

HWB: Hot-Water Boilers Directive (Council Directive 92/42/EEC), explained

The Hot-Water Boilers Directive set minimum efficiency requirements, CE marking and conformity assessment for new liquid- or gas-fired hot-water boilers of 4 kW to 400 kW, binding the manufacturer or its authorised representative. It applied from 1 January 1994; since 26 September 2013 Regulation (EU) No 813/2013 has repealed all but Article 7(2), Article 8 and Annexes III to V.

Reviewed 24 September 2026 by Conphora compliance team · Next review 12 March 2027 · Not legal advice

Key facts

Reference	Council Directive 92/42/EEC	Act type	Directive
In force	3 June 1992	Applies from	1 January 1994
Amended by	Council Directive 93/68/EEC, Directive 2004/8/EC, Directive 2005/32/EC, Directive 2008/28/EC, Commission Regulation (EU) No 813/2013	Enforced by	National market surveillance authorities enforce the surviving provisions of the directive and the ecodesign requirements of Regulation (EU) No 813/2013 with the powers of Regulation (EU) 2019/1020, which lists Directive 92/42/EEC in its Annex I and, because the directive has no penalty article, in Annex II; in Denmark, the ecodesign act (lovbekendtgørelse nr. 2166 af 29. november 2021, as amended by lov nr. 431 of 6 May 2025) places control with the Minister for Industry, Business and Financial Affairs, and Sikkerhedsstyrelsen, since January 2026 the Markedsovervågning department of Erhvervsstyrelsen, has carried out ecodesign and energy-labelling surveillance since 1 July 2019 while Energistyrelsen answers questions on the interpretation of the rules.

Key dates

21 May 1992	Council Directive 92/42/EEC adopted under the SAVE programme on energy efficiency	title and signature block
3 June 1992	Entry into force by notification to the Member States; published in OJ L 167 of 22 June 1992	document information (date of effect, publication)
1 January 1993	Deadline for Member States to adopt and publish the transposing provisions	Art. 9(1)
2 August 1993	Directive 93/68/EEC in force: EC mark renamed CE marking, notified bodies with identification numbers, CE marking and written declaration of conformity in the modules; national measures apply from 1 January 1995	document information; Art. 12 and Art. 14(1)
1 January 1994	National measures apply: new boilers of 4 kW to 400 kW must meet the Article 5 efficiency requirements, be conformity-assessed and bear the marking	Art. 9(1)
31 December 1997	End of the transitional period during which appliances complying with the national rules and schemes in force at adoption could still be placed on the market and put into service	Art. 9(2)
21 February 2004	Directive 2004/8/EC in force: cogeneration units excluded from the directive (Article 3(1), seventh indent)	Art. 3(1), seventh indent (M2); document information
11 August 2005	Directive 2005/32/EC in force: the Article 6 star rating, the additional markings of Annex I point 2 and Annex II deleted; Article 10a makes the directive an ecodesign implementing measure	Art. 21(1) and Art. 26
21 March 2008	Directive 2008/28/EC in force: Article 10a switched to the regulatory procedure with scrutiny of Article 19(3) of Directive 2005/32/EC	Art. 2 and Art. 5
26 September 2013	Regulation (EU) No 813/2013 in force: Directive 92/42/EEC repealed except Article 7(2), Article 8 and Annexes III to V, without prejudice to the Member States' transposition and application obligations until the ecodesign requirements start to apply	Art. 9 and Art. 10
26 September 2015	First ecodesign requirements of Regulation (EU) No 813/2013 apply: seasonal space heating energy efficiency, useful efficiencies, water heating efficiency and product information for heaters up to 400 kW	Art. 3(2)(a) and Annex II, points 1(a), 2(a), 3 and 5

26 September 2017	Second tier of Regulation (EU) No 813/2013: electric boiler space heaters and combination heaters must reach a seasonal space heating energy efficiency of at least 36 %, cogeneration space heaters 100 %, heat pump heaters 110 % and low-temperature heat pumps 125 %, and combination heaters meet the second water heating efficiency tier	Art. 3(2)(b) and Annex II, points 1(b) and 2(b)
26 September 2018	Nitrogen oxide emission limits of Regulation (EU) No 813/2013 apply to heaters	Art. 3(2)(c) and Annex II, point 4(a)
1 January 2020	Danish order on efficiency requirements for hot-water boilers using liquid or gaseous fuel, bekendtgørelse nr. 488 af 7. juni 1994, repealed by bekendtgørelse nr. 1321 af 9. december 2019	§ 1, nr. 1, and § 2

