

Republic of Latvia

Cabinet

Regulation No. 941

Adopted 6 December 2011

Regulations Regarding Ecodesign Requirements for Energy-related Goods (Products)

*Issued pursuant to
Section 7, Paragraphs one and two of the Law On Conformity Assessment*

I. General Provisions

1. This Regulation prescribes the ecodesign requirements for specific energy-related groups of goods (products) (hereinafter – product) referred to in the laws and regulations regarding ecodesign so that they may be placed on the market or put into service, except vehicles intended for carriage of passengers or cargoes, as well as the procedures for administrative co-operation and exchange of information among ministries, institutions subordinate thereto and the procedures for sending of information to the European Commission and European Union Member States.

2. The following terms are used in this Regulation:

2.1. life cycle – the consecutive and interlinked stages of a product from raw material use to final disposal;

2.2. energy-related product – any product that has an impact on energy consumption during use which is placed on the market or put into service, and includes parts intended to be incorporated into products covered by this Regulation which are placed on the market or put into service as individual parts for end-users and of which the environmental performance can be assessed independently;

2.3. ecodesign – the integration of environmental aspects into product design with the aim of improving the environmental performance of the product throughout its whole life cycle;

2.4. ecodesign requirement – any requirement (for example, technical indicators) in relation to a product, or the design of a product, intended to improve its environmental performance, or any requirement for the supply of information with regard to the environmental aspects of a product;

2.5. ecological profile – a description (in accordance with the implementing measures) of the inputs and outputs (such as materials used in the life cycle of a product, emissions and waste) associated with a product throughout its life cycle which are significant from the point of view of its environmental impact and are expressed in physical quantities that can be measured;

2.6. environmental performance – the results of the manufacturer's management of the environmental aspects of the product, as reflected in its technical documentation file;

2.7. environmental impact – any change to the environment wholly or partially resulting from a product during its life cycle;

2.8. implementing measures – legal acts in relation to ecodesign requirements for defined energy-related groups of products;

- 2.9. putting into service – the first use of a product for its intended purpose by an end-user in the European Union;
- 2.10. placing on the market – making a product available for the first time on the European Union market with a view to its distribution or use within the European Union, whether for reward or free of charge and irrespective of the selling technique;
- 2.11. authorised representative – any natural or legal person established in the European Union who has received a written mandate from the manufacturer of the product to perform on its behalf all or part of the obligations and formalities referred to this Regulation;
- 2.12. product design – the set of processes that transform legal, technical, safety, functional, market or other requirements to be met by a product into the technical specification for that product;
- 2.13. importer of the product – any natural or legal person established in the European Union who places a product from a third country on the European Union market in the course of his business;
- 2.14. manufacturer of the product – the natural or legal person who manufactures products covered by this Regulation and is responsible for their conformity in view of their being placed on the market or put into service under the manufacturer’s own name or trademark or for the manufacturer’s own use. If a manufacturer or importer of products is not known, any natural or legal person who places on the market or puts into service products covered by implementing measures shall be considered a manufacturer of the product;
- 2.15. components and sub-assemblies – parts intended to be incorporated into products which are not placed on the market or put into service as individual parts for end-users or the environmental performance of which cannot be assessed independently;
- 2.16. environmental aspect – an element or function of a product that can interact with the environment during its life cycle.

II. Placing On the Market and Putting into Service

3. If a manufacturer of the product is not established in the European Union and it does not have an authorised representative in the European Union, an importer of the product has a duty:
- 3.1. to ensure that a product placed on the market of the European Union or put into service conforms to the implementing measure and the requirements of this Regulation;
- 3.2. to ensure access to the EC declaration of conformity and technical documentation file.
4. The Consumer Rights Protection Centre, as well as other State surveillance and control authorities, if their competence includes surveillance and control of a market of particular products (hereinafter – surveillance authority):
- 4.1. shall organise checks on product compliance and assign the manufacturer of the product or its authorised representative to withdraw products not complying to the requirements of the implementing measures from the market;
- 4.2. shall request the necessary information from parties concerned according to the implementing measures;
- 4.3. shall request samples of a product and perform checks on compliance.
5. After receipt of a request of the European Commission the Ministry of Environmental Protection and Regional Development shall request a market surveillance authority to prepare a report on results of the market surveillance. The Ministry of Environmental Protection and Regional Development shall send the report prepared to the European Commission.

