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**A8-0147/2015**

30.4.2015

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# **REPORT**

on the proposal for a regulation of the European Parliament and of the Council  
on appliances burning gaseous fuels  
(COM(2014)0258 – C8-0006/2014 – 2014/0136(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Catherine Stihler

### ***Symbols for procedures***

*	Consultation procedure
***	Consent procedure
***I	Ordinary legislative procedure (first reading)
***II	Ordinary legislative procedure (second reading)
***III	Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a regulation of the European Parliament and of the Council on appliances burning gaseous fuels  
(COM(2014)0258 – C8-0006/2014 – 2014/0136(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2014)0258),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0006/2014),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rules 59 of its Rules of Procedure,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection (A8-0147/2015),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

## **Amendment 1**

### **Proposal for a regulation**

#### **Recital 3 a**

*Text proposed by the Commission*

*Amendment*

***(3a) This Regulation covers appliances 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.***

*Justification*

*Text added aligns the recital to the NLF Decision and/or to the Alignment Package*

## **Amendment 2**

### **Proposal for a regulation**

#### **Recital 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***(3b) Appliances possessing a historic and artistic value within the meaning of Article 36 of the Treaty on the Functioning of the European Union (TFEU) and not put into service, as antique and other appliances serving exhibition or collection purposes, should not be considered as appliances covered by this Regulation.***

## **Amendment 3**

### **Proposal for a regulation**

#### **Recital 3 c (new)**

*Text proposed by the Commission*

*Amendment*

***(3c) This Regulation should apply to all forms of supply across the Union, including distance selling.***

*Justification*

*Text added aligns the recital to the NLF Decision and/or to the Alignment Package.*

#### **Amendment 4**

##### **Proposal for a regulation**

##### **Recital 6**

*Text proposed by the Commission*

*Amendment*

(6) Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products<sup>26</sup> lays down ***horizontal provisions*** on the accreditation of conformity assessment bodies [,market surveillance of products and controls on products from third countries,] and the CE marking.

(6) Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products<sup>26</sup> lays down ***rules*** on the accreditation of conformity assessment bodies, ***provides a framework for the*** market surveillance of products and ***for*** controls on products from third countries, and ***lays down the general principles of*** the CE marking.

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<sup>26</sup> Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p.30).

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<sup>26</sup> Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

*Justification*

*Text changes align the recital to the NLF Decision and/or to the Alignment Package.*

## Amendment 5

### Proposal for a regulation Recital 7

*Text proposed by the Commission*

*Amendment*

*(7) Regulation (EU) No [...] of the European Parliament and of the Council<sup>27</sup> [on market surveillance of products] provides detailed rules on market surveillance and on controls of products entering the Union from third countries, including appliances burning gaseous fuels. It also sets out a safeguard clause procedure. Member States should organise and carry out market surveillance, appoint market surveillance authorities and specify their powers and duties. They should also set up general and sector-specific market surveillance programs.*

*deleted*

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<sup>27</sup> *OJ L [...], [...], p. [...].*

#### *Justification*

*Proposal for a Regulation of the European Parliament and of the Council on the Product Safety and Market Surveillance Package not yet adopted, being discussed in Council*

## Amendment 6

### Proposal for a regulation Recital 8

*Text proposed by the Commission*

*Amendment*

*(8) The scope of Directive 2009/142/EC should be maintained. This Regulation should apply to **appliances burning gaseous fuels and to fittings incorporated into an appliance burning gaseous fuels.** Appliances burning gaseous fuels **are domestic and non-domestic appliances intended for a number of specified applications.***

*(8) The scope of Directive 2009/142/EC should be maintained. 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.***



## Amendment 7

### Proposal for a regulation Recital 10

*Text proposed by the Commission*

(10) This Regulation should not apply **where other Union harmonisation legislation covers more specifically the aspects covered by this Regulation**. This includes the measures issued under Directive 2009/125/EC of the European Parliament and of the Council<sup>28</sup> establishing a framework for ecodesign requirements.

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<sup>28</sup> 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 products (OJ L 285, 31.10.2009, p.10).

*Amendment*

(10) This Regulation should not apply **in respect of aspects covered** more specifically **by other Union harmonisation legislation**. This includes the measures issued under Directive 2009/125/EC of the European Parliament and of the Council<sup>28</sup> establishing a framework for ecodesign requirements.

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<sup>28</sup> 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 products (OJ L 285, 31.10.2009, p. 10).

## Amendment 8

### Proposal for a regulation Recital 11

*Text proposed by the Commission*

(11) Article 6 of this Regulation prevents Member States from imposing stricter requirements on health, safety and energy conservation which would prohibit, restrict or impede the making available on the market and the putting into service of appliances which comply with this Regulation. However, this provision does not affect the possibility for Member States, when implementing other EU Directives, to impose requirements which affect the energy efficiency of products, including gas appliances, as long as such

*Amendment*

(11) Article 6 of this Regulation prevents Member States from imposing stricter requirements on health, safety and energy conservation which would prohibit, restrict or impede the making available on the market and the putting into service of appliances which comply with this Regulation. However, this provision does not affect the possibility for Member States, when implementing other EU Directives, to impose requirements which affect the energy efficiency of products, including gas appliances, as long as such

measures are compatible with the *Treaty*.

measures are compatible with the *TFEU*.

## Amendment 9

### Proposal for a regulation

#### Recital 13 a (new)

*Text proposed by the Commission*

*Amendment*

***(13a) In order to ensure legal certainty, it is necessary 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. This Regulation should not prevent Member States from choosing the competent authorities to carry out those tasks.***

## Amendment 10

### Proposal for a regulation

#### Recital 14

*Text proposed by the Commission*

*Amendment*

(14) Member States should take the necessary steps to ensure that appliances burning gaseous fuels are made available on the market and put into service only where they do not compromise the safety of persons, domestic animals **and** property, when normally used.

(14) Member States should take the necessary steps to ensure that appliances burning gaseous fuels are made available on the market and put into service only where they do not compromise the **health and** safety of persons, domestic animals **or** property, when normally used.

## Amendment 11

### Proposal for a regulation

#### Recital 15

*Text proposed by the Commission*

*Amendment*

(15) The provisions of this Regulation do not affect the Member States' entitlement to lay down rules concerning

(15) 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 in order to ensure their correct installation, use and maintenance.

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.***

## Amendment 12

### Proposal for a regulation

#### Recital 17

##### *Text proposed by the Commission*

(17) As this Regulation does not cover such risks caused by appliances burning gaseous fuels in case of incorrect installation, maintenance or use, Member States are encouraged to take measures to ensure that public is made aware of the risks related to combustion products and in particular ***to*** carbon monoxide.

##### *Amendment*

(17) As this Regulation does not cover such risks caused by appliances burning gaseous fuels in case of incorrect installation, maintenance or use, Member States are ***strongly*** encouraged to take measures to ensure that public is made aware of the ***health and safety*** risks related to combustion products and ***the need for proper precautionary safety measures***, in particular ***in relation to emissions of*** carbon monoxide.

## Amendment 13

### Proposal for a regulation

#### Recital 26

##### *Text proposed by the Commission*

(26) The appliance category marking indicated on the appliance data plate establishes a direct link with the gas families and/or gas groups for which an appliance burning gaseous fuels has been designed to burn safely at the desired performance level and thus ensures the

##### *Amendment*

(26) The appliance category marking indicated on the appliance ***or its*** data plate establishes a direct link with the gas families and/or gas groups for which an appliance burning gaseous fuels has been designed to burn safely at the desired performance level and thus ensures the

compatibility of the appliance with the local gas supply conditions.

compatibility of the appliance with the local gas supply conditions.

## Amendment 14

### Proposal for a regulation Recital 29

#### *Text proposed by the Commission*

(29) Economic operators should be responsible for the compliance of appliances burning gaseous fuels and of fittings with the requirements of this Regulation, in relation to their respective roles in the supply chain, so as to ensure a high level of protection of public interests, such as health, safety, ***rational use of energy and the*** protection of consumers and ***other users, domestic animals and property*** and to guarantee fair competition on the Union market.

#### *Amendment*

(29) Economic operators should be responsible for the compliance of appliances burning gaseous fuels and of fittings with the requirements of this Regulation, in relation to their respective roles in the supply chain, so as to ensure a high level of protection of public interests, such as health ***and safety of persons and domestic animals***, protection of consumers and ***of property, and rational use of energy***, and to guarantee fair competition on the Union market.

## Amendment 15

### Proposal for a regulation Recital 30

#### *Text proposed by the Commission*

(30) All economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they only make available on the market appliances burning gaseous fuels which are in conformity with this Regulation. It is necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each economic operator in the supply and distribution chain.

#### *Amendment*

(30) All economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they only make available on the market appliances burning gaseous fuels ***or fittings*** which are in conformity with this Regulation. It is necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each economic operator in the supply and distribution chain.

## Amendment 16

### Proposal for a regulation Recital 34

#### *Text proposed by the Commission*

(34) It is necessary to ensure that appliances burning gaseous fuels and fittings from third countries entering the Union market comply with the requirements of this Regulation, and in particular that appropriate conformity assessment procedures have been carried out by manufacturers with regard to those appliances and fittings. Provision should therefore be made for importers to make sure that the appliances burning gaseous fuels and fittings they place on the market comply with the requirements of this Regulation and that they do not place on the market appliances and fittings which do not comply with such requirements or present a risk. Provision should also be made for importers to make sure that conformity assessment procedures have been carried out and that **appliance** marking and documentation drawn up by manufacturers are available for inspection by the competent supervisory authorities.

#### *Amendment*

(34) It is necessary to ensure that appliances burning gaseous fuels and fittings from third countries entering the Union market comply with the requirements of this Regulation, and in particular that appropriate conformity assessment procedures have been carried out by manufacturers with regard to those appliances and fittings. Provision should therefore be made for importers to make sure that the appliances burning gaseous fuels and fittings they place on the market comply with the requirements of this Regulation and that they do not place on the market appliances and fittings which do not comply with such requirements or present a risk. Provision should also be made for importers to make sure that conformity assessment procedures have been carried out and that **the CE** marking **on appliances and fittings** and documentation drawn up by manufacturers are available for inspection by the competent supervisory **or national** authorities.

## Amendment 17

### Proposal for a regulation Recital 36

#### *Text proposed by the Commission*

(36) When placing **on the market** an appliance burning gaseous fuels or a fitting, every importer should indicate on the appliance or fitting his name, registered trade name or registered trade mark and the postal address at which he can be contacted. Exceptions should be provided

#### *Amendment*

(36) When placing an appliance burning gaseous fuels or a fitting **on the market**, every importer should indicate on the appliance or fitting his name, registered trade name or registered trade mark and the postal address at which he can be contacted. Exceptions should be provided

for in cases where the size or nature of the appliance or fitting does not allow it. This includes cases where the importer would have to open the packaging to put his name and address on the product.

for in cases where the size or nature of the appliance or fitting does not allow it. This includes cases where the importer would have to open the packaging to put his name and address on the product.

## Amendment 18

### Proposal for a regulation Recital 39

#### *Text proposed by the Commission*

(39) Ensuring traceability of an appliance burning gaseous fuels or a fitting throughout the whole supply chain helps to make market surveillance simpler and more efficient. An efficient traceability system facilitates market surveillance authorities' task of tracing economic operators who made non-compliant appliances burning gaseous fuels or fittings available on the market.

#### *Amendment*

(39) Ensuring traceability of an appliance burning gaseous fuels or a fitting throughout the whole supply chain helps to make market surveillance simpler and more efficient. An efficient traceability system facilitates market surveillance authorities' task of tracing economic operators who made non-compliant appliances burning gaseous fuels or fittings available on the market. ***When keeping the information required under this Regulation for the identification of other economic operators, economic operators should not be required to update such information in respect of other economic operators who have either supplied them with an appliance or fitting or to whom they have supplied an appliance or fitting.***

#### *Justification*

*text added aligns the recital to the NLF Decision and/or to the Alignment Package.*

## Amendment 19

### Proposal for a regulation Recital 43

#### *Text proposed by the Commission*

(43) Manufacturers of appliances burning gaseous fuels should draw up an EU declaration of conformity to provide

#### *Amendment*

(43) Manufacturers of appliances burning gaseous fuels ***and fittings*** should draw up an EU declaration of conformity to provide

information required under this Regulation on the conformity of an appliance with the requirements of this Regulation and of other relevant Union harmonisation legislation.

information required under this Regulation on the conformity of an appliance **or a fitting** with the requirements of this Regulation and of other relevant Union harmonisation legislation.

## Amendment 20

### Proposal for a regulation Recital 44

*Text proposed by the Commission*

(44) To ensure effective access to information for market surveillance purposes, the information required to identify all applicable Union Acts for an appliance burning gaseous fuels should be available in a single EU declaration of conformity.

*Amendment*

(44) To ensure effective access to information for market surveillance purposes, the information required to identify all applicable Union Acts for an appliance burning gaseous fuels **and fittings** should be available in a single EU declaration **of conformity. In order to reduce the administrative burden on economic operators, that single EU declaration of conformity may be a dossier made up of relevant individual declarations** of conformity.

*Justification*

*text added aligns the recital to the NLF Decision and/or to the Alignment Package.*

## Amendment 21

### Proposal for a regulation Recital 45

*Text proposed by the Commission*

**(45) Manufacturers of fittings should issue a Fitting conformity certificate to provide information required under this Regulation on the conformity of the fitting with the requirements of this Regulation. In case the fitting is subject also to other Union harmonisation legislation, manufacturers of fittings should also, where relevant, issue an EU**

*Amendment*

**deleted**

***declaration of conformity in accordance with that legislation.***

*Justification*

*Adding a Fitting conformity certificate would only bring about more work and even more confusion among economic operators when fulfilling their obligations. As it is the case for other harmonised product legislation, fittings and accessories should meet the essential requirements and be CE marked.*

**Amendment 22**

**Proposal for a regulation  
Recital 46**

*Text proposed by the Commission*

(46) The CE marking, indicating the conformity of an appliance burning gaseous fuels is the visible consequence of a whole process comprising conformity assessment in a broad sense. General principles governing the CE marking and its relationship with other markings are set out in Regulation (EC) No 765/2008. Rules governing the affixing of the CE marking should be laid down in this Regulation.

*Amendment*

(46) The CE marking, indicating the conformity of an appliance burning gaseous fuels ***or a fitting*** is the visible consequence of a whole process comprising conformity assessment in a broad sense. General principles governing the CE marking and its relationship with other markings are set out in Regulation (EC) No 765/2008. Rules governing the affixing of the CE marking should be laid down in this Regulation.

**Amendment 23**

**Proposal for a regulation  
Recital 47**

*Text proposed by the Commission*

(47) Fittings are not appliances burning gaseous fuels, but intermediate products ***made available between professionals and intended*** to be incorporated into an appliance. ***As the appropriate design of a fitting contributes to the correct and safe functioning of a finished appliance and as the gas related risks of an appliance can only be assessed after incorporation of the***

*Amendment*

(47) Fittings are not appliances burning gaseous fuels, but intermediate products ***intended for appliance manufacturers and designed*** to be incorporated into an appliance. ***However, 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.



