The European Union’s Directives and Regulations impacting the HVACR Industry Series

Part 3 of the 7 Part series on The European Union’s Directives and Regulations impacting the HVACR Industry Series is the Eco-design Directive for Energy-using Products (EUP).

Subsequent parts to the series include:

4. WEEE/RoHS Directives
5. Renewable Energy Sources (RES) Directive
7. EU Eco Labeling Requirements

The European Union’s Directives and Regulations impacting the HVACR Industry Series

Part 3 of 7 – The Eco-design Directive for Energy-using Products (EUP)

The EU Eco-design Directive for Energy-using Products (EUP) became law in 2005 and member states had until August 11, 2007 to adapt it into national law. The Directive is far reaching and affects many HVACR products. A revised Directive, which entered into force on November 20, 2009, extends the scope of the existing Directive by covering, in principle, all Energy-related Products (ErP). The ErP Directive includes the products from the EUP Directive as well as products that are energy-related and do not directly use energy such as such as double glazing windows, taps and showerheads.

The Directive’s goal is to seek opportunities for manufacturers of energy-related products to reduce energy consumption and other negative environmental impacts during the design stage. Once energy reducing design requirements are in place for a product or a product feature, the requirements will become legally binding for all products put on the EU market, regardless of where they are designed or produced. The Directive does not introduce directly binding requirements for specific products, but does define conditions and criteria for setting requirements regarding environmentally relevant product characteristics (such as energy consumption) and allows them to be improved quickly and efficiently.

The EuP Directive also has a secondary objective to increase the effectiveness of other EU environmental initiatives such as eco-labeling, waste management of electrical and electronic equipment (WEEE), restricting the use of hazardous substances (RoHS), and minimum energy efficiency requirements.

Affected HVACR Products

DG Energy Lots

- Lot 1 – Boilers
- Lot 2 – Water heaters
- Lot 10 – Air-conditioning (below 12 kW)
- Lot 11 – Ventilation fans (non-residential)
- Lot 12 – Commercial refrigeration
- Lot 20 – Local room heating products
- Lot 21 – Central heating products
- Lot 26 – Network standby losses
DG Enterprise Lots

- Lot 1 – Refrigerating and freezing equipment
- Lot 6 – Tertiary air conditioning and ventilation systems (above 12kW)

As part of the Directive, the European Commission was authorized to establish a working plan of implementing measures (IM) and to identify products to be covered by the measures. The IMs become the Regulation and provide the means to implement the framework’s rules and criteria for products during the design stage. Products have been determined and placed into different “Lots”. Each of the Lots then goes through its own process of implementing measures which are adopted as a regulation via a comitology procedure.

Comitology Process
The comitology process follows a predetermined path within a time frame where various stakeholders or EU bodies are responsible for specific steps during the process. Each implementing measure (IM) is preceded by preparatory studies and an impact assessment conducted by external experts and the Commission with the aim of identifying cost-effective solutions to improve the overall environmental performance of products. Implementing measures are essentially Regulations that are eventually adopted by the Commission under the regulatory procedure with scrutiny.

Preparatory Study
- Time: Two years on average
- Objective: A study to examine market data, technological status and other relevant issues is completed and used as the basis for drafting the IM proposal

Consultation Forum
- Time: Two to three weeks after Commission circulates draft IM
- Objective: Stakeholders provide comments to the draft IM (point when lobbying is the most effective).
- Result: Based on the Consultation Forum and the impact assessments, the Commission formulates a draft regulation from the IM

Inter-service Consultation
- Time: Once draft Regulation is finalized and ready to be approved by the Regulatory Committee
- Objective: Provide final comments and raise any last-minute critical issue(s)

Regulatory Committee
- Time: Three weeks after the Consultation Forum
- Objective: Discuss and vote to adopt the Regulation with a majority of the Regulatory Committee
- Composition of committee: Representative from each Member State + Commission

EP and Council Scrutiny
- Time: Three months after receiving the approved Regulation from the Commission
- Objective: Veto possibility for the EP and Council if proposed Regulation exceeds Commission powers or is contrary to the purpose of Eco-design Directive

Publication of the Regulation in the Official Journal (Entry into force in Member States 20 days after publication)
**Status of HVACR Lots** (as of September 2010)

**DG Energy Lots**
- Lot 1 – Boilers – Inter-service Consultation
- Lot 2 – Water heaters – Inter-service Consultation
- Lot 10 – Air-conditioning (below 12 kW) – Inter-service Consultation
- Lot 11 – Ventilation fans (non-residential) – EP and Council Scrutiny
- Lot 12 – Commercial refrigeration – Completed Consultation Forum
- Lot 20 – Local room heating products – Preparatory Study
- Lot 21 – Central heating products – Preparatory Study
- Lot 26 – Network standby losses – Preparatory Study

**DG Enterprise Lots**
- Lot 1 – Refrigerating and freezing equipment – Preparatory Study
- Lot 6 – Air-conditioning and ventilation (above 12kW) – Preparatory Study

For more information about Energy Using Products, please click on the links below:
- [http://ec.europa.eu/enterprise/eco_design/index_en.htm](http://ec.europa.eu/enterprise/eco_design/index_en.htm)