

Team member  
Francesco ScuderiPhone  
+32 (0)466 90 04 01Email  
francesco.scuderi@eurovent.euDate  
2020-11-02

## Position Paper

### In a nutshell

**With this Position Paper, Eurovent would like to provide the European Commission with its comments on the draft Commission Delegated Regulation (EU) .../... of XXX amending, inter alia, the Delegated Regulation (EU) No 2019/2018, the Delegated Regulation (EU) No. 2019/2015, and the Regulation (EU) No 2019/2020.**

### Preamble

Further to the online meeting of the Ecodesign and Energy Labelling Consultation Forum (x03609) on draft omnibus regulations related to 2019 Ecodesign and Energy Labelling Regulations on 4 June 2020, with the PP - 2020-06-29 and the PP - 2020-07-22, Eurovent has provided its suggestions for amending the Commission Delegated Regulation (EU) 2019/2018.

Eurovent would like to thank the Commission for having considered and included (part of) its suggestions in the draft text currently under consultation.

### Entry into force and application of the Article 6 (4) of the Commission Delegated Regulation amending the Delegated Regulation (EU) No 2019/2018

#### Lighting sources

The Annex VI (4) of the draft Regulation amends the table 10 of Annex V of the Delegated Regulation (EU) No 2019/2018 as follows:

(4)	in Table 10 of Annex V, the cells on 'light source parameters' are be replaced by:	
	‘	
	<b>Light source parameters<sup>a,b</sup>:</b>	
	Type of light source	[Lighting technology]
	Energy efficiency class	[A/B/C/D/E/F/G]
	’	

The article 7 of the draft text of the Commission Delegated Regulation currently under consultation establishes:

*This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Union.*

*... and Article 6(4) shall apply from [date – OJ please insert date two months after entry into force]....*

Concerning the application date of the requirements related to 'light source parameters', one has to consider that:

- The article 1.2 (e) of the Commission Delegated Regulation (Eu) No 874/2012 Of 12 July 2012 excludes from the scope of the Regulation: *'lamps and LED modules marketed as part of a product whose primary purpose is not lighting. However, if they are offered for sale, hire or hire purchase or displayed separately, for example as spare parts, they shall be included within the scope of this Regulation'*;
- the requirements set out in the Commission Delegated Regulation (EU) 2019/2015 applies only from 1 September 2021;
  - o Thus, manufacturers of refrigerating appliances having a direct sales function will be provided with the energy label of the lighting sources installed in their product only after 1 September 2021.
- according to the Commission Delegated Regulation (EU) 2019/2015 the obligation of suppliers of containing products start applying only from 1 September 2021;
- manufacturers of refrigerating appliances having a direct sales function are to be considered as suppliers of containing products.

It is also to be noted that the current EPREL structure for refrigerating appliances having a direct sales function allows to register products only by providing the information related to the lighting sources' energy class. As the above-mentioned requirements will be in place and available only after the 1 September 2021, **Eurovent asks to remove this requirement until fully in force**.

Manufacturers of refrigerating appliances having a direct sales function will be provided with the lighting sources energy classification by their supplier only after 1 September 2021.

It is also to be noted that starting from 1 September 2021, manufacturers of refrigerating appliances having a direct sales function will face the challenge of updating their lighting offer while at the same time placing on the market products equipped with lighting sources bought and/or in stock at the time when there were no EL requirements in place.

**Therefore, Eurovent would like to ask that the entry into force and application of the requirements in the Annex VI (4) of the Commission Delegated Regulation amending the Delegated Regulation (EU) No 2019/2018 shall not be earlier than 1 March 2022.**

### Control gears

The article 2.2 of the Regulation (EU) No 2019/2020 states:

*'control gear' means one or more devices, that may or may not be physically integrated in a light source, intended to prepare the mains for the electric format required by one or more specific light sources within boundary conditions set by electric safety and electromagnetic compatibility. It may include transforming the supply and starting voltage, limiting operational and preheating current, preventing cold starting, correcting the power factor and/or reducing radio interference.*

Control gears can also be embedded in control boards that regulate other functions of the containing products (e.g. temperature, defrost, anti-mist, etc).

Eurovent, also according to the article 2.2 of the Ecodesign Directive (2009/125), holds that this kind of control gears are not in the scope of the Regulation and, in order to avoid any loophole and/or grey zone, **Eurovent would like to ask to amend the ANNEX III point 2 of the Regulation (EU) No 2019/2020 as follows:**

...

**(f) Control gears that are embedded in control boards that regulate other functions of containing products.**

**Spare parts**

In order to avoid any grey zone or misinterpretation concerning the requirements applying to lighting sources to be installed in containing products and sold as spare parts, Eurovent holds that:

- Lighting sources placed on the EU market by suppliers other than manufacturers of containing products have to be listed on EPREL by the original supplier. So, the manufacturers of containing products do not have to list the light sources sold as spare parts on EPREL when they have been already placed on the EU market by the original supplier/distributor/dealer.

**Thus, Eurovent would like to ask the Commission to amend accordingly the article 3.1 of the Commission Delegated Regulation (EU) 2019/2015.**

**Annex VI to the Commission Delegated Regulation amending Delegated Regulation (EU) No 2019/2018**

The Annex VI (2) states:

in Annex III, Point 1.2, paragraph VIII, the first indent under the first item is replaced by the following:

'- the temperature at the top: the maximum measured product temperature of the compartment(s) with chilled operating temperatures, in degrees Celsius (°C) *and rounded to the first decimal place*, as set out in Table 4;';

...