III. Requirements for Products

6. Before a product to which implementing measures apply is placed on the market or put into service, a manufacturer of the product or its authorised representative shall affix a CE conformity marking thereto in accordance with Annex to this Regulation, as well as prepare and append an EC declaration of conformity to the product, by which it is ensured and declared that the product satisfies all requirements of the implementing measures.

7. An EC declaration of conformity shall include:

7.1. the given name and surname (for natural persons) or the name (for legal persons) and address of the manufacturer of the product or of its authorised representative;

7.2. a description of the model of a product sufficient for its clear and unambiguous identification;

7.3. the references of the harmonised standards applied (where appropriate);

7.4. the other technical specifications used (where appropriate);

7.5. the reference to other laws and regulations providing for the use of the CE conformity mark (where appropriate);

7.6. the given name, surname and signature of the person entitled to bind the manufacturer of the product or its authorised representative.

8. The affixing of markings on a product which are likely to mislead consumers as to the meaning or form of the CE conformity marking is prohibited.

9. The information stipulated in the implementing measures regarding a product shall be provided in the Latvian language. In addition it shall be permitted to provide the referred-to information in one or several other European Union languages. Information may also be provided by harmonised symbols, recognised codes or other measures.

10. The Ministry of Economics in co-operation with the relevant technical committee for standardisation shall recommend a list of adaptable and publishable standards to be drawn up in relation to the implementing measures to the Standardisation Office of the limited liability company “Centre of Standardisation, Accreditation and Metrology” (hereinafter – Standardisation Office). The Standardisation Office shall post the list of such standards adapted in the status of national standards on its website (www.lvs.lv), which may be applied for the fulfilment of the requirements of the implementing measures.

IV. Free Movement

11. On the basis of the ecodesign requirements stipulated in the implementing measures, the market surveillance authority shall not prohibit, restrict or impede the placing on the market or putting into service of such product, which conforms to all the relevant conditions of the implementing measures or to which the ecodesign requirements are not applicable according to the implementing measures and which bears a CE conformity marking.

12. It shall be permitted to display products at trade fairs, exhibitions and demonstrations, which are not in conformity with the requirements of the implementing measures, provided that there is a visible indication that they may not be placed on the market or put into service until brought into conformity.

V. Safeguard Clause

13. Where a market surveillance authority ascertains that a product bearing the CE conformity marking and used in accordance with its intended use does not comply with all the relevant requirements of the implementing measures, it shall assign the manufacturer of the product or its authorised representative to make sure that the product complies with the requirements of the implementing measures.

14. Where a market surveillance authority has sufficient evidence that a product might be non-compliant, it shall take the necessary measures, depending on the gravity of the non-compliance (also prohibit the placing on the market of the product until compliance is established). Where non-compliance continues, the market surveillance authority shall take a decision restricting or prohibiting the placing on the market or putting into service of the product in question or ensure that it is withdrawn from the market.

15. Market surveillance authorities shall inform the Ministry of Economics regarding decisions taken in relation to restricting and prohibiting of placing on the market or putting into service of a product, as well as withdrawing from the market.

16. The Ministry of Economics shall immediately inform the European Commission and other European Union Member States regarding any decision taken in accordance with Paragraphs 13 and 14 of this Regulation, indicating the reasons therefor, and, in particular, whether non-compliance is due to:

- 16.1. failure to satisfy the requirements of the implementing measures;
- 16.2. the incorrect application of harmonised standards;
- 16.3. shortcomings in the harmonised standards.

17. The Ministry of Economics and market surveillance authorities shall take all the necessary measures in order to guarantee confidentiality in relation to information received during the procedure determined in this Chapter.

18. The decisions taken by market surveillance authorities in accordance with the conditions of this Chapter shall be published on the website of the relevant market surveillance authority.

VI. Conformity Assessment

19. Before placing a product covered by implementing measures on the market or putting into service, the manufacturer of the product or its authorised representative shall ensure that an assessment of the product's conformity with all the relevant requirements of the applicable implementing measure is carried out.

20. Conformity assessment procedures shall be carried out according to the implementing measures.

21. If there are strong indications of probable non-compliance of a product, the market surveillance authority shall as soon as possible publish a substantiated assessment of the product in order to allow for corrective action. Conformity assessment may be carried out by an authority determined in the implementing measures and accredited in accordance with the requirements of the laws and regulations regarding conformity assessment.

