
Subject: Ecodesign Directive 2005/32/EC: EuP Lot 11: Fans for ventilation in non residential buildings – Working document on possible ecodesign requirements for ventilation fans

Dear Mr Grönroos-Saikkala,

The Japan Business Council in Europe (JBCE) is a European representative organisation for companies of Japanese parentage that operate in the European Union. A large part of the JBCE membership consists of manufacturers of electrical and electronic equipment, including the leading producers of high technology air-conditioning, ventilation and heating products.

JBCE would like to bring to your attention our views and concerns regarding the EuP Directive (2005/32/EC) Lot 11 study on fans for ventilation in non residential buildings and, more specifically, the Working document on possible eco-design requirements for ventilation fans.

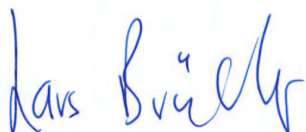
The key points are the following:

1. The definition of ‘placing on the market’ as defined by the Blue Guide
2. The Ecodesign approach and its non-technology prescriptive approach
3. Levelling of the playing field and preventing free-riding when comparing EU and non – EU.
4. Market surveillance
5. Already existing minimum requirements in MS and other legislation

In line with the abovementioned we would like to refer to and express our support of the attached European Partnership for Energy and the Environment (EPEE) position paper which reflects our views and concerns and provides relevant information and arguments in more detail.

In case of questions or comments please do not hesitate to contact us.

Kind regards,



Lars Brückner
Chairman Environment Committee
Japan Business Council in Europe (JBCE)

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Throughout the whole Ecodesign process, we support the direction the Commission wants to go and understand the importance of energy efficiency and its relation towards a better environment. As industry we are pleased to be able to contribute to this aim, while ensuring a fair level playing field at the same time.

We were informed that the Commission is considering going into the direction that Lot 11 will not only apply to fans for final consumers, but also to fans incorporated by OEMs. Based on this and on the study and the implementing measure, we would like to provide you with the following comments mentioned below. In summary, we feel the following are of concern when considering this direction:

1. Definition of ‘placing on the market’

In preamble (32) of the Ecodesign Directive 2005/32/EC it is mentioned that the Directive is in accordance with certain principles of the New Approach. Under this New Approach, in the Blue Guide, the following is said about ‘placing on the market’:

‘Placing on the market is considered not to take place where a product is:

* transferred to a manufacturer for further measures (for example assembling, packaging, processing or labelling). ‘

From this point of view, when a fan is sold from a fan manufacturer to an OEM, this is not considered ‘placing on the market’.

➔ Fans in the scope of Lot 11 are the ones to be placed on the market, hence can only be the fans for final end consumers, and not the ones sold to OEMs, as according to the New Approach, this is not considered ‘placing on the market’.

➔ If OEMs would be considered in the scope, then the minimum requirements should be put on the whole product placed on the market. But since there has not been an impact study looking at the total efficiency of the product, it is not acceptable that OEM products are in scope. Suitable measures may be taken, but only after a suitable study has been done (LLCC should be studied for the whole system; whether it is most efficient to change the fan for a better one, instead of changing another component for more efficient one). E.g. ventilation products to be studied in a separate study could be e.g. heat recovery ventilation, air handling units, etc.

2. The Ecodesign approach and its non-technology prescriptive approach

Resulting from the above we feel that OEMs should get the choice to find the best mix of various components which can contribute best to the most efficient OEM product. When looking from LLCC point of view, this means that in certain cases it might be acceptable or even better for the whole system to choose a less efficient fan, while at the same time choosing another more efficient component, as the latter one outbalances the first one in a positive way.

→ In short, the purpose of Ecodesign measure should be focused on the targets (least life cycle cost). Technology prescriptive measures on single components may be detrimental to the production of the most economical and technological innovations.

