

## Position on the review of Regulation 327/2011 (ENER Lot 11) following the Consultation Forum of 9 June 2023

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

The European Commission is reviewing Ecodesign Regulation (EU) No 327/2011 on fans (ENER Lot 11). EPEE, the voice of the air conditioning, heat pump, and refrigeration industry in Europe, supports the EU Ecodesign and energy labelling policies, and agrees with the need to keep the legislation up-to-date and in line with the latest technological developments.

This paper provides the EPEE position on the most recent proposals from the Commission on the review of the requirements for fans. After presenting our support to relevant provisions, the paper offers our recommendations divided in seven different topics, as a reaction to the Consultation Forum of 9 June 2023.

#### Chapter I: What EPEE supports.

1. The three-year timeline for integrated fans.
2. The deletion of complete and incomplete fans definitions.
3. The exclusion of integrated fans subject to other Ecodesign regulations regarding resource efficiency.
4. Information requirements with the final product.

#### Chapter II: EPEE's recommendations for a more consistent legislation.

1. Remove the 7-year time limit from the spare parts exemption to avoid premature replacement of products.
2. Limit information for integrated fans subject to other Ecodesign regulations.
3. Take into consideration the ongoing PFAS restriction under REACH.

## Introduction

EPEE, the voice of the air conditioning, heat pump, and refrigeration industry in Europe, welcomes the opportunity to provide comments to the Commission's proposals for a revised Ecodesign Regulation (EU) No 317/2011 for fans (ENER Lot 11). We welcome the discussion that followed the Consultation Forum of 9 June 2023 and appreciate the opportunity to provide further input in writing.

**As EPEE clearly stated in the past, we are not in favour of cascading. Regulating the components integrated into products that are already regulated (i.e. integrated fans) is counterproductive and may even lead to contradictory requirements. Furthermore, the ongoing review of the F-gas Regulation and the PFAS restriction process under REACH, combined with higher energy efficiency requirements for the final products, aggravate the risks of said contradictory requirements. For instance, PFAS concerns electronics and fluoropolymers; which are impacted in the Lot 11 regulation as well.**

Moreover, EPEE also strongly believes that custom fans should be excluded of minimum fan efficiency requirements. These elements are already considered by the customer for the optimization of the custom-made product and are already available to the customer through contracts.

Although EPEE is not supportive of such approach, it is understood that the Commission will most likely move forward with this approach. For that reason, we would like to comment on some critical aspects of the current proposal.

First of all, we positively welcome the 3-year transition time for integrated fans, which is a necessary period to juggle the different regulatory challenges industry is facing (F-Gas Regulation, PFAS restriction under REACH and higher MEPS in Ecodesign Regulations for final products). EPEE believes that an overarching view of these ongoing files is critical to deliver a homogenous and robust legislation, that will encompass all aspects of durability of our products. The deletion of the requirement to provide information with the technical data sheet of the final product in which the fan is integrated is also greatly appreciated.

However, we believe that certain aspects of the Commission proposal should be further improved. A critical item is related to the 7-year spare part exemption, which we believe should be unlimited for fans integrated into products to avoid premature replacement of products.

Moreover, EPEE also strongly believes that integrated fans should be excluded from partial load information requirements.

***For further details on our supporting points and recommendations, please see our arguments below.***

## Chapter I: What EPEE supports.

### 1. The three-year timeline for integrated fans.

EPEE strongly supports the 3-year transition time for integrated fans. Sufficient time is needed to adapt the final products in which the compliant fan is finally integrated.

EPEE would like to underline that in parallel to this revision, several other files are ongoing that will impact the RACHP equipment in which the fans are integrated: F-Gas Regulation revision, PFAS restriction under REACH and higher energy efficiency requirements in the final product Ecodesign Regulation. Due to this uncertain landscape, time is very much needed to facilitate the transition.

Furthermore, industry needs sufficient time to adopt the new rules, potentially test fans that were not tested separately in the past (leading to, amongst other, the need to develop new testing facilities), and implement the necessary changes in its production and supply chain in order to comply with the new Ecodesign rules.

### 2. The deletion of complete and incomplete fans definitions.

EPEE appreciates the proposal from the Commission to delete the definitions of complete and incomplete fans in the regulation. This deletion enhances clarity and consistency in the legal text.

### 3. The exclusion of integrated fans subject to other Ecodesign regulations regarding resource efficiency.

EPEE supports the exclusion of fans integrated in other products subject to other Ecodesign requirements regulations. The current draft is an improvement as it excludes fans integrated into products regulated by Ecodesign in the sense that those fans need to comply with the material efficiency requirements from the final product Regulation. This will avoid any conflicts or inconsistencies between component and final product requirements.

### 4. Info requirements with final product.

EPEE welcomes the deletion of the requirement to provide information with the technical data sheet of the final product in which the fan is integrated. It is neither relevant information for the end user buying the final product, nor is it acceptable from a confidentiality point of view to provide this kind of data publicly.