22. Where a product covered by implementing measures is designed by an organisation registered in accordance with Regulation (EC) No 761/2001 of the European Parliament and

of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) and the design function is included within the scope of that registration, the management system of that organisation shall be presumed to comply with the requirements of Chapter VIII to this Regulation.

23. If a product covered by implementing measures is designed by an organisation having a management system which includes the product design function and which is implemented in accordance with harmonised standards, the reference numbers of which have been published in the Official Journal of the European Union, that management system shall be presumed to comply with the requirements of Chapter VIII to this Regulation.

24. After placing a product covered by implementing measures on the market or putting it into service, the manufacturer of the product or its authorised representative shall ensure that the documents relating to the conformity assessment and EC declarations of conformity issued are made available within 10 days of receipt of a request by the market surveillance authority. The relevant documents shall be kept for not less than a period of 10 years after the last of that product has been manufactured.

25. Documents relating to the conformity assessment and the EC declaration of conformity referred to in Chapter III of this Regulation shall be drawn up in one of the official languages of the European Union.

VII. Internal Design Control of a Product

26. The manufacturer of the product or its authorised representative who carries out the obligations laid down in Paragraph 27 of this Regulation shall ensure and declare that the product satisfies the requirements of the implementing measures. The EC declaration of conformity may cover one or more products and must be kept by the manufacturer of the product.

27. The manufacturer of the product shall compile technical documentation file making possible an assessment of the conformity of the product with the requirements of the implementing measure, including:

27.1. a general description of the product and of its intended use;

27.2. the results of environmental assessment studies carried out by the manufacturer of the product, or references to the relevant assessment literature or case studies, which are used by the manufacturer of the product in evaluating, documenting and determining product design solutions;

27.3. the ecological profile, where required by the implementing measures;

27.4. elements of the product design specification relating to environmental design aspects of the product;

27.5. a list of the appropriate standards and a description of the solutions adopted to meet the requirements of the implementing measure where the applicable standards have not been applied, have been applied partly or where those standards do not cover entirely the requirements of the implementing measures;

27.6. the information concerning the environmental design aspects of the product provided in accordance with the requirements for provision of information set out in the implementing measures;

27.7. the results of measurements on the ecodesign requirements carried out, including details of the conformity of these measurements as compared with the ecodesign requirements set out in the implementing measures.

28. The manufacturer shall take all measures necessary to ensure that the product is manufactured in compliance with the design specifications referred to in Paragraph 27 of this Regulation and with the requirements of the implementing measures.

VIII. Management System for Assessing Conformity

29. The manufacturer of the product in accordance with the requirements referred to in Paragraph 31 of this Regulation shall ensure and declare that the product satisfies the requirements of the implementing measures. The EC declaration of conformity may cover one or more products and must be kept by the manufacturer of the product.

30. A management system may be used for the conformity assessment of a product provided that the manufacturer of the product implements the environmental elements referred to in Paragraph 31 of this Regulation.

31. For a product to conform to the requirements of the implementing measures, the following environmental elements shall be implemented:

31.1. environmental product performance is ensured:

31.1.1. the manufacturer of the product is able to demonstrate conformity with the requirements of the implementing measures, as well as provides a framework for setting and reviewing environmental product performance objectives and indicators with a view to improving the environmental product performance;

31.1.2. the manufacturer of the product takes measures to improve the environmental performance of, and to establish the ecological profile of, a product, if required by the implementing measure, through design and manufacturing, documents in a systematic and orderly manner in the form of written procedures and instructions. The referred-to procedures and instructions shall include:

31.1.2.1. the list of documents that must be prepared to demonstrate the product's conformity. If necessary, the manufacturer of the product shall present such documents;

31.1.2.2. a description of the environmental product performance objectives and indicators and the organisational structure, responsibilities, powers of the management and the allocation of resources with regard to their implementation and maintenance;

31.1.2.3. the results of checks and tests carried out to verify product performance against environmental performance indicators;

31.1.2.4. a description of the procedures for controlling the required documentation and ensuring that it is kept up-to-date;

31.1.2.5. a description of the method of verifying the implementation and effectiveness of the environmental elements;

31.2. a planning system is established and maintained, including:

31.2.1. procedures for establishing the ecological profile of the product;

31.2.2. environmental product performance objectives and indicators, which consider technological options, taking into account technical and economic requirements;

31.2.3. a programme for achieving the environmental product performance objectives;

31.3. conformity of the product documentation with the following requirements is ensured:

