



Brussels, **XXX**
[...] (2023) **XXX** draft

COMMISSION REGULATION (EU) .../...

of **XXX**

implementing Directive 2009/125/EC of the European Parliament and of the Council as regards ecodesign requirements for local space heaters and repealing Regulation (EU) 2015/1188

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 products¹ and in particular Article 15(1) thereof,

Whereas:

- (1) Directive 2009/125/EC requires the Commission to set ecodesign requirements for energy-related products that represent significant volumes of sales and trade, that have a significant environmental impact and whose environmental impact could be considerably reduced without excessive costs.
- (2) The proposal for a revised Energy Efficiency Directive (EED)² requires Member States to further develop their national energy and climate plans (NECPs), referred to in Article 4(2), by including measures to reduce Union energy consumption by at least 9% overall by 2030 compared to the 2020 Reference Scenario. In this context, the ecodesign and energy labelling rules for products are key ways for the Union to achieve its energy and decarbonisation objectives.
- (3) The Ecodesign and Energy Labelling Working Plan 2022-2024³ includes local space heaters among the product groups for which the ecodesign and energy labelling requirements are due or expected to be reviewed before the end of 2025.
- (4) Measures from the Ecodesign and Energy Labelling Working Plan 2022-2024 have an estimated potential to deliver total annual final energy savings in excess of 170 TWh by 2030. This is equivalent to reducing greenhouse gas emissions by approximately 24 million tonnes per year by 2030. Local space heaters have the potential to deliver electricity savings of 11 TWh/year by 2030.
- (5) The Commission established ecodesign requirements for local space heaters in Regulation (EU) 2015/1188⁴. In accordance with Article 7 of that Regulation the Commission has reviewed it and analysed the technical, environmental and economic aspects of local space heaters as well as real-life user behaviour. The results of the

¹ OJ L 285, 31.10.2009, p. 10.

² Proposal for a Directive of the European Parliament and of the Council on energy efficiency (recast) (COM/2021/558 final of 14.7.2021).

³ Communication from the Commission, Ecodesign and Energy labelling Working Plan 2022-2024 (2022/C 182/01) (C/2022/2026) (OJ C 182, 4.5.2022).

⁴ Commission Regulation (EU) No 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 (OJ L 193, 21.7.2015, p. 76).

review were made public and presented to the Consultation Forum established by Article 18 of Directive 2009/125/EC.

- (6) The review study shows that the ecodesign measures in Regulation (EU) 2015/1188 have significantly contributed to reducing energy consumption and greenhouse gas emissions. However, without further regulatory action, energy savings will stagnate after 2030. The environmental aspects of local space heaters, identified in the review study as significant for the purposes of Regulation (EU) 2015/1188 are the consumption of energy during the use phase, the generation of waste at the end of life and the emissions to air and water in the production phase (due to the extraction and processing of raw materials).
- (7) Annual energy consumption from local space heaters amounted to 200 TWh/year in 2020, equivalent to 1.7% of the Union total final energy consumption and 4% of the final energy consumption of households and services. The projected energy consumption of local space heaters in a business as usual scenario is estimated to decrease to 140 TWh/year in 2030. The decrease may be accelerated if the existing ecodesign requirements are updated.
- (8) The Commission has assessed the impact of different policy options to reduce energy consumption from local space heaters from 2025 onwards. According to the impact assessment, new ecodesign measures could reduce energy consumption and greenhouse gas emissions by 23 TWh/year and 1.8 Mt CO₂-eq/year respectively by 2030.
- (9) As a result, it is necessary to clarify and expand the scope of Regulation (EU) 2015/1188 in order to eliminate ambiguities and close existing loopholes in relation to products that provide thermal comfort and should therefore be considered local space heaters. Given that aim, a mere statement from the manufacturer, importer or authorised representative about the intended use of a product should not be a valid argument for excluding from this Regulation's application products whose design and technical characteristics make them indistinguishable from local space heaters that fall within its scope.
- (10) In order to cover the relevant types of local space heaters placed on the market, ecodesign requirements should be set for the following categories of domestic local space heaters: open-fronted local space heaters; closed-fronted open combustion local space heaters; balanced flue local space heaters; electric portable local space heaters; electric fixed local space heaters; electric storage local space heaters; electric underfloor local space heaters; electric visibly glowing radiant local space heaters; electric visibly glowing radiant portable local space heaters; towel rails and flueless heaters.
- (11) In order to increase the representativeness and relevance of ecodesign requirements as regards commercial local space heaters available on the market, luminous local space heaters and tube local space heaters of 300 kW or less should be subject to this Regulation's requirements.
- (12) Local space heaters placed on the market separately from the control should all be subject to ecodesign requirements as their exclusion undermines ecodesign potential to reduce energy consumption.
- (13) Towel rails are not only intended to heat or dry towels. They are also able to heat the space in which they are placed contributing to thermal comfort by acting as local space heaters. To create a levelled playing field for manufacturers independent of whether or

not they place them on the market as local space heaters, all such products should be subject to ecodesign requirements to save more energy.

