

Position on the proposal for an Ecodesign for Sustainable Products Regulation (ESPR)

22 June 2022

EXECUTIVE SUMMARY AND RECOMMENDATIONS

EPEE, representing the Refrigeration, Air-Conditioning and Heat-Pump (RACHP) industry, welcomes the European Commission's proposal for a new Ecodesign for Sustainable Products Regulation as an ambitious piece of legislation. The present position paper aims to highlight the loopholes where the draft regulation may fall short in the future implementation and provide an overview of the main recommendations in this respect:

- Assess requirements on a **product-by-product approach** by applying the **proportionality principle** in setting product specific requirements and ensure these are **measurable and verifiable**.
- Ensure a consistent approach with existing EU legislations by **aligning definitions** to avoid loopholes or overlap.
- Consider the **expertise of standardisation** bodies and avoid the introduction of inconsistencies among the different policy areas and legislation.
- **Streamline information requirements** and clarify the reference to the performance levels and the Digital Products Passport's provisions.
- Support **e-labelling** as a more sustainable alternative to providing physical paper-based information.
- Assess the **introduction of a performance label on case-by-case basis**, to avoid an overlap with the products that are already in scope of the Energy Labelling Regulation.
- Avoid one-size-fits-all and **maintain specific considerations for ErP groups**.
- Consider the **risks of disclosing competitively sensitive information** on unsold goods.
- **Support market surveillance authorities** by including customs into the surveillance systems and ensure unnecessary duplication of data.

The annex to this position paper contains a list of amendments that EPEE would like to propose in order to strengthen the current draft proposal.

EPEE has always been a supporter of the Ecodesign instruments, which have helped deliver the EU objectives in terms of ensuring better transparency and several environmental benefits, by taking into account lifecycle aspects of products and by setting measurable and enforceable requirements based on the proportionality principle. Moreover, EPEE fully supports the new legislative tool of a regulation instead of a directive, aiming to avoid

national inconsistencies and prevent national deviations in the context of implementation. EPEE continues to support such an approach that fully takes into consideration the ongoing revisions of specific products categories and ecodesign requirements that are to be revised in parallel with the co-decision procedure of the ESPR.

As a general comment, EPEE members are concerned about the risk that the proposal could bypass the standardisation procedures to impose requirements that would potentially disregard the stakeholders' expertise. Therefore, EPEE strongly urges the EU legislators to ensure that the standardisation procedures are being respected in the context of all the new requirements proposed. With respect to the opportunity of setting up ecodesign provisions based on a 'product-by-product' principle, EPEE believes that it is going in general into the right direction. Such approach may become necessary for the RACHP sector where harmonised standards are needed, as tools for assuring the presumption of conformity of EU products to ensure the functioning of the market.

Therefore, EPEE recommends that Member States should avoid developing additional national measures on sustainable products that impair the functioning of the internal market, provided that the new ESPR Regulation is intended to improve the harmonisation of the EU single market. Consequently, definitions must be clear, harmonised, and remain comprehensible and, if possible, based on each related standard, where it is available.

1. Scope of the proposed Regulation

EPEE recommends **aligning definitions with existing legislation** to ensure seamless compliance and avoid unnecessary overlaps or contradicting requirements. Providing the extensive scope of the draft proposal, there will inevitably be numerous areas of overlap with other existing EU legislation (e.g., WEEE Directive, REACH Regulation, EU taxonomy, Empowering Consumers Initiative, etc.).

By way of example, with respect to chemicals and the ESPR's overlap with REACH, the European Commission provides that REACH rules will apply to health and environmental concerns, whereas ESPR would address sustainability. However, such distinction is not so neat and straightforward, especially if definitions are not well aligned and the interplay among the different pieces of legislation is left to secondary law.

2. Confidentiality aspects to be further considered

In order to speed up and facilitate the verification of **compliance of products** placed on the market, the European Commission would be empowered through delegated acts to require operators to make specific parts of the technical documentation "digitally available" to both the European Commission and the competent authorities.¹ This can be done through the Digital Products Passport (DPP) initiative (see the next chapter) or via direct inclusion on the company's websites.

¹ Recital 62 of ESPR Proposal.

While EPEE fully supports the proposed ESPR as a legal instrument aiming to ensure products sustainability and environmentally related information sharing, the proposed text should ensure that **all data is adequately treated** in compliance with the EU legislation, in relation to the confidentiality, reliability and ownership of data, as well as right to access and manage (e.g., delete and modify, where needed) the information, including industrial secrets, intellectual property (IP) and know-how protection.

