

Appliances burning gaseous fuels

2014/0136(COD) - 20/01/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 629 votes to 63, with 16 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on appliances burning gaseous fuels.

Parliament's position, adopted at first reading under the ordinary legislative procedure, amended 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 and to fittings **designed to be incorporated** into such appliances

Parliament 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.

Moreover, this Regulation shall not affect the obligation upon Member States to adopt measures with respect to the **promotion of the use of energy from renewable sources and to the energy efficiency of buildings**.

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

At **trade fairs, exhibitions, demonstrations** or similar events, Member States shall not prevent the showing of appliances or fittings which do not comply with this Regulation, provided that a visible sign clearly indicates that such appliances or fittings do not comply with this Regulation and that they are not for sale until they have been brought into conformity. During demonstrations, adequate safety measures shall be taken to ensure the protection of persons, domestic animals and property.

Gas supply conditions: by 18 months after the entry into force of the Regulation, Member States shall communicate to the Commission and the other Member States **the types of gas and corresponding supply pressures of gaseous fuels used on their territory**. They shall communicate any changes thereof within six months after the announcement of the envisaged changes.

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.

Members offer several amendments aiming to **improve the consistency of the text with the NLF**:

- this Regulation covers 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 shall apply to all forms of supply, including distance selling;

- manufacturers shall indicate on the fitting their name, registered trade name or registered trade mark, and the postal address at which they can be contacted or, where that is not possible, on the packaging or in a document accompanying the fitting. **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**;
- manufacturers shall ensure that the fitting is accompanied by a **copy of the EU declaration of conformity** containing, inter alia, instructions for incorporation or assembly, adjustment, operation and maintenance in a language which can be easily understood by appliance manufacturers, as determined by the Member State concerned. Where a large number of fittings are delivered to a single user, the batch or consignment concerned may be accompanied by a single copy of the EU declaration of conformity;
- before placing an appliance on the market, **importers** shall ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer and that the manufacturer has drawn up the technical documentation, that the fitting bears the CE marking and is accompanied by a copy of the EU declaration of conformity.

EU declaration of conformity: the EU declaration of conformity for a fitting shall state the characteristics of the fitting and shall contain instructions on how the fitting should be incorporated into an appliance or assembled to constitute an appliance. The EU declaration of conformity shall be in a language which can be easily understood by appliance manufacturers and market surveillance authorities, as determined by the Member State concerned.

CE marking: the CE marking shall be affixed visibly, legibly and indelibly to the appliance and the fitting or to their data plate as far as relevant. Where that is not possible or not warranted on account of the nature of the appliance or the fitting, it shall be affixed to the packaging and to the documents accompanying the appliance or the fitting. It shall be affixed **before the appliance or the fitting is placed on the market**.

Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking and shall take appropriate action in the event of improper use of that marking.

Market surveillance: in order to ensure legal certainty, Parliament proposed to clarify that rules on Union market surveillance and control of products entering the Union market provided for in [Regulation \(EC\) No 765/2008](#) apply to appliances and fittings covered by this Regulation.

Members also introduced provisions relating to the procedure at national level for dealing with appliances or fittings presenting a risk, Union safeguard procedures and compliant appliances or fittings which present a risk for the health and safety of persons.