

Texte zu EU-Regelungen zur umweltgerechten Produktgestaltung und zur Energieverbrauchskennzeichnung in der Beleuchtung – Zusammenstellung ^[1] des Umweltbundesamtes (UBA), Deutschland



Diskussion über künftige Änderungsverordnungen (Produktgestaltung und -information)

Diskussionstext der EU-Kommission vom 10. Juni 2020:
**Gemeinsame Stellungnahme von
ECOS ^[2], EEB ^[2] und coolproducts ^[2] vom 2. Juli 2020**

Hinweis: Bitte beachten Sie, daß der angehängte Text nur in Englisch verfaßt ist.

EN: Information on EU Lighting Regulations – Ecodesign and Energy Labelling – Compilation ^[1] of the Federal Environment Agency (UBA), Germany

Discussion of future amending regulations
(Product Design and Product Information)

**The EU Commission's discussion text as of 10 June 2020:
Joint comments by ECOS ^[2], EEB ^[2] and coolproducts ^[2] as of 2 July 2020**

FR: Informations sur réglementations de l'UE concernant l'éclairage – l'écoconception et l'étiquetage énergétique – Compilation ^[1] de l'Agence Fédérale de l'Environnement (UBA), Allemagne

Discussion sur les futurs règlements modificatifs
(Conception des produits et informations relatives aux produits)

**Texte de discussion de la Commission européenne du 10 juin 2020 :
Commentaires communes de
ECOS ^[2], BEE ^[2] et coolproducts ^[2] du 2 juillet 2020**

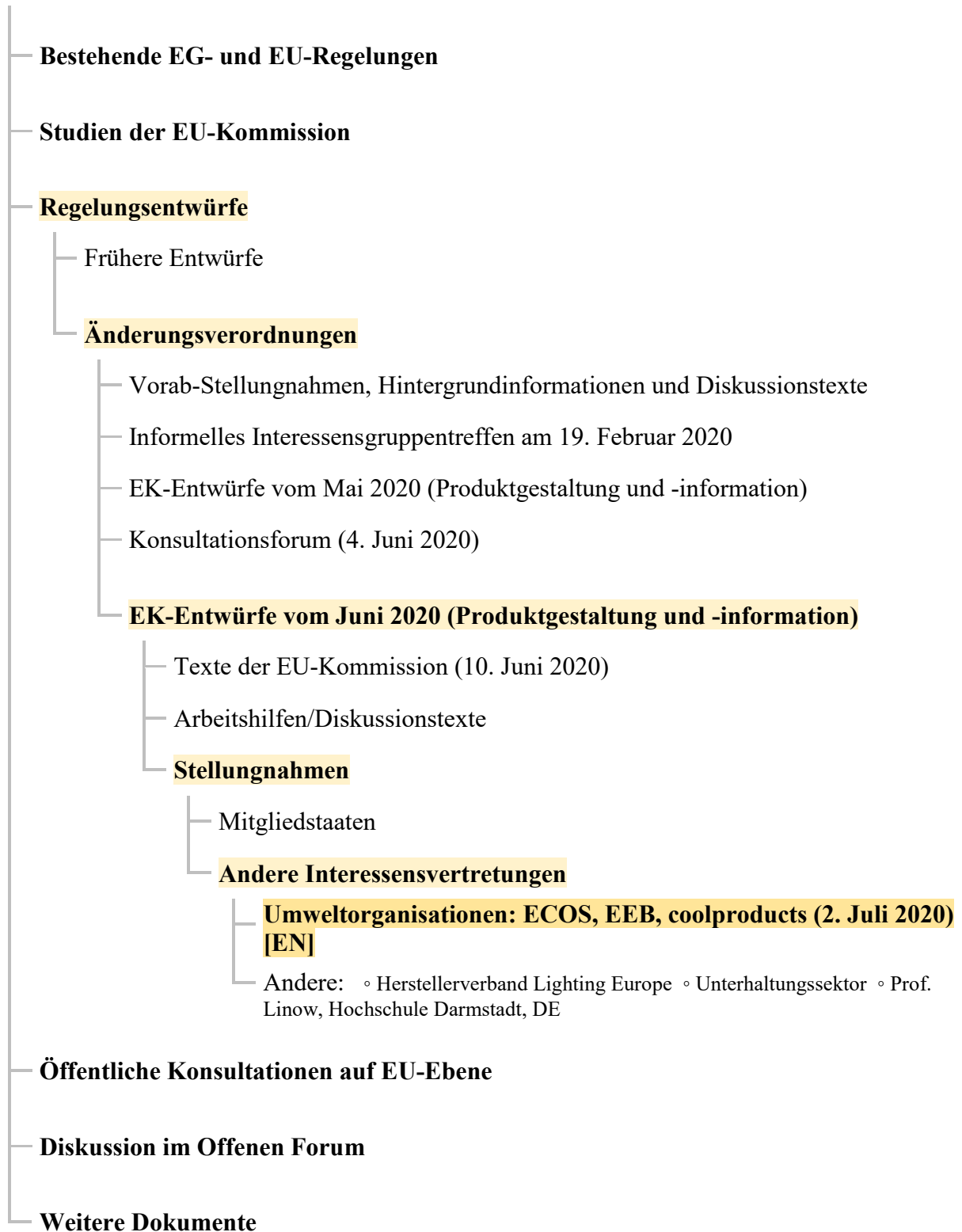
Indication : Veuillez noter que le présent texte n'est disponible qu'en anglais.

