2019/424, amended by [S.I. 2020/1528](#).

(2) The meaning of “authorised representative” is set out in regulation 2(1) of [S.I. 2010/2617](#) (“the 2010 Regulations”). Definitions in the 2010 Regulations are applied to EUR 2019/424 by Article 2(1) of EUR 2019/424 (as amended by [S.I. 2020/1528](#)).

2. If the Secretary of State concludes under paragraph (1) that this Regulation should not be amended, the Secretary of State must review this conclusion from time to time and publish a new report under paragraph (1)(b) at intervals not exceeding 5 years.”.

- (5) In Annex 1 (definitions applicable to Annexes 2 to 5)—
- (a) in point (3) (definition of ‘motherboard’), for “the server” substitute “a server or a data storage product”;
  - (b) in point (4) (definition of ‘processor’), after “a server” insert “or a data storage product”;
  - (c) in point (5) (definition of ‘memory’), after “a server” insert “or a data storage product”;
  - (d) after point (35) insert—
 

“(36) ‘declared values’ means the values provided by the manufacturer, importer or authorised representative in the technical documentation in accordance with point 3.4 of Annex 2, for the verification of conformity by the market surveillance authority(3).”.
- (6) In Annex 4 (verification procedure for market surveillance purposes)—
- (a) for the first paragraph substitute—
 

“The verification tolerances set out in this Annex relate only to the verification by the market surveillance authority of the declared values.

The manufacturer, importer or authorised representative of a product must not use the verification tolerances—

    - (a) to establish the declared values;
    - (b) to interpret the declared values; or
    - (c) to communicate better performance.”.
  - (b) in point 2—
    - (i) in point (a), for “values given in the technical documentation pursuant to paragraph 1(2)(b) of Part 1 of Schedule 1A to the 2010 Regulations,” substitute “declared values”;
    - (ii) after point (c) insert—
 

“; and

      - (d) the manufacturer, importer or authorised representative has complied with the information requirements in point 3.1 of Annex 2 (servers) or, as the case may be, point 3.2 of Annex 2 (data storage products); and
      - (e) when the market surveillance authority checks the unit of the model, the unit complies with the resource efficiency requirements in point 3.3 of Annex 2.”;
  - (c) in point 3, for “points 2(a) or 2(b)” substitute “point (2)(a), (b), (d) or (e)”;
  - (d) in point 4(b), after “manufacturer” insert “, importer or authorised representative”;
  - (e) in point 5, for “these three units” substitute “the units selected in accordance with point 4(b)”;
  - (f) in point 6, for “point 4(b)” substitute “point 5”.

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(3) For the meaning of “market surveillance authority”, see point (17) of Article 2(1) of EUR 2019/424 (as amended by S.I. 2020/1528).