*fitting*, it is *appropriate* that fittings *do not* bear the CE marking.

*With a view to simplification and in order to avoid any confusion and misunderstanding for manufacturers in the implementation of their obligations*, 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 fitting does not allow the CE marking to be affixed to it.*

## Amendment 24

### Proposal for a regulation Recital 48

#### *Text proposed by the Commission*

(48) A check of compliance of appliances burning gaseous fuels and of fittings with the essential requirements provided for in this Regulation is necessary in order to provide effective protection *for users and third parties*.

#### *Amendment*

(48) A check of compliance of appliances burning gaseous fuels and of fittings with the essential requirements provided for in this Regulation is necessary in order to provide effective protection *of the health and safety of persons and domestic animals and protection of property*.

## Amendment 25

### Proposal for a regulation Recital 49

#### *Text proposed by the Commission*

(49) In order to ensure compliance of appliances burning gaseous fuels with the essential requirements, it is necessary to lay down appropriate conformity assessment procedures to be followed by the manufacturer. Those procedures should be set from the conformity assessment modules laid down in Decision No 768/2008/EC.

#### *Amendment*

(49) In order to ensure compliance of appliances burning gaseous fuels *and fittings* with the essential requirements, it is necessary to lay down appropriate conformity assessment procedures to be followed by the manufacturer. Those procedures should be set from the conformity assessment modules laid down in Decision No 768/2008/EC.

## Amendment 26

### Proposal for a regulation Recital 56

#### *Text proposed by the Commission*

(56) Conformity assessment bodies frequently subcontract parts of their activities linked to the assessment of conformity or have recourse to a subsidiary. In order to safeguard the level of protection required for the appliances burning gaseous fuels to be placed on the Union market, it is essential that conformity assessment subcontractors and subsidiaries fulfil the same requirements as notified bodies in relation to the performance of conformity assessment tasks. Therefore, it is important that the assessment of the competence and the performance of bodies to be notified and the monitoring of bodies already notified cover also activities carried out by subcontractors and subsidiaries.

#### *Amendment*

(56) Conformity assessment bodies frequently subcontract parts of their activities linked to the assessment of conformity or have recourse to a subsidiary. In order to safeguard the level of protection required for the appliances burning gaseous fuels **and the fittings** to be placed on the Union market, it is essential that conformity assessment subcontractors and subsidiaries fulfil the same requirements as notified bodies in relation to the performance of conformity assessment tasks. Therefore, it is important that the assessment of the competence and the performance of bodies to be notified and the monitoring of bodies already notified cover also activities carried out by subcontractors and subsidiaries.

## Amendment 27

### Proposal for a regulation Recital 58

#### *Text proposed by the Commission*

(58) Since **conformity assessment** bodies may offer their services throughout the Union, it is appropriate to give the other Member States and the Commission the opportunity to raise objections concerning a notified body. It is therefore important to provide for a period during which any doubts or concerns as to the competence of conformity assessment bodies can be clarified before they start operating as notified bodies.

#### *Amendment*

(58) Since **notified** bodies may offer their services throughout the Union, it is appropriate to give the other Member States and the Commission the opportunity to raise objections concerning a notified body. It is therefore important to provide for a period during which any doubts or concerns as to the competence of conformity assessment bodies can be clarified before they start operating as notified bodies.

## **Amendment 28**

### **Proposal for a regulation Recital 59 a (new)**

*Text proposed by the Commission*

*Amendment*

***(59a) Interested parties should have the right to appeal against the result of an assessment carried out by a notified body. For that reason, it is important to ensure that an appeal procedure against decisions taken by notified bodies is available.***

## **Amendment 29**

### **Proposal for a regulation Recital 59 b (new)**

*Text proposed by the Commission*

*Amendment*

***(59b) Directive 2009/142/EC already provides for a safeguard procedure, which is necessary to allow the possibility for contesting the conformity of an appliance or a fitting. In order to increase transparency and to reduce processing time, it is necessary to improve the existing safeguard procedure, with a view to making it more efficient and drawing on the expertise available in the Member States.***

*Justification*

*Text added aligns the recital to the NLF Decision and/or to the Alignment Package.*

## **Amendment 30**

### **Proposal for a regulation Recital 59 c (new)**

*Text proposed by the Commission*

*Amendment*

***(59c) The existing system should be***

*supplemented by a procedure under which interested parties are 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. It should also allow market surveillance authorities, in cooperation with the relevant economic operators, to act at an earlier stage in respect of such appliances and fittings.*

*Justification*

*text added aligns the recital to the NLF Decision and/or to the Alignment Package.*

**Amendment 31**

**Proposal for a regulation**  
**Recital 59 d (new)**

*Text proposed by the Commission*

*Amendment*

*(59d) Where the Member States and the Commission agree as to the justification of a measure taken by a Member State, no further involvement of the Commission should be required, except where non-compliance can be attributed to shortcomings of a harmonised standard.*

*Justification*

*text added aligns the recital to the NLF Decision and/or to the Alignment Package.*

**Amendment 32**

**Proposal for a regulation**  
**Recital 64**

*Text proposed by the Commission*

*Amendment*

(64) It is necessary to provide for transitional arrangements that allow the making available on the market *or* the putting into service of appliances burning gaseous fuels and fittings that have already

(64) It is necessary to provide for ***reasonable*** transitional arrangements that allow the making available on the market ***and*** the putting into service ***without the need to comply with further product***

been placed on the market in accordance with Directive 2009/142/EC.

***requirements***, of appliances burning gaseous fuels and fittings that have already been placed on the market in accordance with Directive 2009/142/EC ***before the date of application of this Regulation.*** ***Distributors should therefore be able to supply products that have been placed on the market, namely stock that is already in the distribution chain, before the date of application of this Regulation.***

#### *Justification*

*text added aligns the recital to the NLF Decision and/or to the Alignment Package.*

### **Amendment 33**

#### **Proposal for a regulation**

##### **Recital 66**

###### *Text proposed by the Commission*

(66) Since the objective of this Regulation, namely to ensure that appliances burning gaseous fuels on the market fulfil the requirements providing for a high level of protection of health and safety of ***users*** and protection of domestic animals or property and for rational use of energy, while guaranteeing the functioning of the internal market cannot be sufficiently achieved by the Member States ***and*** can ***therefore***, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

###### *Amendment*

(66) Since the objective of this Regulation, namely to ensure that appliances burning gaseous fuels ***and fittings*** on the market fulfil the requirements providing for a high level of protection of health and safety of ***persons*** and protection of domestic animals or property and for rational use of energy, while guaranteeing the functioning of the internal market cannot be sufficiently achieved by the Member States ***but*** can ***rather***, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

## Amendment 34

### Proposal for a regulation

#### Article 1 – paragraph 2 – point b

*Text proposed by the Commission*

(b) it is used with a normal variation in the gas quality and a normal fluctuation in the supply pressure.

*Amendment*

(b) it is used with a normal variation in the gas quality and a normal fluctuation in the supply pressure ***as determined by Member States in their communication pursuant to Article 4.***

## Amendment 35

### Proposal for a regulation

#### Article 1 – paragraph 3 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***For the purposes of this paragraph, an appliance shall be considered to be 'specifically designed' when the design is only intended to address a specific need for a specific process or use.***

## Amendment 36

### Proposal for a regulation

#### Article 1 – paragraph 5

*Text proposed by the Commission*

*Amendment*

(5) The rational use of energy essential requirement in point 3.5 of Annex I to this Regulation shall not apply to appliances covered by a measure ***issued*** pursuant to Article 15 of Directive 2009/125/EC.

(5) The rational use of energy essential requirement in point 3.5 of Annex I to this Regulation shall not apply to appliances covered by a measure ***adopted*** pursuant to Article 15 of Directive 2009/125/EC.

## Amendment 37

### Proposal for a regulation

#### Article 1 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

***(5a) This Regulation shall not affect the obligation for Member States to provide for measures with respect to the promotion of the use of energy from renewable sources and to the energy efficiency of buildings, in accordance with Directives 2009/28/EC, 2010/31/EU and 2012/27/EU. Such measures shall be compatible with the TFEU.***

## **Amendment 38**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 1**

*Text proposed by the Commission*

(1) ‘appliances’ means appliances burning gaseous fuels used for cooking, refrigeration, air-conditioning, space heating, hot water production, lighting **and** washing, as also forced draught burners and heating bodies to be equipped with such burners;

*Amendment*

(1) ‘appliances’ means appliances burning gaseous fuels used for cooking, refrigeration, air-conditioning, space heating, hot water production, lighting **or** washing, as also forced draught burners and heating bodies to be equipped with such burners;

## **Amendment 39**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 2**

*Text proposed by the Commission*

(2) ‘fittings’ means safety devices, controlling devices or regulating devices and sub-assemblies thereof, ***separately marketed for trade use and*** designed to be incorporated into an appliance burning gaseous fuels or to be assembled to constitute such an appliance;

*Amendment*

(2) ‘fittings’ means safety devices, controlling devices or regulating devices and sub-assemblies thereof, designed to be incorporated into an appliance burning gaseous fuels or to be assembled to constitute such an appliance;

## Amendment 40

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(4a) 'cooking' means the art or practice of preparing or warming food for consumption with the use of heat and a wide range of methods;***

## Amendment 41

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 5

*Text proposed by the Commission*

*Amendment*

(5) 'gaseous fuel' means any fuel which is in a gaseous state at a temperature of 15 °C under **a** pressure of 1 bar;

(5) 'gaseous fuel' means any fuel which is in a gaseous state at a temperature of 15 °C under **an absolute** pressure of 1 bar;

## Amendment 42

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 7

*Text proposed by the Commission*

*Amendment*

***(7) 'specific design' means a design for an appliance when that design is only intended to address a specific need for a specific process;***

***deleted***

## Amendment 43

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 12

*Text proposed by the Commission*

*Amendment*

(12) 'appliance category' means the identification of gas families and/or gas groups that an appliance is designed to

(12) 'appliance category' means the identification of gas families and/or gas groups that an appliance is designed to



burn safely and at the desired performance level, as indicated by the appliance category marking, **determined by CEN**;

burn safely and at the desired performance level, as indicated by the appliance category marking;

#### **Amendment 44**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 13**

###### *Text proposed by the Commission*

(13) ‘making available on the market **of appliances**’ means any supply of appliances for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;

###### *Amendment*

(13) ‘making available on the market’ means any supply of appliances **or fittings** for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;

#### **Amendment 45**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 14**

###### *Text proposed by the Commission*

**(14) ‘making available on the market of fittings’ means any supply for trade use of fittings for distribution on the Union market in view of incorporation into an appliance or assembled to constitute such an appliance, whether in return for payment or free of charge;**

###### *Amendment*

**deleted**

#### **Amendment 46**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 17**

###### *Text proposed by the Commission*

(17) ‘putting into service’ means the first use of an appliance **or its first use for the manufacturer’s own purposes**;

###### *Amendment*

(17) ‘putting into service’ means the first use of an appliance **in the Union by its end-user**;

## Amendment 47

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 18

*Text proposed by the Commission*

(18) 'manufacturer' means any natural or legal person who manufactures an appliance or a fitting or who has such an appliance or fitting designed or manufactured, and markets that product under his name or trademark;

*Amendment*

(18) 'manufacturer' means any natural or legal person who manufactures an appliance or a fitting or who has such an appliance or fitting designed or manufactured, and markets that product under his name or trademark ***or uses the appliance for his own purposes;***

## Amendment 48

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 29

*Text proposed by the Commission*

(29) 'recall' means any measure aimed at achieving the return of an appliance that has already been made available to the end-user;

*Amendment*

(29) 'recall' means any measure aimed at achieving the return of an appliance that has already been made available to the end-user ***or of a fitting that has already been made available to an appliance manufacturer;***

## Amendment 49

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 30 a (new)

*Text proposed by the Commission*

*Amendment*

***(30a) 'Union harmonisation legislation' means any Union legislation harmonising the conditions for the marketing of products;***

*Justification*

*This subparagraph aligns the text with the NLF Decision and/or to the Alignment Package.*

## Amendment 50

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 31

*Text proposed by the Commission*

(31) ‘CE marking’ means a marking by which the manufacturer indicates that the appliance is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing;

*Amendment*

(31) ‘CE marking’ means a marking by which the manufacturer indicates that the appliance ***or the fitting*** is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing;

## Amendment 51

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 32

*Text proposed by the Commission*

***(32) ‘Union harmonisation legislation’ means any Union legislation harmonising the conditions for the marketing of products.***

*Amendment*

***deleted***

## Amendment 52

### Proposal for a regulation

#### Article 3 – paragraph 1

*Text proposed by the Commission*

(1) ***Member States*** shall ***take all appropriate measures to ensure that appliances may*** be made available on the market and put into service ***only if they satisfy the requirements of*** this Regulation.

*Amendment*

(1) ***Appliances*** shall ***only*** be made available on the market and put into service ***if, when normally used, they comply with*** this Regulation.

## Amendment 53

### Proposal for a regulation

#### Article 3 – paragraph 2

*Text proposed by the Commission*

(2) **Member States shall take all appropriate measures to ensure that** fittings *may* be made available on the market **only** if they satisfy the requirements of this Regulation.

*Amendment*

(2) Fittings **shall only** be made available on the market if they satisfy the requirements of this Regulation.

**Amendment 54**

**Proposal for a regulation  
Article 3 – paragraph 3**

*Text proposed by the Commission*

(3) This Regulation shall not affect Member States' entitlement to lay **the requirements which** they may deem necessary to ensure that persons, domestic animals and property are protected during the normal use of the appliances, provided that this does not mean modifications to such appliances.

*Amendment*

(3) This Regulation shall not affect Member States' entitlement to lay **down such requirements as** they may deem necessary to ensure that persons, domestic animals and property are protected during the normal use of the appliances, provided that this does not mean modifications to such appliances.

**Amendment 55**

**Proposal for a regulation  
Article 4 – paragraph 1**

*Text proposed by the Commission*

(1) Member States shall communicate to Commission and the other Member States, the types of gas and corresponding supply pressures of gaseous fuels used on their territory **and in good time** any changes thereof, **in accordance with the requirements set out in Annex II.**

*Amendment*

(1) 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 **before [six months before the date referred to in Article 42(2)] and** any changes thereof **within six months after the announcement of those changes.**

**Amendment 56**

**Proposal for a regulation  
Article 4 – paragraph 2**

*Text proposed by the Commission*

(2) The Commission shall ensure that ***this information*** is published in the Official Journal of the European Union.

*Amendment*

(2) The Commission shall ensure that ***the information provided by Member States in accordance with paragraph 1*** is published in the Official Journal of the European Union.

**Amendment 57**

**Proposal for a regulation**

**Article 6 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) 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 by the manufacturer. During demonstrations, adequate safety measures shall be taken to ensure the protection of the health and safety of persons and domestic animals and protection of property.***

**Amendment 58**

**Proposal for a regulation**

**Article 7 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

(1) When placing their appliances or fittings on the market, manufacturers shall ensure that they have been designed and manufactured in accordance with the essential requirements set out in Annex I.