Obligations by role

Manufacturer

- Design the boiler to the ecodesign requirements of Regulation (EU) No 813/2013 that replaced the directive's Article 5 table: from 26 September 2015 a seasonal space heating energy efficiency of at least 86 % for fuel boiler space heaters and combination heaters up to 70 kW (75 % for type B1 boilers up to 10 kW and B1 combination boilers up to 30 kW), and for boilers above 70 kW up to 400 kW a useful efficiency of at least 86 % at 100 % and 94 % at 30 % of the rated heat output, plus the water heating efficiency for combination heaters and, from 26 September 2018, the nitrogen oxide limits.
Art. 3(2) and Annex II, points 1(a), 2 and 4(a)
- Have the efficiency of the boiler type examined by a notified body of your choice under module B (EC type-examination) in Annex III: lodge the application with the technical documents and a declaration that no other notified body has received the same application, place a representative type at the body's disposal and obtain the EC type-examination certificate. Art. 7(2), first indent, and Annex III, points 2 to 5
- Compile the technical documents so that conformity with the requirements can be assessed: a general type description, conceptual design and manufacturing drawings and diagrams, the explanations needed to understand them, the list of harmonised standards applied in full or in part and the solutions adopted where they were not, the results of design calculations and examinations, and the test reports.
Annex III, point 3
- Certify series production under module C (conformity to type, with a notified body examining product samples at random intervals), module D (an approved production quality system assessed, audited and monitored by a notified body) or module E (an approved product quality system for final inspection and testing) in Annex IV, and under modules D and E add the notified body's identification number after the CE marking. Art. 7(2), second indent, and Annex IV, modules C, D and E
- For a boiler burning gaseous fuels, run the efficiency conformity assessment through the procedures used for the safety requirements of the gas appliances legislation, Directive 90/396/EEC, now read as Regulation (EU) 2016/426. Art. 7(2), second subparagraph; Art. 45
- Affix the CE marking to each appliance and draw up a written declaration of conformity before placing it on the market; under the ecodesign framework the EC declaration of conformity must contain the elements of Annex VI of Directive 2009/125/EC and refer to Regulation (EU) No 813/2013, and the technical documentation must contain the product information of Annex II, point 5(b), of that regulation.
Annex IV, module C, point 1; Art. 5(1) and Art. 5(3); Art. 4(2)
- Affix the CE marking to each appliance before placing it on the market. Annex IV, module C, point 1; Art. 5(1)
- Draw up a written declaration of conformity before placing the appliance on the market; under the ecodesign framework it contains the elements of Annex VI of Directive 2009/125/EC and refers to Regulation (EU) No 813/2013. Annex IV, module C, point 1; Art. 5(3); Art. 4(2)
- Inform the notified body that holds the technical documents of every modification to the approved appliance that may affect conformity with the essential requirements or the prescribed conditions for use, and obtain an addition to the EC type-examination certificate where needed. Annex III, point 6
- Keep copies of the EC type-examination certificates and their additions with the technical documents, and a copy of the declaration of conformity, for at least 10 years after the last date of manufacture; under the ecodesign framework the conformity documents must be produced within 10 days of a competent authority's request. Annex III, point 9, and Annex IV, module C, point 3; Art. 8(3)

Authorised representative established within the Community

- Where you hold the mandate, lodge the EC type-examination application with a notified body, giving your own name and address in addition to the manufacturer's, and place the representative type at the body's disposal. *Annex III, point 2*
- Affix the CE marking to each appliance and draw up the written declaration of conformity on the manufacturer's behalf under module C, D or E. *Annex IV, module C, point 1, module D, point 1, and module E, point 1*
- Where the mandate covers it, affix the CE marking to each appliance on the manufacturer's behalf under module C, D or E. *Annex IV, module C, point 1, module D, point 1, and module E, point 1*
- Where the mandate covers it, draw up the written declaration of conformity on the manufacturer's behalf under module C, D or E. *Annex IV, module C, point 1, module D, point 1, and module E, point 1*
- Keep the notified body that approved the quality system informed of any proposed change to it, so the body can decide whether the altered system still satisfies the requirements or needs reassessment.
Annex IV, module D, point 3.4, and module E, point 3.4
- Keep copies of the EC type-examination certificates and additions with the technical documents and a copy of the declaration of conformity for at least 10 years after the last date of manufacture, and make them available to the national authorities. *Annex III, point 9, and Annex IV, module C, point 3*

Importer (person placing a third-country boiler on the Union market)

- Where neither the manufacturer nor his authorised representative is established within the Community, keep the technical documents, the EC type-examination certificates and the declaration of conformity available as the person who places the product on the Community market.

