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The Consumer Voice in Europe

CONSUMER ASSOCIATIONS VIEWS ON THE RELEASE OF THE ECODESIGN WORK PLAN 2016-2019 AS WELL AS ON RELATED COMMISSION ACTS

Contact: Aline Maigret – sustainability@beuc.eu – anec@anec.eu

Ref: BEUC-X-2017-011 - 14/02/2017
ANEC-PT-2017-ErP-01

**ANEC, THE EUROPEAN ASSOCIATION FOR THE CO-ORDINATION OF CONSUMER REPRESENTATION IN
STANDARDISATION**

Av. de Tervueren 32, box 27 – 1040 Brussels - +32 (0)2 743 24 70 - www.anec.eu
EC register for interest representatives: identification number 507800799-30

BUREAU EUROPÉEN DES UNIONS DE CONSOMMATEURS AISBL | DER EUROPÄISCHE VERBRAUCHERVERBAND

Rue d'Arlon 80, B-1040 Brussels • Tel. +32 (0)2 743 15 90 • www.twitter.com/beuc • consumers@beuc.eu • www.beuc.eu
EC register for interest representatives: identification number 9505781573-45



Funded by the European Union

Summary

This paper outlines the main consumer relevant issues related to the Ecodesign work plan 2016-2019, as well as related Commission acts, as published by the Commission on 30 November 2016.

In general, we welcome the release of the Ecodesign work plan 2016-2019. We appreciate that it contains a clear political mandate to continue with the unfinished work, to revise existing product groups and to start work on new product groups. In addition, we strongly support provisions on durability. However, the list of new products to be covered under Ecodesign is unambitious. We advocate for more consumer products, such as mobile/smart phones, to be taken on board.

Regarding the use of tolerances, we welcome that the European Commission wishes to amend multiple Ecodesign and Energy labelling Regulations in order to prevent cheating by the industry through abusing tolerances in the measurement procedure.

Furthermore, we support the proposed strict requirements on the admissibility criteria for voluntary agreements, as it is framing the work in the sense of co-regulation rather than just self-regulation.

INTRODUCTION

On 30 November 2016, the European Commission published the so-called “winter-package”, a large set of both legal and non-binding measures on the Energy Union. The package contains important documents related to Ecodesign, such as a work plan for 2016-2019, rules for voluntary agreements and a horizontal measure to prevent manufacturers from cheating with measurement tolerances.

In general, ANEC and BEUC welcome the Ecodesign part of the package and hereby further elaborate on consumer-relevant issues. More specifically we comment on:

- The Ecodesign work plan 2016-2019;
- Commission regulations on the use of tolerances in verification procedures;
- Guidelines on voluntary agreements.

THE ECODESIGN WORK PLAN 2016-2019

Ecodesign is back on track, and consumers will benefit from it

ANEC and BEUC have long been involved in the Ecodesign process in order for the consumer perspective to be considered in the requirements developed. We have been promoting the benefits of Ecodesign for consumers, most recently describing them through the release of our [study](#) and by hosting a [roundtable on Ecodesign](#) with the first Vice-President of the European Commission. Ecodesign helps consumers to save money, yields better performing products, and provides consumers with more information on sustainable use of products.

Therefore, we welcome that the Commission acknowledges the various benefits of Ecodesign. We appreciate that the work plan contains a clear political mandate **to continue with the unfinished work, to revise existing product groups and to start work on new product groups**. However, it will be necessary that the next steps for ongoing work and upcoming reviews are put forward swiftly, and that no more delays occur.

Consumers strongly support provisions on durability in the Work Plan

We welcome that there is a very clear statement on the need to systematically consider not only energy efficiency, but also **circular economy** aspects when investigating potential Ecodesign measures. ANEC and BEUC have in the past advocated for horizontal requirements on durability and therefore specifically appreciate the Commission willingness to explore:

- **Durability** - e.g. minimum lifetime of products or components;
- **Reparability** - e.g. availability of spare parts, accessibility of components to be replaced, possibility to disassemble to component level;
- **Upgradability** - e.g. availability of software update;
- **Recyclability** - e.g. information on marking of plastic parts.

Hence our support for the development of a circular economy “toolbox” for Ecodesign, with examples on how resource efficiency requirements can be included concretely. We also welcome the reference to the **standardisation request on material efficiency** under Ecodesign. We count on a correspondence being set between policy and standardisation in this area to permit the two tools to have proper complementary roles.

Missed opportunity: the list of new products to be covered under Ecodesign is unambitious

With a view to the consumer products considered, ANEC and BEUC had asked for the indicative list of new product groups to include more. We understand the Commission decided to focus on products with the most energy savings potential¹, and thus rightly gave priority to industrial products. Still, we believe that including a wider range of ecodesigned consumer products has the potential to generate additional benefits for all. **Here, the focus should not be on the anticipated primary energy savings only, but on widening to durability-related advantages.** As highlighted by various national consumer organisations across Europe, products often fail too early². Consumers would like their appliances to last longer and, by extension, welcome durability requirements³.

