

ANTICSS recommendations

29 June 2021

EPEE's comments

The European Partnership for Energy and Environment (EPEE) represents the refrigeration, air-conditioning, and heat pump (RACHP) sectors. It is a supportive participant to the ANTICSS Project and underlines the project's ambitions to foster effective market surveillance and anti-circumvention. It is from our position at the heart of the RACHP sector that EPEE members can offer first-hand insights into this topic, as noncompliance of products is affecting the level playing field that our members depend on. We are therefore eager to continue offering our expertise.

This paper contains EPEE's feedback to the preliminary ANTICSS recommendations as discussed during the workshop of 14 June 2021 that were described in detail in the following documents:

- Deliverable 6.1: Recommendations for policy makers for avoiding circumvention (draft version to collect NGO & industry positions); and
- Deliverable 6.3: Recommendations for European Standardisation Organisations for avoiding circumvention (draft version to collect NGO & industry positions).

Although the recommendations overall are a major improvement compared to the current situation, several points raise concerns and must be improved.

Please note that the numbering is derived from the ANTICSS presentation given at the June 14 workshop, which means that it is not numerically chronological but intends to facilitate the connection of our comments to the ANTICSS recommendations.

EPEE comments

1) Constraints to the regulatory framework (ANTICSS deliverable 6.1, section 4.1)

Concerning the constraints to the regulatory framework, EPEE agrees on the proposal as a whole. However, section (b) described that the act of circumvention is relevant only under test conditions and can be executed by "*pre-set or manual alteration of the product performance and/or resource consumption during test*". EPEE would like to comment the following:

The definition of "manual alteration" is too general and needs to be checked product-by-products, which means that a better wording should be proposed. Also, we are doubtful whether this also applies to the testing of air conditioners and heat pumps.

2) Circumvention in standardisation requests (ANTICSS deliverable 6.1, section 4.2)

EPEE agrees and has no additional comments.

3) Legal basis for the use of alternative test methods in compliance verification (ANTICSS deliverable 6.1, section 4.3)

EPEE agrees and has no additional comments.

4) Manufacturer's instructions for installation/setting of products (ANTICSS deliverable 6.1, section 4.2 and deliverable 6.3, section 5.2)

On the manufacturer's instructions for installation/setting of products, EPEE would like to stress the issue of IP rights against publishing such instructions. Testing information for set-up in technical documentation represents very sensitive information about companies' intellectual property materials and competitive data. This proposal and the conditions under which such information would be released have to be carefully thought through.

Reconsider and remove the requirement to publish the manufacturer's instructions for the installation or setting of products.

6) Smart features targeted towards performance optimisation of products (ANTICSS deliverable 6.1, section 4.3)

EPEE agrees and believes that this proposal may help in fighting greenwashing.

7) Software updates (ANTICSS deliverable 6.1, section 4.7 and deliverable 6.3, section 5.6)

Considering the software updates, it is unclear how it should be assessed that the products are out of scope after they were placed on the market. This needs further consideration.

Reconsider the assessment of whether products are out of scope after their placement on the market.

5) Regular assessment of the existing legislation (ANTICSS deliverable 6.1, section 4.5) and Regular assessment of the existing standards (ANTICSS deliverable 6.3, section 5.7)

The regular assessment of the existing legislation and existing standards raises the question of who identifies the issues and who or which entities are assessing and judging on the existing legislation and standards. Moreover, once a decision has been taken on whether legislation should be reviewed, the process of decision-making and the actors involved is unclear. It is paramount that all relevant and affected stakeholders remain involved throughout the process.

Ensure that a review process and decision-making process is clarified and has been agreed upon, and maintain guarantees for the involvement of all relevant stakeholders.

11) Harmonised European standards (ANTICSS deliverable 6.1, section 4.12 and deliverable 6.3, section 5.8)

EPEE agrees and has no additional comments.

13) Intended use and functions of a product compliances (ANTICSS deliverable 6.1, section 4.14)

EPEE agrees and has no additional comments.

15) Miscellaneous recommendations (ANTICSS deliverable 6.1, section 4.15)

We understand that it is important that products are as much as possible tested in their out-of-the-box setting. EPEE supports the recommendation that a sort of “take back” clause, currently included in the amended version of the Regulation on ecodesign requirements for transformers, could be adopted for other product groups when the out-of-the-box configuration is not feasible. The latter is already current practice for air conditioners and heat pumps>

Current testing experience shows that many units need to be adapted to the required test conditions, even with simple settings, such as night setback, low sound volume, settings of the heating curves, etc.

EPEE supports the proposal to exclude products from out-of-the-box testing.

ABOUT EPEE:

The European Partnership for Energy and the Environment (EPEE) represents the refrigeration, air-conditioning, and heat pump industry in Europe. Founded in the year 2000, EPEE’s membership is composed of over 50 member companies, national and international associations from three continents (Europe, North America, Asia).

EPEE member companies realize a turnover of over 30 billion Euros, employ more than 200,000 people in Europe and create indirect employment through a vast network of small and medium-sized enterprises such as contractors who install, service and maintain equipment.

EPEE member companies have manufacturing sites and research and development facilities across the EU, which innovate for the global market.

As an expert association, EPEE is supporting safe, environmentally, and economically viable technologies with the objective of promoting a better understanding of the sector in the EU and contributing to the development of effective European policies.

As part of the activities EPEE and its members are undertaking to raise awareness on sustainable cooling, EPEE has launched a broader [#CountOnCooling campaign](#). The [EPEE White Paper](#) “Count on Cooling: A five-step approach to deliver sustainable cooling” examines the crucial role of cooling in the 21st century.

For more information, please see our websites www.epeeglobal.org and www.countoncooling.eu

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