3. Clarifications on the Digital Product Passport (DPP)

EPEE welcomes the inclusion of provisions for Digital Product Passport (DPP), while at the same time voicing concerns about the information burden for industry in combination with the existing (and expanding) obligations under the EPREL and SCIP databases.^{2,3} We note that the **relation between the DPP and the already existing databases** is currently unclear. Therefore, whether the DPP is to be considered as a standalone system or whether it is to be linked to the existing databases should be clarified. In this respect, EPEE supports measures that would further extend the access to EPREL and SCIP entries in a centralised manner, as this would be facilitated via the DPP, through a data carrier connected to a unique product identifier.

In this respect, the proposed Art. 8(4) can also be considered as a possible exemption for product groups that are already covered by other databases, such as EPREL and SCIP. However, it is unclear whether products registered on either tool, or both systems would be exempt from the requirement for a DPP. As EPREL and SCIP do not cover the full range of aspects on which ecodesign requirements are set, clarifications in this respect would be more than welcome.

Additionally, it seems that whereas the exact scope and application of the DPP is still under discussion, it is unclear whether the new requirements of the DPP would apply to product models, batches, or item of products. In this respect, EPEE members are concerned about the **administrative burdens and the expected respective costs**, especially **if the DPP is applied at the individual item level**, together with the combination of the list of requirements established in the proposed Art. 31.

Notwithstanding that, it must be ensured that all stakeholders in the value chain are consulted during the definition of the digital architecture and framework development of the DPP. This would be essential to **adequately consider how the DPP can be adapted for the various industries (both ErP vs non-ErP)**. For example, access rights to the DPP should be differentiated for various categories of data-user, i.e., the customer, a professional repairer, or a market surveillance authority. Their respective access should be determined on a need-to-know basis in order to protect confidential business information. It is paramount that, as

² European Product Registry for Energy Labelling

³ SCIP is the database for information on Substances of Concern In articles as such or in complex objects (Products) established under the Waste Framework Directive (WFD).

provided for in the proposal, access rights are delimited in product-specific ecodesign implementing acts and not in generic one-size-fits all horizontal implementing acts.

Lastly, with respect to the proposed Art. 7(6)(f), which allows the e-labelling via a data carrier connected to a unique product identifier, (e.g., through a QR-code), it seems that the product information requirements are grouped in the context of the DPP. If this is the case, EPEE members understand that, depending on the product group, either e-labelling or the DPP can actually be the suitable method in which product information is made available. Therefore, EPEE strongly supports **e-labelling as a more sustainable alternative** to providing physical paper-based information, and we also urge to combine the e-label with the DPP.

4. Tracing of chemical substances in the supply chain

As highlighted above, it is important that the ESPR does not create unnecessary overlaps and interconnections (or even conflicts) with REACH, RoHS, and other chemicals legislation. Therefore, a consistent approach should always be ensured with respect to the existing regulatory framework. More specifically, we recommend that the definition of the proposed Article 2(28)(c) on substances of concern is removed from the proposed ESPR text. The proposed new definition of “substances of concern” creates unnecessary confusion with the current REACH framework regulation that is to address substances of concern at the EU level.

In this respect, EPEE recommends that **the tracking of substances is determined by a qualified entity** with expertise on the subject matter. An example of such entities that could determine whether a substance should be tracked is the REACH Risk Assessment Committee (RAC). Nonetheless, it is unclear if and how such entities can fulfil the enormous administrative work related to the requirements and the assessment of the feasibility and relevance of tracking specific substances in respect to a product group. **To avoid double regulation** on this issue and on the chemical tracing of substances, EPEE **recommends maintaining the REACH framework** as the lead legal tool on the substances of concerns and to not regulate them under Ecodesign. This would avoid any possible redundancies and inconsistencies in both policy frameworks.

5. Avoid the introduction of a performance label by default

Within this context and in view of the e-labelling requirements and the DPP, EPEE would like to express its concerns as per the introduction of a mandatory performance label for the products that are already in scope of energy labelling framework. The reason behind this is that a performance label may raise confusion when placed alongside the energy label. The proliferation of labels and databases to be adopted for all sectors by default risks to create unnecessary duplication of information requirements and, therefore, it should be carefully considered.

