



CABINET OF MINISTERS OF UKRAINE
RESOLUTION

No. 804 of 3 October 2018
Kyiv

**On approval of the Technical Regulation Establishing a
Framework for the Setting of Ecodesign Requirements for
Energy-Related Products**

In accordance with [part 1](#) of Article 5 of the Law of Ukraine ‘On Technical Regulations and Conformity Assessment’, the Cabinet of Ministers of Ukraine hereby **resolves**:

1. To approve the [Technical Regulation Establishing a Framework for the Setting of Ecodesign Requirements for Energy-Related Products](#), as attached.
2. To introduce to the [list of types of products subject to state market surveillance by state market surveillance bodies](#), approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1069 of 28 December 2016 (Official Journal of Ukraine, 2017, No. 50, p. 1550), amendment, as attached.
3. The State Agency on Energy Efficiency and Energy Saving shall ensure the implementation of the Technical Regulation approved by this Resolution.
4. This Resolution shall enter into force after six months following its publication.

Prime Minister of Ukraine

VOLODYMYR GROYSMAN

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APPROVED
by the Resolution of the Cabinet of Ministers of Ukraine
No. 804 of 3 October 2018

TECHNICAL REGULATION
establishing a framework for the setting of ecodesign
requirements for energy-related products

General part

1. This Technical Regulation establishes a framework for the setting of ecodesign requirements for energy-related products with the aim of ensuring the free movement of such products within the market of Ukraine.

This Technical Regulation is based on the provisions of 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.

2. This Technical Regulation provides for the setting of requirements which the energy-related products covered by the applicable technical regulation for the setting of ecodesign requirements for certain types of products must fulfil in order to be placed on the market and/or put into service. It contributes to increasing energy efficiency and the level of protection of the environment, while at the same time increasing the security of the energy supply.

3. This Technical Regulation shall not apply to means of transport for persons or goods.

4. This Technical Regulation and the technical regulations for the setting of ecodesign requirements for certain types of products shall not prejudice the application of legislation on waste and on chemicals and preparations, including on fluorinated greenhouse gases.

5. For the purposes of this Technical Regulation, the terms used herein shall have the following meanings:

1) ‘putting into service’ means the first use of an energy-related product for its intended purpose by a consumer in Ukraine;

2) ‘placing on the market’ means the first making available of an energy-related product on the market of Ukraine with a view to its distribution or use;

3) ‘ecodesign requirement’ means any requirement 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;

4) ‘manufacturer’ means any natural or legal person who manufactures products covered by this Technical Regulation and is responsible for their conformity with this Technical Regulation in view of their being placed on the market and/or put into service under the manufacturer’s own name or trademark or for the manufacturer’s own use. In the absence of a manufacturer as defined in the first sentence of this point or of an importer as defined in [point 14](#) of this Technical Regulation, any natural or legal person who places on the market and/or puts into service products in accordance with this Technical Regulation shall be considered a manufacturer;

5) ‘environmental impact’ means any change to the environment wholly or partially resulting from a product during its life cycle;

