



Eurovent 14/8 - 2025

Understanding the Commission's FAQ on incomplete deliveries

First Edition

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Document history

This Eurovent Industry Recommendation/Code of Good Practice supersedes all previous editions, which automatically become obsolete upon publication of this document.

Modifications

This Eurovent publication was modified as against previous editions in the following manner:

| Modifications as against | Key changes |
|--------------------------|-----------------|
| 1 st edition | Present edition |

Preface

In a nutshell

With the present document, the Eurovent Product Group 'Commercial Refrigeration Equipment' (PG-RDC) outlines the impacts of the FAQ published by the European Commission in December 2024 on incomplete deliveries.

Authors

This document was published by Eurovent and was prepared in a joint effort by participants of the Product Group 'Commercial Refrigeration Equipment' (PG-RDC), which represents a vast majority of all manufacturers of these products active on the EMEA market.

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Important remarks

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History of the Request

The FAQ published in December 2024 is the result of three years of work between various departments of the European Commission and the Market Surveillance Authorities of the EU Member States.

The process was initiated by Eurovent in 2021, when a position paper ([Eurovent PP-2021-01-21](#)) was delivered to the European Commission providing an interpretation to this important issue, which emerged during the development and publication of the Eurovent Recommendation 14/6 'Interpretation of Regulation (EU) 2019/2018 and of Regulation (EU) 2019/2024'¹.

Eurovent was then involved by the European Commission to give expertise about the market and the involved products and attended one of the initial meetings of the Market Surveillance Authorities dedicated to this topic for the same reason.

EU Commission's FAQs

The Frequently Asked Questions (FAQ) published on the official websites of the European Commission include questions and answers of general interest regarding the Ecodesign Directive 2009/125/EC, its implementing Regulations, the Energy Labelling Regulation (EU) 2017/1369 and its delegated Regulations. The answers provided reflect a common understanding between Commission services and the Market Surveillance Authorities of Member States. The answers as such are not legally binding. A binding interpretation of Community law is the sole competence of the European Court of Justice. These FAQs cannot go beyond or substitute for the requirements of the Ecodesign Directive or its implementing Regulations, or of the Energy Labelling Regulation (EU) 2017/1369 or its delegated Regulations.

The FAQ

Original source: https://energy-efficient-products.ec.europa.eu/faqs/product-faqs/commercial-refrigerators-faqs_en

A supermarket dealer asks to buy an "incomplete" refrigerating cabinet with the plan to customize it afterwards (notably with doors). These customised elements, if installed later, might influence the energy performance. Is the sale of such an "incomplete" cabinet allowed under the Ecodesign and Energy Labelling legislation?

According to Article 3(1) of the Ecodesign Directive, Member States shall take all appropriate measures to ensure that products covered by implementing measures may be placed on the market and/or put into service only if they comply with those measures and bear the CE marking in accordance with Article 5 of the Ecodesign Directive.

Therefore, a manufacturer has the right to place on the market or put into service refrigerating cabinets, as long as such appliances can function according to their intended use, satisfy the

¹ [Eurovent AISBL / IVZW / INPA. \(2020\). Eurovent 14/6 - 2022 - Interpretation of Regulation \(EU\) 2019/2018 and of Regulation \(EU\) 2019/2024. Brussels: Eurovent.](#)

applicable minimum Ecodesign requirements and have a CE marking. The same applies to 'suppliers' under the Energy Labelling Regulation and its implementing measures.

The [Ecodesign Regulation \(EU\) 2019/2024](#) and the [Energy Labelling Delegated Regulation \(EU\) 2019/2018](#) provide the same definition of the concept of 'refrigerating appliance with a direct sales function':

'refrigerating appliance with a direct sales function' means an insulated cabinet with one or more compartments that are controlled at specific temperatures, cooled by natural or forced convection through one or more energy consuming means and is intended for displaying and selling, with or without assisted serving, foodstuffs and other items at specified temperatures below the ambient temperature to customers, accessible directly through open sides or through one or more doors or drawers or both, including refrigerating appliances with a direct sales function with areas used for storage of foodstuffs and other items not accessible by customers, and excluding minibars and wine storage appliances;

Refrigerating cabinets without certain parts, such as doors, are not 'components or sub-assemblies' under Art 2(2) of the Eco-design Directive because they are not parts intended to be incorporated into products which are not placed on the market and/or put into service as individual parts for end-users.

If a refrigerating cabinet without doors does not comply with the minimum Ecodesign requirements set out in Annex II to [Regulation \(EU\) 2019/2024](#) it cannot be placed on the market or put into service.

