

Commission Regulation (EC) No 107/2009 of 4 February 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for simple set-top boxes (Text with EEA relevance)

COMMISSION REGULATION (EC) No 107/2009

of 4 February 2009

implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for simple set-top boxes

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council<sup>(1)</sup>, and in particular Article 15(1) thereof,

After consulting the Ecodesign Consultation Forum,

Whereas:

- (1) Under Directive 2005/32/EC ecodesign requirements should be set by the Commission for energy-using products representing significant volumes of sales and trade, having a significant environmental impact and presenting significant potential for improvement in terms of their environmental impact without entailing excessive costs.
- (2) Article 16(2) first indent of Directive 2005/32/EC provides that in accordance with the procedure referred to in Article 19(3) and the criteria set out in Article 15(2), and after consulting the Consultation Forum, the Commission will as appropriate introduce implementing measures targeting consumer electronics.
- (3) The Commission has carried out a preparatory study which analysed the technical, environmental and economic aspects of simple set-top boxes (hereinafter SSTBs). The study has been developed together with stakeholders and interested parties from the EU and third countries, and the results have been made publicly available.
- (4) It has been stated in the preparatory study that the number of SSTBs placed on the Community market will grow from 28 million in 2008 to 56 million in 2014, and the annual electricity consumption of SSTBs will grow from 6 TWh in 2010 to 14 TWh in 2014, but that the electricity consumption of SSTBs can be significantly reduced in a cost effective manner.
- (5) The electricity consumption of SSTBs can be reduced by implementing existing non-proprietary design solutions, which, despite being cost-effective, are not introduced onto the market in a satisfactory way because end-users are unaware of the running

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costs of SSTBs, providing manufacturers with no incentive to integrate such solutions to reduced power consumption during use.

- (6) Ecodesign requirements for the power consumption of SSTBs should be set with a view to harmonising ecodesign requirements for these devices throughout the Community and contributing to the functioning of the internal market and to the improvement of the environmental performance of these devices.
- (7) This Regulation should increase the market penetration of technologies yielding improved energy efficiency of SSTBs, leading to estimated annual energy savings of 9 TWh in 2014, compared to a business as usual scenario.
- (8) The ecodesign requirements should not have a negative impact on the functionality of the product and should not negatively affect health, safety and the environment.
- (9) A staged entry into force of the ecodesign requirements should provide an appropriate timeframe for manufacturers to redesign products. The timing of the stages should be set in such a way that negative impacts related to the functionalities of equipment on the market are avoided and cost impacts for manufacturers, in particular SMEs, are taken into account, while ensuring timely achievement of the policy objectives.
- (10) Measurements of power consumption should be performed taking into account the generally recognised state of the art; manufacturers may apply harmonised standards established in accordance with Article 9 of Directive 2005/32/EC.
- (11) The requirements laid down in this Regulation should prevail over the requirements laid down in Commission Regulation (EC) No 1275/2008 implementing Directive 2005/32/EC with regard to ecodesign requirements for the standby and off mode power consumption of electrical and electronic household and office equipment<sup>(2)</sup>.
- (12) Pursuant to Article 8(2) of Directive 2005/32/EC, this Regulation should specify that the applicable conformity assessment procedures are the internal design control set out in Annex IV to Directive 2005/32/EC and the management system set out in Annex V to Directive 2005/32/EC.
- (13) In order to facilitate compliance checks manufacturers should be requested to provide information in the technical documentation referred to in Annexes IV and V of Directive 2005/32/EC in so far as it relates to the requirements laid down in this implementing measure.
- (14) Benchmarks for currently available SSTBs with low power consumption should be identified. The availability of a '0 W-mode' on SSTBs could support consumers' behaviour and decisions to reduce unnecessary loss of energy. Benchmarks help to ensure wide availability and easy access to information, in particular for SMEs and very small firms, which further facilitates the integration of best design technologies for reducing the energy consumption of SSTBs.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 19(1) of Directive 2005/32/EC,

HAS ADOPTED THIS REGULATION:

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## Article 1

### Subject matter and scope

This Regulation establishes ecodesign requirements for simple set-top boxes.

## Article 2

### Definitions

For the purposes of this Regulation, the definitions set out in Directive 2005/32/EC shall apply. The following definitions shall also apply:

1. 'Simple set-top box' (SSTB) means a stand-alone device which, irrespective of the interfaces used,
  - (a) has the primary function of converting standard-definition (SD) or high-definition (HD), free-to-air digital broadcast signals to analogue broadcast signals suitable for analogue television or radio;
  - (b) has no 'conditional access' (CA) function;
  - (c) offers no recording function based on removable media in a standard library format.

A SSTB can be equipped with the following additional functions and/or components which do not constitute a minimum specification of an SSTB:

  - (a) time-shift and recording functions using an integrated hard disk;
  - (b) conversion of HD broadcast signal reception to HD or SD video output;
  - (c) second tuner.
2. 'Standby mode(s)' means a condition where the equipment is connected to the mains power source, depends on energy input from the mains power source to work as intended and provides *only* the following functions, which may persist for an indefinite time:
  - (a) reactivation function, or reactivation function and only an indication of enabled reactivation function; and/or
  - (b) information or status display.
3. 'Reactivation function' means a function enabling the activation of other modes, including active mode, by remote switch, including remote control, internal sensor, timer to a condition providing additional functions, including the main function.
4. 'Information or status display' means a continuous function providing information or indicating the status of the equipment in a display, including clocks.
5. 'Active mode(s)' means a condition in which the equipment is connected to the mains power source and at least one of the main function(s) providing the intended service of the equipment has been activated.

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6. 'Automatic power down' means a function which switches the active mode of an SSTB into standby mode after a period in the active mode following the last user interaction and/or channel change.
7. 'Second tuner' means a part of the SSTB available for independent recording while allowing to watch a different programme.
8. 'Conditional access' (CA) means a provider-controlled broadcasting service requiring a market subscription television service.

### *Article 3*

#### **Ecodesign requirements**

The ecodesign requirements for SSTBs are set out in Annex I.

### *Article 4*

#### **Relationship with Regulation (EC) No 1275/2008**

The requirements laid down in this Regulation shall prevail over the requirements laid down in Regulation (EC) No 1275/2008.

### *Article 5*

#### **Conformity assessment**

The procedure for assessing conformity referred to in Article 8(2) of Directive 2005/32/EC shall be the internal design control system set out in Annex IV to Directive 2005/32/EC or the management system set out in Annex V to Directive 2005/32/EC.

### *Article 6*

#### **Verification procedure for market surveillance purposes**

Surveillance checks shall be carried out in accordance with the verification procedure set out in Annex II.

### *Article 7*

#### **Benchmarks**

The indicative benchmarks for best-performing products and technology currently available on the market are identified in Annex III.

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## *Article 8*

### **Revision**

No later than five years after the entry into force of this Regulation the Commission shall review it in the light of technological progress and present the result of this review to the Consultation Forum.

## *Article 9*

### **Entry into force**

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Point 1 of Annex I shall apply as from one year after the date referred to in the first paragraph.

Point 2 of Annex I shall apply as from three years after the date referred to in the first paragraph.

This Regulation shall be binding in its entirety and directly applicable in all Member States.