Notwithstanding that, EPEE recommends assessing **the need for a performance label on ‘case-by-case’ basis** per product group. The reason is that the supply chains, energy efficiency and performance, material and resource characteristics differ between various product groups. The differences are not only regarding ErP vs non-ErP but can be traced also between

different ErPs of the same sector. In the context of the Energy Efficiency First principle and from a total lifecycle impact, the **most important sustainability aspect for the RACHP sector remains the energy efficiency.**

Moreover, EPEE recommend that the non-quantitative requirements under Art. 6 are measurable and enforceable. To ensure the comparability and weighting of these requirements, they must be clearly shown and made understandable to consumers and market surveillance in order to ensure a balanced understanding and application throughout the internal market.

6. Avoid one-size-fits-all and maintain specific considerations for ErP groups

EPEE is pleased to see that the EU Legislator intends to continue stakeholder consultations through the proposed Ecodesign Forum. However, EPEE would like to highlight that such an Ecodesign Forum will not be the same as current Consultation Forum due to the increased scope and membership, both vertically and horizontally. To improve the quality of feedback that the Commission receives, EPEE strongly urges the European Commission to create an **ErP subgroup** in analogy to the current Consultation Forum on Ecodesign and Energy Labelling.

7. Risks of disclosing competitively sensitive information on unsold goods

EPEE members considered the possible unintended repercussions arising from the proposed Articles 20, 21, and 30. According to the proposed text, economic operators would be required to report information, including the number of the discarded unsold goods per each year, on a freely accessible website or through other means to make it publicly available. However, **sensitive information needs to be properly protected.**

Within this context, EPEE recommends the European Commission to consider that in some cases there are already similar provisions in place, such as in the context of WEEE Directive. In this respect, manufacturers of electrical and electronic equipment are, for example, required to dispose waste equipment via Producer Responsibility Organisations (PROs) under the national provisions implementing the WEEE Directive. As such, manufacturers of waste electrical and electronic equipment are **required to deliver unsold electrical and electronic equipment** to a PRO, which will then handle the unsold products, which includes reuse and recycling. EPEE believes that such elements should be duly considered during the decision-making process.

8. Supporting market surveillance authorities without duplication of data

Market surveillance is essential to foster compliance and the enforcement of ecodesign requirements amongst the economic operators. To support an effective market surveillance, the technical data that economic operators are to provide to MSAs should be shared in a clear manner and the **duplication of information must be avoided** to reduce the additional administrative burden on both MSAs and economic operators.

Additionally, EPEE would like to ask further clarifications on the proposal of gathering 'real-life data' from the use of product, in particular regarding the collection and reporting of this

data to the Commission. Moreover, it is not clear how such a requirement could be implemented in a realistic, cost-efficient, fair, and meaningful manner. In this respect, the collection, storage, and transfer of data must be defined in a manner that ensures compliance with the intellectual property and data protection requirements, taking into account the latest cybersecurity and data privacy standards. Data storage costs are also a significant factor in driving increased energy consumption in data centres that would have negative implications for the EU's climate neutrality objective.

EPEE would like to **welcome the proposed anti-circumvention clause** (Art. 33). Circumvention and software updates' provisions have been increasingly incorporated in the revisions of Ecodesign product regulations, such as ENER Lot 5 (displays), ENER Lot 12 (commercial refrigeration), or ENER Lot 30 (motors). Ongoing revisions of Ecodesign implementing regulations are following this path and EPEE members believe that this should remain the approach for products covered by the ESPR.

9. Support market surveillance by including customs into the surveillance systems

EPEE welcomes the initiative to improve ecodesign market surveillance and believes that the proposal can be further improved by including customs in the national market surveillance plans. The reason is that market surveillance does not only cover enforcement on internal activities, but also the flows of goods and services from the territorial borders. As such, customs surveillance is a vital part of the effective enforcement, as recognised in the 2019 Market Surveillance Regulation.

In this respect, additional clarifications on how additional requirements and activities of the MSAs would be financed is important to consider, provided the current deficiencies related to underfunding and understaffing. Ideally, Member States should be required to detail how their market surveillance action plans are to be further supported and possibly specify what priority will be allocated to specific actions, under this perspective.

ANNEX

The annex to this position paper contains a list of amendments that EPEE would like to propose in order strengthen the current draft proposal.