- (14) All low power modes currently implemented in local space heaters generate additional energy consumption. Specific ecodesign requirements for low power modes, including idle mode or networked standby mode, should be set out in this Regulation.
- (15) Ecodesign measures should only be implemented at Union level since they apply directly to the product in question, uniformity of which needs to be ensured to avoid a situation where different national rules undermine the internal market for that product.
- (16) The Commission's Circular Economy Action Plan⁵ and the Ecodesign and Energy Labelling Working Plan 2022-2024 underline the importance of using the ecodesign framework to support the move to a more resource-efficient and circular economy. This Regulation should therefore lay down appropriate circularity-related requirements ensuring that products are effectively repaired thanks to the availability of a range of spare parts, setting maximum delivery time for spare parts and specifying what repair and maintenance information is to be given to professional repairers and end users. Local space heaters should also be designed in a way that facilitates the recovery of materials and components.
- (17) The transitional period for introducing the new ecodesign requirements should be sufficient for manufacturers to adapt local space heaters to those requirements. The period should take into account any cost impact for manufacturers, in particular small and medium-sized enterprises, while ensuring this Regulation's objectives are achieved. In addition, compliance with the current ecodesign requirements should not be mandatory for local space heaters placed on the market four months before the date of application of the new ecodesign requirements.
- (18) Essential characteristics of local space heaters as regards ecodesign should be measured and calculated using reliable, accurate and reproducible measurement and calculation methods including, if available, harmonised standards adopted by the European standardisation organisations following a request by the Commission in accordance with the procedures laid down in Regulation (EU) 1025/2012 of the European Parliament and of the Council⁶. In the absence of harmonised standards, the transitional methods set out in Annex IV should be used for supporting verification of compliance of local space heaters with this Regulation. When harmonised standards are adopted, Annex IV to this Regulation should be repealed.
- (19) To ensure the effectiveness of the Regulation and to protect consumers, the alteration of the performance of local space heaters in test conditions to improve the declared values as regards ecodesign should not be allowed. This includes, but is not limited to, local space heaters designed to detect they are being tested by recognising the test conditions or test cycle and to automatically alter their behaviour or properties as a result, and local space heaters pre-set to alter their behaviour or properties at the time of testing. It also includes prescribing the manual alteration of a local space heater in preparation for testing that alters its behaviour or properties for normal use. For the same reasons, software updates of local space heaters should not worsen the declared characteristics unless this is with the user's express content, and should by no means bring the declared values below the minimum levels this Regulation requires.

⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A new Circular Economy Action Plan (COM/2020/98 final of 11.3.2020).

⁶ OJ L 316, 14.11.2012, p. 12.

- (20) In accordance with Article 8(2) of Directive 2009/125/EC, this Regulation should specify which conformity assessment procedures apply.
- (21) To facilitate compliance checks, manufacturers should provide the information in the technical documentation referred to in Annexes IV and V to Directive 2009/125/EC if that information relates to the requirements in this Regulation.
- (22) The verification procedure for the purpose of market surveillance laid down in Annex V must include the procedure to be followed in case one of the local space heaters tested for verification of compliance does not meet the requirements for a test to deliver valid results.
- (23) In addition to the legally binding requirements in this Regulation, indicative benchmarks for the best available technologies should be determined to ensure that information on the life-cycle environmental performance of local space heaters is widely available and easily accessible.
- (24) This Regulation should be reviewed to assess the appropriateness of its provisions for achieving, and their effectiveness in achieving, its goals. The timing of the review should be sufficient for all provisions to be applied and have an effect on the market.
- (25) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 19(1) of Directive 2009/125/EC,

HAS ADOPTED THIS REGULATION:

