

EHPA Feedback

Public Consultation on the Ecodesign for Sustainable Products Regulation

EHPA would like to thank the European Commission for the opportunity given to send feedback on the Commission proposal.

General remarks

Overall, when discussing about the Ecodesign for Sustainable Products Regulation and its requirements, it is important to keep in mind the following:

- EHPA would like to recall the importance of a product group specific approach to take into account the specificities of the heat pump technologies. Heat pumps are products that are part of technical building systems, and which cannot be compared to non-ErP goods or consumer-level products like mobile phones. As such, their sustainability and information requirements are peculiar and may not be the same of other products. There is no one-size-fits-all solution.
- With the widening of the Ecodesign Directive scope and the inclusion of horizontal measures, we would like to remind the Commission that all stakeholders should be consulted and be able to express their opinion to ensure a fair, transparent and open process.
- All requirements should be measurable, enforceable, repeatable, and verifiable.
- EHPA would like to recall the importance of harmonized standards as a tool for the presumption of Conformity. Self-declaration based for the CE marking should be maintained.
- There is a need for a strong single market in order to avoid national inconsistencies or prevent national deviations on the Ecodesign from Sustainable Products Regulation. Overall, we see an increase of sustainable requirements at the national level which leads a regulatory fragmentation and unnecessary complexity and costs.
- The proportionality principle is key. Requirements should be introduced on the basis of relevance and proportionality to the expected benefits. For this reason, EHPA stresses the importance of a thorough preparatory study and impact assessment phase, where it should become clear which requirements would contribute most to the targets of the ESPR.
- The Least Life Cycle cost approach should remain the primary approach to determine the requirements for product group specific Regulations. The level of requirements must be defined aiming at the least life cycle cost for end-users. This is currently applied in the Ecodesign Directive and should remain in the ESPR.

Tracking substance of concerns

Substances of concern that are already regulated in other EU pieces of legislation (e.g., REACH, RoHS) should not be subject to additional restrictions under the ESPR, information already available should be able to be reused under the ESPR.

EHPA would like to highlight that the definition of “substances of concern” covers a very broad spectrum of potential substances and goes far beyond the definition of “substances of very high concern”, as referred to in the REACH Regulation. We would like further clarifications on the scope and we recommend that an assessment shall be

performed by the competent authorities. The proportionality and feasibility of the requirement shall be taken into account.

The definition proposed under ESPR is new and very broad and it created uncertainty about what exactly will be regulated. EHPA strongly recommend to further defining the requirement, the substances concerned, and its scope. For instance, how should we deal with ready products for which we have no knowledge of their substances?

Digital Product Passport

EHPA notes the EC proposal on the Digital Product Passport and proposes following recommendations:

If properly designed and implemented, the DPP may entail positive impacts for the environment and industry. For instance, the DPP could avoid and replace printed documents (e.g., user manuals, instructions, warnings, safety information) in all languages. Printed documents usually represent a high amount of paper. In this case, the DPP would save a lot of resources and costs associated, it is a good way to improve transparency and facilitate the update of product information.

However, the DPP proposal needs to be further defined and clarified to fully understand its impacts. EHPA would like to warn the European Commission about the need for an appropriate and proportionate balance between sustainability, relevance of information for stakeholders able to access DPP and over-burdening companies and the supply chain on gathering unnecessary information for consumers. For instance, the same information should not have to be shared on the different platform EPREL, SCIP and DPP because it could present some difficulties and lead to errors and misleading information. The link between these platforms should be made automatically, to ensure limited additional administrative burden and avoid overlap.

Finally, EHPA would like to express its concerns about the access rights to information that are in the confidential part of EPREL (e.g., technical documents). These information are only for the market surveillance authorities and the European Commission, and it should not be shared with other stakeholders. How will the European Commission ensure the confidentiality of the information?

Sustainable Labels

The requirement on labels is imprecise and ambiguous for energy-related products. The article 14 states that *“for energy-related products, where information on a relevant product parameter [...] cannot be incorporated in the energy label established pursuant to Regulation (EU) 2017/1369 the Commission [...] may, if appropriate, require the establishment of a label in accordance with this Regulation”*.

EHPA strongly recommends having a specific study for energy-related products to assess the best way to communicate all these information to the consumers. Potential new labels should not lead to confusion for consumers with already existing and successful energy labels on the market. In case of multiple labels, comparability must thus be ensured as well as a proper weighting of sustainability factors specific to each product group. For energy-related products, energy efficiency remains the highest primary sustainability factor.

In the situation where information cannot be incorporated in the energy label, will the European Commission decide the same solution for all energy related products? Or this decision will be taken individually for each delegated act? This decision is crucial as it could create confusions for the consumers and might impact incentives on national level.

Another aspect that we would like to highlight; there are some product groups that partially fall under the Energy Labelling Regulation (EU) 2017/1369, what will happen for these product groups (e.g., Lot 1 for space and combination heaters)? Does it mean that some products of the regulation will have the energy label while others will have the sustainable label?

Common Specifications

EHPA disagrees with the European Commission proposal to recourse to common specifications as a fallback solution. The drafting of test methods, calculation and measurement methods should remain in the hands of experts in standardization committees. This proposal would risk disregarding the knowledge from the experts working on these standards and therefore potentially increasing the introduction of mistakes / wrong interpretations into the legal text.

ABOUT EHPA

The European Heat Pump Association (EHPA) is a Brussels based industry association which aims at promoting awareness and proper deployment of heat pump technology in the European marketplace for residential, commercial and industrial applications.

EHPA provides technical and economic input to European, national and local authorities in legislative, regulatory and energy efficiency matters. All activities are aimed at overcoming market barriers and dissemination of information in order to speed up market development of heat pumps for heating, cooling and hot water production.

EHPA coordinates quality initiatives: including the HP KEYMARK, a Quality label for heat pumps and Certification standards for heat pump installers. The association compiles the annual heat pump statistics and organizes a number of events, among them an annual heat pump conference.