



Brussels, 3 May 2011

**Position of ECOS, EEB, Friends of the Earth Europe,
WWF EPO, CAN Europe and INFORSE Europe**

**on the EC Working Documents on
Ecodesign and Energy Labelling for boilers of March 2011**

The urgency of a quick decision

After five years of preparatory studies and debates, it is time for the European Institutions to take a final decision on Ecodesign and Energy Labelling rules for boilers and water heaters.

The recent Energy Efficiency Plan of the European Commission confirms that the EU is not on track to meet its 2020 objective on energy efficiency. It also highlights the Ecodesign Directive as one of the most promising policies to reverse the trend. Boilers and water heaters are hugely significant products in this process. This is even more obvious when we consider both current sustained energy price increases and bleak forecasts.

Our *coolproducts for a cool planet* campaign (www.coolproducts.eu) has repeatedly expressed how urgently we need a decision on these product categories.

➤ **We call for a decision on boilers and water heaters to be taken before summer 2011 and for adoption and publication of the measures before the end of 2011. Further delays would represent unacceptable additional waste of energy and a failure to respond to the environmental challenges faced by the EU.**

Moving forward with the current proposal for boilers

We welcome the publication of the revised working documents on boilers in March 2011.

These new documents - although not fully in line with our expected level of ambition – include a good overall attempt at finding a proposal which has the potential to gain the support of a majority of stakeholders.

➤ **We generally support the approach and methodology proposed in these measures.**

In order to facilitate a quick decision, the fundamentals - such as the use of the primary energy approach and the proposed combination of labels at product and installer levels - **should not be questioned anymore**. They constitute the necessary minimum for the regulations to be sufficiently unbiased and technology-neutral.

Suggested improvements

In view of our desire for a swift final adoption, here **we are only proposing some simple and practical improvements, which do not affect the overall approach and structure of the Commission's proposal, and which could be easily included.** We would strongly appreciate it if these improvements could be considered.

More fundamental concerns with the approach or attempts to make it more comprehensive and holistic should be left for a later discussion once the process has been put in motion and we have the benefit of experience (i.e. in 2 to 3 years).

➤ **Level of ambition of Tier 1:**

We believe that the proposed energy efficiency requirements for tier 1 (i.e. *one year after entry into force*) are low in ambition and would have a very limited impact (and in many EU Member States no impact at all). Skipping this dispensable tier and starting directly at the 2nd tier 2 years after entry into force of the regulation would simplify market surveillance and leave an additional year for the industry for preparation and implementation of the methodology and new measurements.

➤ **Boilers below 15 kW:**

One of our concerns with the proposal is the very low level of ambition of the Ecodesign requirements for boilers below 15 kW both in the short and long term. As we understand it, leaving poorly efficient products on the market is explained by the need to address specific cases of obsolete dwellings for which installing a better solution remains costly or not technically optimised yet. Alas, by failing to set bold requirements in this category, the signal sent to the market could be counter-productive. (Particularly if some stakeholders request the 15 kW limit to be increased.)

We argue strongly for finding an alternative way of solving this problem and closing this loophole more effectively. We suggest using one of following options:

1- Exempting the problematic boiler types from the scope based on a strict definition of their characteristics (*e.g. French B11BS boilers including an additional ventilation function*). This way, requirements for boilers below 15 kW could be realigned to those for boilers below 70 kW.

2- Adding to the tier 3 (five years after the regulation's entry into force) an additional minimum requirement for boilers < 15kW at the level of 86.0% efficiency. This would send the right long-term signal to the market while providing time to fix the problem of obsolete buildings. Member States would be encouraged to find technical solutions for these buildings or to refurbish them.

In any case, we would welcome a thorough analysis of the number and type of such problematic cases in the EU. Member States should be requested to explain how they intend to avoid loopholes through the combination of Ecodesign and EPBD requirements. This will be necessary to optimise the revision of the Ecodesign regulation.

➤ **Bonus for low-GWP refrigerants:**

While we support the promotion of low-GWP refrigerant fluids, the current proposal based on a 'bonus' could lead to excessive favouritism of heat pumps over standard boilers. We suggest replacing the 'bonus' scheme by a similarly designed 'malus' scheme. This modification would not fundamentally change the approach but revise the levels applied.

Under such a scheme, heat pumps using low-GWP refrigerants would be subject to the same minimum requirements as standard boilers; heat pumps using high-GWP would be subject to a malus and would need to comply with requirements 10% tougher.

➤ **Timing of the requirements for NOx:**

As the proposed EU minimum requirements for NOx are not very stringent (and much less than the initial proposals), we think they could enter into force much earlier, i.e. 2 or 3 years after the regulation's entry into force (instead of 5 years).

➤ **Including boilers below 4 kW in the scope:**

Industry seems to favour the inclusion of boilers < 4 kW in the scope. We can support this.

➤ **Stretching the top of the Energy Labels:**

The proposed energy labelling scales are based on the principle that condensing boilers should be able to get an A. We find it difficult to support the idea that purely fossil fuel technologies are promoted to this extent. However, for the sake of quick decision we will refrain from re-opening the debate on the full energy scaling exercise, provided the following two conditions are met:

1- The use of the upper classes (at least A+ and A++) is allowed and visible from the start, to make sure renewables can be promoted and consumers are not misled about what is best on the market.

2- More room for improvement and further differentiation is allowed by stretching the upper classes of the boiler label up to 150% energy efficiency. This could be the limit for the A+++ class, and the cut-off levels for A++ and A+ could be 130% and 110% respectively. (similar changes for the low-temperature heat pump label could be considered).

➤ **Measurement and calculation methods:**

We call on the Commission to ensure that the references to technical measurement standards are unequivocal and crystal clear, and that the descriptions of the calculation method is similarly clear to avoid misinterpretations. Allowing flexibility in proving conformity should be avoided.

➤ **Revision clauses:**

The revision articles of the Ecodesign and Energy Labelling regulations are currently empty of clauses. We believe it could be useful to signal some important aspects to prepare for the revision of the measures, such as "*Particular attention will be paid to:*

- *results of field tests using the new seasonal energy efficiency methodology*
- *market and technological trends in the sector of boilers below 15 kW*
- *opportunities to include more system components in the approach and methodology*
- *the necessity to regulate air pollution further, such as particulate matters and methane.*"

It would also be wise to advance the revision date by a year (i.e. 4 years after entry into force).

How much energy and CO2 will be saved?

The measures for boilers and water heaters are so essential to the success of the Ecodesign (and Energy Labelling) Directive that we consider necessary to disclose to stakeholders and decision-makers how much energy is expected to be saved by the current proposal and how this compares to the maximum potential highlighted in the 2007 preparatory studies and impact assessment.

It would also be helpful to understand how much energy saving the Commission expects from Article 8 of EPBD compared to the Ecodesign and Energy Labelling regulations.

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