^[1] <https://www.eup-network.de/de/eup-netzwerk-deutschland/offenes-forum-eu-regelungen-beleuchtung/dokumente/texte/>

^[2] ECOS: <http://ecostandard.org/> | EEB: <http://eeb.org/> | www.coolproducts.eu

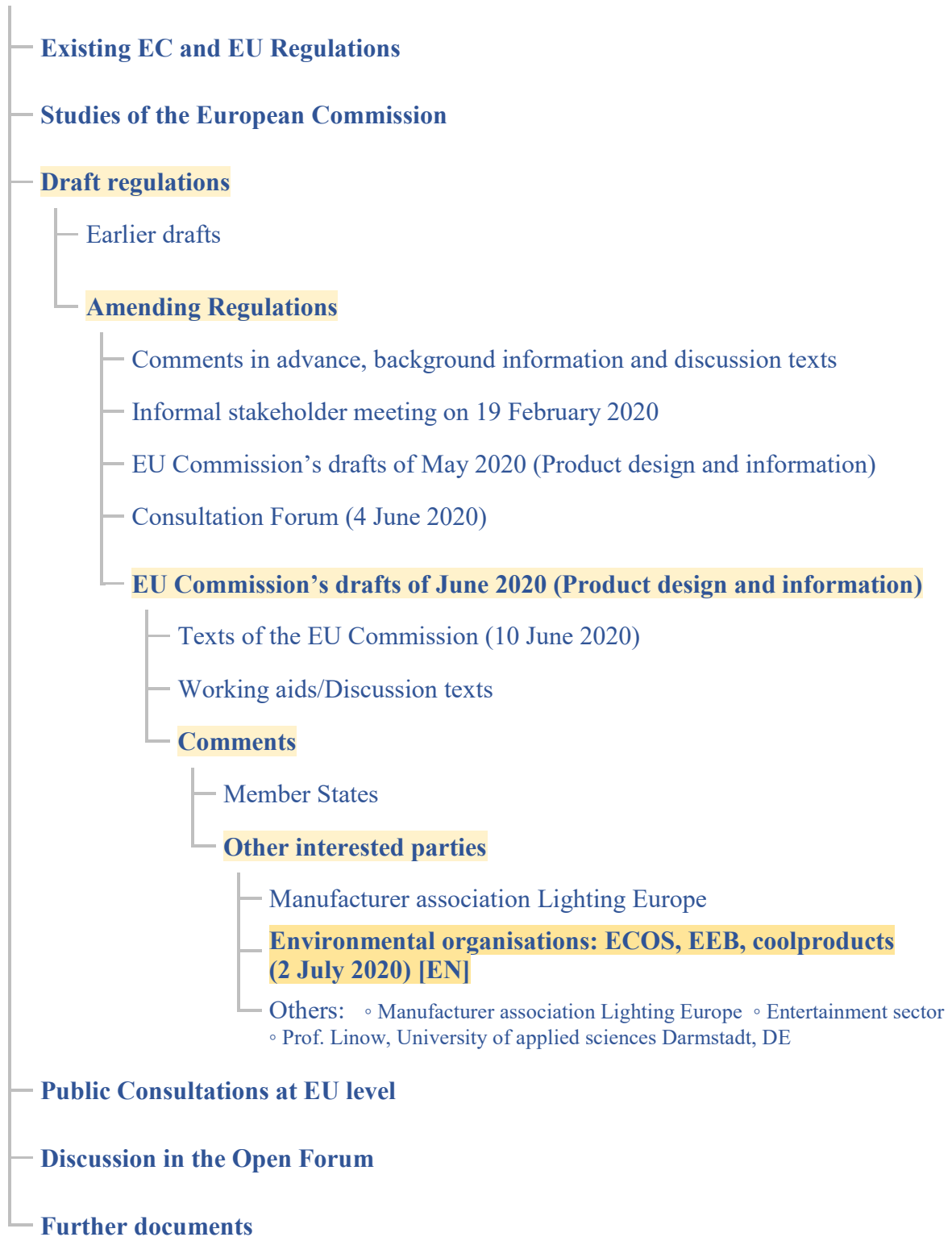
Texte im Offenen Forum

(abc = vorliegender Text)