## Chapter II: EPEE's recommendations for a more consistent legislation.

### 1. Remove the 7-year limit for spare parts for integrated fans.

Fans integrated in other products covered by ecodesign requirements should be removed from the 7-year requirement for spare parts in Article 1-3(k).

EPEE understands the Commission's concern of allowing loopholes by exempting the integrated fans spare parts from the 7-year tier. However, EPEE wishes to demonstrate that the circumventions that were observed with water pumps are not to be expected with fans.

First of all, water pumps and fans are not the same product. EPEE would like to show that the industry uses fans as follows:

- many product manufacturers produce the fans they need by themselves and thus, these fans are not available on the market.
- other product manufacturers purchase fans from the market.

Water pumps are not made by product manufacturers. Instead, they are provided by specialized companies, often as Original Equipment Manufacturer (OEM) pumps.

Furthermore, EPEE suggests following countermeasures to ensure the fans are *only* used as spare parts for the products they are meant for:

1. The fans should be labelled as spare parts;
2. A declaration should be provided with the fan that stipulates the product can only be used as spare part to be integrated in a product. A list of products for which the fan is meant could also be provided.

EPEE suggests that fans integrated into products would be specifically marketed and labelled for spare part purposes. On another note, customized fans, made to fit certain types of products can't be used anywhere else, which is also the case of some integrated fans which are sealed in the products.



Figure 1 – Typical axial fan for use in installation category A arrangements (i.e. air-conditioning heat pumps, wall fans, unit heaters, etc.)<sup>1</sup>

<sup>1</sup> EVIA, Market Surveillance Guidance Document, March 2021, [EVIA-Fans-Market-Surveillance-Guidance-Document-March-2021.pdf](#)

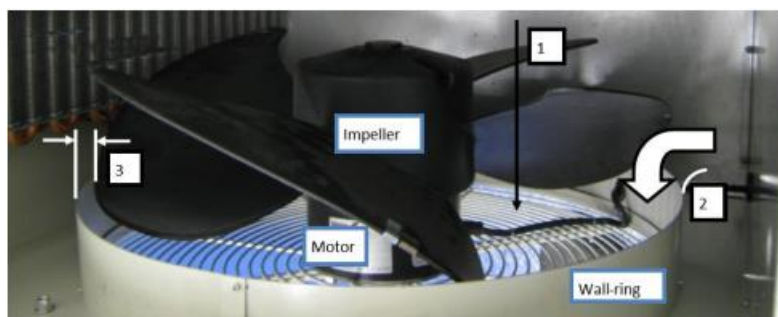


Figure 2 – Example of an axial fan integrated<sup>2</sup>

Consequentially, EPEE emphasizes that replacing existing fans by functionally identical models complying with Ecodesign requirements is technically impossible in some products, and detrimental to the environment. Aside from a significant cost increase for both end-users and manufacturers, it would lead to additional waste generation due to the reduction of the useful lifetime of equipment in case of a fan failure.

RACHP equipment has a much longer lifetime than 7 years. So, if a fan breaks down after 7 years of use, it is possible that a new compliant fan will not be able to fit the existing product. This will in practice result in a replacement of the full RACHP system (outdoor unit, indoor units, even piping sometimes), which is not in line with the durability and repairability principles of the EU. The lifetime of the equipment in which the fan is integrated should be safeguarded.

**EPEE is open to further discuss its views with DG ENER and would like to bring forward the idea to use the “repair as produced” principle which acts as a fundamental support for the circular economy and is already integrated in multiple pieces of legislation.**

## 2. Limit information for integrated fans subject to other Ecodesign regulations.

Regarding the **partial load info requirements**: especially for fans that are integrated into products, it is not relevant to have partial load data available for the customer. It would only add burden without any benefit for the final customer. EPEE therefore asks to exclude fully fans integrated into products from partial load info requirements.

Finally, EPEE supports the 15 working days for the delivery of spare parts in the final product Regulations, instead of 10 working days as it is stated in various proposals (ENER Lot 10 for air-to-air heat pumps and air conditioners, ENER Lot 1 & 2 for space and water heaters).

## 3. Take into consideration the PFAS legislation.

If refrigerants are out of the Lot 11 discussions, fluoropolymers might be still impacted. Material resource efficiency under Ecodesign ensures longevity of heating devices, but will be impacted by PFAS under REACH which covers many physical components within HVACR equipment, prime

<sup>2</sup> *Ibid*

example Fluoropolymers and -elastomers in, motor electronics and wire insulation, or in seals and o-rings. Replacing substances of components will require 10 – 15 years, shown by our experience from lead in bearings under ROHS.

Under ecodesign, spare parts have to be available at least 10 years after the last placing of the market of the equipment. If PFAS under REACH comes into force as proposed, then Fluoropolymers and -elastomers will be banned for use in HVACR industry as of 2027. Current components containing Fluoropolymers and -elastomers may not be put onto the market as spare parts after 2027 anymore. The manufacturers must even re-engineer components for phased-out equipment, instead of focusing on the challenges of the F-gas phase down and the Repower EU targets. This conundrum is not understood by the legislators involved – and a suitable compromise is needed to create sensible legislation which can be fulfilled.

## 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.