Article/Annex	Text of Commission proposal	EPEE recommendation
<p>Art. 5(4)(b) and Annex II</p>	<p>Ecodesign requirements</p> <p>4. When preparing ecodesign requirements, the Commission shall: (...)</p> <p>(b) carry out an impact assessment based on best available evidence and analyses, and as appropriate on additional studies and research results produced under European funding programmes. In doing so, the Commission shall ensure that the depth of analysis of the product aspects listed in paragraph 1 is proportionate to their significance. The establishment of ecodesign requirements on the most significant aspects of a product among those listed in paragraph 1 shall not be unduly delayed by uncertainties regarding the possibility to establish ecodesign requirements to improve other aspects of that product;</p>	<p>Ecodesign requirements</p> <p>4. When preparing ecodesign requirements, the Commission shall: (...)</p> <p>(b) carry out an impact assessment based on best available evidence and analyses, and as appropriate on additional studies and research results produced under European funding programmes. In doing so, the Commission shall ensure that the depth of analysis of the product aspects listed in paragraph 1 is proportionate to their significance <u>and that the potential for regrettable substitution, as a result of potential requirements, is assessed across Union climate, environmental and energy efficiency priorities and other related Union priorities.</u> The establishment of ecodesign requirements on the most significant aspects of a product among those listed in paragraph 1 shall not be unduly delayed by uncertainties regarding the possibility to establish ecodesign requirements to improve other aspects of that product;</p>
<p>Art. 5(6)(a)</p>	<p>Ecodesign requirements provide, upon request, manufacturers, notified bodies and competent national authorities with all available information</p>	<p>Ecodesign requirements provide, upon request, manufacturers, notified bodies and competent national authorities with all available information</p>

	related to their supplies or services that is relevant for compliance with ecodesign requirements;	related to their supplies or services that is mandatory for compliance with ecodesign requirements;
Art. 16(1)(c)	<p>Prioritisation & planning</p> <p>1. When prioritising products to be covered by ecodesign requirements in accordance with this Regulation, the Commission shall take into account their potential contribution to achieving Union climate, environmental and energy efficiency objectives, as well as the following criteria:</p> <p>(...)</p> <p>(c) the distribution of the environmental impacts, energy use and waste generation across the value chain, in particular whether they take place within the Union;</p>	<p>Prioritisation & planning</p> <p>1. When prioritising products to be covered by ecodesign requirements in accordance with this Regulation, the Commission shall take into account their potential contribution to achieving Union climate, environmental and energy efficiency objectives, as well as the following criteria:</p> <p>(...)</p> <p>(c) the distribution of the environmental impacts, energy use and waste generation across the value chain and life-cycle, in particular whether they take place within the Union;</p>
Art. 17	<p>Ecodesign Forum</p> <p>The Commission shall ensure that when it conducts its activities, it observes a balanced participation of Member States’ representatives and all interested parties involved with the product or product group in question, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations. These parties shall contribute in particular to preparing ecodesign requirements, examining the effectiveness of the established market surveillance mechanisms and assessing self-regulation measures.</p> <p>To that end, the Commission shall establish an expert group, in which</p>	<p>Ecodesign Forum</p> <p>The Commission shall ensure that when it conducts its activities, it observes a balanced participation of Member States’ representatives and all interested parties involved with the product or product group in question, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations. These parties shall contribute in particular to preparing ecodesign requirements, examining the effectiveness of the established market surveillance mechanisms and assessing self-regulation measures.</p> <p>To that end, the Commission shall establish an expert group, in which</p>

	<p>those parties shall meet, referred to as the 'Ecodesign Forum'.</p>	<p>those parties shall meet, referred to as the 'Ecodesign Forum'. <u>The 'Ecodesign Forum' shall function as a plenary, supported as a minimum by an 'Energy-related Products' sub-group and a 'Non-Energy-related Products' sub-group.</u></p>
<p>Art. 31(1)</p>	<p>Monitoring and reporting obligations</p> <p>1. When requiring manufacturers, their authorised representatives or importers to make available to the Commission, information on the quantities of a product covered by delegated acts adopted pursuant to Article 4, third subparagraph, point (b), the Commission shall take into account the following criteria:</p> <p>(a) the availability of evidence on the market penetrations of the relevant product in order to facilitate the review of delegated acts adopted pursuant to Article 4 applicable to that product;</p> <p>(b) the need to avoid disproportionate administrative burden for economic operators.</p> <p>The Commission shall specify the period of time to which the information referred to in the first subparagraph shall relate. That information shall be differentiated per product model.</p> <p>The Commission shall ensure that the resulting data is processed securely and in compliance with Union law.</p> <p>The Commission shall specify in</p>	<p>Monitoring and reporting obligations</p> <p>1. When requiring manufacturers, their authorised representatives or importers to make available to the Commission, information on the quantities of a product covered by delegated acts adopted pursuant to Article 4, third subparagraph, point (b), the Commission shall take into account the following criteria:</p> <p>(...)</p> <p>The Commission shall specify the period of time to which the information referred to in the first subparagraph shall relate. That information shall be differentiated per product model.</p> <p>The Commission shall ensure that the resulting data is processed securely and in compliance with Union law <u>and that any publication of the resulting data by the Commission is aggregated.</u></p> <p>The Commission shall specify in those delegated acts the means through which the relevant information shall be made available and its periodicity.</p>