(1) When placing their appliances or fittings on the market ***or when using the appliances for their own purposes***, manufacturers shall ensure that they have been designed and manufactured in accordance with the essential requirements

set out in Annex I.

## Amendment 59

### Proposal for a regulation

#### Article 7 – paragraph 2 – subparagraph 2

##### *Text proposed by the Commission*

Where compliance of an appliance with the applicable requirements has been demonstrated by the procedure referred to in the first subparagraph, manufacturers shall draw up an EU declaration of conformity and affix the CE marking.

##### *Amendment*

Where compliance of an appliance ***or a fitting*** with the applicable requirements has been demonstrated by the procedure referred to in the first subparagraph, manufacturers shall draw up an EU declaration of conformity and affix the CE marking.

## Amendment 60

### Proposal for a regulation

#### Article 7 – paragraph 2 – subparagraph 3

##### *Text proposed by the Commission*

***Where compliance of a fitting with the applicable requirements has been demonstrated by the procedure referred to in the first subparagraph, manufacturers shall draw up a Fitting conformity certificate.***

##### *Amendment*

***deleted***

##### *Justification*

*Fittings should be CE marked so no need for a Fitting conformity certificate*

## Amendment 61

### Proposal for a regulation

#### Article 7 – paragraph 3 – subparagraph 1

##### *Text proposed by the Commission*

Manufacturers shall keep the technical

##### *Amendment*

Manufacturers shall keep the technical

documentation and the EU declaration of conformity for 10 years after the appliance has been placed on the market.

documentation and the EU declaration of conformity for 10 years after the appliance *or the fitting* has been placed on the market.

## Amendment 62

### Proposal for a regulation

#### Article 7 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

*Manufacturers shall keep the technical documentation and the Fitting conformity certificate for 10 years after the fitting has been placed on the market.*

*Amendment*

*deleted*

## Amendment 63

### Proposal for a regulation

#### Article 7 – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

Manufacturers shall ensure that procedures are in place for series production to remain in conformity. Changes in appliance or fitting design or characteristics and changes in the harmonised standards or in other technical specifications by reference to which the conformity of the appliance or the fitting is declared shall be adequately taken into account.

*Amendment*

Manufacturers shall ensure that procedures are in place for series production to remain in conformity *with this Regulation*. Changes in appliance or fitting design or characteristics and changes in the harmonised standards or in other technical specifications by reference to which the conformity of the appliance or the fitting is declared shall be adequately taken into account.

## Amendment 64

### Proposal for a regulation

#### Article 7 – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

When deemed appropriate with regard to the risks presented by an appliance or a fitting, manufacturers shall, to protect the

*Amendment*

When deemed appropriate with regard to the risks presented by an appliance or a fitting, manufacturers shall, to protect the

health and safety of consumers and other **end-users**, carry out sample testing of the appliance made available on the market, investigate, and, if necessary, keep a register of complaints of non-conforming appliances and fittings, and recalls of such appliances, and shall keep distributors informed of any such monitoring.

health and safety of consumers and other **users**, carry out sample testing of the appliance **or the fitting** made available on the market, investigate, and, if necessary, keep a register of complaints of non-conforming appliances and fittings, and recalls of such appliances **and fittings**, and shall keep distributors informed of any such monitoring.

## **Amendment 65**

### **Proposal for a regulation**

#### **Article 7 – paragraph 5 – subparagraph 1**

##### *Text proposed by the Commission*

Manufacturers shall ensure that their appliances or fittings bear a type, batch or serial number or other element allowing their identification.

##### *Amendment*

Manufacturers shall ensure that their appliances or fittings bear a type, batch or serial number or other element allowing their identification **and the inscriptions provided for in Annex IV**.

## **Amendment 66**

### **Proposal for a regulation**

#### **Article 7 – paragraph 5 – subparagraph 2**

##### *Text proposed by the Commission*

Where the size or nature of the appliance or the fitting does not allow it, manufacturers shall ensure that the required information is provided on the packaging.

##### *Amendment*

Where the size or nature of the appliance or the fitting does not allow it, manufacturers shall ensure that the required information is provided on the packaging **or in a document accompanying the appliance or the fitting**.

## **Amendment 67**

### **Proposal for a regulation**

#### **Article 7 – paragraph 6 – subparagraph 1**

##### *Text proposed by the Commission*

Manufacturers shall indicate their name,

##### *Amendment*

Manufacturers shall indicate **on the**



registered trade name or registered trade mark, the postal address at which they can be contacted ***on the appliance*** or, where that is not possible, on the packaging ***and in the instructions*** accompanying the appliance. The address ***must*** indicate a single point at which the manufacturer can be contacted. The contact details shall be in a language easily understood by consumers and other users and the market surveillance authorities ***as determined by the Member State concerned***.

***appliance*** their name, registered trade name or registered trade mark, the postal address at which they can be contacted or, where that is not possible, on the packaging ***or in a document*** accompanying the appliance. 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 consumers and other users and the market surveillance authorities.

## Amendment 68

### Proposal for a regulation

#### Article 7 – paragraph 6 – subparagraph 2

##### *Text proposed by the Commission*

Manufacturers shall indicate their name, registered trade name or registered trade mark, the postal address at which they can be contacted on the fitting or, where that is not possible, on the packaging ***and in the instructions accompanying the fitting***. The address ***must*** indicate a single point at which the manufacturer can be contacted.

##### *Amendment*

Manufacturers shall indicate ***on the fitting*** their name, registered trade name or registered trade mark, the postal address at which they can be contacted on the fitting 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.***

## Amendment 69

### Proposal for a regulation

#### Article 7 – paragraph 7 – subparagraph 1

##### *Text proposed by the Commission*

The address must indicate a single point at which the manufacturer can be contacted. Manufacturers shall ensure that the appliance is accompanied by instructions and safety information in accordance with

##### *Amendment*

The address must indicate a single point at which the manufacturer can be contacted. Manufacturers shall ensure that the appliance ***or the fitting*** is accompanied by instructions and safety information in

point 1.5 of Annex I, in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned. Such instructions and safety information shall be clear, understandable and intelligible.

accordance with point 1.5 of Annex I, in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned. Such instructions and safety information, ***as well as any labelling***, shall be clear, understandable and intelligible.

## Amendment 70

### Proposal for a regulation

#### Article 7 – paragraph 7 – subparagraph 2

##### *Text proposed by the Commission*

Manufacturers shall ensure that the fitting is accompanied by ***the Fitting*** conformity ***certificate*** containing, amongst others, instructions for incorporation or assembly, adjustment, operation and maintenance in accordance with point 1.7 of Annex I, in a language which can be easily understood by appliance manufacturers. ***The instructions shall be clear, understandable and intelligible.***

##### *Amendment*

Manufacturers shall ensure that the fitting is accompanied by ***a copy of the EU declaration of*** conformity containing, amongst others, instructions for incorporation or assembly, adjustment, operation and maintenance in accordance with point 1.7 of Annex I, in a language which can be easily understood by appliance manufacturers, ***as determined by the Member State concerned.***

***However, 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.***

## Amendment 71

### Proposal for a regulation

#### Article 7 – paragraph 7 – subparagraph 2

##### *Text proposed by the Commission*

Manufacturers shall ensure that the fitting is accompanied by ***the Fitting conformity certificate containing, amongst others,*** instructions for incorporation or assembly, adjustment, operation and maintenance in accordance with point 1.7 of Annex I, in a

##### *Amendment*

Manufacturers shall ensure that the fitting is accompanied by instructions for incorporation or assembly, adjustment, operation and maintenance in accordance with point 1.7 of Annex I, in a language which can be easily understood by

language which can be easily understood by appliance manufacturers. The instructions *shall be clear, understandable and intelligible*.

appliance manufacturers, *as determined by the Member State concerned. However, where a large number of fittings are delivered to a single user, the batch or consignment concerned may be accompanied by a sole issue of the instructions for incorporation or assembly, adjustment, operation and maintenance in accordance with point 1.7 of Annex I.*

## Amendment 72

### Proposal for a regulation

#### Article 8 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

The obligations laid down in Article 7(1) and the *drawing up of* technical documentation shall not form part of the authorised representative's mandate.

*Amendment*

The obligations laid down in Article 7(1) and the *obligation to draw up* technical documentation shall not form part of the authorised representative's mandate.

## Amendment 73

### Proposal for a regulation

#### Article 8 – paragraph 2 – point a

*Text proposed by the Commission*

(a) keep the EU declaration of conformity and the technical documentation at the disposal of national surveillance authorities for 10 years after the appliance has been placed on the market;

*Amendment*

(a) keep the EU declaration of conformity and the technical documentation at the disposal of national surveillance authorities for 10 years after the appliance *or the fitting* has been placed on the market;

## Amendment 74

### Proposal for a regulation

#### Article 8 – paragraph 2 – point b

*Text proposed by the Commission*

*(b) keep the Fitting conformity certificate and the technical documentation at the disposal of national surveillance*

*Amendment*

*deleted*

*authorities for 10 years after the fitting has been placed on the market;*

*Justification*

*fittings will be CE marked so no need for Fitting conformity certificate*

**Amendment 75**

**Proposal for a regulation**

**Article 9 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Before placing an appliance on the market, importers shall ensure that the appropriate conformity assessment procedure *in accordance with* Article 14 has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the appliance bears the CE marking and is accompanied by instructions and safety information in accordance with point 1.5 of Annex I, and that the manufacturer has complied with the requirements set out in Article 7(5) and (6) respectively.

*Amendment*

Before placing an appliance on the market, importers shall ensure that the appropriate conformity assessment procedure *referred to in* Article 14 has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the appliance bears the CE marking and is accompanied by instructions and safety information in accordance with point 1.5 of Annex I, and that the manufacturer has complied with the requirements set out in Article 7(5) and (6) respectively.

**Amendment 76**

**Proposal for a regulation**

**Article 9 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

Before placing a fitting on the market, importers shall ensure that the appropriate conformity assessment procedure *in accordance with* Article 14 has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the fitting *is accompanied by the Fitting conformity certificate containing, amongst others,* instructions for incorporation or assembly,

*Amendment*

Before placing a fitting on the market, importers shall ensure that the appropriate conformity assessment procedure *referred to in* Article 14 has been carried out by the manufacturer. They shall ensure that the manufacturer has drawn up the technical documentation, that the fitting *bears the CE marking and is accompanied by* instructions for incorporation or assembly, adjustment, operation and maintenance in

adjustment, operation and maintenance in accordance with point 1.7 of Annex I, and that the manufacturer has complied with the requirements set out in Article 7(5) and (6) respectively.

accordance with point 1.7 of Annex I, and that the manufacturer has complied with the requirements set out in Article 7(5) and (6) respectively. ***Pursuant to Article 18, importers shall ensure that the CE marking is affixed to any packaging and instructions accompanying the fitting where it is not possible or warranted for the fitting to bear the CE marking.***

## Amendment 77

### Proposal for a regulation

#### Article 9 – paragraph 3 – subparagraph 1

##### *Text proposed by the Commission*

Importers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted ***on the appliance*** or where that is not possible, on its packaging ***and in the instructions*** accompanying the appliance. The contact details shall be in a language easily understood by consumers and other end-users and ***of*** the market surveillance authorities ***as determined by the Member State concerned.***

##### *Amendment*

Importers shall indicate ***on the appliance*** 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 its packaging ***or in a document*** accompanying the appliance. The contact details shall be in a language easily understood by consumers and other end-users and the market surveillance authorities.

## Amendment 78

### Proposal for a regulation

#### Article 9 – paragraph 3 – subparagraph 2

##### *Text proposed by the Commission*

Importers shall indicate their name, registered trade name or registered trade mark and the postal address at which they can be contacted ***on the fitting*** or where that is not possible, on its packaging. The contact details shall be in a language easily understood by appliance manufacturers and the market surveillance authorities ***as determined by the Member State***

##### *Amendment*

Importers 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 its packaging ***or in a document accompanying the fitting.*** The contact details shall be in a language easily understood by appliance manufacturers and

*concerned.*

the market surveillance authorities.

## **Amendment 79**

### **Proposal for a regulation**

#### **Article 9 – paragraph 4 – subparagraph 2**

##### *Text proposed by the Commission*

Importers shall ensure that the fitting is accompanied by ***the Fitting conformity certificate*** containing, amongst others, instructions for incorporation or assembly, adjustment, operation and maintenance in accordance with point 1.7 of Annex I, in a language which can be easily understood by appliance manufacturers, as determined by the Member State concerned.

##### *Amendment*

Importers shall ensure that the fitting is accompanied by ***a copy of the EU declaration of conformity*** containing, amongst others, instructions for incorporation or assembly, adjustment, operation and maintenance in accordance with point 1.7 of Annex I, in a language which can be easily understood by appliance manufacturers, as determined by the Member State concerned.

## **Amendment 80**

### **Proposal for a regulation**

#### **Article 9 – paragraph 5**

##### *Text proposed by the Commission*

(5) Importers shall ensure that, while an appliance or a fitting is under their responsibility, storage or transport conditions do not jeopardise their compliance with the requirements set out in Annex I.

##### *Amendment*

(5) Importers shall ensure that, while an appliance or a fitting is under their responsibility, storage or transport conditions do not jeopardise their compliance with the ***essential*** requirements set out in Annex I.

## **Amendment 81**

### **Proposal for a regulation**

#### **Article 9 – paragraph 6**

##### *Text proposed by the Commission*

(6) When deemed appropriate with regard to the risks presented by an appliance or a fitting, importers shall, to protect the health and safety of ***the users, upon a duly***

##### *Amendment*

(6) When deemed appropriate with regard to the risks presented by an appliance or a fitting, importers shall, to protect the health and safety of ***consumers and other users,***

*justified request of the competent authorities*, carry out sample testing of appliances or fittings made available on the market, investigate, and, if necessary, keep a register of complaints of nonconforming appliances *or* fittings and recalls of such appliances, and shall keep distributors informed of any such monitoring.

carry out sample testing of appliances or fittings made available on the market, investigate, and, if necessary, keep a register of complaints of nonconforming appliances *and* fittings and recalls of such appliances *and fittings*, and shall keep distributors informed of any such monitoring.

## **Amendment 82**

### **Proposal for a regulation**

#### **Article 9 – paragraph 8 – subparagraph 1**

*Text proposed by the Commission*

Importers shall, for 10 years after the appliance has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request.

*Amendment*

Importers shall, for 10 years after the appliance *or the fitting* has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request.