Annex III, point 9, and Annex IV, module C, point 3

- Where the manufacturer is not established in the Union and has no authorised representative, ensure that the boiler you place on the market complies with the ecodesign requirements of Regulation (EU) No 813/2013, and keep and make available the EC declaration of conformity and the technical documentation. Art. 4; Art. 4
- Where the manufacturer is not established in the Union and has no authorised representative, ensure that the boiler you place on the market complies with the ecodesign requirements of Regulation (EU) No 813/2013. Art. 4
- Act as the responsible economic operator established in the Union for a product under the ecodesign directive: verify that the declaration of conformity and technical documentation have been drawn up, keep the declaration at the disposal of the market surveillance authorities, provide conformity information on reasoned request, inform the authorities of products presenting a risk, cooperate on corrective action, and put your name and postal address on the product, its packaging or an accompanying document. Art. 4(1), Art. 4(2)(b), Art. 4(3), Art. 4(4) and Art. 4(5)
- As the responsible economic operator in the Union for an ecodesign product, verify that the declaration of conformity and the technical documentation have been drawn up. Art. 4(1) and Art. 4(3)(a)
- Keep the declaration of conformity at the disposal of the market surveillance authorities for the period the legislation requires, and ensure the technical documentation can be made available to them on request. Art. 4(3)(a)
- On a reasoned request, provide the authorities with the conformity information and documentation in a language they understand, and cooperate with them, including on corrective action to eliminate or mitigate risks. Art. 4(3)(b) and Art. 4(3)(d)
- When you have reason to believe that a product presents a risk, inform the market surveillance authorities. Art. 4(3)(c)
- Put your name, registered trade name or trade mark and your postal address on the product, its packaging, the parcel or an accompanying document. Art. 4(4)
- In Denmark, as the producer or importer who places the product on the market, give the control authority on request all information needed for its control, including documents, technical specifications, conformity information and supply-chain details, in an easily understood language.

§ 4 and § 10, stk. 3

Distributor (wholesaler, installer or retailer)

- Make available only boilers that bear the CE marking and are accompanied by the declaration of conformity that the surviving modules require the manufacturer or his authorised representative to draw up, and under Regulation (EU) No 813/2013 only heaters that meet its ecodesign requirements.

Annex IV, module C, point 1; Art. 3(1)

- Cooperate with the market surveillance authorities regarding actions that could eliminate or mitigate risks presented by boilers you have made available on the market. Art. 7(1)
- In Denmark, on request tell the control authority who is responsible for the product, with the documents, technical specifications and supply-chain information needed to establish it. § 10, stk. 4
- Comply with orders and prohibitions the Danish control authority issues against anyone who has been a link in the sale of a non-compliant product: bringing it into conformity, stopping its making available, withdrawal, recall or destruction. § 11, stk. 1

Penalties

Directive 92/42/EEC contains no penalty article; its original Article 7(5) on unduly affixed CE marking was repealed by Regulation (EU) No 813/2013 together with everything except Article 7(2), Article 8 and Annexes III to V. Penalties therefore follow two routes. Regulation (EU) 2019/1020 lists the directive in Annex I and, as legislation without penalty provisions, in Annex II, so Member States lay down effective, proportionate and dissuasive penalties for infringements of its obligations under Article 41 of that regulation, and market surveillance authorities may require the product to be brought into compliance, prevented from being made available, withdrawn or recalled, destroyed, marked with warnings or made available only on conditions, and act themselves if the operator does not. For the efficiency requirements of Regulation (EU) No 813/2013, Directive 2009/125/EC requires effective, proportionate and dissuasive national penalties that take into account the extent of non-compliance and the number of non-complying units, and its safeguard clause obliges the manufacturer or authorised representative to end the infringement, with prohibition or withdrawal where non-compliance continues. In Denmark the ecodesign act (lovbekendtgørelse nr. 2166 af 29. november 2021, as amended by lov nr. 431 of 6 May 2025) lets the control authority order conformity, impose conditions, prohibit placing or making available, order withdrawal, recall or destruction, order online content changed or removed and publish its decisions, and punishes with fines, under section 15(1), failure to notify the control authority of a product believed to present a risk, failure to supply the information the authority requests or to say who is responsible for the product, giving incorrect or misleading information, failing to have an authorised representative or to give that representative the necessary powers or means where one is required, refusing access for sampling, breaching a decision under sections 11 to 11 b, and evading or attempting to evade the control, with confiscation of any economic gain and criminal liability for companies under chapter 5 of the criminal code; control lies with the Minister for Industry, Business and Financial Affairs since the 2018 transfer of ressort and is carried out by Sikkerhedsstyrelsen, since January 2026 the Markedsovervågning department of Erhvervsstyrelsen.

