Brussels, 19 February 2010

Subject: Ecodesign Directive 2005/32/EC - EuP TREN Lot 11: Working document for an eco-design measure for fans

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Dear Mr. De Wilt,
Dear Mr Grönroos,

[Cc: Mr. Brisaer, Ms Lichtenvort, Mr Eiffel]

The European Partnership for Energy and the Environment (EPEE) and the Japan Business Council in Europe (JBCE) are pleased to provide comments on the latest working document for an eco-design measure for fans.

The **European Partnership for Energy and the Environment** – EPEE (www.epeeglobal.org) - was set-up in September 2000 to represent the interests of the air-conditioning, heat pump and refrigeration industry (HVACR sector). More information in annex.

The **Japan Business Council in Europe** – JBCE (www.jbce.org) - was established in 1999 as the representative organisation of Japanese companies operating in the European Union. More information in annex.

Based on our detailed analysis of the afore-mentioned document EPEE and JBCE would like to share their concerns regarding the following points:

1. Extra burden on product manufacturers – inconsistency with EuP methodology
2. Enforceability of market surveillance
3. Extension of scope without a proper Impact assessment
4. Technical documentation requirements
5. Timeline

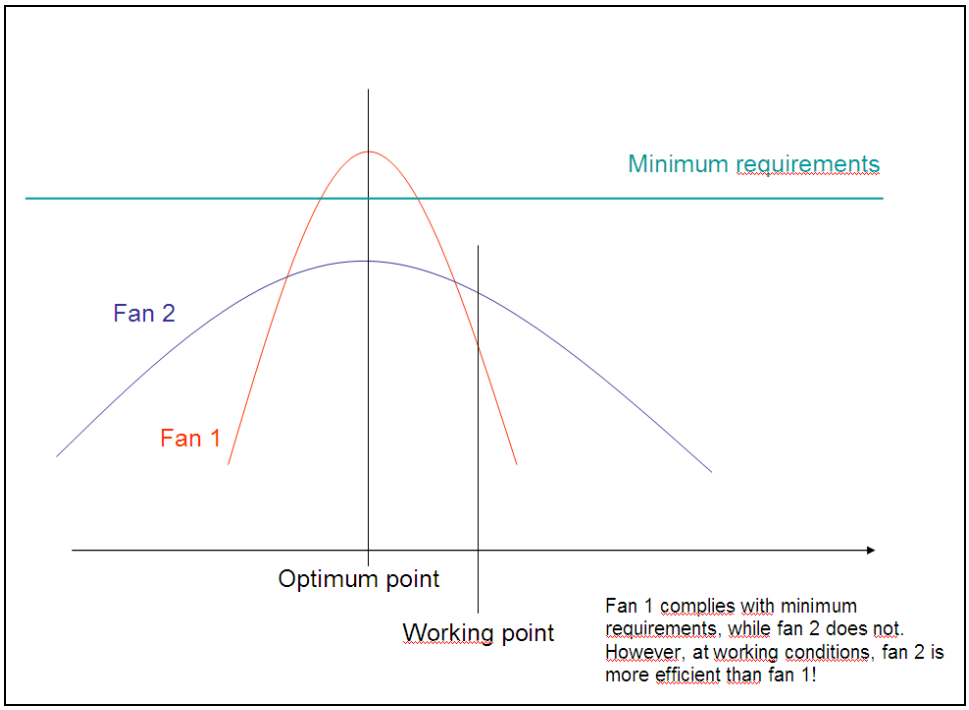
1. EXTRA BURDEN ON MANUFACTURERS AND INCONSISTENCY WITH THE EUP METHODOLOGY

1.a. Inconsistency with EuP methodology

Technology descriptive measures

The EuP Methodology prescribes under Article 5 (e) that the definition of eco-design requirements shall not have the consequence of imposing proprietary technology on manufacturers. By setting minimum requirements on fans at their optimum point, certain fans will no longer reach the minimum requirements and will be banned from the market. (See figure below.) As a possible result, product manufacturers will no longer have the freedom to chose that particular fan which will perform best (read: with having the whole product's maximum efficiency in mind) at the duty point in their product. This might be, in the light of creating an efficient product (e.g. an A/C under Lot 10) detrimental.