## **Amendment 83**

### **Proposal for a regulation**

#### **Article 9 – paragraph 8 – subparagraph 2**

*Text proposed by the Commission*

*Importers shall, for 10 years after the fitting has been placed on the market, keep a copy of the Fitting conformity certificate at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request.*

*Amendment*

*deleted*

## **Amendment 84**

### **Proposal for a regulation**

#### **Article 10 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

Before making a fitting available on the market distributors shall verify that the fitting ***is accompanied by the Fitting conformity certificate containing, amongst others,*** instructions for incorporation or assembly, adjustment, operation and maintenance in accordance with point 1.7 of Annex I, in a language which can be easily understood by appliance manufacturers, and that the manufacturer and the importer have complied with the requirements set out in Article 7(5) and (6) and Article 9(3) respectively.

*Amendment*

Before making a fitting available on the market distributors shall verify that the fitting ***bears the CE marking and is accompanied by*** instructions for incorporation or assembly, adjustment, operation and maintenance in accordance with point 1.7 of Annex I, in a language which can be easily understood by appliance manufacturers, and that the manufacturer and the importer have complied with the requirements set out in Article 7(5) and (6) and Article 9(3) respectively. ***Pursuant to Article 18, distributors shall verify that the CE marking is affixed to any packaging and instructions accompanying the fitting where it is not possible or warranted for the fitting to bear the CE marking.***

**Amendment 85**

**Proposal for a regulation  
Article 10 – paragraph 4**

*Text proposed by the Commission*

(4) Distributors who consider or have reason to believe that an appliance or a fitting which they have made available on the market is not in conformity with this Regulation shall make sure that the corrective measures necessary to bring that appliance into conformity, to withdraw it or recall it, if appropriate, are taken. Furthermore, where the appliance presents a risk, distributors shall immediately inform the competent national authorities of the Member States in which they made the appliance available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

*Amendment*

(4) Distributors who consider or have reason to believe that an appliance or a fitting which they have made available on the market is not in conformity with this Regulation shall make sure that the corrective measures necessary to bring that appliance ***or fitting*** into conformity, to withdraw it or recall it, if appropriate, are taken. Furthermore, where the appliance ***or fitting*** presents a risk, distributors shall immediately inform the competent national authorities of the Member States in which they made the appliance ***or fitting*** available to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.



## Amendment 86

### Proposal for a regulation

#### Article 14 – paragraph 2 – introductory part

*Text proposed by the Commission*

(2) The conformity of series-manufactured appliances and fittings with the requirements of this Regulation shall be certified through EU-type examination (Module B – production type) ***referred to*** in point 1 of Annex III, combined with either of the following ***conformity assessment procedures***, at the choice of the manufacturer:

*Amendment*

(2) The conformity of series-manufactured appliances and fittings with the requirements of this Regulation shall be certified through EU-type examination (Module B – production type) ***set out*** in point 1 of Annex III, combined with either of the following ***modules***, at the choice of the manufacturer:

## Amendment 87

### Proposal for a regulation

#### Article 14 – paragraph 3

*Text proposed by the Commission*

(3) In the case of production of an appliance as a single unit or in small quantities, conformity based on unit verification (Module G), set out in point 6 of Annex III, ***may be chosen by the manufacturer***.

*Amendment*

(3) In the case of production of an appliance as a single unit or in small quantities, ***the manufacturer may choose the modules referred to in paragraph 2 of this Article or*** conformity based on unit verification (Module G), set out in point 6 of Annex III.

## Amendment 88

### Proposal for a regulation

#### Article 14 – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

***After completion of the procedures referred to in points (a) to (d) of paragraph 2 or in paragraph 3, the appliance manufacturer shall, in accordance with Article 18, affix the CE marking on the conforming appliance and draw up an EU declaration of conformity.***

*Amendment*

***deleted***

## Amendment 89

### Proposal for a regulation

#### Article 14 – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

*After completion of the procedures referred to in points (a) to (d) of paragraph 2, the fitting manufacturer shall issue a Fitting conformity certificate.*

*Amendment*

*deleted*

## Amendment 90

### Proposal for a regulation

#### Article 15 – paragraph 2

*Text proposed by the Commission*

(2) The EU declaration of conformity shall have the model structure set out in Annex V and shall contain the elements specified in the relevant conformity assessment procedures set out in Annex III and shall be continuously updated. It shall be translated into the language or languages required by the Member State in **whose market** the appliance is placed or made available on the market.

*Amendment*

(2) The EU declaration of conformity shall have the model structure set out in Annex V and shall contain the elements specified in the relevant conformity assessment procedures set out in Annex III and shall be continuously updated. It shall be translated into the language or languages required by the Member State in **which** the appliance **or the fitting** is placed or made available on the market.

## Amendment 91

### Proposal for a regulation

#### Article 15 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(2a) In order to assist compliance with the essential requirements applicable to finished appliances set out in Annex I, 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. 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.*

## **Amendment 92**

### **Proposal for a regulation Article 15 – paragraph 3**

*Text proposed by the Commission*

(3) Where an appliance is subject to more than one Union acts requiring an EU declaration of conformity, a single EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall contain the identification of the acts concerned including *the* publication references.

*Amendment*

(3) Where an appliance *or a fitting* is subject to more than one Union acts requiring an EU declaration of conformity, a single EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall contain the identification of the acts concerned including *their* publication references.

## **Amendment 93**

### **Proposal for a regulation Article 15 – paragraph 4**

*Text proposed by the Commission*

(4) By drawing up the EU declaration of conformity, the manufacturer shall assume responsibility for the compliance of the appliance with the requirements laid down in this Regulation.

*Amendment*

(4) By drawing up the EU declaration of conformity, the manufacturer shall assume responsibility for the compliance of the appliance *or the fitting* with the requirements laid down in this Regulation.

## **Amendment 94**

### **Proposal for a regulation Article 15 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) A copy of the EU declaration of conformity shall be supplied with the appliance or the fitting.***

## **Amendment 95**

### **Proposal for a regulation Article 16**

*Text proposed by the Commission*

*Amendment*

#### **Article 16**

***deleted***

#### ***Fitting conformity certificate***

***(1) The Fitting conformity certificate shall state that the fulfilment of the applicable essential requirements set out in Annex I has been demonstrated.***

***(2) The Fitting conformity certificate shall have the model structure set out in Annex VI. In order to assist compliance with the essential requirements applicable to finished appliances set out in Annex I, the Fitting conformity certificate shall state the characteristics of the fitting and it shall contain instructions on how it should be incorporated into an appliance or assembled to constitute such an appliance. It shall contain also the elements specified in the relevant conformity assessment procedures set out in Annex III and shall be continuously updated. It shall be in a language which can be easily understood by appliance manufacturers.***

***(3) The Fitting conformity certificate shall be supplied with the fitting.***

***(4) Where a fitting is covered by other Union legislation covering other aspects which require the CE marking, the latter shall indicate that the fitting is presumed to conform to the provisions of those other acts. In such a case, the publication***

*reference of the said acts in the Official Journal of the European Union shall be given in the documents, notices or instructions required by those acts and accompanying the fitting.*

*(5) By drawing up the Fitting conformity certificate, the manufacturer shall assume responsibility for the compliance of the fitting with the requirements laid down in this Regulation.*

#### *Justification*

*NA as fittings CE marked*

#### **Amendment 96**

##### **Proposal for a regulation Article 18 – paragraph 1**

*Text proposed by the Commission*

(1) The CE marking and the inscriptions referred to in Annex IV shall be affixed visibly, legibly and indelibly to the appliance or to *its* data plate.

*Amendment*

(1) 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.*

#### **Amendment 97**

##### **Proposal for a regulation Article 18 – paragraph 2**

*Text proposed by the Commission*

*(2) The inscriptions referred to point 2 of Annex IV shall be affixed, visibly, legibly and indelibly to the fitting or to its data plate, as far as relevant.*

*Amendment*

*deleted*

## *Justification*

*NA as fittings CE marked*

### **Amendment 98**

#### **Proposal for a regulation Article 18 – paragraph 3**

*Text proposed by the Commission*

(3) The CE marking *and/or the inscriptions referred to in Annex IV* shall be affixed before the appliance or the fitting is placed on the market.

*Amendment*

(3) The CE marking shall be affixed before the appliance or the fitting is placed on the market.

### **Amendment 99**

#### **Proposal for a regulation Article 18 – paragraph 4**

*Text proposed by the Commission*

(4) The CE marking shall be followed by the identification number of the notified body involved in the production control phase of the appliance.

*Amendment*

(4) The CE marking shall be followed by the identification number of the notified body involved in the production control phase of the appliance *or of the fitting and by the last two digits of the year in which the CE marking was affixed. The identification number of the notified body shall be affixed by the body itself or, under its instruction, by the manufacturer or his authorised representative.*

### **Amendment 100**

#### **Proposal for a regulation Article 18 – paragraph 5**

*Text proposed by the Commission*

(5) *The identification number of the notified body involved in the production control phase shall be affixed on the fitting.*

*Amendment*

*deleted*

## **Amendment 101**

### **Proposal for a regulation Article 18 – paragraph 6**

*Text proposed by the Commission*

(6) The CE marking and/or the identification number referred to in paragraphs 4 **and 5** may be followed by any other mark indicating a special risk or use.

*Amendment*

(6) The CE marking and the identification number referred to in paragraphs 4 may be followed by any other mark indicating a special risk or use.

## **Amendment 102**

### **Proposal for a regulation Article 18 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***(6a) 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.***

## **Amendment 103**

### **Proposal for a regulation Article 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 18a***

***Inscriptions***

***(1) The inscriptions referred to in Annex IV shall be affixed visibly, legibly and indelibly to the appliance or to its data plate and, as far as relevant, to the fitting or to its data plate.***

***(2) The inscriptions referred to in Annex IV shall be affixed before the appliance or***

*the fitting is placed on the market.*

#### **Amendment 104**

##### **Proposal for a regulation Article 19 – paragraph 1**

*Text proposed by the Commission*

Member States shall notify the Commission and the other Member States of bodies authorised to carry out third-party conformity assessment *tasks in accordance with Article 14.*

*Amendment*

Member States shall notify the Commission and the other Member States of bodies authorised to carry out third-party conformity assessment *under this Regulation.*

#### **Amendment 105**

##### **Proposal for a regulation Article 20 – paragraph 1**

*Text proposed by the Commission*

(1) Member States shall designate a notifying authority that shall be responsible for setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, including compliance with Article 24.

*Amendment*

(1) Member States shall designate a notifying authority that shall be responsible for setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, including compliance with Article 25.

#### **Amendment 106**

##### **Proposal for a regulation Article 22 – title**

*Text proposed by the Commission*

Information obligation *of* notifying authorities

*Amendment*

Information obligation *on* notifying authorities



## Amendment 107

### Proposal for a regulation

#### Article 23 – paragraph 6 – subparagraph 1

##### *Text proposed by the Commission*

A conformity assessment body shall be capable of carrying out all the conformity assessment tasks assigned to it by Annex **II** and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

##### *Amendment*

A conformity assessment body shall be capable of carrying out all the conformity assessment tasks assigned to it by Annex **III** and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

## Amendment 108

### Proposal for a regulation

#### Article 23 – paragraph 10

##### *Text proposed by the Commission*

(10) The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out their tasks under Annex III or any provision of national law giving effect to **them**, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.

##### *Amendment*

(10) The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out their tasks under Annex III or any provision of national law giving effect to **it**, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.

## Amendment 109

### Proposal for a regulation

#### Article 23 – paragraph 11

##### *Text proposed by the Commission*

(11) Conformity assessment bodies shall participate in, or ensure that their personnel responsible for carrying out the conformity assessment tasks are informed of, the relevant standardisation activities and the activities of the notified body coordination group established **under the relevant**

##### *Amendment*

(11) Conformity assessment bodies shall participate in, or ensure that their personnel responsible for carrying out the conformity assessment tasks are informed of, the relevant standardisation activities and the activities of the notified body coordination group established **pursuant to Article**

***Union harmonisation legislation*** and shall apply as general guidance the administrative decisions and documents produced as a result of the work of that group.

**35** and shall apply as general guidance the administrative decisions and documents produced as a result of the work of that group.

#### **Amendment 110**

##### **Proposal for a regulation Article 27 – paragraph 6**

###### *Text proposed by the Commission*

(6) The Commission and the other Member States ***shall be notified*** of any subsequent relevant changes to the notification.

###### *Amendment*

(6) ***The notifying authority shall notify*** the Commission and the other Member States of any subsequent relevant changes to the notification.

#### **Amendment 111**

##### **Proposal for a regulation Article 28 – paragraph 2 – subparagraph 1**

###### *Text proposed by the Commission*

The Commission shall make publicly available the list of the notified bodies under this Regulation, including the identification numbers that have been ***allocated*** to them and the activities for which they have been notified.

###### *Amendment*

The Commission shall make publicly available the list of the notified bodies under this Regulation, including the identification numbers that have been ***assigned*** to them and the activities for which they have been notified.

#### **Amendment 112**

##### **Proposal for a regulation Article 28 – paragraph 2 – subparagraph 2**

###### *Text proposed by the Commission*

The Commission shall ensure that ***that*** list is kept up to date.

###### *Amendment*

The Commission shall ensure that ***the*** list is kept up to date.

## Amendment 113

### Proposal for a regulation

#### Article 30 – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

*The* implementing act *referred to in the first subparagraph* shall be adopted in accordance with the advisory procedure referred to in Article 36(2).

*Amendment*

*That* implementing act shall be adopted in accordance with the advisory procedure referred to in Article 36(2).

## Amendment 114

### Proposal for a regulation

#### Article 31 – paragraph 3

*Text proposed by the Commission*

(3) Where a notified body finds that essential requirements set out in Annex I or corresponding harmonised standards or other technical specifications have not been met by a manufacturer, it shall require that manufacturer to take appropriate corrective measures and shall not issue a conformity certificate.

*Amendment*

(3) Where a notified body finds that *the* essential requirements set out in Annex I or corresponding harmonised standards or other technical specifications have not been met by a manufacturer, it shall require that manufacturer to take appropriate corrective measures and shall not issue a conformity certificate *or approval decision*.

## Amendment 115

### Proposal for a regulation

#### Article 31 – paragraph 4

*Text proposed by the Commission*

(4) Where, in the course of the monitoring of conformity following the issue of a certificate, a notified body finds that an appliance or a fitting no longer complies, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw the certificate if necessary.

*Amendment*

(4) Where, in the course of the monitoring of conformity following the issue of a certificate *or approval decision*, a notified body finds that an appliance or a fitting no longer complies, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw the certificate if necessary.

## Amendment 116

### Proposal for a regulation Article 31 – paragraph 5

*Text proposed by the Commission*

(5) Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates, as appropriate.

*Amendment*

(5) Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates ***or approval decision***, as appropriate.

