

Review Ecodesign and Energy Labelling Lot 10

Please find below EHPA's written comments following the Consultation Forum meeting on Ecodesign of air conditioners and comfort fans, and Energy Labelling of local space heaters, air conditioners, and comfort fans.

Efficiency Requirements

Additional assessment is needed

We understand to have ambitious efficiency requirements, as this supports the European Policy in view of Energy Efficiency First and Fit for 55. Nevertheless, due to changes in the political landscape in view of the F-gas review and PFAS restriction, important restrictions are expected on certain types of refrigerants which may jeopardize the fulfilment of these ambitious targets.

A transition to alternative refrigerants will have an effect on the cost, safety, performance, and availability of highly efficient products today.

The currently proposed efficiency requirements are expected to be sustained until 2038-2040, before the next Ecodesign Lot 10 review is implemented. The implementation of the potential F-gas/PFAS restrictions, while trying to achieve the currently proposed Ecodesign and Energy Labelling requirements, will in this respect only be feasible with high costs impacts for smaller capacities and not feasible for the larger capacity applications. This may drive the customers to look for alternative concepts, with lower energy efficiency requirements and is not in line with the aim of the Commission to reach higher energy efficiencies.

As such, we believe further coordination between legislators is needed to avoid that conflicting legislations drive consumers to lower efficiency solutions. These market mechanisms should be considered carefully.

Considering all these elements (refrigerant choices, cost, efficiency, safety, and availability), we urge DG ENER to carefully monitor the F-gas and PFAS developments and reflect on potential solutions to ensure compatibility between F-gas review and PFAS restriction and Ecodesign / Energy efficiency requirements.

EHPA welcomes the proposal made by the European Commission during the consultation forum meeting to further exchange on the subject and find a solution. We will support the Commission in finding an appropriate solution.

Minimum Energy Efficiency Requirements

We would like to highlight that the reported values of SEER of single duct air-to-air air conditioners, SEER for fixed double duct air-to-air air conditioners and SCOP for fixed double duct air-to-air heat pumps would phase out the large majority of products currently on the market. The proposed value would leave a too-small margin between MEPS and BAT.

Functional Requirements

Air flow rate

In the draft text on page 22, it is written that the maximum air flow rate shall be limited. However, we want to highlight that the intention of setting the maximum indoor air flow rate was to document the unit performance under average comfort conditions during testing and not under real operation. In real operation, higher air flow rates can be required to accommodate for the higher comfort needs of the end users and for the safe and optimized operation of the equipment. Therefore, we believe that the air flow rate requirements, intended for testing, shall be moved to Annex III 8) Air flow rate requirements.

Multi-split

We would like to recall the importance of carefully consider the multi-split systems. The requirement should apply for system with capacity ratio of 1. For instance in the functional requirements, it should be clarified that the maximum indoor air flow rate applies with the capacity ratio of 1.

Visual filter indicator

In the text, it is imposed to include a visual indicator to signal the need for filter change. We believe that it is sufficient to instruct filter cleaning in the manuals. If visual filter indication is prescribed, then manufacturers shall have the choice in signalling the need for filter change via other means than having a visual indicator on the product (e.g., a digital platform). For concealed ceiling units and concealed floor standing units this is the only possible option. Also for other wall-mounted units, the best position may be the remote control or smart application as this may be the location where the customer is mostly looking at.

Resource efficiency Requirements

Spare parts delivery time

As initially proposed by the European Commission, EHPA strongly recommends maintaining the 15 working days like for the other similar products lots (washing machines¹, fridges²). A period of 15 working days can be already challenging in some cases, as sometimes supply might be tensed due to the seasonality of the business or force majeure. Under such circumstances, the manufacturer should be able to have more days to provide an adequate solution/remedy to the customer.

We have concerns on potential non-compliance being found in case 'once' spare parts do not arrive within the 15 working days due to extraordinary consequences or post/shipping services failure or failure due to force majeure. Additionally, the requirement should be further clarified when it comes to its verification by market surveillance authorities. It is not clear how they will verify compliance with such requirement. Even though these clarifications might not be necessary into the legislative text, it should be further clarified by the Commission in the FAQ afterwards.

Finally, when considering such requirement, the European Commission should ensure that it will not significantly increase the product costs and waste. If the delivery time is too strict, manufacturers will have to create more stock locations to be more flexible and be able to react fast, as Europe covers a very large geographical area (from well-connected locations to remoted ones). It should be kept in mind that many areas can be difficult of access e.g., islands, remote mountain areas across the EU or remote Nordic regions.