	those delegated acts the means through which the relevant information shall be made available and its periodicity.	
Art. 31(2)	<p>Monitoring and reporting obligations</p> <p>2. When requiring a product to be able to measure the energy it consumes or its performance in relation to other relevant product parameters referred to in Annex I while in use, pursuant to Article 4, third subparagraph, point (c), the Commission shall take into account the following criteria:</p> <p>(a) the usefulness of in-use data for end-users to understand and manage the energy use or performance of the product;</p> <p>(b) the technical feasibility of recording in-use data;</p> <p>(c) the need to avoid disproportionate administrative burden for economic operators.</p> <p>Products covered by a requirement set pursuant to Article 4, third subparagraph, point (c), shall record the resulting in-use data and make it visible to the end-user.</p>	<p>Monitoring and reporting obligations</p> <p>2. When requiring a product to be able to measure the energy it consumes or its performance in relation to other relevant product parameters referred to in Annex I while in use, pursuant to Article 4, third subparagraph, point (c), the Commission shall take into account the following criteria:</p> <p>(a) the usefulness of in-use data for end-users to understand and manage the energy use or performance of the product;</p> <p><u>(b) the nature and volume of the data likely to be generated by the use of the product or related service;</u></p> <p>(c) the technical feasibility of recording in-use data <u>taking into account cybersecurity, data protection and data storage;</u></p> <p>(d) the need to avoid disproportionate administrative burden for economic operators.</p> <p>Products covered by a requirement set pursuant to Article 4, third subparagraph, point (c), shall record the resulting in-use data and make it visible to the end-user.</p>
Art. 31(3)	<p>Monitoring and reporting obligations</p> <p>3. When requiring manufacturers, their authorised representatives or</p>	<p>Monitoring and reporting obligations</p> <p>3. When requiring manufacturers, their authorised representatives or</p>

	<p>importers to collect, anonymise or report to the Commission in-use data referred to in paragraph 2, pursuant to Article 4, third subparagraph, point (d), the Commission shall take into account the following criteria:</p> <p>(...)</p> <p>Such requirements referred to in the first subparagraph may in particular consist of:</p> <p>(a) collecting the in-use data if it can be accessed remotely via the internet, unless the end-user expressly refuses to make that data available;</p> <p>(b) anonymising the data collected under point (a) and report it to the Commission at least once a year. The economic operator shall include the product database identification number of the model as referred to in Article 12(5) of Regulation (EU) No 2017/1369 and, if relevant to their performance, geographical information on the products.</p> <p>The Commission shall specify the details and format for reporting the in-use data as referred to in the second subparagraph, point (b).</p>	<p>importers to collect, anonymise or report to the Commission in-use data referred to in paragraph 2, pursuant to Article 4, third subparagraph, point (d), the Commission shall take into account the following criteria:</p> <p>(...)</p> <p>(a) collecting the in-use data if it can be accessed remotely via the internet, unless the end-user expressly refuses to make that data available;</p> <p>(b) anonymising the data collected under point (a) and report it to the Commission at least once a year. The economic operator shall include the product database identification number of the model as referred to in Article 12(5) of Regulation (EU) No 2017/1369 and, if relevant to their performance, geographical information on the products;</p> <p><u>(c) access and use requirements in accordance with Articles 4, 5, 6 and 7 of Regulation (EU) XXXX/2022 [Data Act].</u></p> <p>(...)</p>
<p>Art. 35(1)</p>	<p>Common specifications</p> <p>1. The Commission may adopt implementing acts laying down common specifications for ecodesign requirements, the essential requirements for product passports referred to in Article 10 or for test, measurement or</p>	<p>Common specifications</p> <p>1. The Commission may adopt implementing acts laying down common specifications for ecodesign requirements, the essential requirements for product passports referred to in Article 10 or for test, measurement or</p>