## Amendment 117

### Proposal for a regulation Article 33 – title

*Text proposed by the Commission*

Information obligation ***of*** notified bodies

*Amendment*

Information obligation ***on*** notified bodies

## Amendment 118

### Proposal for a regulation Article 33 – paragraph 1 – point a

*Text proposed by the Commission*

(a) any refusal, restriction, suspension or withdrawal of a certificate;

*Amendment*

(a) any refusal, restriction, suspension or withdrawal of a certificate ***or approval decision***;

## Amendment 119

### Proposal for a regulation Article 35 a (new)

*Text proposed by the Commission*

*Amendment*

#### ***Article 35a***

***Union market surveillance and control of appliances and fittings entering the Union***

*market*

*Article 15(3) and Articles 16 to 29 of Regulation (EC) No 765/2008 shall apply to appliances and fittings covered by this Regulation.*

## **Amendment 120**

### **Proposal for a regulation Article 35 b (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 35b**

*Procedure for dealing with appliances or fittings presenting a risk at national level*

*1. Where the market surveillance authorities of one Member State have sufficient reason to believe that an appliance or fitting covered by this Regulation presents a risk to the health or safety of persons or to domestic animals or property, they shall carry out an evaluation in relation to the appliance or fitting concerned covering all relevant requirements laid down in this Regulation. The relevant economic operators shall cooperate as necessary with the market surveillance authorities for that purpose.*

*Where, in the course of the evaluation referred to in the first subparagraph, the market surveillance authorities find that the appliance or fitting does not comply with the requirements laid down in this Regulation, they shall without delay require the relevant economic operator to take all appropriate corrective actions to bring the appliance or fitting into compliance with those requirements, to withdraw the appliance or fitting from the market, or to recall it within a reasonable period, commensurate with the nature of the risk, as they may prescribe.*

*The market surveillance authorities shall inform the relevant notified body accordingly.*

*Article 21 of Regulation (EC) No 765/2008 shall apply to the measures referred to in the second subparagraph of this paragraph.*

*2. Where the market surveillance authorities consider that non-compliance is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.*

*3. The economic operator shall ensure that all appropriate corrective action is taken in respect of all the appliances and fittings concerned that he has made available on the market throughout the Union.*

*4. Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the appliances or fittings being made available on their national market, to withdraw the appliance or fitting from that market or to recall it.*

*The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.*

*5. The information referred to in the second subparagraph of paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant appliance or fitting, the origin of the appliance or fitting, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national*

*measures taken and the arguments put forward by the relevant economic operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either of the following:*

*(a) Failure of the appliance or fitting to meet requirements relating to the health or safety of persons or to the protection domestic animals or property; or*

*(b) Shortcomings in the harmonised standards referred to in Article 13 conferring a presumption of conformity.*

*6. Member States other than the Member State initiating the procedure under this Article shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the appliance or fitting concerned, and, in the event of disagreement with the adopted national measure, of their objections.*

*7. Where, within three months of receipt of the information referred to in the second subparagraph of paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.*

*8. Member States shall ensure that appropriate restrictive measures, such as withdrawal of the appliance or fitting from the market, are taken in respect of the appliance or fitting concerned without delay.*

#### *Justification*

*Article 35b [Article R31 of Decision No 768/2008/EC]- Procedure for dealing with products presenting a risk at national level*

## **Amendment 121**

### **Proposal for a regulation Article 35 c (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 35c**

##### ***Union safeguard procedure***

***1. Where, on completion of the procedure set out in Article 35b(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not.***

***The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.***

***2. If the national measure is considered justified, all Member States shall take the necessary measures to ensure that the non-compliant appliance or fitting is withdrawn from their market, and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw that measure.***

***3. Where the national measure is considered justified and the non-compliance of the appliance or fitting is attributed to shortcomings in the harmonised standards referred to in point (b) of Article 35b(5) of this Regulation, the Commission shall apply the procedure provided for in Article 11 of Regulation***



*Justification*

*Article 35c [Article R32 of Decision No 768/2008/EC]- Community safeguard procedure*

**Amendment 122**

**Proposal for a regulation**  
**Article 35 d (new)**

*Text proposed by the Commission*

*Amendment*

**Article 35d**

***Compliant appliances or fittings which  
present a risk***

- 1. Where, having carried out an evaluation under Article 35b(1), a Member State finds that although a appliance or fitting is in compliance with this Regulation, it presents a risk to the health or safety of persons or to domestic animals or property, it shall require the relevant economic operator to take all appropriate measures to ensure that the appliance or fitting concerned, when placed on the market, no longer presents that risk, to withdraw the appliance or fitting from the market or to recall it within a reasonable period, commensurate with the nature of the risk, as it may prescribe.***
- 2. The economic operator shall ensure that corrective action is taken in respect of all the appliances or fittings concerned that he has made available on the market throughout the Union.***
- 3. The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the appliance or fitting concerned, the origin and the supply chain of the appliance or fitting, the nature of the risk***

*involved and the nature and duration of the national measures taken.*

*4. The Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not and, where necessary, propose appropriate measures.*

*5. The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.*

#### *Justification*

*Article 35d [Article R33 of Decision No 768/2008/EC]- Compliant products which present a risk to health and safety*

### **Amendment 123**

#### **Proposal for a regulation Article 35 e (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 35e**

##### **Formal non-compliance**

*1. Without prejudice to Article 35b, where a Member State makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:*

*(a) the CE marking has been affixed to the appliance or the fitting in violation of Article 30 of Regulation (EC) No 765/2008 or of Article 18 of this Regulation or it has not been affixed;*

*(b) the inscriptions referred to in point 2 of Annex IV have not been affixed or*

*have been affixed in violation of Article 18;*

*(c) the identification number of the notified body involved in the production control phase has been affixed in violation of Article 18 or has not been affixed;*

*(d) the EU declaration of conformity has not been drawn up or has not been drawn up correctly;*

*(e) the EU declaration of conformity does not accompany the fitting;*

*(f) the technical documentation is either not available or not complete.*

*(g) the information referred to in Article 7(6) or Article 9(3) is absent, false or incomplete;*

*(h) any other administrative requirement provided for in Article 7 or Article 9 is not fulfilled.*

*2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the appliance or fitting being made available on the market or ensure that it is recalled or withdrawn from the market.*

#### *Justification*

*Article 35e [Article R34 of Decision No 768/2008/EC]- Formal non-compliance*

### **Amendment 124**

#### **Proposal for a regulation Chapter 5 – title**

*Text proposed by the Commission*

COMMITTEE PROCEDURE

*Amendment*

COMMITTEE PROCEDURE AND  
DELEGATED ACTS

## Amendment 125

### Proposal for a regulation Article 37 – title

*Text proposed by the Commission*

Amendment of *Annexes*

*Amendment*

Amendment of *Annex II*

## Amendment 126

### Proposal for a regulation Article 42 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

By way of derogation from paragraph 2, Articles 19 to **35** shall apply from [six months after entry into force].

*Amendment*

By way of derogation from paragraph 2, Articles **4**, 19 to **36 and 39** shall apply from [six months after entry into force].

## Amendment 127

### Proposal for a regulation Annex I – part 1 – point 1.1 – paragraph 1

*Text proposed by the Commission*

1.1. Appliances shall be so designed and constructed as to operate safely and present no danger to persons, domestic animals or property when normally used **at the desired performance level**.

*Amendment*

1.1. Appliances shall be so designed and constructed as to operate safely and present no danger to persons, domestic animals or property when normally used.

## Amendment 128

### Proposal for a regulation Annex I – part 1 – point 1.2

*Text proposed by the Commission*

1.2. The manufacturer is under an obligation to analyse the risks in order to identify those which apply to his appliance or fitting. He shall then design and construct it taking into account its **analysis**.

*Amendment*

1.2. The manufacturer is under an obligation to analyse the risks in order to identify those which apply to his appliance or fitting. He shall then design and construct it taking into account its **risk**

*assessment.*

## **Amendment 129**

### **Proposal for a regulation**

#### **Annex I – part 1 – point 1.5 – point a**

*Text proposed by the Commission*

(a) be accompanied by ***technical*** instructions intended for the installer;

*Amendment*

(a) be accompanied by ***installation*** instructions intended for the installer;

## **Amendment 130**

### **Proposal for a regulation**

#### **Annex I – part 1 – point 1.6.1 – paragraph 1**

*Text proposed by the Commission*

1.6.1. The technical instructions intended for the installer shall contain all the instructions for installation, adjustment and servicing required to ensure that those operations are correctly performed and that the appliance may be used safely.

*Amendment*

1.6.1. The technical instructions intended for the installer shall contain all the instructions for installation, adjustment and servicing required to ensure that those operations are correctly performed ***in order to confirm efficient and safe combustion at the time of commissioning and after servicing or maintenance*** and that the appliance may be used safely.

## **Amendment 131**

### **Proposal for a regulation**

#### **Annex I – part 1 – point 1.6.2 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***The manufacturer shall note in the instructions where they believe additional care is needed or where it would be advisable that any of the above work be carried out by a professional.***

## Amendment 132

### Proposal for a regulation Annex I – part 1 – point 1.7

*Text proposed by the Commission*

1.7. The instructions for incorporation *or* assembly, adjustment, operation and maintenance shall be provided with the fittings concerned as part of the ***Fitting conformity certificate***.

*Amendment*

1.7. The instructions for incorporation *of the fitting into an appliance or its assembly in order to constitute such an appliance and for its* adjustment, operation and maintenance shall be provided with the fittings concerned as part of the ***EU declaration of conformity***.

## Amendment 133

### Proposal for a regulation Annex I – part 3 – point 3.1 – point 3.1.7

*Text proposed by the Commission*

3.1.7. Appliances shall be so designed and constructed as to obviate any gas related risks due to hazards of electrical origin. As far as relevant, the results of the conformity assessment in relation to the safety requirements of Directive ***1999/5/EC*** of the European Parliament and of the Council<sup>35</sup> ***on radio equipment*** or the safety objectives of Directive ***2006/95/EC*** of the European Parliament and of the Council ***relating to electrical equipment designed for use within certain voltage limits***<sup>36</sup> shall be taken into account.

*Amendment*

3.1.7. Appliances shall be so designed and constructed as to obviate any gas related risks due to hazards of electrical origin. As far as relevant, the results of the conformity assessment in relation to the safety requirements of Directive ***2014/53/EU*** of the European Parliament and of the Council<sup>35</sup> or the safety objectives of Directive ***2014/35/EU*** of the European Parliament and of the Council<sup>36</sup> shall be taken into account.

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<sup>35</sup> Directive ***1999/5/EC*** of the European Parliament and of the Council of ***9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity*** (OJ L 91, 7.4.1999, p.10).

<sup>36</sup> Directive ***2006/95/EC*** of the European Parliament ***and of*** the Council of ***12 December 2006*** on the ***approximation*** of

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<sup>35</sup> ***Directive 2014/53/EU*** of the European Parliament and of the Council of ***16 April 2014 on the harmonisation of the law of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC*** (OJ L 153, 22.5.2014, p. 62).

<sup>36</sup> ***Directive 2014/35/EU*** of the European Parliament ***and of*** the Council of ***26 February 2014*** on the ***harmonisation*** of

the laws of the Member States relating to *electrical* equipment designed for use within certain voltage limits (OJ L 374, 27.12.2006, p.10).

the laws of the Member States relating to *the making available on the market of electrical* equipment designed for use within certain voltage limits (OJ L 96, 29.3.2014, p. 357).

## Amendment 134

### Proposal for a regulation

#### Annex I – part 3 – point 3.1 – point 3.1.8

##### *Text proposed by the Commission*

3.1.8. Appliances **must** be so designed and constructed as to obviate any gas related risks due to hazards originating from electromagnetic phenomena. As far as relevant, the results of the conformity assessment in relation to the electromagnetic compatibility requirements of Directive **1999/5/EC** or Directive **2004/108/EC** of the European Parliament and of the Council *relating to electromagnetic compatibility*<sup>37</sup> shall be taken into account.

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<sup>37</sup> Directive **2004/108/EC** of the European Parliament and of the Council of **15 December 2004** on the *approximation* of the laws of the Member States relating to electromagnetic compatibility *and repealing Directive 89/336/EEC* (OJ L 390, 31.12.2004, p.24).

##### *Amendment*

3.1.8. Appliances **shall** be so designed and constructed as to obviate any gas related risks due to hazards originating from electromagnetic phenomena. As far as relevant, the results of the conformity assessment in relation to the electromagnetic compatibility requirements of Directive **2014/53/EU** or Directive **2014/30/EU** of the European Parliament and of the Council<sup>37</sup> shall be taken into account.

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<sup>37</sup> **Directive 2014/30/EU** of the European Parliament and of the Council of **26 February 2014** on the *harmonisation* of the laws of the Member States relating to electromagnetic compatibility (**OJ L 96, 29.3.2014, p. 79**).

## Amendment 135

### Proposal for a regulation

#### Annex I – part 3 – point 3.2 – point 3.2.4

##### *Text proposed by the Commission*

3.2.4. Appliances designed and constructed to burn gas containing toxic components shall not present a danger to the health of

##### *Amendment*

3.2.4. Appliances designed and constructed to burn gas containing **carbon monoxide or other** toxic components shall not present a danger to the health of persons and

persons and domestic animals exposed.

domestic animals exposed.

*Justification*

*Manufacturers and installers should ensure that the design and installation of the appliance does not endanger the health and safety of persons and domestic animals.*

**Amendment 136**

**Proposal for a regulation**

**Annex I – part 3 – point 3.4 – point 3.4.4**

*Text proposed by the Commission*

3.4.4. Appliances shall be so designed and constructed that, when used normally, they do not cause a concentration of substances harmful to health, such as they would be likely to present a danger to the health of persons and domestic animals exposed.

*Amendment*

3.4.4. Appliances shall be so designed and constructed that, when used normally, they do not cause a concentration of **carbon monoxide or other** substances harmful to health, such as they would be likely to present a danger to the health of persons and domestic animals exposed.

*Justification*

*Manufacturers and installers should ensure that the design and installation of the appliance does not endanger the health and safety of persons and domestic animals.*

**Amendment 137**

**Proposal for a regulation**

**Annex I – part 3 – point 3.6 – point 3.6.3**

*Text proposed by the Commission*

3.6.3. The surface temperatures of external parts of appliances, with the exception of surfaces or parts which are associated with the transmission of heat, shall not under operating conditions present a danger to persons exposed and in particular to children and elderly people, for whom an appropriate reaction time shall be taken into account.

*Amendment*

3.6.3. The surface temperatures of external parts of appliances, with the exception of surfaces or parts which are associated with the transmission of heat, shall not under operating conditions present a danger to **the health and safety of** persons exposed and in particular to children and elderly people, for whom an appropriate reaction time shall be taken into account.



## Amendment 138

### Proposal for a regulation

#### Annex III – part 1 – point 1.2

##### *Text proposed by the Commission*

1.2. EU-type examination *is* carried out by assessment of the adequacy of the technical design of the appliance or the fitting through examination of the technical documentation and supporting evidence referred to in point 1.3, plus examination of a specimen, representative of the production envisaged, of the complete appliance or fitting (production type).

##### *Amendment*

1.2. EU-type examination ***shall be*** carried out by assessment of the adequacy of the technical design of the appliance or the fitting through examination of the technical documentation and supporting evidence referred to in point 1.3, plus examination of a specimen, representative of the production envisaged, of the complete appliance or fitting (production type).