¹ [EUR-Lex - 32019R2023 - EN - EUR-Lex \(europa.eu\)](#)

² [EUR-Lex - 32019R2019 - EN - EUR-Lex \(europa.eu\)](#)

Competence of professional repairers

To ensure safety and proper repair of products a verification process for the purchase of listed spare parts should be defined to confirm professional repairers have the technical competence to repair the relevant product and comply with the applicable regulations for repairers of the equipment in the Member States where it operates and are covered by insurance covering liabilities resulting from its activity. For example, add a sentence "x) the availability of spare parts listed in) a) i may be limited to professional repairers registered in accordance with d)"

List of spare parts

To ensure safety and maintain equipment efficiency, not all spare parts can be replaced without prior technical knowledge (i.e. end-users). We are concerned with some of the parts listed to be made available for end users as their replacement require dismanteling part of the unit or accessing electronic circuit and would recommend to limit the spare parts to be made available to end used to wireless remote controllers and filters.

Similarly to the delivery of spare parts, we recommend strong market surveillance for all units and suppliers at the date of the placement on the market but as well over the specified period of availability. These requirements should not be applied by well established entities but it should be ensured that any actor who places product into the market will fullfill them over their required timeframe. We believe that the requirement could be further clarified when it comes to its verification by market surveillance authorities. Even though these clarifications might not be necessary in the legislative text, it should be further clarified by the Commission in the FAQ afterward.

Commonly available tools

The draft specifies that components and materials can be removed with the use of commonly available tools. It shall be noted that for our product group, some components such as heat exchangers etc., cannot be removed by simple tools and require specific instruments used by qualified personnel as well as specific procedures to remove them from the unit in order to prevent leakage of refrigerant in the atmosphere and to mitigate potential safety risks in case of toxic and/or flammable refrigerants.

Information Requirements

Cold climates statement

The share of applications intended for cold climates on the market is significantly smaller compared to applications intended for average and/or warmer climates. We believe that an approach where it shall be stated that 'this appliance is not intended to be used for cold climates in Europe' is not in line with the free movement of goods principle in Europe as it sets a limit to where the product can be used, albeit compliant with the Ecodesign regulation. A suggested approach is to rather specify when a unit is intended for use under cold climates ('this appliance is intended to be used for cold climates in Europe'), instead of the opposite.

Measurements and Calculation

Bivalent point

EHPA appreciates that it was clarified that the bivalent point for average climate should be fixed between -7 °C and -10°C. We believe that it is a good step forward.

Control factor

First of all we would like to raise our concerns about the new proposal on the control factors. The control factor penalty has been increased from 0.1 to 0.25 without data to support it. This proposal penalizes

more efficient products and can promote user choices towards alternatives that are not as efficient. Furthermore, the distinction between the products based on actual efficiency will become less clear for products with wide efficiency range.

Clarification is needed whether the declared control features have to be integrated in the unit, can be supplied via web/app or can also be supplied separately, as accessory, with the unit, and how this should be reflected in the energy label. The synergy between control factors and the energy label shall be further clarified to avoid multiple labelling for same models that have optional control features.

Adding control features for units that may also be used in several combinations between indoor and outdoor units is challenging in terms of generating all this data and considering the upload obligations in the EPREL database.

We strongly question how market surveillance authorities will be able to verify such feature. Market surveillances have to be able to check whether the control features operates properly, are correctly reflected in the declared seasonal efficiency and available for the consumers. A document verification, especially in light of the big contribution of these features (25%), is not sufficient. It is currently not clear how this will be handled, and this approach should be clarified and included in the regulation accordingly.

We would like to highlight that appliances should be able to compensate for the control penalty in both heating and cooling mode of operation as we noticed some definitions apply only for heating.

Finally, EHPA recommends reducing the control factor penalty to maximum 10% and keeping only the main relevant functions (basic controls and programmable controls as the features in F2 with the most saving potential and presence detection, working time limitation as the most relevant in F3) for the air conditioning/heat pump appliances. Furthermore, EHPA welcomes the proposal made by the European Commission to further exchange on the subject and find a solution. We will support the Commission in finding an appropriate solution.

Energy Labelling

Merging of the labels

As announced in a joint statement with ECOS, EEB and EPEE, EHPA supports the Commission's proposal and believes that this step will contribute significantly to achieving the decarbonization of heating and cooling in EU buildings. A common label will effectively guide consumers to the most energy-efficient appliances and steer the market toward technology development, unlocking the highest energy and GHG savings for these product categories. The proposal to merge the energy labelling scales for heating between ENER Lot 10 and ENER Lot 20 products and between splits and portable (SD/DD) in cooling is fully aligned with the EU's Green Deal objectives, particularly the Energy Efficiency First principle, and will contribute to delivering energy security under the REPowerEU Initiative.