- 6) 'harmonised European standard' means a standard adopted by one of the European standardisation bodies on the basis of a request by the European Commission, and the number and title of which is published in the Official Journal of the European Union;
- 7) 'product design' means 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;
- 8) 'ecodesign' means the integration of environmental aspects into product design with the aim of improving the environmental performance of the product throughout its whole life cycle;
- 9) 'environmental aspect' means an element or function of a product that can have environmental impact during the life cycle of a product;
- 10) 'ecological profile' means a description of the inputs and outputs (such as materials, 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;
- 11) 'environmental performance' means the results of the manufacturer's management of the environmental aspects of the product, as reflected in its technical documentation file;
- 12) 'energy-related product' (hereinafter referred to as 'product') means any product that consumes energy during use which is placed on the market and/or put into service in Ukraine, as well as the elements that may form parts of the products covered by this Technical Regulation which are placed on the market and/or put into service as individual parts of the product for consumers and of which the environmental performance can be assessed independently;
- 13) 'life cycle' means the consecutive and interlinked stages of a product from raw material use to final disposal;
- 14) 'generic ecodesign requirement' means any ecodesign requirement based on the ecological profile as a whole of a product without set limit values for particular environmental aspects;
- 15) 'importer' means any natural or legal person, being resident of Ukraine, who places products from another country on the market of Ukraine;
- 16) 'components and sub-assemblies' means parts intended to be incorporated into products which are not placed on the market and/or put into service as individual parts for consumers or the environmental performance of which cannot be assessed independently;
- 17) 'materials' means all materials used during the life cycle of a product;
- 18) 'recycling' means the reprocessing in a production process of waste materials for the original purpose or for other purposes but excluding energy recovery;
- 19) 'improvement of the environmental performance' means the process of enhancing the environmental performance of a product over successive generations, although not necessarily in respect of all environmental aspects of the product simultaneously;
- 20) 'energy recovery' means the use of combustible waste as a means to generate energy through direct incineration with or without other waste but with recovery of the heat;
- 21) 'specific ecodesign requirement' means a quantified and measurable ecodesign requirement relating to a particular environmental aspect of a product (such as, for example, energy consumption during use, calculated for a given unit of output performance);
- 22) 'technical regulations for the setting of ecodesign requirements for certain types of products' means technical regulations laying down ecodesign requirements for defined products or for environmental aspects thereof;
- 23) 'authorised representative' means any natural or legal person being a resident of Ukraine who has received a written mandate from a manufacturer to act on his behalf in relation to tasks specified

therein.

Other terms used herein shall have the meanings set out in the Laws of Ukraine ‘On Technical Regulations and Conformity Assessment’, ‘On State Market Surveillance and Control of Non-Food Products’, ‘On Standardisation’, ‘On General Safety of Non-Food Products’ and ‘On Waste’.

Placing on the market and/or putting into service

6. Products covered by the technical regulations for the setting of ecodesign requirements for certain types of products may only be placed on the market and/or put into service if they meet the requirements set out in the technical regulations for the setting of ecodesign requirements for certain types of products and bear the mark of conformity with technical regulations in accordance with [points 9–11](#) of this Technical Regulation.

7. Consumers and other parties concerned shall have the right to submit to the relevant state market surveillance authorities observations on the conformity of the products with the requirements of this Technical Regulation and of the technical regulations for the setting of ecodesign requirements for certain types of products adopted pursuant thereto. Such submissions shall be considered under the established procedure.

Responsibilities of the importer

8. Where the manufacturer is not a resident of Ukraine and in the absence of his authorised representative, the importer shall have the following obligations:

to ensure that the product placed on the market and/or put into service complies with this Technical Regulation and the applicable technical regulation for the setting of ecodesign requirements for certain types of products;

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

Marking and the declaration of conformity

9. Before a product covered by technical regulations for the setting of ecodesign requirements for certain types of products is placed on the market and/or put into service, the manufacturer or its authorised representative shall affix the mark of conformity with technical regulations and draw up the declaration of conformity whereby it ensures and declares that the product complies with all relevant provisions of the applicable technical regulations for the setting of ecodesign requirements for certain types of products.

10. The image of the mark of conformity with technical regulations shall conform to the [form](#) and [description](#), as approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1184 of 30 December 2015 ‘On Approval of the Form and Description of the Mark of Conformity with Technical Regulations, the Rules and Terms of Marking’ (Official Journal of Ukraine, 2016, No. 6, p. 299).

11. The mark of conformity with technical regulations shall be affixed to the product, and where this is not possible, it must be affixed to the packaging and to the accompanying documents.

12. The declaration of conformity shall contain the elements specified in [Annex 5](#) and shall refer to the appropriate technical regulation for the setting of ecodesign requirements for certain types of products.

13. The information to be supplied in accordance with [point 30](#) of this Technical Regulation and [Part Two](#) of Annex 1 shall appear in accordance with the [Law of Ukraine](#) ‘On Principles of the State Language Policy’ and may also be provided in one or more other languages.

The specified information can be supplied by harmonised symbols, recognised codes or other similar measures.

Free movement

14. The placing on the market and/or putting into service of a product that complies with all the relevant provisions of the applicable technical regulations for the setting of ecodesign requirements for certain types of products and which bears the mark of conformity with technical regulations in accordance with [points 9–11](#) of this Technical Regulation may not be prohibited, restricted and impeded on grounds of the application of ecodesign parameters referred to in [Part One](#) of Annex 1.

