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Call for an Effective Market Surveillance for Fan Products

Status quo

Manufacturers and importers have to ensure that their fan products or products including fans are in conformity with ErP requirements when placed on the EU's Common Market. They are obliged to guarantee conformity through 'self-declaration'¹, which national market surveillance authorities are to control. As assessed by various studies² and as recently outlined within VHK's "First Interim Report"³, this enforcement is, so far, not visible at all. Subsequently, a risk of non-compliant products entering the Common Market exists, which undermines Ecodesign objectives and counters the EU efficiency targets as a means to reduce the Union's overall energy consumption.

Position

Eurovent holds that an effective market surveillance is essential in order to ensure a level playing field and to protect the Common Market from non-compliant products. Within the general scope of the Ecodesign Directive, we believe that a flexible use of different modules for conformity assessment procedures as outlined within Decision 768/2008 can be an aide to effectively strengthen market surveillance. While a discussion on this subject should ideally be held on the level of the framework directive as this topic affects all implementing measures of the Ecodesign directive, we strongly encourage the Commission to assess solutions for conformity assessment on a case by case level. Only this can ensure that conformity assessments are executed in a manner, which is most efficient for individual and differing product groups.

Concerning fans, Eurovent agrees that the principle of self-declaration of conformity followed by market surveillance as adopted by the current 'EU Fan Regulation' remains appropriate and should be kept in the revised version.

We ask the Commission and national market surveillance authorities to take into account the following considerations when elaborating on conformity assessment measures for fans.

Ensure effective conformity assessments

No matter if managed on an EU or national level, market surveillance is the responsibility of governmental authorities. To date, aside from a sufficient funding, these authorities often lack knowledge and sufficient testing abilities. Those shortcomings tend to increase even more with the increasing complexity of products, which, according to the extended product approach, often incorporate components which are already regulated. If giving priority to safety-related issues seems reasonable, some of the scarce resources available to market surveillance authorities should be devoted to the verification of ErP compliance as well.

¹ Module A under Decision 768/2008

² E.g. a study from February 2014 commissioned by ADEME on the market surveillance experience and best practice within energy label and Ecodesign

³ The report states in Section 4.1 that '[s]takeholders are unanimous that market surveillance is not visibly active in the fan market.'

Third-party certification is not market surveillance

When dealing specifically with a product such as fans, where conformity is the result of a manufacturers' self-declaration, an independent assessment of the product placed on the market by market surveillance authorities is needed. This is to be preferred over the proposal to switch to an approach based on third-party certification. **We hold that third-party certification is not the right approach for assessing the regulatory conformity of fans.**

Third-party certification does not replace the obligation of market surveillance authorities to ensure that all products on the Common Market are in conformity with the EU's regulatory framework. The costs of product certification are usually covered only by those manufacturers who comply with legal requirements, while 'free riding' competitors are not effectively restricted.

For this reason, an independent surveillance on the product placed on the market is necessary. This is particularly important when assessing the conformity fans either imported or incorporated into imported products.

Industry support in identifying suitable test facilities

Laboratories technically able to test fans are already available in some European countries. Taking advantage of the Eurovent experiences and the knowledge of its national member associations, Eurovent may contribute with a list of independent European laboratories operating suitable test rigs. Additionally, some European manufacturers may decide, depending on their testing capacity, to cooperate by accepting to host 'witness testing' of their own products under the supervision of officers from market surveillance authorities.

Additional measures

Eurovent believes that the proposed method should be implemented not leaving aside the following considerations:

- If legally allowed, make market surveillance results available in case of non-conformity,
- Intensive sharing of expertise and division of work among national market surveillance authorities in order to save costs and build up expertise.

About Eurovent

Eurovent, the European Committee of HVAC&R Manufacturers, is the representative of Europe's major national associations in the industry of heating, ventilation, air conditioning and refrigeration. Based on objective and verifiable data, its 20 members from 18 European states represent more than 1000 companies, the majority small and medium-sized. In 2013, these accounted for a combined annual turnover of around 21 billion euros and employed more than 120.000 people – making Eurovent one of the largest industry committees of its kind.

Eurovent's roots date back to 1958. Over the years, the Brussels-based umbrella association has become a well-respected and known stakeholder that builds bridges between companies it represents, legislators and standardisation bodies on a EU and international level. The association favours a level-playing field for the entire industry and strongly supports energy-efficient and environmental-friendly solutions. 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 the EU's BUILD UP initiative.

Members of Eurovent



Members: AEFYT (Spain), AFEC (Spain), AGORIA (Belgium), ANIMA / CO.AER (Italy), APIC (Russia), Cluster HVAC (Slovenia), Dansk Ventilation (Denmark), FAMBSI (Finland), ISKID (Turkey), NKI (Netherlands), Svensk Ventilation (Sweden), Uniclimate (France), VDMA (Germany), VKE (Norway), VLA (Netherlands).

Corresponding members: 2VV (Czech Republic), Hauser (Austria), Hoval (Liechtenstein), Nationwide Filter Company (United Kingdom), FRAPOL (Poland).

Subunits: Eurovent Certita Certification and Eurovent Market Intelligence (Paris, France).