Placing on the market and putting into service

Placing on the market according to the Ecodesign framework²

Placing on the market is defined under Ecodesign as 'making a product available on the Union market for the first time with a view to its distribution or use within the Union, whether for reward or free of charge and irrespective of the selling technique'.

'Placing on the market' can be done by the manufacturer or by an importer. According to Union legislation, each individual product can be placed on the Union market only once. Once placed on the market, compliant products may subsequently be made available along the delivery chain.

The [Blue Guide](#), the guide to the implementation of the EU product legislation, provides for some further explanations in relation to 'placing on the market'.

What does it mean 'making available a product on the Union market'?³

'Making a product available on the market' means any supply, whether in return for payment or free of charge, of a product for distribution, consumption or use on the Union market during a commercial activity. 'Making available' is a concept that applies to individual units or products.

² Source: https://energy-efficient-products.ec.europa.eu/faqs/supplier-faqs_en

³ Source : https://energy-efficient-products.ec.europa.eu/faqs/supplier-faqs_en

Only compliant products can be made available along the delivery chain. The central role of the concept of 'making available' is to indicate that all economic operators which are part of the supply chain do play an active role in ensuring that only compliant products circulate. Member States authorities also have the obligation to ensure that only compliant products are made available. This means that compliance with those Ecodesign requirements that were applicable at the time of its placing on the market can be checked at any point of time, making the product available until they reach the end-user.

Putting into service according to the Ecodesign framework⁴

What is considered as 'putting into service'? Does it apply on top of 'placing on the market'?

The concept of 'putting into service' (mentioned, e.g. in Article 2 point 5 of [Directive 2009/125](#)), generally applies to products **which are not 'placed on the market'**. The aim of this concept is to identify the moment at which economic operators need to demonstrate compliance. It means the moment of first use within the Union. It concerns, for example, products which can be used only after an assembly, an installation or other manipulation has been carried out, such as boilers and water heaters, or products made for the manufacturer's use.

Even if the reference to two terms may create the impression that 'placing on the market' and 'putting into service' are two different moments when a product compliance is to be assessed, this is not the case: as these two terms are mutually exclusive, either one or the other is relevant.

'Placing on the market' (making a product available for the first time on the EU market) and 'putting into service' (first use of a product for its intended purpose by an end-user in the EU) refer to two different 'modalities' in the process of bringing a product to the market; compliance is required only once based either on whether the product is placed on the market or whether it is put into service. Only where a product is 'not placed on the market' in the literal meaning, the moment of compliance is the putting into service.

Understanding the European Commission's FAQ on incomplete deliveries

The Eurovent Product Group 'Commercial Refrigeration Equipment' (PG-RDC), considering what is presented in the above paragraphs, and after a careful assessment of the FAQ and a number of exchanges with the European Commission, concludes that:

- Refrigerating cabinets without certain parts (e.g. doors) are 'complete products' in the context of the Ecodesign Legislation.
- Being products in this sense, the moment of placing on the market is when the manufacturer makes them available for the first time on the EU market and therefore the moment of putting into service is not relevant for the economic operator to demonstrate compliance, as intended by the Ecodesign Legislation, as these two are mutually exclusive.

⁴ Source: https://energy-efficient-products.ec.europa.eu/faqs/supplier-faqs_en

Therefore, if a refrigerating cabinet without certain parts is not compliant with the Ecodesign Regulations at the moment of its placing on the market, it can't be placed on the market, bear the CE marking and be accompanied by the EC declaration of conformity regarding the appropriate Ecodesign measures.

In conclusion, a refrigerating cabinet without certain parts can be placed on the market only if compliant with the Ecodesign Regulations as it is delivered. The CE marking, the energy label and the EC declaration of conformity regarding the appropriate Ecodesign measures must relate to the specific product as it is delivered by the manufacturer of the refrigerating cabinet.

About Eurovent

Eurovent is the voice of the European HVACR industry, representing over 100 companies directly and more than 1.000 indirectly through our 16 national associations. The majority are small and medium-sized companies that manufacture indoor climate, process cooling, and cold chain technologies across more than 350 manufacturing sites in Europe. They generate a combined annual turnover of more than 30 billion EUR and employ over 150.000 Europeans in good quality tech jobs.

Mission

Eurovent's mission is to bring together HVACR technology providers to collaborate with policymakers and other stakeholders towards conditions that foster fair competition, innovation, and sustainable growth for the European HVACR industry.

Vision

Eurovent's vision is an innovative and competitive European HVACR industry that enables sustainable development in Europe and globally, which works for people, businesses, and the environment.

→ For in-depth information and a list of all our members, visit www.eurovent.eu