## Amendment 139

### Proposal for a regulation

#### Annex III – part 1 – point 1.3 – point 1.3.1 – point c – point 4

##### *Text proposed by the Commission*

(4) a list of the harmonised standards ***and/or other relevant technical specifications*** the references of which have been published in the Official Journal of the European Union, ***applied in full or in part, and*** descriptions of the solutions adopted to meet the essential safety requirements of this Regulation ***where those harmonised standards have not been applied***. In the event of partly applied harmonised standards, the technical documentation shall specify the parts which have been applied;

##### *Amendment*

(4) a list of the harmonised standards ***applied in full or in part***, the references of which have been published in the Official Journal of the European Union ***and, where those harmonised standards have not been applied***, descriptions of the solutions adopted to meet the essential safety requirements of this Regulation. In the event of partly applied harmonised standards, the technical documentation shall specify the parts which have been applied;

## Amendment 140

### Proposal for a regulation

#### Annex III – part 1 – point 1.3 – point 1.3.1 – point c – point 8

##### *Text proposed by the Commission*

(8) the supporting evidence for the

##### *Amendment*

(8) the supporting evidence for the

adequacy of the technical design solution. This supporting evidence shall mention any documents that have been used, in particular where the relevant harmonised standards and/or technical specifications have not been applied in full. The supporting evidence shall include, where necessary, the results of tests carried out by the appropriate laboratory of the manufacturer, or by another testing laboratory on his behalf and under his responsibility.

adequacy of the technical design solution. This supporting evidence shall mention any documents that have been used, in particular where the relevant harmonised standards and/or technical specifications have not been applied in full. The supporting evidence shall include, where necessary, the results of tests carried out *in accordance with other relevant technical specifications* by the appropriate laboratory of the manufacturer, or by another testing laboratory on his behalf and under his responsibility.

## Amendment 141

### Proposal for a regulation

#### Annex III – part 1 – point 1.3 – point 1.3.1 – point c – point 10

##### *Text proposed by the Commission*

(10) the ***Fitting*** conformity ***certificate*** containing the instructions on how the fitting should be incorporated into an appliance or assembled to constitute such an appliance.

##### *Amendment*

(10) the ***EU declaration of conformity of the fitting*** containing the instructions on how the fitting should be incorporated into an appliance or assembled to constitute such an appliance.

## Amendment 142

### Proposal for a regulation

#### Annex III – part 1 – point 1.3 – point 1.3.2 – introductory part

##### *Text proposed by the Commission*

1.3.2. Where appropriate, the ***design documentation*** shall ***contain*** the following elements:

##### *Amendment*

1.3.2. Where appropriate, the ***manufacturer*** shall ***also submit to the notified body*** the following elements:

## Amendment 143

### Proposal for a regulation

#### Annex III – part 1 – point 1.3 – point 1.3.2 – point a

*Text proposed by the Commission*

*Amendment*

(a) the EU type-examination certificate and the ***Fitting conformity certificate*** relating to the fittings incorporated into the appliance;

(a) the EU type-examination certificate and the ***EU declaration of conformity*** relating to the fittings incorporated into the appliance;

**Amendment 144**

**Proposal for a regulation**

**Annex III – part 1 – point 1.4 – paragraph 2 – point 1.4.2**

*Text proposed by the Commission*

*Amendment*

1.4.2. verify that the specimen(s) have been manufactured in conformity with the technical documentation, and identify the elements which have been designed in accordance with the applicable provisions of the relevant harmonised standards and/or technical specifications, as well as the elements which have been designed ***without applying the relevant provisions of those standards***;

1.4.2. verify that the specimen(s) have been manufactured in conformity with the technical documentation, and identify the elements which have been designed in accordance with the applicable provisions of the relevant harmonised standards and/or technical specifications, as well as the elements which have been designed ***in accordance with other relevant technical specifications***.

**Amendment 145**

**Proposal for a regulation**

**Annex III – part 1 – point 1.4 – paragraph 2 – point 1.4.3**

*Text proposed by the Commission*

*Amendment*

1.4.3. carry out appropriate examinations and tests, or have them carried out, to check whether, where the manufacturer has chosen to apply the solutions in the relevant harmonised standards ***and/or technical specifications***, these have been applied correctly;

1.4.3. carry out appropriate examinations and tests, or have them carried out, to check whether, where the manufacturer has chosen to apply the solutions in the relevant harmonised standards, these have been applied correctly;

**Amendment 146**

**Proposal for a regulation**

**Annex III – part 1 – point 1.4 – paragraph 2 – point 1.4.4**

*Text proposed by the Commission*

1.4.4. carry out appropriate examinations and tests, or have them carried out, to check whether, where the solutions in the relevant harmonised standards ***and/or technical specifications*** have not been applied, the solutions adopted by the manufacturer meet the corresponding essential requirements of this Regulation;

*Amendment*

1.4.4. carry out appropriate examinations and tests, or have them carried out, to check whether, where the solutions in the relevant harmonised standards have not been applied, the solutions adopted by the manufacturer ***applying other relevant technical specifications*** meet the corresponding essential requirements of this Regulation;

**Amendment 147**

**Proposal for a regulation**

**Annex III – part 1 – point 1.6 – paragraph 1**

*Text proposed by the Commission*

1.6. Where the appliance or the fitting type meets the requirements of this Regulation, the notified body shall issue an EU-type examination certificate to the manufacturer. The certificate shall contain the name and address of the manufacturer, the conclusions of the examination, the conditions (if any) for its validity, the necessary data for identification of the approved type and, if relevant, descriptions of its functioning. The certificate may have one or more annexes attached.

*Amendment*

1.6. Where the appliance or the fitting type meets the requirements of this Regulation, the notified body shall issue an EU-type examination certificate to the manufacturer. The certificate shall contain the name and address of the manufacturer, the conclusions of the examination, the conditions (if any) for its validity, the necessary data for identification of the approved type, ***such as the type of gas, appliance category, gas supply pressure*** and, if relevant, descriptions of its functioning. The certificate may have one or more annexes attached.

**Amendment 148**

**Proposal for a regulation**

**Annex III – part 1 – point 1.6 – paragraph 2**

*Text proposed by the Commission*

The certificate and its annexes shall contain all relevant information to allow the conformity of manufactured appliances or fittings with the examined type to be

*Amendment*

The ***EU-type examination*** certificate and its annexes shall contain all relevant information to allow the conformity of manufactured appliances or fittings with

evaluated and to allow for in-service control.

the examined type to be evaluated and to allow for in-service control. ***It shall also indicate any conditions to which its issue may be subject and be accompanied by the descriptions and drawings necessary for identification of the approved type.***

## Amendment 149

### Proposal for a regulation

#### Annex III – part 1 – point 1.6 – paragraph 3

##### *Text proposed by the Commission*

***The certificate shall have a maximum validity period of ten years from the date of its issue.*** Where the type does not satisfy the applicable requirements of this Regulation, the notified body shall refuse to issue an EU-type examination certificate and shall inform the applicant accordingly, giving detailed reasons for its refusal.

##### *Amendment*

Where the type does not satisfy the applicable requirements of this Regulation, the notified body shall refuse to issue an EU-type examination certificate and shall inform the applicant accordingly, giving detailed reasons for its refusal.

##### *Justification*

*The aim of the model type certification is to verify that the essential requirements have been fulfilled. As the conformity procedure itself is not being altered, introducing an expiration date for certificates is redundant. In particular, additionally to the certification procedure, a product, is being subjected to regular product surveillance when placed on the market for the first time and every following year. This will not be altered with the regulation.*

## Amendment 150

### Proposal for a regulation

#### Annex III – part 1 – point 1.8 – paragraph 1

##### *Text proposed by the Commission*

1.8. Each notified body shall inform its notifying ***authorities and the other notified bodies*** concerning the EU-type examination certificates and/or any additions thereto which it has issued.

##### *Amendment*

1.8. Each notified body shall inform its notifying ***authority*** concerning the EU-type examination certificates and/or any additions thereto which it has issued ***or withdrawn, and shall, periodically or upon request, make available to its notifying authority the list of such***

*certificates and/or any additions thereto refused, suspended or otherwise restricted.*

## **Amendment 151**

### **Proposal for a regulation**

#### **Annex III – part 1 – point 1.8 – paragraph 2**

*Text proposed by the Commission*

*The notified body which refuses to issue or withdraws, suspends or otherwise restricts an EU type-examination certificate shall inform its notifying authorities and the other notified bodies accordingly, giving the reasons for its decision.*

*Amendment*

*Each notified body shall inform the other notified bodies concerning the EU-type examination certificates and/or any additions thereto which it has refused, withdrawn, suspended or otherwise restricted, and, upon request, concerning such certificates and/or additions thereto which it has issued.*

## **Amendment 152**

### **Proposal for a regulation**

#### **Annex 3 – part 2 – point 2.1**

*Text proposed by the Commission*

2.1. Conformity to type based on internal production control plus supervised appliance or fitting checks at random intervals is the part of a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2.2 and 2.3 and point 2.4 or 2.5, and ensures and declares on his sole responsibility that the appliances or the fittings concerned are in conformity with the type described in the EU-type examination certificate and satisfy the requirements of this Regulation.

*Amendment*

2.1. Conformity to type based on internal production control plus supervised appliance or fitting checks at random intervals is the part of a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2.2 and 2.3 and point 2.4 or 2.5, and ensures and declares on his sole responsibility that the appliances or the fittings concerned are in conformity with the type described in the EU-type examination certificate and satisfy the requirements of this Regulation *that apply to them.*

## Amendment 153

### Proposal for a regulation

#### Annex III – part 2 – point 2.2 – paragraph 1

##### *Text proposed by the Commission*

The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure conformity of the manufactured appliances or fittings with the type described in the EU-type examination certificate and with the requirements of this Regulation.

##### *Amendment*

The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure conformity of the manufactured appliances or fittings with the type described in the EU-type examination certificate and with the requirements of this Regulation ***that apply to them.***

## Amendment 154

### Proposal for a regulation

#### Annex III – part 2 – point 2.3 – title

##### *Text proposed by the Commission*

2.3. ***Appliance or fitting*** checks

##### *Amendment*

2.3. ***Product*** checks

## Amendment 155

### Proposal for a regulation

#### Annex III – part 2 – point 2.3 – paragraph 1

##### *Text proposed by the Commission*

A notified body, chosen by the manufacturer, shall carry out ***appliance or fitting*** checks or have them carried out at intervals of one year or less, in order to verify the quality of the internal checks on the appliance, taking into account, inter alia, the technological complexity of the appliances or the fittings and the quantity of production. An adequate sample of the final appliances or fittings taken on site by the notified body before the placing on the market, shall be examined and appropriate tests as identified by the relevant parts of the harmonised standards and/or ***technical***

##### *Amendment*

A notified body, chosen by the manufacturer, shall carry out ***product*** checks or have them carried out at intervals of one year or less, in order to verify the quality of the internal checks on the appliance, taking into account, inter alia, the technological complexity of the appliances or the fittings and the quantity of production. An adequate sample of the final appliances or fittings taken on site by the notified body before the placing on the market, shall be examined and appropriate tests as identified by the relevant parts of the harmonised standards and/or

*specifications, or equivalent tests*, shall be carried out in order to check the conformity of the appliance or the fitting with the relevant requirements of this Regulation. Where a sample does not conform to the acceptable quality level, the notified body shall take appropriate measures *to prevent the placing on the market of the concerned appliances or fittings*.

*equivalent tests set out in other relevant technical specifications*, shall be carried out in order to check the conformity of the appliance or the fitting with the relevant requirements of this Regulation. Where a sample does not conform to the acceptable quality level, the notified body shall take appropriate measures.

## Amendment 156

### Proposal for a regulation

#### Annex III – part 2 – point 2.4 – point 2.4.1

##### *Text proposed by the Commission*

2.4.1. The manufacturer shall affix the CE marking *and the inscriptions provided for in Annex IV* to each individual appliance that is in conformity with the type described in the EU-type examination certificate and satisfies the applicable requirements of this Regulation.

##### *Amendment*

2.4.1. The manufacturer shall affix the CE marking to each individual appliance *or fitting* that is in conformity with the type described in the EU-type examination certificate and satisfies the applicable requirements of this Regulation.

## Amendment 157

### Proposal for a regulation

#### Annex III – part 2 – point 2.4 – point 2.4.2 – paragraph 1

##### *Text proposed by the Commission*

2.4.2. The manufacturer shall draw up a written EU declaration of conformity for *an* appliance model and keep it at the disposal of the national authorities for 10 years after the appliance has been placed on the market. The EU declaration of conformity shall identify the appliance model for which it has been drawn up.

##### *Amendment*

2.4.2. The manufacturer shall draw up a written EU declaration of conformity for *each* appliance *or fitting* model and keep it at the disposal of the national authorities for 10 years after the appliance *or fitting* has been placed on the market. The EU declaration of conformity shall identify the appliance *or fitting* model for which it has been drawn up.



## Amendment 158

### Proposal for a regulation Annex III – part 2 – point 2.5

*Text proposed by the Commission*

*Amendment*

#### **2.5. Fitting conformity certificate**

**deleted**

***2.5.1. The manufacturer shall affix the inscriptions provided for in point 3 of Annex IV to each individual fitting that is in conformity with the type described in the EU-type examination certificate and satisfies the applicable requirements of this Regulation.***

***2.5.2. The manufacturer shall draw up a written Fitting conformity certificate for a fitting model and keep it at the disposal of the national authorities for 10 years after the fitting has been placed on the market. The Fitting conformity certificate shall identify the fitting model for which it has been drawn up and shall accompany the fitting.***

*Justification*

*Fittings will be CE marked so no need for Fitting conformity certificate*

## Amendment 159

### Proposal for a regulation Annex III – part 2 – point 2.6 – paragraph 1

*Text proposed by the Commission*

*Amendment*

The manufacturer's obligations set out in point 2.4 **or 2.5** may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

The manufacturer's obligations set out in point 2.4 may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

## Amendment 160

### Proposal for a regulation

#### Annex III – part 3 – point 3.2 – paragraph 1

##### *Text proposed by the Commission*

The manufacturer shall operate an approved quality system for production, final ***instrument*** inspection and testing of the appliances or fittings concerned as specified in point 3.3, and shall be subject to surveillance as specified in point 3.4.

##### *Amendment*

The manufacturer shall operate an approved quality system for production, final ***product*** inspection and testing of the appliances or fittings concerned as specified in point 3.3, and shall be subject to surveillance as specified in point 3.4.

## Amendment 161

### Proposal for a regulation

#### Annex III – part 3 – point 3.3 – point 3.3.3 – paragraph 1

##### *Text proposed by the Commission*

3.3.3. The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.2.

##### *Amendment*

3.3.3. The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in point 3.3.2.

## Amendment 162

### Proposal for a regulation

#### Annex III – part 3 – point 3.3 – point 3.3.3 – paragraph 2

##### *Text proposed by the Commission*

It shall presume conformity with those requirements in respect of the elements of the quality system that comply with the corresponding specifications of ***the national standard that implements the relevant harmonised standard and/or technical specifications.***

##### *Amendment*

It shall presume conformity with those requirements in respect of the elements of the quality system that comply with the corresponding specifications of relevant harmonised standard.