Specifically, it is unfortunate that **mobile/smart phones** are not part of the indicative list of new product groups for the work plan 2016-2019. As it states in the work plan, mobile/smart phones (together with other ICT products) will first be assessed for possible inclusion in the Ecodesign work plan. This will only further delay the inclusion of this iconic consumer product in the work plan while many national consumer organisations increasingly highlight the importance of smartphone design and the issue of their limited lifespans⁴. The potential benefits of ecodesigned smart/mobile phones mostly lie in resource efficiency requirements, e.g. exchangeability of batteries. In addition there is an opportunity for the European Commission to advertise Ecodesign positively as such measures would remove inflexible smart phones from the market.

¹ building automation and control systems, electric kettles, hand dryers, lifts, solar panels and inverters, refrigerated containers and high pressure cleaners.

² <http://www.beuc.eu/durable-goods#memberactions>

³ For example, in November 2016, our German member VZBV commissioned a survey of 2066 people on their opinion about European energy-related policies, including on Ecodesign. While 82% of the respondents were in favour of European requirements for household appliances to reduce the energy consumption, even more, 85%, are supporting the idea of requirements for an increased life time of appliances.

⁴ For example in the [Netherlands](#), in [Austria \(X2\)](#), in [Portugal](#), in the [UK](#), in [Belgium](#), in [Germany](#).

Furthermore, it will be of utmost importance to create synergies between the work on new products to be covered under Ecodesign and existing work on those products under other instruments such as the environmental labelling scheme Ecolabel. For example, the upcoming work on solar panels under Ecodesign should be coherent with the existing process of developing an Ecolabel.

COMMISSION REGULATIONS ON THE USE OF TOLERANCES IN VERIFICATION

Welcome clarification on the use of tolerances in Ecodesign and Energy labelling

Since 2007, ANEC, BEUC and other stakeholders have repeatedly requested legal action on the evidence⁵ that some manufacturers are using tolerances to achieve higher energy labelling classes or to meet the Ecodesign requirements. This, by adding the value of tolerances on top of the measured values.

ANEC and BEUC therefore welcome that the Commission published (delegated) regulations **to amend multiple Ecodesign and Energy labelling Regulations in order to prevent such cheating by the industry**. More specifically, we welcome that the Commission:

- Proposes measures for all existing Ecodesign and Energy labelling measures, as it is crucial that action applies to all products subject to measures;
- Explicitly clarifies that the verification tolerances are not intended to give manufacturers any leeway for manipulating or misrepresenting results of the tests they undertake on their own products. But that verification tolerances may be used only by Member States' authorities to verify compliance;
- Takes into account all parameters for which Ecodesign and Energy labelling requirements are set when setting the rules on tolerances;
- Provides guidance to market surveillance authorities on the verification procedure, specifically stressing the cases where exceeding tolerances is not acceptable.

These clarifications will pave the way to tackling this important issue and avoid that consumers are misled and lose significant amounts of money where tolerances are being exploited.

⁵ ANEC study "A review of the range of Member State activity related to compliance with the EU Energy Label regulations", May 2007.

GUIDELINES ON VOLUNTARY AGREEMENTS

ANEC and BEUC welcome the proposed strict requirements on the admissibility criteria for voluntary agreements

ANEC and BEUC appreciate that the European Commission also published a recommendation on guidelines for self-regulation measures – or “Voluntary Agreements (VAs)”, concluded by industry under the Ecodesign Directive (2009/125/EC).

The Ecodesign Directive gives priority to voluntary industry agreements (over policy) if the ecodesign objectives can be achieved faster or in a less costly manner. Yet existing VAs have often not been more timely in achieving output and implementation than regulation itself, and ANEC and BEUC fear that VAs are sometimes used by manufacturers as an excuse not to be regulated. Therefore we have long proposed the deletion of VAs when the Directive is revised. Still, in the meantime and as the Ecodesign regulation foresees such option, we welcome that the European Commission clarifies and details the indicative list of criteria assessing the admissibility of VAs as an alternative to policy, through the publication of guidelines.

The Commission guidelines contain many of our recommendations. The guidelines are framing the work in the sense of co-regulation, rather than just self-regulation, and **the industry will be held much more accountable and need to demonstrate impact and added value of a voluntary measure**. Specifically, we support that the guidelines:

- Emphasise that civil society participation must be involved throughout the whole process of designing, reviewing and monitoring a VA, and must be given the means of doing so;
- Explicitly mention that VAs must be substantiated in terms of speed in addition to the overall environmental improvement;
- Propose strict criteria for the setting up of VAs: the market coverage of VA signatories should be at least 80% of units placed on the EU market and/or put into service of the type of products covered by the measure;
- Offers clarification on the compliance rate: the requirements decided upon by the industry should apply to at least 90% of all units placed on the market and/or put into service by each signatory;
- Describes in more details the role of the auditor, “Inspector” and highlights its independency.

We regret however the lack of provision on penalties and/or exclusion from the VAs in case of non-compliance.



In this context, and given the overall positive developments related to the adequacy of VAs, ANEC and BEUC will monitor existing and future VAs. We will also provide feedback to the European Commission when a development or revision is foreseen.

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