Art. 9; Art. 16, Art. 41, Annex I, point 7, and Annex II, point 6; Art. 7 and Art. 20; § 10, § 11, § 11 b, § 12 and § 15; § 23

Checklist

- 1. Confirm the appliance is a hot-water boiler fired with liquid or gaseous fuel with a rated output of 4 kW to 400 kW, or a boiler body or burner marketed separately, and that no Article 3(1) exclusion applies (Article 1, Article 2 and Article 3).
- 2. Identify which provisions still apply: the efficiency, water heating, sound and nitrogen oxide requirements of Regulation (EU) No 813/2013 Annex II, and the directive's Article 7(2) modules and Article 8 notified-body rules for the conformity assessment (Regulation (EU) No 813/2013, Articles 3, 4 and 9).
- 3. Check the applicable thresholds for your boiler class: 86 % seasonal efficiency up to 70 kW, 75 % for type B1 boilers up to 10 kW or 30 kW, and 86 % at full and 94 % at 30 % load above 70 kW (Regulation (EU) No 813/2013, Annex II, point 1(a)).
- 4. Compile the Annex III technical documents: type description, drawings, standards applied or solutions adopted, calculations, examinations and test reports (Annex III, point 3).
- 5. Apply to a notified body for EC type-examination under module B and obtain the certificate; for a gas boiler use the procedures of the gas appliances regulation (Article 7(2) and Annex III).
- 6. Choose module C, D or E for series production, set up the quality system where D or E applies, and allow the notified body's audits, sampling and unannounced visits (Annex IV).
- 7. Affix the CE marking, with the notified body's identification number under modules D and E, and draw up the written declaration of conformity referring to Regulation (EU) No 813/2013 (Annex IV; Directive 2009/125/EC, Article 5).
- 8. Include the Annex II, point 5(b), product information in the technical documentation and, for heaters up to 70 kW, apply the energy label of Regulation (EU) No 811/2013 (Regulation (EU) No 813/2013, Article 4(2); Regulation (EU) No 811/2013, Article 1).
- 9. Keep the certificates, technical documents and declaration for at least 10 years after the last date of manufacture and be able to produce them within 10 days; if the manufacturer is outside the Union, settle who keeps them (Annex III, point 9; Directive 2009/125/EC, Article 8(3)).
- 10. Report modifications of the approved type to the notified body and keep the quality system approval current (Annex III, point 6, and Annex IV, modules D and E, point 3.4).

Sources

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2. Council Directive 92/42/EEC, consolidated text of 21 March 2008 with the articles later repealed by Regulation (EU) No 813/2013 (EUR-Lex) — <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01992L0042-20080321>
3. Council Directive 92/42/EEC as published in OJ L 167, 22 June 1992 (EUR-Lex) — <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0042>
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10. Commission Regulation (EU) No 813/2013 on ecodesign requirements for space heaters and combination heaters (EUR-Lex) — <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013R0813>
11. Commission Regulation (EU) 2016/2282 amending Regulation (EU) No 813/2013 as regards verification tolerances (EUR-Lex) — <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R2282>
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14. Directive (EU) 2023/1791 on energy efficiency (recast), Article 38 repealing Directive 2012/27/EU and Annex XVII correlation table (EUR-Lex) — <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32023L1791>
15. Regulation (EU) 2016/426 on appliances burning gaseous fuels, Article 45 repealing Directive 2009/142/EC (EUR-Lex) — <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R0426>
16. Regulation (EU) 2017/1369 setting a framework for energy labelling, Article 20 repealing Directive 2010/30/EU (EUR-Lex) — <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32017R1369>
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- !1. Lov nr. 431 af 6. maj 2025, § 23 amending the ecodesign act (Retsinformation) — <https://www.retsinformation.dk/eli/lta/2025/431>
- !2. Bekendtgørelse nr. 1321 af 9. december 2019 om ophævelse af to bekendtgørelser samt forskrifter på byggeområdet, repealing bekendtgørelse nr. 488 af 7. juni 1994 om krav til virkningsgrad i varmtvandskedler (Retsinformation) — <https://www.retsinformation.dk/eli/lta/2019/1321>
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