## Amendment 163

### Proposal for a regulation

#### Annex III – part 3 – point 3.5 – point 3.5.1

*Text proposed by the Commission*

*Amendment*

3.5.1. The manufacturer shall affix the CE marking ***and the inscriptions provided for in Annex IV***, and, under the responsibility of the notified body referred to in point 3.3.1, the latter's identification number to each individual appliance that is in conformity with the type described in the EU-type examination certificate and satisfies the applicable requirements of this Regulation.

3.5.1. The manufacturer shall affix the CE marking, and, under the responsibility of the notified body referred to in point 3.3.1, the latter's identification number to each individual appliance ***or fitting*** that is in conformity with the type described in the EU-type examination certificate and satisfies the applicable requirements of this Regulation.

**Amendment 164**

**Proposal for a regulation**

**Annex III – part 3 – point 3.5 – point 3.5.2 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

3.5.2. The manufacturer shall draw up a written EU declaration of conformity for each appliance and keep it at the disposal of the national authorities for 10 years after the appliance has been placed on the market. The EU declaration of conformity shall identify the appliance model for which it has been drawn up.

3.5.2. The manufacturer shall draw up a written EU declaration of conformity for each appliance ***or fitting*** and keep it at the disposal of the national authorities for 10 years after the appliance ***or fitting*** has been placed on the market. The EU declaration of conformity shall identify the appliance ***or fitting*** model for which it has been drawn up.

**Amendment 165**

**Proposal for a regulation**

**Annex III – part 3 – point 3.6**

*Text proposed by the Commission*

*Amendment*

**3.6. Fitting conformity certificate**

***deleted***

***3.6.1. The manufacturer shall affix the inscriptions provided for in point 3 of Annex IV and, under the responsibility of the notified body referred to in point 3.3.1, the latter's identification number to each individual fitting that is in conformity***

*with the type described in the EU-type examination certificate and satisfies the applicable requirements of this Regulation.*

**3.6.2. The manufacturer shall draw up a written Fitting conformity certificate for a fitting and keep it at the disposal of the national authorities for 10 years after the fitting has been placed on the market. The Fitting conformity certificate shall identify the fitting model for which it has been drawn up and shall accompany the fitting.**

*Justification*

*Fittings will be CE marked so no need for Fitting conformity certificate*

**Amendment 166**

**Proposal for a regulation  
Annex III – part 3 – point 3.7 – point b**

*Text proposed by the Commission*

(b) the change referred to in point 3.3.5, as approved,

*Amendment*

(b) ***the information relating to*** the change referred to in point 3.3.5, as approved,

**Amendment 167**

**Proposal for a regulation  
Annex III – part 3 – point 3.8 – paragraph 1**

*Text proposed by the Commission*

3.8. Each notified body shall inform its notifying ***authorities*** of quality system approvals withdrawn, and shall, periodically or upon request, make available to its notifying ***authorities information related to quality system assessments.***

*Amendment*

3.8. Each notified body shall inform its notifying ***authority*** of quality system approvals ***issued or*** withdrawn, and shall, periodically or upon request, make available to its notifying ***authority the list of quality systems approvals refused, suspended or otherwise restricted.***

## Amendment 168

### Proposal for a regulation

#### Annex III – part 3 – point 3.8 – paragraph 2

##### *Text proposed by the Commission*

Each notified body shall inform the other notified bodies of quality system approvals which it has refused, suspended, withdrawn or otherwise restricted, ***giving the reasons for its decision.***

##### *Amendment*

Each notified body shall inform the other notified bodies of quality system approvals which it has refused, suspended, withdrawn or otherwise restricted, ***and, upon request, of quality system approvals which it has issued.***

## Amendment 169

### Proposal for a regulation

#### Annex III – part 3 – point 3.9 – paragraph 1

##### *Text proposed by the Commission*

The manufacturer's obligations set out in points 3.3.1, 3.3.5 ***and point 3.5 or 3.6 and point 3.7*** may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

##### *Amendment*

The manufacturer's obligations set out in points 3.3.1, 3.3.5, ***3.5 and 3.7*** may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

## Amendment 170

### Proposal for a regulation

#### Annex III – part 4 – point 4.3 – point 4.3.3 – paragraph 1

##### *Text proposed by the Commission*

It shall presume conformity with those requirements in respect of the elements of the quality system that comply with the corresponding specifications of ***the national standard that implements*** the relevant harmonised standard ***and/or technical specification.***

##### *Amendment*

It shall presume conformity with those requirements in respect of the elements of the quality system that comply with the corresponding specifications of the relevant harmonised standard.

## Amendment 171

### Proposal for a regulation

#### Annex III – part 4 – point 4.5 – point 4.5.1

##### *Text proposed by the Commission*

4.5.1. The manufacturer shall affix the CE marking and the inscriptions provided for in Annex IV and, under the responsibility of the notified body referred to in point 4.3.1, the latter's identification number to each individual appliance that is in conformity with the type described in the EU-type examination certificate and satisfies the applicable requirements of this Regulation.

##### *Amendment*

4.5.1. The manufacturer shall affix the CE marking and the inscriptions provided for in Annex IV and, under the responsibility of the notified body referred to in point 4.3.1, the latter's identification number to each individual appliance ***or fitting*** that is in conformity with the type described in the EU-type examination certificate and satisfies the applicable requirements of this Regulation.

## Amendment 172

### Proposal for a regulation

#### Annex III – part 4 – point 4.5 – point 4.5.2 – paragraph 1

##### *Text proposed by the Commission*

4.5.2. The manufacturer shall draw up a written EU declaration of conformity for each appliance model and keep it at the disposal of the national authorities for 10 years after the appliance has been placed on the market. The EU declaration of conformity shall identify the appliance model for which it has been drawn up.

##### *Amendment*

4.5.2. The manufacturer shall draw up a written EU declaration of conformity for each appliance ***or fitting*** model and keep it at the disposal of the national authorities for 10 years after the appliance ***or fitting*** has been placed on the market. The EU declaration of conformity shall identify the appliance ***or fitting*** model for which it has been drawn up.

## Amendment 173

### Proposal for a regulation

#### Annex III – part 4 – point 4.6

##### *Text proposed by the Commission*

##### ***4.6. Fitting conformity certificate***

***4.6.1. The manufacturer shall affix the inscriptions provided for in point 3 of Annex IV and, under the responsibility of***

##### *Amendment*

***deleted***

*the notified body referred to in point 4.3.1, the latter's identification number to each individual fitting that is in conformity with the type described in the EU-type examination certificate and satisfies the applicable requirements of this Regulation.*

**4.6.2. The manufacturer shall draw up a written Fitting conformity certificate for each fitting model and keep it at the disposal of the national authorities for 10 years after the fitting has been placed on the market. The Fitting conformity certificate shall identify the fitting model for which it has been drawn up and shall accompany the fitting.**

#### *Justification*

*fittings will be CE marked, no need for Fitting conformity certificate any longer*

### **Amendment 174**

#### **Proposal for a regulation**

#### **Annex III – part 4 – point 4.8 – paragraph 1**

##### *Text proposed by the Commission*

4.8. Each notified body shall inform its notifying **authorities** of quality system approvals issued or withdrawn, and shall, periodically or upon request, make available to its notifying **authorities** the list of quality system approvals refused, suspended or otherwise restricted.

##### *Amendment*

4.8. Each notified body shall inform its notifying **authority** of quality system approvals issued or withdrawn, and shall, periodically or upon request, make available to its notifying **authority** the list of quality system approvals refused, suspended or otherwise restricted.

### **Amendment 175**

#### **Proposal for a regulation**

#### **Annex III – part 4 – point 4.8 – paragraph 2**

##### *Text proposed by the Commission*

Each notified body shall inform the other notified bodies of quality system approvals which it has **issued**. **Each notified body**

##### *Amendment*

Each notified body shall inform the other notified bodies of quality system approvals which it has **refused, suspended or**

*shall inform the other notified bodies of quality system approvals which it has **refused, suspended or withdrawn**, providing the reasons for its decision.*

***withdrawn, providing the reasons for its decision, and, upon request**, of quality system approvals which it has **issued**.*

#### **Amendment 176**

##### **Proposal for a regulation**

##### **Annex III – part 4 – point 4.9 – paragraph 1**

###### *Text proposed by the Commission*

The manufacturer's obligations set out in points 4.3.1, 4.3.5 **and 4.5 or 4.6 and point 4.7** may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

###### *Amendment*

The manufacturer's obligations set out in points 4.3.1, 4.3.5, **4.5 and 4.7** may be fulfilled by his authorised representative, on his behalf and under his responsibility, provided that they are specified in the mandate.

#### **Amendment 177**

##### **Proposal for a regulation**

##### **Annex III – part 5 – point 5.1**

###### *Text proposed by the Commission*

5.1. Conformity to type based on appliance or fitting verification is the part of a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 5.2, 5.5.1 and **point 5.6 or 5.7**, and ensures and declares on his sole responsibility that the appliances or fittings concerned, which have been subject to the provisions of point 5.3, are in conformity with the type described in the EU-type examination certificate and satisfy the requirements of this Regulation that apply to them.

###### *Amendment*

5.1. Conformity to type based on appliance or fitting verification is the part of a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 5.2, 5.5.1 and **5.6**, and ensures and declares on his sole responsibility that the appliances or fittings concerned, which have been subject to the provisions of point 5.3, are in conformity with the type described in the EU-type examination certificate and satisfy the requirements of this Regulation that apply to them.

#### **Amendment 178**

##### **Proposal for a regulation**

##### **Annex III – part 5 – point 5.4 – point 5.4.1 – paragraph 1**



*Text proposed by the Commission*

5.4.1. All appliances or fittings shall be individually examined and appropriate tests set out in the relevant harmonised standard(s) and/or ***technical specifications, or equivalent tests***, shall be carried out in order to verify conformity with the approved type described in the EU-type examination certificate and with the appropriate requirements of this Regulation.

*Amendment*

5.4.1. All appliances or fittings shall be individually examined and appropriate tests set out in the relevant harmonised standard(s) and/or ***equivalent tests set out in other relevant technical specifications***, shall be carried out in order to verify conformity with the approved type described in the EU-type examination certificate and with the appropriate requirements of this Regulation.

**Amendment 179**

**Proposal for a regulation**

**Annex III – part 5 – point 5.5 – point 5.5.2**

*Text proposed by the Commission*

5.5.2. A random sample shall be taken from each lot according to the requirements of this Regulation. All appliances or fittings in a sample shall be individually examined and appropriate tests set out in the relevant harmonised standard(s) and/or ***technical specifications, or equivalent tests***, shall be carried out in order to ensure their conformity with the applicable requirements of this Regulation and to determine whether the lot is accepted or rejected. In the absence of such a harmonised standard, the notified body concerned shall decide on the appropriate tests to be carried out.

*Amendment*

5.5.2. A random sample shall be taken from each lot according to the requirements of this Regulation. All appliances or fittings in a sample shall be individually examined and appropriate tests set out in the relevant harmonised standard(s) and/or ***equivalent tests set out in other relevant technical specifications***, shall be carried out in order to ensure their conformity with the applicable requirements of this Regulation and to determine whether the lot is accepted or rejected. In the absence of such a harmonised standard, the notified body concerned shall decide on the appropriate tests to be carried out

**Amendment 180**

**Proposal for a regulation**

**Annex 3 – part 5 – point 5.5 – point 5.5.2 a (new)**

*Text proposed by the Commission*

*Amendment*

**5.5.2a. The notified body shall apply a sampling system with the following characteristics:**

**– a level of quality corresponding to a probability of acceptance of 95 % , with a non-conformity percentage of between 0,5 % and 1,5 %;**

**– a limit quality corresponding to a probability of acceptance of 5 % with a percentage of non-conformity of between 5 % and 10 %.**

## **Amendment 181**

### **Proposal for a regulation**

#### **Annex III – part 5 – point 5.6 – point 5.6.1**

*Text proposed by the Commission*

*Amendment*

5.6.1. The manufacturer shall affix the CE marking and the inscriptions provided for in Annex IV and, under the responsibility of the notified body referred to in point 5.3, the latter's identification number to each individual appliance that is in conformity with the approved type described in the EU-type examination certificate and satisfies the applicable requirements of this Regulation.

5.6.1. The manufacturer shall affix the CE marking and the inscriptions provided for in Annex IV and, under the responsibility of the notified body referred to in point 5.3, the latter's identification number to each individual appliance **or fitting** that is in conformity with the approved type described in the EU-type examination certificate and satisfies the applicable requirements of this Regulation.

## **Amendment 182**

### **Proposal for a regulation**

#### **Annex III – part 5 – point 5.6 – point 5.6.2 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

5.6.2. The manufacturer shall draw up a written EU declaration of conformity for each appliance model and keep it at the disposal of the national authorities, for 10 years after the appliance has been placed

5.6.2. The manufacturer shall draw up a written EU declaration of conformity for each appliance **or fitting** model and keep it at the disposal of the national authorities, for 10 years after the appliance **or fitting**

on the market. The EU declaration of conformity shall identify the appliance model for which it has been drawn up.

has been placed on the market. The EU declaration of conformity shall identify the appliance *or fitting* model for which it has been drawn up.

#### **Amendment 183**

##### **Proposal for a regulation**

##### **Annex III – part 5 – point 5.6 – point 5.6.2 – paragraph 3**

###### *Text proposed by the Commission*

If the notified body referred to in point 5.3 agrees and under its responsibility, the manufacturer may also affix the notified body's identification number to the *appliances*.

###### *Amendment*

If the notified body referred to in point 5.3 agrees and under its responsibility, the manufacturer may also affix the notified body's identification number to the *appliance or the fitting*.

#### **Amendment 184**

##### **Proposal for a regulation**

##### **Annex III – part 5 – point 5.7**

###### *Text proposed by the Commission*

###### *Amendment*

###### **5.7. Fitting conformity certificate**

*deleted*

**5.7.1. The manufacturer shall affix the inscriptions provided for in point 3 of Annex IV and, under the responsibility of the notified body referred to in point 5.3, the latter's identification number to each individual fitting that is in conformity with the approved type described in the EU-type examination certificate and satisfies the applicable requirements of this Regulation.**

**5.7.2. The manufacturer shall draw up a written Fitting conformity certificate for each fitting model and keep it at the disposal of the national authorities for 10 years after the fitting has been placed on the market. The Fitting conformity certificate shall identify the fitting model for which it has been drawn up and shall**

*accompany the fitting.*

***If the notified body referred to in point 5.3 agrees and under its responsibility, the manufacturer may also affix the notified body's identification number to the fittings.***

*Justification*

*fittings will be CE marked, so no need for Fitting conformity certificate*

**Amendment 185**

**Proposal for a regulation**

**Annex III – part 6 – point 6.2 – point 6.2.1 – point d**

*Text proposed by the Commission*

(d) a list of the harmonised standards ***and/or other relevant technical specifications*** the references of which have been published in the Official Journal of the European Union, ***applied in full or in part, and*** descriptions of the solutions adopted to meet the essential requirements of this Regulation ***where those harmonised standards have not been*** applied. In the event of partly applied harmonised standards, the technical documentation shall specify the parts which have been applied;

*Amendment*

(d) a list of the harmonised standards ***applied in full or in part***, the references of which have been published in the Official Journal of the European Union, ***and where those harmonised standards have not been applied***, descriptions of the solutions adopted to meet the essential requirements of this Regulation, ***including a list of other relevant technical specifications*** applied. In the event of partly applied harmonised standards, the technical documentation shall specify the parts which have been applied;

**Amendment 186**

**Proposal for a regulation**

**Annex III – part 6 – point 6.2 – point 6.2.1 – point g**

*Text proposed by the Commission*

(g) ***manuals*** for installation and use.