On top of this, the requirements create a 'double regulation' where products incorporating fans are indirectly affected by Lot 11 as well as directly affected by Lots such as Lot 10 (A/C), Lot 1 (boilers), Lot 2 (water heaters), ENTR Lot 6 (A/C), ENTR Lot 1 (refrigeration), ENTR LOT 17 (vacuum cleaners) etc.



LCC methodology

Fans integrated in products are designed and optimised in such a way to achieve the best energy efficiency as a whole product, as part of an LCC (life cycle cost) assessment. The energy efficiency generated through a properly designed whole product is more significant than the efficiency gains from a single component like a fan. Setting component energy efficiency standards will distort the design of the product and will be counterproductive as a whole. Keeping the LCC in mind, optimizing other components (e.g. heat exchanger) might be more beneficial for the product, compared to optimizing the fan.

1.b Non-conformity with the Lisbon Agreement: extra burden on manufacturers

Fans which are specially designed to be integrated into products are designed to demonstrate maximum energy efficiency performance within the appropriate dimensions and structure under their integrated condition. This means that these fans are designed for specific configuration of casing, dimensions and positions and are not designed to be used under different conditions. It might be an inefficient use of resources to have design engineers focus on a redesign of their product, with the sole purpose of getting the new fan integrated, while they could focus on the total efficiency of the product instead.

On top of this, product designers will have to select, in addition to the working point, the optimum point while there is no meaning for the total efficiency of the product to consider such an additional parameter, not being the working (duty) point.

This contradicts the aim of the Lisbon Strategy (2000) to make *"the EU the most dynamic and competitive knowledge-based economy in the world",* as resources would not be used in their most efficient way.

2. ENFORCABILITY OF MARKET SURVEILLANCE

Market surveillance as proposed in the implementing measure is not enforceable. For fans integrated in products, their evaluation is very difficult. The fans run at their duty point in the products: for several technical reasons this point is not the optimum efficiency point of the fan, but the optimum efficiency point for the product. When incorporated in the product it is not possible to test the fan efficiency at its optimum point unless the fan is tested individually in a practical condition which produces a real pressure difference and distinct airflow patterns.

As such we wonder how market surveillance will be done practically. As EU based product manufacturers we will only be able to buy and incorporate compliant fans within the EU. Also non-EU product manufacturers should incorporate compliant fans. However, if market surveillance would not be practically enforceable, this would not stop those non-EU manufacturers who want to import products containing non compliant fans, as it would not be possible to check it. This would create an unlevel playing field.

EPEE and JBCE ask to clarify how market surveillance will be done in practice and would like to suggest to incorporate a similar exclusion as done in EuP Lot 11 – motors (Article 1.2 (b)):

"fans completely integrated into a product (for example heat pump, chillers, heat recovery ventilators, vacuum cleaners, hand dryers, etc.) of which the energy performance cannot be tested independently from the product are excluded".

3. IMPACT ASSESSMENT:

The Working Document has enlarged the scope of Lot 11 without carrying out a holistic impact assessment which looks at the efficiency and LCC (Life Cycle Cost) of the entire system. An impact assessment should be carried out for fans integrated in products, before regulating these in the working document. It is not in the spirit of "better regulation" promoted by the EU institutions that the consultant has not studied effects or characteristics of integrated fan in products in lot11 task report.