31.3.1. in the documentation concerning the management system:

31.3.1.1. responsibilities and authorities are defined and documented in order to ensure environmental product performance and reporting on its operation for review and improvement;

31.3.1.2. the design control and verification techniques implemented and processes and systematic measures used when designing the product are indicated;

31.3.1.3. a system is established and maintained to describe the core environmental elements of the management system and the procedures for controlling all documents required;

31.3.2. the documentation concerning the product:

31.3.2.1. includes a general description of the product and of its intended use;

31.3.2.2. the results of environmental assessment studies carried out by the manufacturer of the product, or references to the relevant literature or case studies, which are used by the manufacturer of the product in evaluating, documenting and determining product design solutions are indicated;

31.3.2.3. the ecological profile, where required by the implementing measure, is indicated;

31.3.2.4. documents describing the results of measurements on the ecodesign requirements carried out including details of the conformity of these measurements as compared with the ecodesign requirements set out in the applicable implementing measure are included;

31.3.2.5. the manufacturer of the product has established specifications indicating the standards which have been applied. Where the applicable standards are not applied or where they do not cover entirely the requirements of the implementing measures, the means used to ensure compliance are indicated;

31.3.2.6. the information concerning the environmental design aspects of the product provided in accordance with the requirements for provision of information set out in the implementing measures is included;

31.4. checking and corrective action is ensured:

31.4.1. the manufacturer of the product takes all measures necessary to ensure that the product is manufactured in compliance with its design specification and with the requirements of the implementing measures;

31.4.2. the manufacturer of the product establishes and maintains procedures to investigate and respond to non-conformity, and implement changes in the documented procedures resulting from corrective action;

31.4.3. the manufacturer of the product carries out at least every three years a full internal audit of the management system with regard to its environmental elements.

IX. Conformity Assumptions

32. A product shall conform to the conditions of the implementing measures, if a CE conformity marking is affixed thereto.

33. A product shall conform to the conditions of the implementing measures, if it conforms to the requirements of the applicable standards.

34. A product which has been awarded a European Union eco-label in accordance with Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme shall be deemed conforming to the

ecodesign requirements of the implementing measures, insofar as the eco-label applies to such requirements.

35. A product which has been awarded an eco-label of another kind shall be deemed conforming to the ecodesign requirements of the implementing measures, insofar as the eco-label applies to such requirements, if the conditions of such eco-label has been recognised as equivalent to the eco-label of the European Union in accordance with the procedure referred to in Article 19 of Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme.

X. Administrative Co-operation and Exchange of Information

36. The Ministry of Environmental Protection and Regional Development shall co-ordinate co-operation and exchange of information among the institutions responsible for implementation of the requirements of this Regulation, as well as with the European Commission. Electronic means of communication shall be used in administrative co-operation and exchange of information as much as possible.

37. The Ministry of Environmental Protection and Regional Development shall inform the European Commission regarding the institutions responsible for implementation of this Regulation.

38. A manufacturer of the product shall ensure consumers with the following information according to the implementing measures:

38.1. regarding the role of consumers in sustainable use of the product;

38.2. regarding the ecological profile and ecodesign advantages of the product, if requested by the implementing measures.

Informative Reference to the European Union Directive

This Regulation contains legal norms arising from 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.

Prime Minister

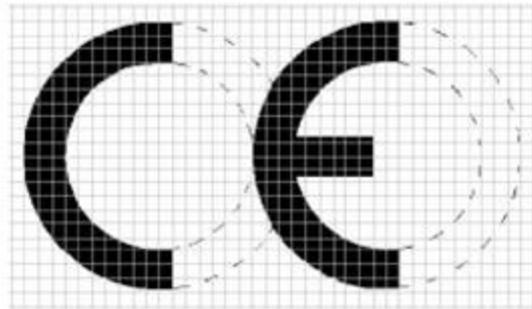
V. Dombrovskis

Minister for Environmental Protection and Regional Development

E. Sprūdžs

CE Conformity Marking

1. The CE marking consists of the capital letters “CE” in the following form:



2. The vertical dimension of the CE conformity marking is 5 mm. If the dimension of the CE marking is being reduced or enlarged, the proportions given by the sample shall be observed.
3. The CE conformity marking is affixed to the goods (product). If not possible, it is affixed to the packaging and accompanying documents.

Minister for Environmental Protection and Regional Development

E. Sprūdžs