Documents in the Open Forum

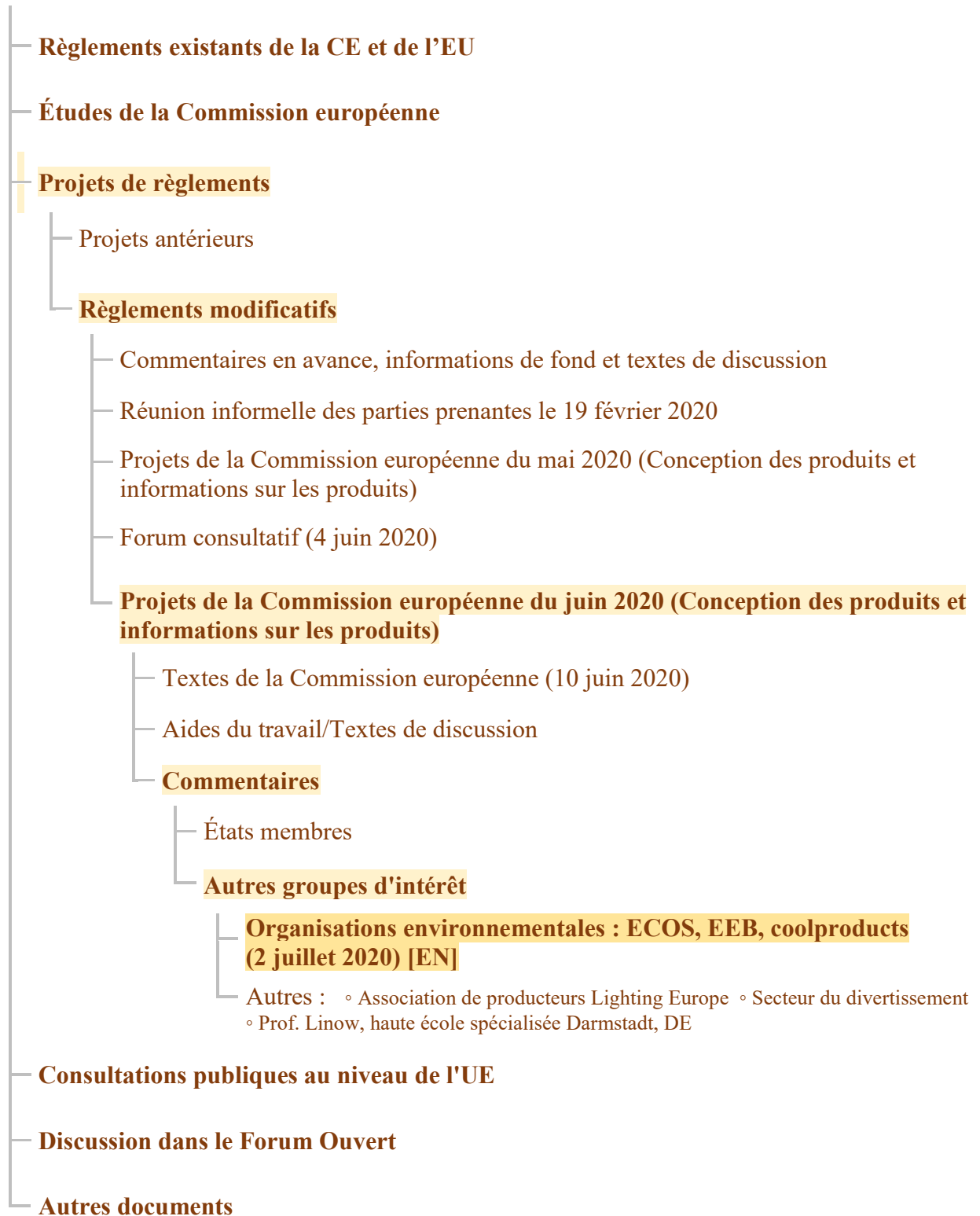
(abc = text at hand)



Abbreviations: ● EC = European Communities ● EU = European Union

Documents dans le forum ouvert

(abc = présent document)



Abréviations : ● CE = Communauté européenne ● UE = Union européenne

Es folgt ein unveränderter Originaltext.