15. The placing on the market and/or putting into service of a product that bears the mark of conformity with technical regulations in accordance with [points 9–11](#) of this Technical Regulation may not be prohibited, restricted and impeded on grounds of the application of ecodesign parameters referred to in [Part One](#) of Annex 1 and for which the applicable technical regulation for the setting of ecodesign requirements for certain types of products provides that no ecodesign requirement is necessary.

16. The display of products which are not in conformity with the provisions of the applicable technical regulation for the setting of ecodesign requirements for certain types of products, for instance at trade fairs, exhibitions and demonstrations, shall only be allowed provided that there is a visible indication that such products may not be placed on the market and/or put into service until brought into conformity.

State market surveillance and control on products

17. Where a state market surveillance authority ascertains that a product bearing the mark of conformity with technical regulations and used in accordance with its intended use does not comply with all the requirements of this Technical Regulation or applicable technical regulations for the setting of ecodesign requirements for certain types of products (except for formal non-compliance), the authority concerned shall without delay require the manufacturer or its authorised representative to take during a stipulated period of time measures to bring the product into conformity with the relevant provisions.

18. Any decision to restrict or prohibit the placing of a product on the market, to withdraw or recall it from the market, adopted by a state market surveillance authority pursuant to [point 17](#) of this Technical Regulation, shall state the grounds on which it is based.

Such decision shall be notified forthwith to the parties concerned, who shall at the same time be informed of the methods, procedure and time limits to appeal.

19. The state market surveillance authorities shall, in accordance with the legislation, ensure the confidentiality of information obtained by them during the implementation of measures set out in [point 17](#) of this Technical Regulation.

20. The decisions taken by state market surveillance authorities under [point 17](#) of this Technical Regulation shall be made public on the official websites of the respective authorities.

Conformity assessment

21. Before a product covered by technical regulations for the setting of ecodesign requirements for certain types of products is placed on the market and/or put into service, the manufacturer or its authorised representative shall ensure that an assessment of the product's conformity with all the relevant requirements of the applicable technical regulation for the setting of ecodesign requirements for the specific type of product.

22. The conformity assessment procedures to be applied shall be specified by the technical regulations for the setting of ecodesign requirements for certain types of products that shall leave to manufacturers the choice between the internal design control procedure set out in [Annex 3](#) and the

management system procedure set out in [Annex 4](#). Where duly justified and proportionate to the risk, the conformity assessment procedure shall be specified in the relevant technical regulations for the setting of ecodesign requirements for certain types of products from among the [conformity assessment modules which are used for development of conformity assessment procedures](#), as approved by the Resolution of the Cabinet of Ministers of Ukraine No. 95 of 13 January 2016 (Official Journal of Ukraine, 2016, No. 16, p. 625).

Where a product covered by technical regulations for the setting of ecodesign requirements for certain types of products is designed by an organisation registered in the European Union eco-management and audit scheme (EMAS) and the ecodesign is included within the scope of that registration, the management system of that organisation shall be presumed to comply with the requirements referred to in [Annex 4](#).

If a product covered by technical regulations for the setting of ecodesign requirements for certain types of products is designed by an organisation having a management system which includes the product design function and which is implemented in accordance with the national standards, which are identical to the relevant harmonised European standards, that management system shall be presumed to comply with the corresponding requirements referred to in [Annex 4](#).

23. After placing a product covered by technical regulations for the setting of ecodesign requirements for certain types of products on the market and/or putting into service, the manufacturer or its authorised representative shall keep relevant documents relating to the conformity assessment performed and declarations of conformity issued at the disposal of the inspecting conformity assessment bodies for a period of 10 years after the last item of that product model has been manufactured.

The relevant documents shall be made available within 10 days of receipt of a request by the inspecting conformity assessment body.

24. Documents relating to the conformity assessment shall be drawn up in the official language or in other language. Where that documents have been drawn up in a language different from the official language, they shall, upon request of the state market surveillance authority, be translated into the official language in accordance with the legislation.

The declaration of conformity shall be drawn up in the official language, and where it has been drawn up in another language, it shall be translated into the official language.

Presumption of conformity

25. A product bearing the mark of conformity with technical regulations, based on the presumption of conformity, shall be regarded as conforming the provisions of the applicable technical regulation for the setting of ecodesign requirements for the specific type of a product.