	<p>calculation methods referred to in Article 32, in the following situations:</p> <p>(a) it has requested one or more European standardisation organisations to draft a harmonised standard in relation to an ecodesign requirement or method that is not covered by a harmonised standard or part thereof, the references of which have been published in the Official Journal of the European Union, and there are either undue delays in the standardisation procedure or the request has not been accepted by any of the European standardisation organisations;</p> <p>(b) the Commission has decided in accordance with the procedure referred to in Article 11(5) of Regulation (EU) No 1025/2012 to maintain with restriction or to withdraw the references to the harmonised standards or parts thereof by which an ecodesign requirements or method is covered.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3).</p>	<p>calculation methods referred to in Article 32, in the following situations:</p> <p>(a) it has requested one or more European standardisation organisations to draft a harmonised standard in relation to an ecodesign requirement or method that is not covered by a harmonised standard or part thereof, the references of which have been published in the Official Journal of the European Union, and there are either undue delays in the standardisation procedure or the request has not been accepted by any of the European standardisation organisations.</p> <p><u>Before beginning the process to adopt implementing acts for test, measurement or calculation methods the Commission must request a reasoned opinion from the committee established pursuant to Article 22 of Regulation (EU) No 1025/2012, which must consult with the European standardisation organisations.</u></p> <p>(b) the Commission has decided in accordance with the procedure referred to in Article 11(5) of Regulation (EU) No 1025/2012 to maintain with restriction or to withdraw the references to the harmonised standards or parts thereof by which an ecodesign requirements or method is covered.</p>
Art. 35(3)	<p>Common specifications Products which are in conformity with common specifications or</p>	<p>Common specifications Products which are in conformity with common specifications or</p>

	<p>parts thereof shall be presumed to be in conformity with ecodesign requirements set out in the delegated act adopted pursuant to Article 4 by which those products are covered to the extent that those requirements are covered those common specifications or parts thereof.</p>	<p>parts thereof shall be presumed to be in conformity with ecodesign requirements set out in the delegated act adopted pursuant to Article 4 by which those products are covered to the extent that those requirements are covered by those common specifications or parts thereof.</p>
<p>Art. 59(1)</p>	<p>Market surveillance action plans 1. Without prejudice to Article 13 of Regulation (EU) 2019/1020, each Member State shall, at least every 2 years, draw up an action plan outlining the market surveillance activities planned to ensure that appropriate checks are performed on an adequate scale in relation to this Regulation and the delegated acts adopted pursuant to Article 4. Each Member State shall draw up the first such action plan by [16 July 2024].</p> <p>The action plan referred to in paragraph 1 shall at least include:</p> <p>(a) the products or requirements identified as priorities for market surveillance, taking into account the common priorities identified by the administrative cooperation group pursuant to Article 62(1), point (a), and in accordance with the implementing acts referred to in paragraph 5;</p> <p>(b) the market surveillance activities planned in order to reduce non-compliance for those products or requirements identified as priorities, including the nature and minimum number of checks to</p>	<p>Market surveillance action plans 1. Without prejudice to Article 13 of Regulation (EU) 2019/1020, each Member State shall, at least every 2 years, draw up an action plan outlining the market surveillance activities planned to ensure that appropriate checks are performed on an adequate scale in relation to this Regulation and the delegated acts adopted pursuant to Article 4. Each Member State shall draw up the first such action plan by [16 July 2024].</p> <p>The action plan referred to in paragraph 1 shall at least include:</p> <p>(a) the products or requirements identified as priorities for market surveillance, taking into account the common priorities identified by the administrative cooperation group pursuant to Article 62(1), point (a), and in accordance with the implementing acts referred to in paragraph 5;</p> <p>(b) the market surveillance activities planned in order to reduce non-compliance for those products or requirements identified as priorities, including the nature and minimum number of checks to be performed during the period</p>

	<p>be performed during the period covered by the action plan.</p>	<p>covered by the action plan, <u>including information on the appropriate financing, support measures, and other instruments necessary to conduct the planned customs and market surveillance activities;</u></p> <p><u>(c) the customs surveillance activities planned in order to support market surveillance activities;</u></p>
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ABOUT EPEE

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 as well as national and international associations from three continents (Europe, North America, Asia). With manufacturing sites and research and development facilities across the EU, which innovate for the global market, EPEE member companies realize a turnover of over 30 billion Euros, employ more than 200,000 people in Europe and also create indirect employment through a vast network of small and medium-sized enterprises such as contractors who install, service and maintain equipment. Please see our website (<https://www.epeeglobal.org/>) for further information.