EN: The following is an unmodified original text.

FR: Ce qui suit est un texte original.



Brussels, 1 July 2020

Omnibus amendments of 2019 ecodesign and energy labelling regulations: Comments on EC proposal

Following the EELCF meeting on 4 June, the environmental NGOs hereby submit their views on the discussions and proposed amendments.

While **we agree with the need for unequivocal wording and provisions across regulatory texts, we strongly believe that under no circumstance should essential provisions and requirements be put into question once the regulatory texts are adopted.** Therefore, we only support modifications aimed at providing additional clarity or correcting errors. Any other discussion beyond these particular goals which could impact the scope, the level of ambition of the requirements set or their implementation, should only be taken up in the next review and be subjected to a thorough regulatory scrutiny.

Horizontal amendments

- We strongly support the inclusion of amendments across regulations which aim to ensure that software updates do not negatively affect the energy performance of products. It is our opinion that aligning the circumvention and software updates article in all the implementing measures is the right way forward in terms of a consistent anti-circumvention approach. Furthermore, consumers of any appliance deserve the same protection against these situations.
- Regarding the horizontal amendments 2 and 7, we suggest to reword them following the wording used in the article on circumvention within the product-specific implementing measures, as follows:

"To improve the effectiveness and credibility of this Regulation and to protect consumers, products that automatically alter their performance in test conditions with the objective of reaching a more favourable level for any of the parameters specified in this Regulation ~~should not be allowed to be placed on the market~~ shall not be placed on the market by the manufacturer, importer or authorised representative".

Alternatively, *"To improve the effectiveness and credibility of this Regulation and to protect consumers, products that automatically alter their performance in test conditions with the objective of reaching a more favourable level for any of the parameters specified in this Regulation ~~should not be allowed to be placed on the market~~ shall be considered non-compliant".*

Amendments on electronic displays

Energy Labelling Regulation (EU) 2019/2013 and Ecodesign Regulation (EU) 2019/2021

Although we welcome the intention of the regulator to clarify the contents of the two regulations in relation to electronic displays so to facilitate their implementation, we strongly believe that a number of proposed amendments put into question essential elements of the adopted legislation or risk creating legislative loopholes. Our views on individual amendments which are a source of concern are as follows:

- **Components & subassemblies (Ecodesign & Energy Labelling)**

We believe that the current wording in the adopted regulation is sufficiently clear and see no justification for the proposed change. Due to the high number of conjunctives (and, or, and/or – see below), the revised text is less precise than the existing provision.

(g) electronic displays that are components or subassemblies of products **and** which are not placed on the market **and/or** put into service as individual parts for end-users **or** the environmental performance of which cannot be assessed independently ;

We also see no benefit in the mention of testing considerations, as the reference to “environmental performance” is too vague for a statement of scope in this case. Moreover, the wording “which cannot be assessed independently” is not clear with regard to what the measurement that is intended to be independent of. Energy efficiency should be referenced here specifically. In addition, the term “individual parts for end users” is insufficiently precise too, as it could imply that displays as spare parts for repairers DO need to comply.

If a revised formulation must be included – which we would strongly advise against – we suggest the following improved text:

(g) electronic displays that are components or subassemblies of products and are not placed on the market or put into service as replacement parts for end-users, and for which energy performance cannot be assessed independently of the product.

- **Displays for industrial applications in hostile environments (Ecodesign & Energy Labelling)**

We strongly regret the intention to reconsider the scope of the regulatory texts after their adoption and publication in the Official Journal, as such an approach is clearly inconsistent with the Commission’s guidelines on Better Regulation. The proposed definition of industrial displays is easily amenable to exploitation as a loophole. It allows to pick and choose applicable features, some of which are poorly defined and – in some cases – easily fulfilled by a personal display (suitability for use in temperatures above 40°C or advanced dimming functionality, for instance).

We urge the regulator to reconsider the proposed amendment to the scope, or at the very least to limit the exemption to the Ecodesign Regulation and ensure that the definition is fit for purpose by making some additional key features of an industrial display - such as an Ingress Protection (IP) rating of IP65 – mandatory. Limiting the exemption only to the Ecodesign Regulation would ensure that the information on an Energy Label is provided to consumers of industrial displays, thereby facilitating better informed purchases that take into account energy efficiency and overall power consumption.

We also recommend changing the proposed recitals text (10) to leave open the possibility of addressing these products with custom requirements in future revisions:

Electronic displays for industrial applications in hostile environments have specific requirements such as those for ingress protection at level 65 of EN 60259 and should not be subject to ecodesign requirements set for products designed for more generic applications.