26. A product which is in conformity with the standards included in the list of the national standards that are identical to harmonized European standards, the conformity with which allows the product to be presumed to be in conformity with the requirements of the applicable technical regulations for the setting of ecodesign requirements for certain types of products, shall be presumed to be in conformity with the relevant requirements of the applicable technical regulation for the setting of ecodesign requirements for the specific type of product.

The list of the national standards that are identical to harmonized European standards, the conformity with which allows the product to be presumed to be in conformity with the requirements of the applicable technical regulations for the setting of ecodesign requirements for certain types of products, shall be approved and published in accordance with the legislation.

27. Products which have been granted the right to use Ecolabel pursuant to [Technical Regulation on environmental labelling](#) approved by the Resolution of the Cabinet of Ministers of Ukraine No. 529 of 18 May 2011 (Official Journal of Ukraine, 2011, No. 39, p. 1599) shall be presumed to comply with the ecodesign requirements of the applicable technical regulation for the setting of ecodesign

requirements for the specific type of product in so far as those ecodesign requirements are to be met by the products marked with the ecolabel.

Products which have been awarded the Ecolabel of the European Union shall be presumed to comply with the ecodesign requirements of the applicable technical regulation for the setting of ecodesign requirements for the specific type of product in so far as the criteria for the Ecolabel of the European Union, which the products must fulfil, meet those ecodesign requirements.

Requirements for components and sub-assemblies

28. Technical regulations for the setting of ecodesign requirements for certain types of products may require a manufacturer or its authorised representative placing components and sub-assemblies on the market and/or putting them into service to provide the manufacturer of a product covered by such technical regulations with relevant information on the material composition and the consumption of energy, materials and/or resources of the components or sub-assemblies.

Support to small and medium-sized enterprises

29. Technical regulations for the setting of ecodesign requirements for certain types of products may be accompanied by guidelines covering the specificities of small and medium-sized enterprises active in the product sector affected. If necessary, further specialised recommendations may be produced for facilitating the application of such technical regulations for the setting of ecodesign requirements for certain types of products by small and medium-sized enterprises.

Consumer information

30. In accordance with the applicable technical regulations for the setting of ecodesign requirements for certain types of products, manufacturers shall ensure, in the form they deem appropriate, that consumers of products are provided with:

the requisite information on the role that they can play in the sustainable use of the product;

the ecological profile of the product and the benefits of ecodesign (where required by the technical regulation for the setting of ecodesign requirements for certain types of products).

Technical regulations for the setting of ecodesign requirements for certain types of products

31. Technical regulations for the setting of ecodesign requirements for certain types of products shall meet the following criteria:

there shall be no significant negative impact on the functionality of the product, from the perspective of the consumer;

health, safety and the environment shall not be adversely affected;

there shall be no significant negative impact on consumers in particular as regards the affordability and the life cycle cost of the product;

there shall be no significant negative impact on industry's competitiveness;

in principle, the setting of an ecodesign requirement shall not have the consequence of imposing proprietary technology on manufacturers;

no excessive administrative burden shall be imposed on manufacturers.

32. Technical regulations for the setting of ecodesign requirements for certain types of products shall lay down ecodesign requirements in accordance with [Annex 1](#) and/or [2](#).

Specific ecodesign requirements shall be introduced for selected environmental aspects which have a significant environmental impact.

Technical regulations for the setting of ecodesign requirements for certain types of products may also provide that no ecodesign requirement is necessary for certain specified ecodesign parameters referred to in [Part One](#) of Annex 1.

33. The requirements of a technical regulation for the setting of ecodesign requirements for the specific type of product shall be formulated so as to ensure that state market surveillance authorities can verify the conformity of the product with such requirements. The technical regulations for the setting of ecodesign requirements for certain types of products shall specify whether verification can be achieved directly on the product or on the basis of the technical documentation.

34. Technical regulations for the setting of ecodesign requirements for certain types of products shall include the elements listed in [Annex 6](#).

Confidentiality

35. Requirements relating to the supply of information referred to in [point 28](#) of this Technical Regulation and [Part Two](#) of Annex 1, by the manufacturer and/or its authorised representative shall be proportionate and shall take into account the legitimate confidentiality of commercially sensitive information.

Correlation table

36. The correlation table of the provisions of 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 and of this Technical Regulation is set out in [Annex 7](#).