Article 1
Subject matter and scope

1. This Regulation lays down ecodesign requirements for the placing on the market and putting into service of domestic local space heaters with a nominal heat output of 50 kW or less and commercial local space heaters with a nominal heat output of the product or a single tube segment heat output of 300 kW or less.
2. This Regulation shall not apply to:
 - (a) local space heaters using a vapour compression cycle or sorption cycle for the generation of heat driven by electric compressors or fuel;
 - (b) local space heaters for outdoor use only;
 - (c) local space heaters for vehicle heating only;
 - (d) local space heaters of which the direct heat output is less than 6% of the combined direct heat output and indirect heat output at nominal heat output;
 - (e) air heating products;
 - (f) sauna stoves;
 - (g) cooking appliances.
3. Manufacturers, importers or authorised representatives shall not consider a product to fall outside the scope of this Regulation on the basis of paragraph 2, if the design, the technical characteristics and the intended use of that product do not sufficiently distinguish it from local space heaters covered by this Regulation.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) ‘local space heater’ means a device equipped with one or more heat generators to convert electricity or gaseous or liquid fuels directly into heat transfer to contribute to a certain level of thermal comfort for human beings in the enclosed space in which it is situated by direct heat transfer, possibly combined with heat output to other spaces or with heat transfer to a fluid;
- (2) ‘domestic local space heater’ means a local space heater other than a commercial local space heater;
- (3) ‘nominal heat output’ (P_{nom}) means the heat output of a local space heater comprising both direct heat output and indirect heat output (where applicable), when operating at the setting for the maximum heat output that can be maintained over an extended period, as declared by the manufacturer, expressed in kW;
- (4) ‘commercial local space heater’ means either a luminous local space heater or a tube local space heater;
- (5) ‘tube segment heat output’ means the heat output of a tube segment which together with other tube segments forms part of a configuration of a tube heater system, expressed in kW;
- (6) ‘direct heat output’ means the heat output of the product by radiation and convection of heat, as emitted by or from the product itself to air, excluding the heat output of the product to a heat transfer fluid, expressed in kW;
- (7) ‘indirect heat output’ means the heat output of the product to a heat transfer fluid by the same heat generation process that provides the direct heat output of the product, expressed in kW;
- (8) ‘air heating product’ means an air heating product as defined in Article 2, point (1), of Commission Regulation (EU) 2016/2281⁷;
- (9) ‘sauna stove’ means a space heating product, incorporated in, or specifically designed and declared to be used in, dry or wet saunas or similar environments;
- (10) ‘cooking appliance’ means an appliance or part of it that incorporates one or more cavities using electricity, gas or both, to prepare food by means of a conventional or fan-forced mode;
- (11) ‘luminous local space heater’ means a gaseous fuel local space heater or a liquid fuel local space heater equipped with a burner, to be installed above head level directed towards the place of use so that the heat emitted by the burner, being predominantly infrared radiation, directly warms the people to be heated, being the products of combustion evacuated in the space where the heater is placed;
- (12) ‘tube local space heater’ means a gaseous fuel or liquid fuel local space heater equipped with a burner, to be installed above head level near the people to be heated, that heats the space primarily by infrared radiation from the tube or tubes heated by

⁷ 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 (OJ L 346, 20.12.2016, p. 1).

the internal passage of products of combustion, being the products of combustion evacuated through a flue duct;

- (13) ‘tube segment’ means a part of a tube heater system that comprises all the elements needed for stand-alone operation and can therefore be tested independently of the other tube heating system parts’;
- (14) ‘tube heater system’ means a tube local space heater comprising more than one single tube segment, of which the products of combustion of one tube segment may feed into the next tube segment, and of which the products of combustion of multiple tube segments are to be evacuated by a single exhaust fan;
- (15) ‘gaseous fuel local space heater’ means a local space heater using gaseous fuel;
- (16) ‘liquid fuel local space heater’ means a local space heater using liquid fuel;
- (17) ‘equivalent model’ means a model placed on the market with the same technical parameters set out in Annex II, Table 1, Table 2 or Table 3 as another model placed on the market by the same manufacturer;
- (18) ‘control’ means a device or a software that allows to vary the heat output of a local space heater;
- (19) ‘control feature’ means a function that is part of the control.

Article 3

Ecodesign requirements

- 1. Local space heaters referred to in Article 1 shall meet the ecodesign requirements set out in Annex II.
- 2. Compliance with ecodesign requirements shall be measured and calculated in accordance with the methods set out in Annex III and Annex IV.

