

Position on the prioritisation of product groups under the Ecodesign for Sustainable Products Regulation (ESPR)

Brussels, 11 May 2023

EXECUTIVE SUMMARY

The Commission published a [Call for Evidence and public consultation](#) on a proposed prioritisation of product groups under the ESPR. The European Ventilation Industry Association (EVIA) welcomes the Commission proposal for an ESPR and appreciates the opportunity to provide feedback to prioritisation of product groups.

Energy-related Products (ErP) has been subject to ecodesign requirements since 2009. As such, ErPs have been successfully regulated in product-specific regulations in terms of their energy efficiency, and since 2016 – 2019 also increasingly in terms of their material efficiency.

In this paper, we react to the Call for Evidence on the product group prioritisation under the ESPR. We would like to highlight and recommend that:

- 1) Maintain the ErP prioritisation through the already existing review clauses**
- 2) Maintain product-specific approaches to optimise circular economy**
- 3) Avoid duplication of rules and contradictory requirements**

EVIA understands the Commission's focus in the JRC [draft preliminary study](#) on new product priorities under the ESPR on non-Energy-related Products, that will newly be added to the scope of the Ecodesign Framework. Energy-related Products (ErP) 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.

1. Maintain the ErP prioritisation through the already existing review clauses

EVIA concurs with the Commission that ErPs are currently prioritised under the ongoing Ecodesign Working Plan 2022-2024. However, EVIA 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 legislation. For EVIA, these are GROW Lot 6 (ventilation)¹ and ENER Lot 11 (fans).² 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

¹ [Commission Regulation \(EU\) No 1253/2014 of 7 July 2014 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for ventilation units.](#)

² [Commission Regulation \(EU\) No 327/2011 of 30 March 2011 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for fans driven by motors with an electric input power between 125 W and 500 kW.](#)

and details several 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 draft preliminary study 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 Ecodesign & Energy Labelling Working Plan 2022-2024,"*³ EVIA firmly believes that the deadlines in the respective Review Clauses must determine any prioritisation of ErP under the first ESPR Working Plan.

2. Maintain product-specific approaches to optimise circular economy

EVIA notes that the draft preliminary study identifies the following as issues on which consideration should be given to horizontal measures:

- Durability – Reliability
- Durability – Reparability/Reusability/Upgradability
- Recyclability: Ease and quality of recycling
- Post-consumer recycled content

And those earmarked for potential further elaboration at a later stage:

- Lightweight design
- Sustainable sourcing

For the first four, EVIA would again stress the importance of product-specific approaches. As such, consideration 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 followed via the successful 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 ErP sector.

EVIA also points to the introduction of reparability scoring in the forthcoming Ecodesign requirements for smartphones and tablets, as illustration par excellence that, when appropriate and relevant, vertical Ecodesign implementing regulations are the right place to consider these issues.

Lightweight design provides another good example in this case. Many ErPs, including heating, ventilation and air conditioning (HVAC), are stationary and thus energy savings that could be realised by transporting/moving a lighter product in the use-phase are irrelevant. Lightweight design is also subject to trade-offs with Circular Economy objectives that need to be considered. It could have benefits from a material and energy perspective in the production-phase and at End-of-Life or recycling. However, it can negatively impact durability and reparability: consideration of the relevance and appropriateness of such requirements must therefore be product-specific.

Carbon fibre is lighter but is more energy intensive to produce and harder to recycle than steel. These examples underline the importance of product-specific consideration of the relevance and appropriateness of such requirements.

³ [Communication from the Commission Ecodesign and Energy Labelling Working Plan 2022-2024.](#)

3. Avoid duplication of rules and contradictory requirements

Finally, EVIA 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 (CRSD) and more significantly the ongoing legislative work on the Corporate Sustainability Due Diligence Directive (CS3D) proposal and the Forced Labour Regulation proposal. The Commission's ESPR proposal states the following, with which EVIA concurs: *"it should be noted that, due to the adoption of the Commission Proposal for a [CD3D] during the preparation of this initiative, it was deemed appropriate to exclude requirements on social aspects from the scope of this legislative proposal."*

About EVIA

The European Ventilation Industry Association's (EVIA) mission is to represent the views and interests of the ventilation industry and serve as a platform between all the relevant European stakeholders involved in the ventilation sector, such as decision-makers at the EU level as well as our partners in EU Member States. Our membership is composed of more than 40 member companies and 6 national associations across Europe, realising an annual turnover of over 7 billion euros and employing more than 45,000 people in Europe.

EVIA aims to promote highly energy efficient ventilation applications across Europe, with high consideration for health and comfort aspects. Fresh and good indoor air quality is a critical element of comfort and contributes to keeping people healthy in buildings.