

Appliances burning gaseous fuels

2014/0136(COD) - 30/04/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted a report drafted by Catherine STIHLER (S&D, UK) on the proposal for a regulation of the European Parliament and of the Council on appliances burning gaseous fuels.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal as follows:

Scope of the proposal: this Regulation should apply to **domestic and non-domestic appliances** intended for a number of specified applications burning gaseous fuels and to fittings designed to be incorporated into such appliances.

Members proposed several amendments in order to strengthen the text from a point of view of **consumer safety**.

The provisions of this Regulation do not affect the Member States' entitlement to lay down rules concerning commissioning or periodic inspections of appliances burning gaseous fuels, or other measures such as installer training or certification, in order to ensure their correct installation, use and maintenance, including precautionary safety measures. Those rules and measures are essential in **preventing gas poisoning, including from carbon monoxide (CO)**, and the leakage of any substances harmful to health and safety.

Availability on the market and putting into service: it is stated that appliances shall only be made available on the market and put into service if, when **normally used**, they comply with this Regulation.

Fittings: Members considered that **fittings should satisfy the essential requirements** so as to fulfil correctly their intended purpose when incorporated into an appliance or assembled to constitute such an appliance. It is considered justified that **fittings should also bear the CE marking**. Exceptions should be provided for in cases where the size or nature of the appliance or fitting does not allow it.

Given that the fitting should bear the CE marking, Members proposed deleting the obligation of manufacturers to issue a fitting conformity certificate.

Alignment with the New Legislative Framework (NLF): the proposal seeks to align the Regulation to the provisions to the goods package adopted in 2008 and in particular to the [Decision EC 768/2008](#) on a common framework for the marketing of products.

After careful analysis of the proposal and a comprehensive comparison with the proposals of the "Alignment Package", Members offer several amendments aiming to **improve the consistency of the text with the NLF**:

- the appliances covered by this Regulation include those burning gaseous fuels (appliances) and fittings which are new to the Union market when they are placed on the market; that is to say they are either new appliances and fittings made by a manufacturer established in the Union or appliances and fittings, whether new or second-hand, imported from a third country; it should apply to all forms of supply across the Union, including distance selling;

- the **address** shall indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by appliance manufacturers and the market surveillance authorities;
- **instructions and safety information**, as well as any labelling, shall be clear, understandable and intelligible;
- **the EU declaration of conformity** may be a dossier made up of relevant individual declarations of conformity; it shall be in a language which can be easily understood by appliance manufacturers and market surveillance authorities;
- in order to assist compliance with the essential requirements applicable to finished appliances, the EU declaration of conformity for a fitting shall state the **characteristics** of the fitting and it shall contain **instructions** on how the fitting should be incorporated into an appliance or assembled to constitute such an appliance;
- a **copy** of the EU declaration of conformity shall be supplied with the appliance or the fitting;
- **the CE marking and the inscriptions** referred to in Annex IV shall be affixed visibly, legibly and indelibly to the appliance and the fitting or to their data plate. Where that is not possible or not warranted on account of the nature of the appliance or the fitting, the **CE marking shall be affixed to the packaging and to the instructions** accompanying the appliance or the fitting;
- interested parties should have the **right to appeal** against the result of an assessment carried out by a notified body;
- a procedure should enable interested parties to be informed of measures intended to be taken with regard to **appliances and fittings presenting a risk** to the health or safety of persons or to domestic animals or property.

Market surveillance: Members introduced a new Chapter on Union Market Surveillance, Control of appliances and fittings entering the Union market and Union Safeguard Procedure, aligned to Articles of Decision EC 768/2008.