

# Public Consultation for the new product priorities under the Ecodesign for Sustainable Products Regulation

## General remarks

EHPA welcomes the European Commission's proposal on ESPR priorities groups and measures. When discussing the Ecodesign for Sustainable Products Regulation and its requirements, EHPA recommends keeping 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.

## Reparability and Durability

While we welcome the Commission's proposal to tackle the durability of products, EHPA strongly recommends targeting this measure at the vertical level with a product-by-product approach. Heat pumps are products that are parts 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 as other products. There is **no one-size-fits-all solution**; horizontal measures are not possible.

Heat pumps are key for Europe's decarbonization. They are **long-lasting products**, with a life of 20+ years, that are repairable and are most of the time repaired rather than replaced. For safety and quality insurance reasons, only partner companies, **duly trained and qualified, and certified, have the capability to maintain and repair heat pumps** (F-gas Regulation, recital 6). In several European countries, national legislation makes it compulsory to be a duly qualified professional to service or maintain electrical appliances like heat pumps (e.g., Denmark, Sweden, Norway, Finland, Germany, and Austria ...). It is of the utmost importance that heat pumps remain installed and maintained by duly qualified personnel because a wrong intervention on heat pumps can lead to safety risks, reduced performance of the system, leaks of refrigerants from the circuit, reduced comfort for consumers, etc.

EHPA call upon EU legislators to **assess first the impact of ongoing and future already discussed measures** before adding additional obligations on a sector that is already performing well and an example when it comes to long-lasting products, availability of spare parts, repair, and maintenance. For our sector, there is a need for harmonization and a risk of multiplication, double and contradictory legislation covering very similar aspects. Material resource efficiency features are being considered in several pieces of legislation, e.g., the MEErP review, the Ecodesign and Energy Labelling Work Plan 2020-2024, and the Sustainable Products Initiative. These requirements are also being introduced at the product level in the revision of existing Regulations (e.g., Lot 1 & 2 on space and water heaters and Lot 10 on air conditioning appliances). You may find our position on material resource efficiency requirements on the EHPA website.

## Recyclability

While we understand the Commission's proposal to tackle the recyclability of products, EHPA would like to highlight that the recyclability of products, materials, and substances is already covered by several pieces of legislation.

- The **recyclability of substances** is covered by product chemical legislations (such as in RoHs or REACH), that ensure sufficient legal certainty for producers.
- The **recyclability of the products and materials** is covered by the Ecodesign requirements on spare part availability and information on disassembly which are already being introduced in the newer Regulations and could also be taken up in existing Regulations.

Finally, EHPA strongly recommends **vertical measures with a product-by-product approach**. Heat pumps contain refrigerants, that can be flammable, for those reasons such operations and/or information should not be made available to non-trained/non-certified personnel.

## Post-Consumer Recycled Content

EHPA would like to highlight that a horizontal requirement for post-consumer recycled content is not feasible as the amount of recycled content that can be used in a component will largely differ depending on the requirements (e.g. technical and health & safety) an end product needs to fulfill. Also, for fulfilling any recycled content quotas, producers will be highly dependent on suppliers (with regard to general

availability in terms of required quantity and quality, price). So, the responsibility cannot only lie with producers of end-products.

Finally, we question the benefit of the information and remind the proportionality principle. Requirements should be introduced on the basis of relevance and proportionality to the expected benefits.

## Intermediate Products

EHPA would like to highlight that regulating intermediate products practically represents horizontal requirements and **is not in line with a product-specific approach**. The characteristics of the intermediate products mentioned (e.g. plastics) widely differ depending on in which end product they are being used. Therefore, creating general requirements for intermediary products is not suitable and should be looked at the end-product level. For instance, the amount of recycled content that can be used in a plastic component will largely differ depending on the technical and health & safety requirements an end product needs to fulfill.

## Additional Consideration: Environmental Product Declaration

EHPA recommends **adding the Environmental Product Declaration (EPD) to the list of priority measures** to be tackled first by the Ecodesign for Sustainable Products Regulation. We have seen a fragmentation of the EPD in the different Member States that develop their own rules on EPD. This fragmentation presents a barrier and more burdens for manufacturers having different requirements in each Member State.

While the EU Recommendation 2021/2279 describes the general Environmental Footprint methods and provides guidance for the EPD, the Recommendation is not strictly followed by the Member States.

Consequently, EHPA believes that Environmental Product Declaration should be a priority measure that the Member States must follow.

## Conclusion

To conclude, while EHPA welcomes the Commission's proposal to include sustainability and information requirements, we 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.

EHPA strongly recommends analyzing these measures (durability, recyclability, and Post-consumer recycled content) as well as intermediary products at a vertical level, with a product-by-product approach.

Finally, EHPA calls upon EU legislators to assess first the impact on ongoing and future already discussed measures before adding additional obligations on a sector that is already performing well and an example when it comes to long-lasting products, availability of spare parts, repair, and maintenance.

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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.