

## Position Paper on Incomplete Delivery of Products covered by the Regulations (EU) 2019/2018 and (EU) 2019/2024

### In a nutshell

With this Position Paper, Eurovent and EPEE would like to provide the industry position on the delivery of incomplete products covered by the Regulations (EU) 2019/2018 and (EU) 2019/2024. Eurovent and EPEE consider that only the manufacturer of the product can be responsible for its conformity, and it should not be possible to place on the market products which could meet the minimum requirements only in a later stage.

### Background

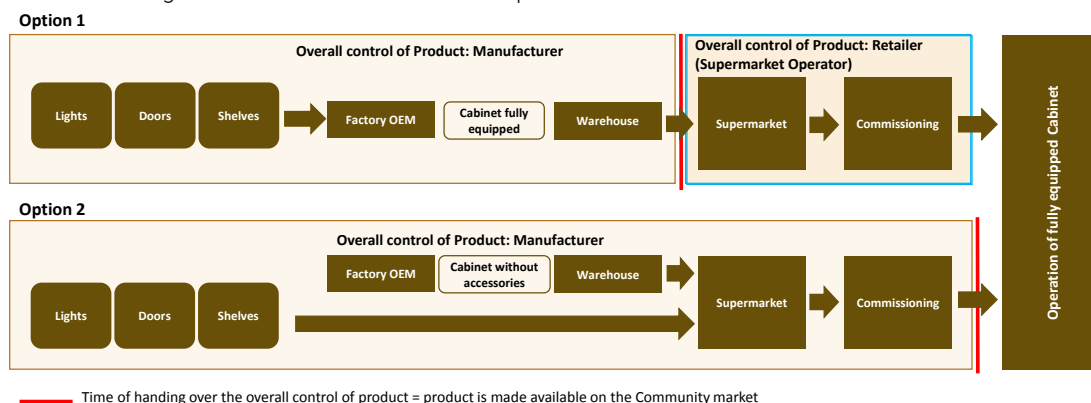
According to article 2 of the Ecodesign Directive (2009/125/EC) and the related European Commission FAQ document, what is placed on the European market must meet those requirements (and it is subjected to the CE declaration of conformity).

### Placing on the market of products covered by the Regulations (EU) 2019/2018 and (EU) 2019/2024

With reference to the Ecodesign Directive and the related FAQ document, as well as the Blue Guide of the Machinery Directive, two different options of determining the time of placing on the market are foreseeable (see diagram below). According to article 2.6 of the above-recalled Ecodesign Directive (2009/125/EC), the manufacturers of refrigerating appliances having a direct sales function are responsible for the conformity of the product placed on the market.

To ensure this conformity and allow MSAs verifications, the manufacturer's product documentation, EPREL declaration, Energy Label, CE declaration, sales order, and associated invoices, must relate to the specific product as it is placed on the market. **This documentation shall include all the components/accessories influencing the EEI of the specific unit at the time of placing on the market.**

The below diagram summarises the overall process.



### Option 1

The manufacturer provides the finished product "at the ramp" of its own factory and the customer picks it up there (or organises the delivery with its logistics partner).

### Option 2

The scope of the manufacturer's supply includes the product itself, the delivery, the unpacking, the installation and commissioning of the unit, and the EEI-relevant accessories. The single point in time where the product is made available for the first time is the handover to the customer at the end of the commissioning process. Absolute precondition is that the manufacturer does not make the product available to his customer prior to that.

### Conclusions

Eurovent and EPEE hold that **it is not possible to place on the market products which could meet the minimum requirements only in a later stage**, and the related product documentation (Energy Labelling, sales order, invoices, etc.) must relate to (and meet the requirements at) the time of placing on the market of the product itself.

Moreover, no matter if the products are placed on the market under the above-presented options 1 or 2, **only the manufacturers of refrigerating appliances with a direct sales function can be responsible for their conformity with the Regulations (EU) 2019/2018 and (EU) 2019/2024.**

## 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.

**The European Partnership for Energy and the Environment (EPEE)** represents the refrigeration, air-conditioning and heat pump industry in Europe. Founded in the year 2000, EPEE's membership is composed of over 50 member companies as well as national and international associations from three continents (Europe, North America, Asia). With manufacturing sites and research and development facilities across the EU, which innovate for the global market, EPEE member companies realize a turnover of over 30 billion Euros, employ more than 200,000 people in Europe and also create indirect employment through a vast network of small and medium-sized enterprises such as contractors who install, service and maintain equipment. Please see our website (<https://www.epeeglobal.org>) for further information and our a broader [#CountOnCooling campaign](#)