METHOD **for setting generic ecodesign requirements**

Generic ecodesign requirements aim at improving the environmental performance of products, focusing on significant environmental aspects thereof without setting limit values. The method set out to in this Annex must be applied when it is not appropriate to set limit values for the product group under examination. When preparing a draft technical regulation for the setting of ecodesign requirements for certain types of products, there must be identified the significant environmental aspects to be specified in the technical regulation.

In preparing the technical regulations for the setting of ecodesign requirements for certain types of products laying down generic ecodesign requirements, there must be identified, as appropriate to the product covered by the technical regulation:

- the relevant ecodesign parameters from among those listed in Part One of this Annex;
- the information supply requirements from among those listed in Part Two of this Annex;
- the requirements for the manufacturer listed in Part Three of this Annex.

Part One. Ecodesign parameters for products

1. In so far as they relate to product design, significant environmental aspects must be identified with reference to the following phases of the life cycle of the product:

- 1) raw material selection and use;
- 2) manufacturing;
- 3) packaging, transport, and distribution;
- 4) installation and maintenance;
- 5) use;
- 6) end-of-life, meaning the state of a product having reached the end of its first use until its final disposal.

2. For each phase of the life cycle of a product: the following environmental aspects must be assessed where relevant:

- 1) predicted consumption of materials, of energy and of other resources (such as fresh water);
- 2) anticipated emissions to air, water or soil;
- 3) anticipated pollution through physical effects (such as noise, vibration, radiation, electromagnetic fields);
- 4) expected generation of waste material;
- 5) possibilities for reuse, recycling and recovery of materials and/or of energy, taking into account the legislation on waste electrical and electronic equipment.

3. In particular, the following ecodesign parameters must be used, as appropriate, and supplemented by others, where necessary, for evaluating the potential for improving the environmental aspects referred to in [point 2](#) of this Part:

- 1) weight and volume of the product;

2) use of materials issued from recycling activities;

3) consumption of energy, water and other resources throughout the life cycle;

4) use of substances classified as hazardous to health and/or the environment according to the legislation, in particular, the Resolution of the Cabinet of Ministers of Ukraine No. 139 of 10 March 2017 'On approval of the Technical Regulation on the restriction of the use of certain hazardous substances in electrical and electronic equipment' (Official Journal of Ukraine, 2017, No. 24, p. 683);

5) quantity and nature of consumables needed for proper use and maintenance;

6) ease for reuse and recycling as expressed through:

number of materials and components used;

use of standard components;

time necessary for disassembly;

complexity of tools necessary for disassembly;

use of component and material coding standards for the identification of components and materials suitable for reuse and recycling (including marking of plastic parts in accordance with international standards adopted by the International Organization for Standardization ISO);

use of easily recyclable materials;

easy access to valuable and other recyclable components and materials;

easy access to components and materials containing hazardous substances;

7) incorporation of used components;

8) avoidance of technical solutions detrimental to reuse and recycling of components and whole appliances;

9) extension of lifetime as expressed through: minimum guaranteed lifetime, minimum time for availability of spare parts, modularity, upgradeability, reparability;

10) amounts of waste generated and amounts of hazardous waste generated;

11) emissions to air (greenhouse gases, acidifying agents, volatile organic compounds, ozone depleting substances, persistent organic pollutants, heavy metals, fine particulate and suspended particulate matter);

12) emissions to water (heavy metals, substances with an adverse effect on the oxygen balance, persistent organic pollutants);

13) emissions to soil (especially leakage and spills of dangerous substances during the use phase of the product, and the potential for leaching upon its disposal as waste).

Part Two. Requirements relating to the supply of information

1. The technical regulations for the setting of ecodesign requirements for certain types of products may require information to be supplied by the manufacturer that may influence the way the product is handled, used or recycled by parties other than the manufacturer. This information may include, as applicable:

1) information from the designer relating to the manufacturing process;

2) information for consumers on the significant environmental characteristics of a product, accompanying the product when it is placed on the market to allow consumers to compare these aspects of the products;

3) information for consumers on how to install, use and maintain the product in order to minimise its impact on the environment and to ensure optimal life expectancy, as well as on how to return the product at end-of-life, and, where appropriate, information on the period of availability of spare parts and the possibilities of upgrading products;

4) information for treatment facilities concerning disassembly, recycling, or disposal of the product at end-of-life.

