

**EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION
WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL AGREEMENT AND
WINDSOR FRAMEWORK**

C(2024)1732

**COMMISSION REGULATION (EU) 2024/1103 OF 18 APRIL 2024 IMPLEMENTING
DIRECTIVE 2009/125/EC OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL AS REGARDS ECODESIGN REQUIREMENTS FOR LOCAL SPACE
HEATERS AND SEPARATE RELATED CONTROLS AND REPEALING
REGULATION (EU) 2015/1188.**

SEC(2024)124 Opinion of the Regulatory Scrutiny Board

SWD(2024)65: Impact Assessment Executive Summary

SWD(2024)62: Impact Assessment Report

Submitted by Department for Energy Security and Net Zero
14 OCTOBER 2024

SUBJECT MATTER

1. On 18 April 2024, the EU adopted Commission Regulation (EU) 2024/1103 relating to ecodesign requirements for local space heaters and separate related controls (“the Regulation”), to reduce energy consumption, decrease greenhouse gas emissions and increase durability.
2. The Regulation seeks to clarify the scope of “local space heater” and close loopholes which exist under the Regulation (EU) 2015/1188.
3. The Regulation sets out new and updated minimum seasonal space heating energy efficiency requirements for different types of local space heaters, as well as other energy efficiency requirements for towel rails, electric storage local space heaters and electric local space heaters.
4. The Regulation also stipulates maximum nitrogen oxide emissions for specified liquid and gaseous fuel local heaters.
5. The Regulation requires that space heaters with controls and controls sold separately for use with space heaters have an off-mode or standby mode or both and introduces limits on the power consumption of low-power modes of such devices.
6. The Regulation introduces new product information requirements for:-
 - instruction manuals for installers and users;

- free access websites of manufacturers, their authorised representatives and importers; and
 - product packaging.
7. It also sets out requirements regarding technical documentation and, lastly, it sets out new resource efficiency requirements, specified by product type, such as a requirement for certain spare parts to be made available for a minimum amount of time.

SCRUTINY HISTORY

8. This is the first time the EU has updated ecodesign measures on space heaters since they were first introduced in 2015 and therefore since our exit from the EU.
9. Previous relevant documents submitted for scrutiny include:
- C(23)7671: Ecodesign requirements for household tumble dryers: EM submitted 9 February 2024.
 - C(23)3538: Ecodesign requirements for smartphones, mobile phones other than smartphones, cordless phones and slate tablets: EM submitted 14 December 2023.
 - C(23)2448: Ecodesign requirements for off mode, standby mode, and networked standby energy consumption of electrical and electrical household and office equipment: EM submitted 22 May 2023.
 - COM(2022)144: Proposal for a Regulation of the EP and Council establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC: EM submitted 18 July 2022.

MINISTERIAL RESPONSIBILITY

10. The Secretary of State for Energy Security and Net Zero has overall responsibility for existing Ecodesign and Energy Labelling Regulations.
11. The Secretary of State for Environment, Food and Rural Affairs has responsibility for resource efficiency policy in as much as it contributes to the minimisation of waste and protection of the natural environment.

INTEREST OF THE DEVOLVED GOVERNMENTS

12. Ecodesign and energy labelling are reserved matters under the devolution settlements for Scotland, Wales and Northern Ireland.

13. 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 (“the Ecodesign Directive”) is listed in Annex 2 to the Windsor Framework.

LEGAL AND PROCEDURAL ISSUES

14. The Regulation is an implementing measure made under Article 15 of the Ecodesign Directive, and the voting procedure is set out in Article 19(3) of that Directive. The Regulation came into force on 09 May 2024, and, apart from Article 6, applies from 1 July 2025.

POLICY AND LEGAL IMPLICATIONS

15. The Government is committed to increasing the environmental performance of energy-related products through greater energy efficiency and resource efficiency.
16. In order to maintain its unique dual market access to both the UK internal market and the EU market, Northern Ireland applies certain EU rules on the sale of local space heaters - and will need to conform with these requirements accordingly. However, it is our initial assessment that the Regulation will not cause any substantive divergence implications between Northern Ireland and Great Britain. It should be noted that in Northern Ireland, there are only a handful of businesses selling central heating radiators, boilers and electric domestic equipment - of which fewer (if any) would manufacture local space heaters.
17. There will also be limited, if any, impact on the movement of goods between Great Britain and Northern Ireland. Companies in Northern Ireland can continue to sell products manufactured in Northern Ireland across the whole of the UK under our legal guarantees on Northern Ireland’s permanent unfettered access to the rest of the UK.

CONSULTATION

18. DESNZ officials have shared this regulation with NIE officials and we will continue to engage NIE on arising impacts.

FINANCIAL IMPLICATIONS

19. With regard to Northern Ireland, we do not anticipate any significant costs given the small number of active suppliers. This Regulation will also not cause any

additional financial costs on enforcement, given that Ecodesign enforcement is already in place.

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DR MIATTA FAHNBULLEH MP
Minister for Energy Consumers

Department for Energy Security and Net Zero