Article 4

Conformity assessment

- 1. The conformity assessment procedure referred to in Article 8(2) of Directive 2009/125/EC shall be the internal design control set out in Annex IV to that Directive or the management system for assessing conformity set out in Annex V to that Directive.
- 2. For the purposes of the conformity assessment pursuant to Article 8 of Directive 2009/125/EC, the technical documentation shall contain the declared values of the parameters listed in point 4 of Annex II to this Regulation and the details and results of the calculations undertaken in accordance with Annex III to this Regulation.
- 3. The information to be included in the technical documentation for a local space heater model may be obtained from either of the following:
 - (a) from a model having the same technical characteristics that are relevant for the technical information to be provided but which is produced by a different manufacturer;
 - (b) by calculation on the basis of the design of, or extrapolation from a different model of the same or a different manufacturer, or both.

In those cases, the technical documentation shall include the details of such calculations, the assessment undertaken by the manufacturer to verify their accuracy and, if appropriate, the declaration of identity between the models of different manufacturers.

4. The technical documentation shall include a list of all equivalent models of local space heaters, including the model identifiers.

5. For local space heaters that are placed on the market separately from the control or that need additional control features provided separately, a separate declaration of conformity in accordance with Article 5 of Directive 2009/125/EC shall be issued for each different combination of local space heater and control or control feature.

Article 5

Verification procedure for market surveillance purposes

Member States shall apply the verification procedure set out in Annex V to this Regulation when performing the market surveillance checks referred to in Article 3(2) of Directive 2009/125/EC.

Article 6

Obligations in relation to placing on the market or putting into service

1. Manufacturers, importers or authorised representatives shall not place on the market or put into service local space heaters designed to alter their behaviour or properties when being tested, in order to obtain a more favourable result for any of the declared values of the parameters set out in this Regulation.

2. Manufacturers, importers or authorised representatives shall not prescribe test instructions, specifically for when local space heaters are being tested, that have the effect of altering the behaviour or properties of those heaters in order to obtain a more favourable result for any of the declared values of the parameters set out in this Regulation.

3. Manufacturers, importers or authorised representatives shall not place on the market or put into service local space heaters designed to alter their behaviour or properties within a short period after being put into service resulting in a degrading of any of the declared values of the parameters set out in this Regulation.

Article 7

Software updates

1. Software or firmware updates shall not degrade any of the declared values of the parameters of a local space heater set out in this Regulation when measured using the testing method applicable at the time of the placing on the market or putting into service of the local space heater, except with the explicit consent of the user before the update. No change shall occur if the update is rejected.

2. Software or firmware updates shall not modify any of the declared values of the parameters of a local space heater to the extent that it becomes non-compliant with the requirements set out in this Regulation applicable at the time of the placing on the market or putting into service of the local space heater.

Article 8
Indicative benchmarks

The indicative benchmarks for the best-performing local space heaters available on the market at the time of the entry into force of this Regulation are set out in Annex VI.

Article 9
Review

By [OP – please insert date - five years after its entry into force], the Commission shall review this Regulation in the light of technological progress and present the result of that review to the Consultation Forum.

In particular, the review shall assess:

- whether it is appropriate to set stricter ecodesign requirements for energy efficiency and emissions of nitrogen oxides (NO_x);
- whether the verification tolerances should be modified;
- the validity of the correction factors used to assess the seasonal space heating energy efficiency of local space heaters;
- whether it is appropriate to introduce third party certification;
- whether it is appropriate to include into the scope of this Regulation local space heaters for outdoor use only;
- whether it is appropriate to set additional resource efficiency requirements in accordance with the objectives of the circular economy, including whether more spare parts should be available, whether additional requirements for the availability of spare parts should be set or whether a reparability score should be developed;
- whether the lifetime of local space heaters has decreased due to the introduction of more advanced controls and the appropriateness of revising the controls and their application to ensure the longest possible lifetime;
- whether it is appropriate to set additional requirements for the upgradeability of controls.

Article 10
Repeal

Regulation (EU) 2015/1188 is repealed as of 1 July 2025.

Article 11
Transitional provisions

If no unit belonging to the same model of local space heater or equivalent models was placed on the market before 1 March 2025, the units of models placed on the market between 1 March 2025 and 1 July 2025 which comply with the provisions of this Regulation shall be considered to comply with the requirements of Regulation (EU) 2015/1188.

Article 12
Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2025.

However, articles 6 and 7 shall apply from [*OP – please insert date – entry into force of this Regulation*].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN