

12 May 2023

Contribution to the public consultation on new product priorities for the ESPR Working Plan

Executive summary

EPEE, representing the Refrigeration, Air-Conditioning and Heat-Pump (RACHP) industry, welcomes the European Commission's technical report on new product priorities under the Ecodesign for Sustainable Products Regulation (ESPR) for non-Energy-related Products. The present position aims to highlight the need to 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.

1. Apply a product-by-product approach

Energy-related Products (ErPs) have been regulated under the Ecodesign Framework since the introduction of the current Ecodesign Directive in 2009. As such, ErPs have been successfully regulated in vertical product-specific Ecodesign implementing regulations, in relation to their energy efficiency, and increasingly since the 2016-2019 Ecodesign Working Plan, in respect to their material efficiency.

EPEE concurs with the Commission that ErPs are currently prioritised under the ongoing Ecodesign Working Plan 2022-2024. However, EPEE would additionally point to the fact that as ErPs are already covered by vertical product-specific Ecodesign implementing regulations, prioritisation is already determined in the Review Clauses of the respective regulations. Prioritisation in Review Clauses sets out a legal deadline by which the Commission must deliver a review study of the product-specific Ecodesign implementing regulation, and details a number of issues for which the possibility/relevance of introducing Ecodesign requirements must be evaluated.

As such, ErPs with existing Ecodesign implementing regulations are already subject to legally binding prioritisation. Given that the JRC's technical report states that *"a separate prioritisation exercise will be carried out for the latter category, taking into account (amongst other aspects) the progress made in implementing the ... Working Plan 2022-2024"*, EPEE firmly believes that the deadlines in the respective Review Clauses must determine any prioritisation of ErPs under the first ESPR Working Plan.

2. Horizontal measures

EPEE notes that the draft technical report identifies the following as issues on which consideration should be given to horizontal measures: durability, recyclability, and post-consumer recycled content as well as those earmarked for potential further elaboration at a later stage: Lightweight design and Sustainable sourcing.

Durability, Recyclability, and Post-consumer recycled content

For these horizontal measures, EPEE would again stress the importance of product-specific approaches. As such, considerations of the appropriateness, relevance and form of such requirements must be evaluated in the vertical product-specific Ecodesign implementing regulations. This approach has already been successfully implemented by the introduction of material efficiency requirements into Ecodesign implementing regulations and is being addressed in the ongoing revision of the Methodology for the Ecodesign of Energy-related Products (MEErP), which considers the specific needs of the HVACR sector. A vertical approach should be maintained when appropriate and relevant vertical Ecodesign implementing regulations are the right place to consider these issues.

Additionally, the HVACR equipment is currently undergoing major changes due to the upcoming review of F-Gas Regulation 517/2014, which will force the transition to alternative lower GWP refrigerants, entailing a likely change in materials, larger units, additional components, etc. Other than the need for the already mentioned vertical approach for HVACR equipment, we call upon the EU Commission to carefully consider trade-offs with other legislations.

Lightweight design and sustainable sourcing.

For HVACR equipment ranging from small residential applications to commercial applications, to district applications, materials used are often in relation to the type of equipment, its installation and its use, which means that materials are often product-, and/or application-specific; therefore, any lightweight design requirements should be addressed through a vertical approach.

Finally, EPEE would point to the Commission's ESPR proposal in emphasising that Ecodesign is not the correct place to regulate sustainable sourcing. Understood as the integration of social, ethical, and environmental performance factors into sourcing practices, sustainable sourcing is already being addressed at the EU level via the Corporate Sustainability Reporting Directive (CSRD) and more significantly the ongoing legislative work on the Corporate Sustainability Due Diligence Directive (CS3D) proposal and the Forced Labour Regulation proposal. Indeed, the Commission's ESPR proposal states the following, with which EPEE concurs:

"It should be noted that, due to the adoption of the Commission Proposal for a Directive on Corporate Sustainable Due Diligence during the preparation of this initiative, it was deemed appropriate to exclude requirements on social aspects from the scope of this legislative proposal".



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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.