- **Merging the energy labels for cooling between ENER Lot 10 technologies and in heating across ENER Lot 10 and 20 products will increase energy savings**
 - All product groups under both regulations have heating as a function, and the use of heating options that are the most efficient should therefore be further elaborated. Air-to-air heat pumps (ENER Lot 10) are increasingly used as a heating system to replace electric (Joule-effect) space heaters in a number of countries. Similarly, portable and double duct air conditioners are often considered and marketed as an equivalent solution to a split air conditioner. For these reasons, the consumers should be made fully aware of the significant efficiency gap between these technologies.

– **A merged energy label will enable consumers to make informed choices**

- We strongly believe that one merged energy label for all heating products and one merged energy label for all cooling products help consumers choose the most efficient technologies to heat or cool their home by ensuring direct comparability across different solutions.
- This principle has been confirmed in practice by the European Commission's 'Study on consumer understanding of the energy label for space heaters and air conditioners'. The consumer survey showed that almost half of consumers consider several technologies before choosing a local heater. EHPA fully endorses the consumer study's conclusion that merging the labels will help consumers to select the most efficient heating and cooling solutions.
- Furthermore, a second consumer survey of the energy label of air-based space heating products from October 2022 shows that with a merged label consumers are more likely to choose RAC (41%) compared to Electric, Gas, and Solid ones (22%, 20%, and 17%).
- The principle of merging energy labels of comparable product groups providing the same function has already been applied for the existing energy label for heat pumps and boilers (ENER Lot 1), meaning that the proposed approach for ENER Lots 10 and 20 is fully coherent and in the same spirit as existing legislation.
- In summary, we welcome solutions that foster simplicity and easy-to-read energy labels. The merger, emphasizing one scale when comparing different technologies that deliver the same function, improves the provision of information to consumers, enabling them to make the most efficient heating/cooling decision, which helps delivering the European Green Deal.

Nonetheless we would like to highlight that more differentiation should be allowed for the highest efficient systems to ensure the pull effect of the label. The current proposal is based on an uneven spread in term of efficiency that could be understood to some extent to allow differentiation in bottom classes however this should not be on the expense of the most efficient solutions. This disproportionate approach is accentuated for class C where the width is more than 1.35 in terms of Etah and to a similar extent for cooling. This results in more than 90% of other RAC and HP will fall in class C with only one class difference from appliances that are 3 times less efficient. We believe the distribution for the top classes should be revised to allow more differentiation and that consumers in all markets can find solutions in classes B and C. Furthermore, we would like to highlight as indicated in the first point of this position paper that the future choices in refrigerants will have significant effect on the achievable efficiencies and this should be also considered when defining the threshold of the classes including these products.

Optional Climates

Following the different comments made during the consultation forum meeting regarding the climate zones on the energy label, we would like to recall that the declarations for warmer and colder climates are optional as intended in the explanatory note. Based on the Lot 10 study, the average climate seems to be the most relevant climate for the products in scope of the merged label Regulation. For cooling, there is only one set of temperature bins and hours used for the calculation of SEER and the corresponding cooling efficiency. Therefore, regardless of the climate, the declared cooling efficiency for the given unit will remain the same. In terms of comparability, indicating one climate is sufficient to allow the consumer to properly compare the products. Furthermore, having the three heating efficiencies on the label can be confusing for the consumers and has little added value in their choice of heating appliance: highly efficient unit under average climate usually will perform with high efficiency in warmer or colder climates as well. Also, for products specifically marketed for colder climates, it is a benefit to have the climates optional. It is a mean to differentiate these products from those not intended for colder climates. Therefore, we see this additional information as optional and sufficient to be made

available upon request to the distributors or with the QR code. Finally, we would like to remind that for cooling, there is only one climate.

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The European Heat Pump Association (EHPA) represents the European heat pump sector. Our over 170 members include heat pump and component manufacturers, research institutes, universities, testing labs and energy agencies.

EHPA advocates, communicates, and provides policy, technical and economic expertise to European, national and local authorities, and to our members.

We organise high level events and manage or partner in multiple projects.

We work to shape EU policy that allows the heat pump sector to flourish, and to become the number one heating and cooling choice by 2030. Heat pumps will be a central part of a renewable, sustainable and smart energy system in a future decarbonised Europe.