

Clarification is needed between Ecodesign Directive and its implementation and the Construction Product Regulation

The Commission has issued the draft proposal of Commission regulation of implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for solid fuel local space heaters and on the draft proposal of Commission regulation of implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for solid fuel boilers.

Solid fuel local space heaters and part of solid fuel boilers are construction products already regulated by the Construction Product Regulation. **Finland would like to have clarification how to avoid overlapping between Eco design Regulations and Construction Product Regulation.**

The Construction Product Regulation (305/2011/EU; the CPR) is an exceptional European legislation because the use of harmonised product standards for the CE-marking is mandatory if the product is covered by the harmonised product standard. The CPR came fully into force 1.7.2013 and replaced the Construction Product Directive (89/106). There are the following harmonised product standards for appliances fired by solid fuel:

- EN 12809:2001+A1 +2AC Residential independent boilers fired by solid fuel – Nominal output up to 50kW
- EN 12815:2001+A1:2004+2AC Residential cookers fired by solid fuel
- EN 13229:2001+A1+A2+ 2AC Inset appliances including open fires fired by solid fuel
- EN 13240:2001+A2:2004+2AC Roomheaters fired by solid fuel
- EN 14785:2006 Residential space heating appliances fired by wood pellets
- EN 15250:2007 Slow heat release appliances fired by solid fuel
- EN 15821:2010 Multi-firing sauna stoves fired by natural wood logs¹

These harmonised product standards include the characteristics emission of CO in combustion products and energy efficiency for which there are already certain threshold levels (minimum values).

The Commission can set up classes for the characteristics by delegated acts according the CPR. Member States are obliged to use these classes in their regulations (Article 27 of the CPR). The Commission can determine by means of delegated acts those characteristics for which the manufacturer shall declare the performance of the product (Article 3(3) of the CPR). The Commission can also set up threshold levels for the characteristics by delegated acts according to Article 3(3) of the CPR.

Finland proposes that Commission shall quit the further preparation of the Ecodesign regulation for those solid fuel burning appliances covered by the aforementioned harmonised product standards. Instead the ecodesign objectives of the Commission can be reached under the CPR by preparing delegated acts for relevant characteristics and threshold levels and if necessary amending the standardization mandates for these appliances. These products are already covered by harmonised product standards for the CE-marking under the

¹ This is not covered by proposed Eco design Regulation.

CPR. These standards can be amended to take into account the Commission objectives concerning ecodesign.

It is against the principle of the Commission and not acceptable to the industry that two different regulatory measures are used to achieve the same target. If the Ecodesign regulation comes into effect, it would mean that the manufacturers in addition to the CE-marking based on harmonised product standards are obliged to follow ecodesign regulation which may contradict with the CPR. This kind of situations shall be avoided.

The development of harmonised product standards are closely followed by the Commission and Member States under the CPR. According to Article 17(5) the Commission shall assess the conformity of harmonised standards with the relevant mandate before publishing the list of references of harmonised standards in the Official Journal of the European Union. Member States have to take into account Article 8(6) of the CPR which states the following:

“The methods used by the Member States in their requirements for construction works, as well as other national rules in relation to the essential characteristics of construction products, shall be in accordance with harmonised standards.”

Continuous updating of standards

Harmonised product standards as other EN-standards are continuously updated. CEN TC 295 has already started to develop a new series of harmonised product standards for appliances fired by solid fuel. This new standard series will replace EN 12809, EN 12815, EN 13229, EN 13240, EN 14785 and EN 15250.

The planned structure of the new series of standards is the following:

EN 16510-1 residential solid fuel burning appliances

— Part 1 General requirements and test methods

— Part 2-1 Roomheaters

— Part 2-2 Inset appliances including open fires

— Part 2-3 Cookers

— Part 2-4 Independent boilers of a nominal heat output up to 50 kW

— Part 2-5 Slow heat release appliances

— Part 2-6 Roomheater fired by wood pellets

In the future, it is possible to add further parts 2 in order to cover other residential solid fuel burning appliances. In addition the intention of TC 295 is to add other emission than CO emission e.g. NO_x, organic gaseous carbon and particulate matter (PME) emissions into the standards.

Different types of appliances fired by solid fuel have to be tested using different test methods. E.g. slow heat release appliances store heating energy and release it slowly into indoor air. Roomheaters have immediate heating impact into indoor air. Harmonised standards elaborated by CENTC 295 take into account these differences.

Different parts of prEN 16510-series are under preparation in CEN TC 295. Only the common part prEN 16510-1:2013 has passed the enquiry where about 1000 comments were given. It will take some time before all the comments are handled in the TC and it is obvious that the published final standard EN 16510-1 will be different compared to the version of enquiry. In addition the product specific parts 2 will be allowed to partly overrule the common part 1 when the general requirements given in the common part are not applicable to the specific appliance type in question.

The draft standard prEN 16510-1:2013 is not publicly available. It is not acceptable that the draft ecodesign Communication from the Commission refers to specific clauses of EN 16510-1:2013.

This standard does not yet exist. And when it is published in the future, it will be different than the prEN 16510-1:2013.

The CPR refers to dated version of harmonised product standards. References of these standards and also revised standards are published in the Official Journal of the EU together with the co-existence periods for the CE marking. The ecodesign regulations do not recognize these CE-marking co-existence periods. In the worst case this may mean that there can be double testing for the same characteristic because ecodesign regulation refers to the different test standard or different version of the test standard compared what shall be used for the CE-marking under the CPR.

How to regulate construction products is the principle question. According to our opinion construction products shall be regulated only under the CPR when there is a harmonised product standard for the products. There are already harmonised product standards for windows and thermal insulation products which have been under discussion to be covered by ecodesign regulation. The preparation of ecodesign regulations for these products shall be stopped and instead the use of the same approach as we are proposing for appliances fired by solid fuel shall be followed.

Third party control

If the construction product is covered by the harmonised product standard under the CPR it has to fulfill the requirements of assessment and verification of constancy of performance (AVCP system). Details of AVCP-system have been mentioned in the harmonised standard. Very often this means that a notified body has to be involved in AVCP activities. AVCP-system for residential solid fuel burning appliances is 3. It means that a competent notified body has to test these appliances.

Market surveillance

Ecodesign sector relies on market surveillance authorities which have to have resources to test these appliances. It would mean unnecessary extra market surveillance costs for the Member States if the market surveillance of the ecodesign regulations is performed separately to the CE-marked construction products already covered by the market surveillance based on the CPR. It is more reliable if in addition to market surveillance also a notified body is involved.

With best regards,

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