4. TECHNICAL DOCUMENTATION

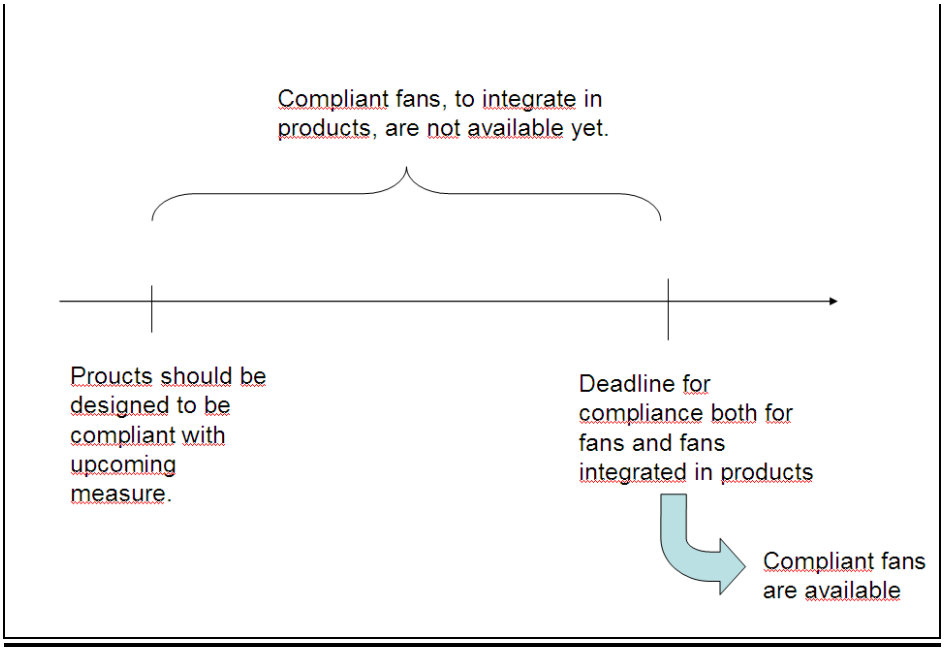
The current requirements on documentation for product manufacturers, as described in Annex I.3, are too severe. It is not manageable to adjust the products literature every time a fan is incorporated with slightly different characteristics, as described from (1) to (11).

Our suggestion is to have this information in technical construction files, but not necessarily as detailed in the product's literature. For products incorporating fans such detailed information requirements are irrelevant, since these are not useful for the end user.

5. TIMELINE

Additionally, for all products in scope, incorporating fans, transitional timelines, as proposed in EuP Lot 11 – circulators should be granted. This will give product manufacturers the chance to adapt the design of their products to the design change fans will undergo as a result of Lot 11 requirements

As the timeline is set now (see figure), manufacturers of products will not have fans which comply with the minimum requirements at the time of manufacturing their products in which the fan is to be integrated.



CONCLUSION:

Based upon all the arguments above, we strongly recommend the following:

1. Keep the product based approach when setting energy efficiency measures and not focus on components integrated in products. EPEE/JBCE strongly supports the ongoing work in each Lot study but it is of the opinion that only a measure of the overall efficiency should be used to assess the performance of a product. Additionally, we strongly disagree with the extension of the measure on fans to the components included in products not covered in the preparatory study without a shared understanding of a product life cycle and a proper impact assessment.
2. Fans integrated in products which cannot be tested separately in a practical way should be kept out of Lot11 scope. More specifically, chapter 1 paragraph 2 of the WD shall include the following statement:

"Fans completely integrated into a product (for example heat pump, chillers, heat recovery ventilators, vacuum cleaners, hand dryers, etc.) of which the energy performance cannot be tested independently from the product shall be excluded from the scope"

3. Adjust the timelines, if fans integrated in products, would be in scope, so product manufacturers can integrate compliant fans in their products
4. Allow for more flexible communication for product manufacturers.

We trust that the information contained in this letter will be of relevance and interest to you and we would like to express our willingness to stay involved and to provide more explanations or feedback when requested.. Should you have any questions or require any additional input, please do not hesitate to contact us.

Yours sincerely,

Andrea Voigt
Director General – EPEE

Takuya Fukumoto
Secretary General-JBCE

Japan Business Council in Europe

EPEE
European Partnership for Energy and the Environment

ANNEX

The **European Partnership for Energy and the Environment** – EPEE (www.epeeglobal.org) - was set-up in September 2000 to represent the interests of the air-conditioning, heat pump and refrigeration industry (HVACR sector). EPEE is composed of members who produce, design and install heating, cooling and refrigeration technologies. As expert association in the field of refrigeration and air comfort, EPEE is advocating and supporting safe, environmentally and economically viable technologies within the HVAC&R sector. One of EPEE's main priorities for the coming years is **the promotion of energy efficiency** in the HVACR sector by **supporting EU policies** designed to encourage the use of more efficient products (e.g. Eco-design, Eco-label, EPBD) thus allowing to reduce CO2 emissions. Furthermore EPEE member companies are committed to technological progress and innovation.

The Japan Business Council in Europe (www.jbce.org) was established in 1999 as the representative organisation of Japanese companies operating in the European Union. Our membership consists of more than 60 leading multinational corporations that are active across a wide range of sectors, including electronics, automotive, and chemical manufacturing.
The key goal of JBCE is to contribute to EU public policy in a positive and constructive way. In doing this, we can draw upon the expertise and experience of our member companies.