One should note that within the Working document for EELCF on 4 June 20202, the Commission proposed the following amendment:

**2.6. Commission Delegated Regulation (EU) 2019/2018 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of refrigerating appliances with a direct sales function**

Provision	Current text	Amended text	Rationale
Recital 12	The relevant product parameters should be measured using reliable, accurate and reproducible methods. Those methods should take into account recognised state-of-the-art measurement methods including, where available, harmonised standards adopted by the European standardisation bodies, as listed in Annex I to Regulation (EU) No 1025/2012 of the European Parliament and of the Council.	The relevant product parameters should be measured <b>or calculated</b> using reliable, accurate and reproducible methods. Those methods should take into account recognised state-of-the-art measurement methods including, where available, harmonised standards adopted by the European standardisation bodies, as listed in Annex I to Regulation (EU) No 1025/2012 of the European Parliament and of the Council.	Some product parameters are not measured but calculated. This text is standard.
Annex III.1.2 VIII, for refrigerated vending machines, first dash	the temperature at the top: the maximum measured product temperature of the compartment(s) with chilled operating temperatures, in degrees Celsius (°C) and rounded to the nearest integer, as set out in Table 4;	'- the temperature at the top: the maximum measured product temperature of the compartment(s) with chilled operating temperatures, in degrees Celsius (°C) and rounded to the <b>nearest integer first decimal place</b> , as set out in Table 4;'	To address an inconsistency in the regulation
Annex IX, Second sentence	The values and classes on the label or in the product fiche shall not be more favourable for the supplier than the values reported in the technical documentation	The values and classes on the label or in the <b>product fiche information sheet</b> shall not be more favourable for the supplier than the values reported in the technical documentation	Mistake in the wording

Eurovent holds that the proposed amendment has an editorial typo and the Commission wanted to refer to Refrigerated vending machines and not to supermarket equipment.

**Thus, Eurovent asks to amend the text as following:**

in Annex III, Point 1.2, paragraph VIII, ~~first~~ **second indent (refrigerated vending machines)** under the first item is replaced by the following:

‘- the temperature at the top: the maximum measured product temperature of the compartment(s) with chilled operating temperatures, in degrees Celsius (°C) and rounded to the first decimal place, as set out in Table 4;’.

## Eurovent and transparency

### When assessing position papers, are you aware whom you are dealing with?

Eurovent's structure rests upon democratic decision-making procedures between its members and their representatives. The more than 1.000 organisations within the Eurovent network count on us to represent their needs in a fair and transparent manner. Accordingly, we can answer policy makers' questions regarding our representativeness and decisions-making processes as follows:

<p><b>1. Who receives which number of votes?</b></p> <p>At Eurovent, the number of votes is never determined by organisation sizes, country sizes, or membership fee levels. SMEs and large multinationals receive the same number of votes within our technical working groups: 2 votes if belonging to a national Member Association, 1 vote if not. In our General Assembly and Eurovent Commission ('steering committee'), our national Member Associations receive two votes per country.</p>	<p><b>2. Who has the final decision-making power?</b></p> <p>The Eurovent Commission acts as the association's 'steering committee'. It defines the overall association roadmap, makes decisions on horizontal topics, and mediates in case manufacturers cannot agree within technical working groups. The Commission consists of national Member Associations, receiving two votes per country independent from its size or economic weight.</p>
<p><b>3. How European is the association?</b></p> <p>More than 90 per cent of manufacturers within Eurovent manufacture in and come from Europe. They employ around 150.000 people in Europe largely within the secondary sector. Our structure as an umbrella enables us to consolidate manufacturers' positions across the industry, ensuring a broad and credible representation.</p>	<p><b>4. How representative is the organisation?</b></p> <p>Eurovent represents more than 1.000 companies of all sizes spread widely across 20+ European countries, which are treated equally. As each country receives the same number of votes, there is no 'leading' country. Our national Member Associations ensure a wide-ranging national outreach also to remote locations.</p>

Check on us in the [European Union Transparency Register](#) under identification no. 89424237848-89.

### We are Europe's Industry Association for Indoor Climate (HVAC), Process Cooling, and Food Cold Chain Technologies – thinking 'Beyond HVACR'

Eurovent is Europe's Industry Association for Indoor Climate (HVAC), Process Cooling, and Food Cold Chain Technologies. Its members from throughout Europe represent more than 1.000 companies, the majority small and medium-sized manufacturers. Based on objective and verifiable data, these account for a combined annual turnover of more than 30bn EUR, employing around 150.000 people within the association's geographic area. This makes Eurovent one of the largest cross-regional industry committees of its kind. The organisation's activities are based on highly valued democratic decision-making principles, ensuring a level playing field for the entire industry independent from organisation sizes or membership fees.

Eurovent's roots date back to 1958. Over the years, the Brussels-based organisation has become a well-respected and known stakeholder that builds bridges between the manufacturers it represents, associations, legislators and standardisation bodies on a national, regional and international level. While Eurovent strongly supports energy efficient and sustainable technologies, it advocates a holistic approach that also integrates health, life and work quality as well as safety aspects. Eurovent holds in-depth relations with partner associations around the globe. It is a founding member of the ICARHMA network, supporter of REHVA, and contributor to various EU and UN initiatives.