3. Levelling of the playing field and preventing free-riding when comparing EU and non – EU.

We understand that one of the aims of every EU directive or regulation is to level the playing field and leave no room for free riders. However, we feel strongly that including fans for OEM business in the scope of the proposed implementing measure is partially just shifting the problem and might have detrimental effects for the OEMs incorporating fans into their units. Please let us explain:

- If the minimum requirements in lot 11 apply both for fans for end consumers AND OEMs, then the following problems might occur:
 - i. Certain OEMs may not want to buy CE marked EU fans anymore for incorporation in their systems and may buy fans abroad. This would be possible as non EU fan manufacturers do not have to sell CE marked fans to EU assemblers, as this is not considered ‘placing on the market’ (See point 1). These fans could be cheaper (produced outside EU and not CE marked). Hence, such free riders who shift their supply route to outside the EU, would have a competitive advantage towards the OEMs inside the EU who still buy fans from EU fan manufacturers and who want to comply with EU regulation and buy (usually more expensive) CE marked fans inside the EU.
 - ii. Another competitive disadvantage might occur when non EU OEMs (assemblers) buy non CE marked fans outside of the EU and incorporate them into their units. As there are no minimum requirements on units, containing fans, placed on the EU market, their products can be cheaper, as they do not have to pay for CE marked fans. Again, this puts the EU assemblers in a disadvantaged position, as their products will include CE marked fans and hence are more expensive.
 - iii. What basically happens is that the problem for fan manufacturers (unfair competition) is shifted to fan assemblers (also unfair competition) inside the EU, who cannot compete with EU free riders who will purchase their fans outside of the EU or non-EU assemblers. (See study: p. 17 and § 8.3)

→ As a conclusion we recommend that:

- i. The minimum requirements of Lot 11 only apply to fans for end consumers and not for OEMs.
- ii. Units incorporating fans get a separate study and separate minimum requirements, where this is not component based (non technical prescriptive), but unit based.

4. Market surveillance

We understand and support the principle behind market surveillance for reasons as fair competition and preventing free riders. However, we also think market surveillance should happen in the most fair and correct manner.

When looking at the minimum requirements, then efficiency is the deciding factor. This efficiency η formula is depending, among other parameters, on the pressure Δp :

$$\eta = \frac{\Delta p \times Q}{W}$$

Within this formula, one can notice that pressure and efficiency go hand in hand (delta pressure is in the numerator). However, calculating the efficiency of a fan separately, is not a problem. For a fan incorporated into a unit, this is not possible, because it is not possible to measure the delta pressure over the fan, once it is incorporated into a unit. The only delta pressure to be measured is the delta pressure over the unit. However, due to internal losses, this delta pressure over the unit, is lower than the one over the fan, which results in lower efficiencies.

➔ We can not support the fact that fans for OEMs are included in the scope of Lot 11. Fans in products can not be tested separately, so it is impossible for market surveillance to assess whether the fan achieves the minimum requirements. Hence market surveillance could not be executed as it should.

5. Already existing requirements in MS and other legislation.

As we understood from the study (p. 31) most MS legislation is based on the system itself and not on the fan. Sweden, UK and Germany are such examples, where SFP is used on the whole system. Also Directives such as EPBD (2002/91/EC) focus on the system and not on its components. In order to slide these new minimum requirements into the already existing legislation, it seems more straightforward to not put fans for OEMs in scope of Lot 11, but to study such systems, including fans, separately.

Also other lots under the EuP framework directive, aim to look at the efficiency of the whole product, and not its components separately.

➔ For these reasons above it seems more appropriate to exclude fans meant for OEMs from the scope of Lot 11 and study systems incorporating fans, separately.

Finally, a General comment :

Under the implementing measure it is not clear what is meant with ‘ventilation fan’. In the study (p 1) the scope is made clear by specifying it handles only “fans for ventilation in non residential buildings”. However, in the scope of the implementing measure this is not made clear. Hence, we recommend to make a definition of ‘ventilation fans’, which clarifies the scope of the implementing measure , in line with the study. It should be made clear that ‘ventilation’ is different from cooling or heating a building.

Conclusion:

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

- A. to keep the scope limited to ventilation fans meant for final end consumers (‘put on the market’)
- B. for OEM products incorporating ventilation fans; to set up a separate impact study on these systems, before taking any measures.
- C. to introduce a clear definition of what is meant by a ‘ventilation fan’.