2. Information should be given on the product itself wherever possible.

3. The information above shall be provided taking into account obligations under other legal acts, in particular the legislation on waste electrical and electronic equipment.

Part Three. Requirements for the manufacturer

1. Addressing the environmental aspects identified in the technical regulations for the setting of ecodesign requirements for certain types of products as capable of being influenced in a substantial manner through product design, manufacturers of products must perform an assessment of the product model throughout its life cycle, based upon realistic assumptions about normal conditions and purposes of use. Other environmental aspects may be examined on a voluntary basis.

On the basis of this assessment, manufacturers must establish the product's ecological profile. It must be based on environmentally relevant product characteristics and inputs/outputs throughout the product life cycle expressed in physical quantities that can be measured.

2. Manufacturers must make use of this assessment to evaluate alternative design solutions and the achieved environmental performance of the product against benchmarks set out in the technical regulations for the setting of ecodesign requirements for certain types of products.

The choice of a specific design solution must achieve a reasonable balance between the various environmental aspects and between environmental aspects and other relevant considerations (such as safety and health, technical requirements for functionality, quality, and performance, and economic aspects, including manufacturing costs and marketability), while complying with all relevant legislation.

METHOD

for setting specific ecodesign requirements

Specific ecodesign requirements aim at improving a certain environmental aspect of the product. They may take the form of requirements for reduced consumption of a given resource in the various stages of a product's life cycle (such as a limit on water consumption in the use phase or on the quantities of a given material incorporated in the product or a requirement for minimum quantities of recycled material).

In preparing the technical regulations for the setting of ecodesign requirements for certain types of products laying down specific ecodesign requirements, there must be identified, as appropriate to the product covered by the technical regulation, the relevant ecodesign parameters from among those referred to in **Part One** of Annex 1 to the Technical Regulation Establishing a Framework for the Setting of Ecodesign Requirements for Energy-Related Products and set the levels of those specific ecodesign requirements in accordance with the procedure set out in this Annex.

1. A technical, environmental and economic analysis must select a number of models of the product in question on the market and identify the technical options for improving the environmental performance of the product, keeping sight of the economic viability of the options and avoiding any significant loss of performance or of usefulness for consumers.

The technical, environmental and economic analysis must also identify, for the environmental aspects under consideration, the best-performing products and technology available on the market.

The performance of products available on international markets and benchmarks set in other countries' legislation should be taken into consideration during the analysis as well as when setting the specific ecodesign requirements.

On the basis of this analysis, and taking into account economic and technical feasibility as well as the potential for improvement, concrete measures must be taken with a view to minimising the product's environmental impact.

Concerning energy consumption in use, the level of energy efficiency or consumption must be set aiming at the life cycle cost minimum to consumers for representative product models, taking into account the consequences on other environmental aspects. The life cycle cost analysis method uses a real discount rate and a realistic lifetime for the product. This method is based on the sum of the variations in purchase price (resulting from the variations in industrial costs) and in operating expenses, which result from the different levels of technical improvement options, discounted over the lifetime of the representative product models considered. The operating expenses cover primarily energy consumption and additional expenses in other resources (for example, water or detergents).

A sensitivity analysis covering the relevant factors (such as the price of energy or other resource, the cost of raw materials or production costs, discount rates) and, where appropriate, external environmental costs, including avoided greenhouse gas emissions, must be carried out to check if there are significant changes and if the overall conclusions are reliable. The specific ecodesign requirement must be adapted to the conclusions accordingly.

A similar methodology may be applied to other resources (such as water).

2. The date of entry into force of a specific ecodesign requirement must take the redesign cycle for the product into account.

INTERNAL DESIGN CONTROL

1. This Annex describes the procedure whereby the manufacturer or its authorised representative who carries out the obligations laid down in [point 2](#) of this Annex ensures and declares that the product satisfies the requirements of the applicable technical regulation for the setting of ecodesign requirements for certain types of products. The declaration of conformity may cover one or more products and must be kept by the manufacturer.

2. The manufacturer shall compile the technical documentation file making possible an assessment of the conformity of the product with the requirements of the applicable technical regulation for the setting of ecodesign requirements for certain types of products.