*Amendment*

(g) ***instructions*** for installation and use ***for appliances***;

## Amendment 187

### Proposal for a regulation

#### Annex III – part 6 – point 6.2 – point 6.2.1 – point g a (new)

*Text proposed by the Commission*

*Amendment*

*(ga) instructions for incorporation into an appliance or for assembly for fittings.*

## Amendment 188

### Proposal for a regulation

#### Annex III – part 6 – point 6.2 – point 6.2.2 – introductory part

*Text proposed by the Commission*

*Amendment*

6.2.2. Where appropriate, the *design documentation* shall *contain* the following elements:

6.2.2. Where appropriate, the *manufacturer* shall *also submit to the notified body* the following elements:

## Amendment 189

### Proposal for a regulation

#### Annex III – part 6 – point 6.2 – point 6.2.2 – point a

*Text proposed by the Commission*

*Amendment*

(a) the *conformity certificate* relating to the fittings incorporated into the appliance;

(a) the *EU declaration of conformity* relating to the fittings incorporated into the appliance;

## Amendment 190

### Proposal for a regulation

#### Annex III – part 6 – point 6.4 – paragraph 1

*Text proposed by the Commission*

*Amendment*

A notified body chosen by the manufacturer shall carry out appropriate examinations and tests, set out in the relevant harmonised standards and/or *technical specifications, or equivalent tests*, to check the conformity of the

A notified body chosen by the manufacturer shall carry out appropriate examinations and tests, set out in the relevant harmonised standards and/or *equivalent tests set out in other relevant technical specifications*, to check the

appliance with the applicable requirements of this Regulation, or have them carried out. In the absence of such a harmonised standard ***and/or technical specification*** the notified body concerned shall decide on the appropriate tests to be carried out.

conformity of the appliance with the applicable requirements of this Regulation, or have them carried out. In the absence of such a harmonised standard the notified body concerned shall decide on the appropriate tests to be carried out.

## **Amendment 191**

### **Proposal for a regulation**

#### **Annex III – part 6 – point 6.4 – paragraph 2**

##### *Text proposed by the Commission*

If deemed necessary by the notified body, the examinations and tests may be carried out after installation of the appliance.

##### *Amendment*

If deemed necessary by the notified body, the examinations and tests may be carried out after ***the incorporation of the fitting, the assembly or the*** installation of the appliance.

## **Amendment 192**

### **Proposal for a regulation**

#### **Annex III – part 6 – point 6.5 – point 6.5.1**

##### *Text proposed by the Commission*

6.5.1. The manufacturer shall affix the CE marking and ***the inscriptions provided for in Annex IV and***, under the responsibility of the notified body referred to in point 6.4, the latter's identification number to each appliance that satisfies the applicable requirements of this Regulation.

##### *Amendment*

6.5.1. The manufacturer shall affix the CE marking and, under the responsibility of the notified body referred to in point 6.4, the latter's identification number to each appliance that satisfies the applicable requirements of this Regulation.

## **Amendment 193**

### **Proposal for a regulation**

#### **Annex IV – point 1**

##### *Text proposed by the Commission*

(1) The appliance or its data plate shall bear the CE marking provided for in Annex II to Regulation (EC) No 765/2008

##### *Amendment*

(1) The appliance or ***fitting or*** its data plate shall bear the CE marking provided for in Annex II to Regulation (EC) No 765/2008

followed by the identification number of the notified body involved in the production control phase and the last two digits of the year in which the CE marking was affixed.

followed by the identification number of the notified body involved in the production control phase and the last two digits of the year in which the CE marking was affixed.

#### **Amendment 194**

##### **Proposal for a regulation Annex V – paragraph 1 – point a**

*Text proposed by the Commission*

(a) Appliance/appliance model (product, batch, type or serial number).

*Amendment*

(a) Appliance ***or fitting***/appliance ***or fitting*** model (product, batch, type or serial number).

#### **Amendment 195**

##### **Proposal for a regulation Annex V – paragraph 1 – point d – introductory part**

*Text proposed by the Commission*

(d) Object of the declaration (identification of the appliance allowing traceability. It may, where necessary for the identification of the appliance, include an image):

*Amendment*

(d) Object of the declaration (identification of the appliance ***or fitting*** allowing traceability. It may, where necessary for the identification of the appliance ***or fitting***, include an image):

#### **Amendment 196**

##### **Proposal for a regulation Annex V – paragraph 1 – point d – point 1**

*Text proposed by the Commission*

(1) description of the appliance;

*Amendment*

(1) description of the appliance ***or fitting***;

#### **Amendment 197**

##### **Proposal for a regulation Annex V – paragraph 1 – point e**

*Text proposed by the Commission*

(e) The object of the declaration described above is in conformity with the relevant Union harmonisation legislation:

..... (*reference to the other Union acts applied*):

*Amendment*

(e) The object of the declaration described above is in conformity with the relevant Union harmonisation legislation;

**Amendment 198**

**Proposal for a regulation**

**Annex V – paragraph 1 – point f**

*Text proposed by the Commission*

(f) References to the relevant harmonised standards used or references to the specifications in relation to which conformity is declared:

*Amendment*

(f) References to the relevant harmonised standards used or references to the ***other technical*** specifications in relation to which conformity is declared:

**Amendment 199**

**Proposal for a regulation**

**Annex V – paragraph 1 – point g**

*Text proposed by the Commission*

(g) The notified body or bodies ... (name, address, number) ... performed ... (description of intervention) ... and issued the certificate(s): ...

*Amendment*

(g) The notified body or bodies ... (name, address, number) ... performed ... (description of intervention) ... and issued the certificate(s):...(***details, including its date, and where appropriate, information on the duration and conditions of its validity***).

**Amendment 200**

**Proposal for a regulation**

**Annex V – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(ga) In the case of fittings, instructions on how the fitting should be incorporated***



*into an appliance or assembled to constitute such an appliance in order to assist compliance with the essential requirements applicable to finished appliances.*

#### **Amendment 201**

##### **Proposal for a regulation**

##### **Annex V – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

*(ha) In the case of fittings, instructions on how the fitting should be incorporated into an appliance or assembled to constitute such an appliance in order to assist compliance with the essential requirements applicable to finished appliances.*

#### **Amendment 202**

##### **Proposal for a regulation**

##### **Annex VI**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

*Justification*

*Fittings will be CE marked, so no need for Fitting conformity certificate*

## **EXPLANATORY STATEMENT**

### **General observations**

Your Rapporteur supports the proposal for a Regulation on appliances burning gaseous fuels which intends to replace Directive 2009/142/EC. This Directive is an example of Union harmonisation legislation, ensuring the free movement of gas appliances. It has contributed considerably to the completion and operation of the Single Market and it harmonises the conditions for the placing on the market and/or putting into service of appliance burning gaseous fuels covered within its scope with regard to gas safety risks and rational use of energy. Directive 2009/142/EC sets out essential requirements that appliances burning gaseous fuels must comply with in order to be made available on the EU market.

The gas sector plays an important role in the EU economy and employs 476 000 people in the gas appliances sector alone. Gas appliances cover a wide range of products, from simple portable cookers to boilers for big buildings and the current EU stock of gas appliances is at 470 million and growing, with more than 30 million units being sold annually<sup>1</sup>.

### **Legal instrument**

Your Rapporteur is convinced that the change of legal instrument from a Directive to a Regulation is in line with the general political commitment to strive for better regulation and to simplify the regulatory environment. The proposed Regulation is based on Article 114 of the Treaty and aims to ensure the proper functioning of the internal market for gas appliances. It imposes clear and detailed rules which will become applicable in a uniform manner at the same time throughout the Union. In accordance with the total harmonisation principles, Member States are not allowed to impose more stringent or additional requirements in their national legislation for the placing on the market of gas appliances. In particular, the mandatory essential requirements and the conformity assessment procedures to be followed by manufacturers must be identical in all Member States.

The same applies with regard to the provisions that have been introduced as a result from the alignment to the New Legislative Framework (NLF) Decision. Those provisions are clear and sufficiently precise to be applied directly by the actors concerned. The obligations provided for the Member States, such as the obligation to assess, appoint and notify the conformity assessment bodies are, in any case, not transposed as such into national law but implemented by the Member States by means of the necessary regulatory and administrative arrangements. This will not change when the obligations concerned are set out in a Regulation.

Therefore, Member States have almost no flexibility in transposing a Directive into their national law. The choice of a Regulation will however allow them to save the costs associated with the transposition of a Directive. Furthermore, opting for a Regulation avoids the risk of diverging transposition which can lead to different levels of safety protection and distort the internal market. In this regard your Rapporteur wishes to point out that the issue of diverging transposition was identified as problem in the implementation Report of Directive 2000/9/EC.

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<sup>1</sup>[http://ec.europa.eu/enterprise/sectors/pressure-and-gas/files/study\\_competitiveness\\_eu\\_gas\\_appliances\\_final\\_en.pdf](http://ec.europa.eu/enterprise/sectors/pressure-and-gas/files/study_competitiveness_eu_gas_appliances_final_en.pdf)

### **Consistency with the NLF**

Your Rapporteur supports the alignment of 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. The framework set out by the NLF consists of provisions which are commonly used in EU product legislation. Your Rapporteur wishes to continue the work of this committee following the adoption of nine proposals which together form the "Alignment Package". In this regard the draft Report strives to respect, where possible, the wording that was agreed between co-legislators during the previous legislature. After careful analysis of the proposal and a comprehensive comparison with the proposals of the "Alignment Package", your Rapporteur offers several amendments aiming to improve the consistency of the text with the NLF.

The proposal also takes into account Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European Standardisation.

### **Market surveillance**

Originally, it was foreseen that the provisions on market surveillance on appliances burning gaseous fuels would be addressed by the new Regulation on Market Surveillance (Proposal for a Regulation of 13 February 2013 (COM(2013) 75 final). As this proposal will most likely not be adopted in time, specific rules on market surveillance had to be inserted. Your Rapporteur therefore supports the inclusion of a new Chapter IVA (Articles 35, 35a to 35e) on Union Market Surveillance, Control of appliances and fittings entering the Union market and Union Safeguard Procedure, aligned to Articles R30 to R34 of Decision EC 768/2008.

### **Consistency with other policies and objectives of the Union**

This initiative is in line with the Single Market Act, which stressed the need to ensure consumer confidence in the quality of products on the market and the importance of reinforcing market surveillance. It is consistent with the Union energy policy as it does not affect the application and implementation of Union legislation in the field of energy efficiency and renewable energy. It complements and is coherent with Union policy on energy supply and energy efficiency by not applying where more specific Union acts apply. Furthermore it supports the Commission's policy on Better Regulation and simplification of the regulatory environment.

### **Scope of the proposal**

The EC Impact Assessment stressed that despite the successful functioning of Directive 2009/142/EC, there was a broad consensus that it needed improvement, however without a change in its scope. The issues mainly related to simplifying the European regulation environment in the field of gas appliances and fittings, clarifying and aligning existing provisions.

Your Rapporteur believes the proposed text for the Regulation does tackle most of the abovementioned issues. However, your Rapporteur has introduced several amendments in order to strengthen the text from a point of view of consumer safety, adding amendments of precautionary measures that should be taken into consideration in order to avoid the poisoning

of people by carbon monoxide which is the leading cause of death in Europe, when relating to gas appliances.

### **Fittings**

The proposal contains the typical provisions for product-related Union harmonisation legislation and sets out the obligations of the relevant economic operators (manufacturers, authorised representatives, importers and distributors), in accordance with the NLF Decision. According to Directive 2009/142/EC, fittings do not bear the CE marking.

However, your Rapporteur believes 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. With a view to simplification and in order to avoid any confusion and misunderstanding for manufacturers in implementation of their obligations, it is considered justified that also fittings should bear the CE marking. Necessary changes were introduced throughout the text in the form of amendments, thus aligning the text where necessary with Regulation 765/2008/EC on requirements for accreditation and market surveillance relating to the marketing of products. Your Rapporteur also deems necessary that a copy of the EU declaration of conformity shall be supplied with an appliance and/or a fitting.

## PROCEDURE

<b>Title</b>	Appliances burning gaseous fuels			
<b>References</b>	COM(2014)0258 – C8-0006/2014 – 2014/0136(COD)			
<b>Date submitted to Parliament</b>	12.5.2014			
<b>Committee responsible</b> Date announced in plenary	IMCO 3.7.2014			
<b>Committees asked for opinions</b> Date announced in plenary	INTA 3.7.2014	ENVI 3.7.2014	ITRE 3.7.2014	
<b>Not delivering opinions</b> Date of decision	INTA 3.9.2014	ENVI 24.7.2014	ITRE 22.7.2014	
<b>Rapporteurs</b> Date appointed	Catherine Stihler 17.7.2014			
<b>Discussed in committee</b>	3.12.2014	24.2.2015	24.3.2015	20.4.2015
<b>Date adopted</b>	23.4.2015			
<b>Result of final vote</b>	+: –: 0:	33 2 2		
<b>Members present for the final vote</b>	Dita Charanzová, Sergio Gaetano Cofferati, Daniel Dalton, Nicola Danti, Pascal Durand, Vicky Ford, Ildikó Gáll-Pelcz, Evelyne Gebhardt, Maria Grapini, Antanas Guoga, Sergio Gutiérrez Prieto, Robert Jarosław Iwaszkiewicz, Liisa Jaakonsaari, Philippe Juvin, Antonio López-Istúriz White, Marlene Mizzi, Eva Paunova, Jiří Pospíšil, Virginie Rozière, Christel Schaldemose, Andreas Schwab, Olga Sehnalová, Ivan Štefanec, Catherine Stihler, Róza Gräfin von Thun und Hohenstein, Mylène Troszczynski, Anneleen Van Bossuyt, Marco Zullo			
<b>Substitutes present for the final vote</b>	Pascal Arimont, Cristian-Silviu Buşoi, Birgit Collin-Langen, Dawid Bohdan Jackiewicz, Franz Obermayr, Julia Reda, Ulrike Trebesius, Ulla Tørnæs			
<b>Substitutes under Rule 200(2) present for the final vote</b>	Andor Deli			
<b>Date tabled</b>	30.4.2015			