3. The technical documentation must contain, in particular:

1) a general description of the product and of its intended use;

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

3) the ecological profile (where required by the technical regulation for the setting of ecodesign requirements for certain types of products);

4) elements of the product design specification relating to environmental design aspects of the product;

5) a list of the appropriate standards, applied in full or in part, from the list of the national standards that are identical to harmonized European standards, the conformity with which allows the product to be presumed to be in conformity with the requirements of the applicable technical regulation for the setting of ecodesign requirements for certain types of products, and where such standards have not been applied or where those standards do not cover entirely the requirements of the technical regulation — the description of the solutions adopted to meet the requirements of the applicable technical regulation for the setting of ecodesign requirements for certain types of products;

6) a copy of the information concerning the environmental design aspects of the product provided in accordance with the requirements specified in [Part Two](#) of Annex 1 to Technical Regulation Establishing a Framework for the Setting of Ecodesign Requirements for Energy-Related Products;

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 applicable technical regulation for the setting of ecodesign requirements for certain types of products.

4. The manufacturer must take all measures necessary to ensure that the product is manufactured in compliance with the design specifications referred to in [point 2](#) of this Annex and with the requirements of the technical regulation for the setting of ecodesign requirements for certain types of products which apply to it.

MANAGEMENT SYSTEM for assessing conformity

1. This Annex describes the procedure whereby the manufacturer carries out the obligations laid down in **point 2** of this Annex ensures and declares that the product satisfies the requirements of the applicable technical regulation for the setting of ecodesign requirements for certain types of products. The declaration of conformity may cover one or more products and must be kept by the manufacturer.

2. A management system may be used for the conformity assessment of a product provided that the manufacturer implements the environmental elements specified in **point 3** of this Annex.

Environmental elements of the management system

3. This point specifies the elements of a management system and the procedures by which the manufacturer can demonstrate that the product complies with the requirements of the applicable technical regulation for the setting of ecodesign requirements for certain types of products.

The environmental product performance policy

The manufacturer must be able to demonstrate conformity with the requirements of the applicable technical regulation for the setting of ecodesign requirements for certain types of products, as well as to provide a framework for setting and reviewing environmental product performance objectives and indicators with a view to improving the overall environmental product performance.

All the measures adopted by the manufacturer to improve the overall environmental performance of, and to establish the ecological profile of, a product, (if required by the technical regulation for the setting of ecodesign requirements for certain types of products) through design and manufacturing, must be documented in a systematic and orderly manner in the form of written procedures and instructions.

These procedures and instructions must contain, in particular, an adequate description of:

the list of documents that must be prepared to demonstrate the product's conformity, and, if relevant, that have to be made available;

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;

the checks and tests to be carried out after manufacture to verify product performance against environmental performance indicators;

the procedures for controlling the required documentation and ensuring that it is kept up-to-date;

the method of verifying the implementation and effectiveness of the environmental elements of the management system.

Planning

The manufacturer must establish and maintain:

procedures for establishing the ecological profile of the product;

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

a programme for achieving the environmental product performance objectives.

Implementation and documentation

The documentation concerning the management system must, in particular, comply with the following requirements:

responsibilities and authorities must be defined and documented in order to ensure effective environmental product performance and reporting on its operation for review and improvement;

documents must be established indicating the design control and verification techniques implemented and processes and systematic measures used when designing the product;

the manufacturer must establish and maintain information to describe the core environmental elements of the management system and the procedures for controlling all documents required.

The documentation concerning the product must contain, in particular:

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

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

the ecological profile (where required by the technical regulation for the setting of ecodesign requirements for certain types of products);

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 technical regulation for the setting of ecodesign requirements for certain types of products;

the specifications established by the manufacturer indicating, in particular, the list of the applied standards from the list of the national standards that are identical to harmonized European standards, the conformity with which allows the product to be presumed to be in conformity with the requirements of the applicable technical regulation for the setting of ecodesign requirements for certain types of products, and where such standards have not been applied or where those standards do not cover entirely the requirements of the technical regulation for the setting of ecodesign requirements for certain types of products — the indication of the means used to ensure compliance with the requirements;

a copy of the information concerning the environmental design aspects of the product provided in accordance with the requirements specified in **Part Two** of Annex 1 to Technical Regulation Establishing a Framework for the Setting of Ecodesign Requirements for Energy-Related Products.

Checking and corrective action

The manufacturer shall:

take all measures necessary to ensure that the product is manufactured in compliance with its design specification and with the requirements of the technical regulation for the setting of ecodesign requirements for certain types of products which applies to it.

establish and maintain procedures to investigate and respond to non-conformity, and implement changes in the documented procedures resulting from corrective action;

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

**DECLARATION
of conformity**

The declaration of conformity must contain the following elements:

the name and address of the manufacturer or of its authorised representative;

a description of the model of a product sufficient for its unambiguous identification;

as appropriate, a reference to applicable standards from the list of the national standards that are identical to harmonized European standards, the conformity with which allows the products to be presumed to be in conformity with the requirements of the applicable technical regulation for the setting of ecodesign requirements for certain types of products;

where appropriate, the references to other technical standards and specifications;

where appropriate, the references to other technical regulations providing for the affixing of the mark of conformity with technical regulations;

the identification and signature of the person empowered to represent the manufacturer or its authorised representative.

CONTENTS

of the technical regulations for the setting of ecodesign requirements for certain types of products

A technical regulation for the setting of ecodesign requirements for certain types of products must specify, in particular:

the exact definition of the type(s) of product(s) covered by the applicable technical regulation;

the ecodesign requirement(s) for the product(s) covered the applicable technical regulation, implementing date(s), staged or transitional measures or periods:

in the case of generic ecodesign requirements, the relevant phases of the life cycle and environmental aspects selected from those mentioned in [points 1 and 2](#) of Part Two of Annex 1 to Technical Regulation Establishing a Framework for the Setting of Ecodesign Requirements for Energy-Related Products, accompanied by examples of ecodesign parameters selected from those mentioned in [point 3](#) of Part One of Annex 1 to Technical Regulation Establishing a Framework for the Setting of Ecodesign Requirements for Energy-Related Products as guidance when evaluating improvements regarding identified environmental aspects;

in the case of specific ecodesign requirements, their levels;

the ecodesign parameters referred to in [Part One](#) of Annex 1 to the Technical Regulation Establishing a Framework for the Setting of Ecodesign Requirements for Energy-Related Products, relating to which no ecodesign requirement is necessary;

the requirements on installation of the product where it has a direct relevance to the product's environmental performance considered;

the benchmarks for measurement units and/or measurement methods to be used; where available, national standards, that are identical to harmonized European standards, must be used;

the details for conformity assessment under the Resolution of the Cabinet of Ministers of Ukraine [No. 95](#) of 13 January 2016 'On approval of conformity assessment modules which are used for development of conformity assessment procedures, and the rules for the use of conformity assessment modules' (Official Journal of Ukraine, 2016, No. 16, p. 625):

where the conformity assessment module(s) to be applied is (are) different from Module A (internal production control), the factors leading to the selection of that specific procedure;

where relevant, the criteria for approval and/or certification of the third parties.

Where different conformity assessment modules are laid down in other technical regulations providing for the affixing of the mark of conformity with technical regulations for the same product, the module defined in the technical regulation for the setting of ecodesign requirements for certain types of products must prevail for the requirement concerned;

requirements on information to be provided by manufacturers notably on the elements of the technical documentation which are needed to facilitate the checking of the compliance of the product with the technical regulation for the setting of ecodesign requirements for certain types of products;

the right to place on the market and/or put into service of products which do not comply with all or some of the requirements of the technical regulation and were placed on the market before the date of its entry into force or no later than the other date set out in that technical regulation.

CORRELATION TABLE
of the provisions of 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 and of the **Technical**
Regulation Establishing a Framework for the Setting of Ecodesign
Requirements for Energy-Related Products

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APPROVED
by the Resolution of the Cabinet of Ministers of Ukraine
No. 804 of 3 October 2018

AMENDMENT
to be introduced to the list of types of products subject to state
market surveillance by state market surveillance authorities

The [list](#) shall be supplemented with point 45 to read as follows:

‘45. Energy-related products	the Resolution of the Cabinet of Ministers of Ukraine No. 804 of 3 October 2018 ‘On approval of the Technical Regulation Establishing a Framework for the Setting of Ecodesign Requirements for Energy-Related Products’	State Service of Ukraine on Food Safety and Consumer Protection’.
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