- **Capacitors as spare parts (Ecodesign)**

We disagree with the proposal to exclude capacitors from the list of spare parts in the regulation, as this constitutes a substantial change to the provision and would mean that capacitors are no longer

required to be easily disassembled with commonly available tools in order to be replaced for the purposes of repair. Given that capacitors – especially those used for a power supply in a TV – are a frequent cause of failure in personal displays, such an amendment would greatly affect the overall reparability of this product group, which goes contrary to the overall aim of the instrument in question.

Were a revision to the list of spare parts be considered regardless, only the very small capacitors (e.g. with ratings below 400 microfarads) should be considered for the purposes of exemption.

- **Maximum concentration values of halogenated flame retardants (Ecodesign)**

We would invite the regulator to clarify the tolerances wording by aligning it with the wording used in restrictions under the REACH Regulation, as this would help to both avoid regulatory loopholes and facilitate certainty among manufacturers. The proposed formulation could look as follows:

“The concentration of any halogenated flame retardant by weight shall not be equal to or greater than 0,1 %.”

Amendments on light sources

Energy Labelling Regulation (EU) 2019/2015 and Ecodesign Regulation (EU) 2019/2020

- **Containing product (Ecodesign & Energy Labelling)**

We strongly object to the removal of the text that reads “If a containing product cannot be taken apart for verification of the light source and separate control gear, the entire containing product is to be considered a light source”. This text was inserted and provided as justification for the Commission rejecting our calls during the drafting stage of the implementing measure to have luminaires that can be accessed by standard maintenance personnel and have major components replaced, such as the LED light engine, the driver electronics, control and other circuits, and any other components such as gaskets or optical lenses, should they be damaged. The purpose of having a ‘serviceable’ luminaire is to extend the service life of the luminaire so that it is not discarded prematurely because of a critical component failing. The requirement of having containing products that could not be taken apart treated as light sources was an incentive for industry to continue to make lighting products serviceable.

By taking away this sentence, the Commission is fundamentally altering the intent of the regulation – encouraging non-serviceable, integrated light sources and promoting disposable luminaires. This change is totally unacceptable and runs counter to the principles of resource efficiency and a circular economy. We strongly call for the above-mentioned clause to be reinserted.

- **Stroboscopic effect for LED and OLED MLS (Ecodesign)**

We strongly disagree with the proposal to reconsider the limits on the stroboscopic effect (SVM), which puts into question essential requirements and the overall level of ambition of the Ecodesign Regulation on lighting equipment.

The results of extensive testing led by the Swedish Energy Agency which, contrary to the erroneous allegations of the lighting industry, demonstrate the technical feasibility of the SVM requirements to be achieved and the wide availability of already compliant products on the market. We therefore do not find any justification in the proposed regulatory amendment and, considering that it puts the

public health of Europeans at risk and goes beyond correcting technical and editorial issues, find it entirely unacceptable.

- **Exemption for clear incandescent lamps used primarily for infrared heating (Ecodesign)**

The proposed exemption for clear heating lamps has the potential to create a legislative loophole due to the fact that many of the criteria proposed, such as directional shape, E27 screw base, 100-400 watts, clear envelope, CCT < 2500K, are common across incandescent lamps. By creating a loophole, such an exemption would result in lost energy savings with unscrupulous importers claiming exemption and marking these lamps as being designed for “infrared heating” – similarly to the historic precedents of the HeatBall incident in 2010 or the “Not for Household Use” loophole of 2015. Moreover, the introduction of the exemption unnecessarily increases the complexity of the regulation and is fundamentally not needed, as LED heat lamps do exist. **We therefore call on the Commission not to create an exemption for this product group.**

- **Exemption for fluorescent tubes (Ecodesign)**

We strongly object to the inclusion of the fluorescent lamp exemption in Annex III point 3(w) of the ecodesign regulation on lighting. Fluorescent tubes described in this exemption have absolutely no unique or special requirement that should justify or differentiate their use for studio purposes – they have standard caps (G5 or G13), standard diameters (T5, T12), standard CRI value (≥85) and standard CCT values (2900, 3000, 3200, 5600, 6500K). In essence, this would create a major loophole, as T12 lamps can be installed in T8 sockets and simply requiring lamps to be “marketed” for studio lighting does not constitute sufficient protection from regulatory circumvention.

Furthermore, there are numerous examples of LED tubes being used in television and film studio applications¹. We therefore strongly call on the Commission to completely remove the fluorescent exemption from the lighting regulation in order to eliminate this loophole and protect the energy savings intended from the ecodesign requirements.

Amendments on refrigerating appliances

Energy Labelling Regulation (EU) 2019/2016 & Ecodesign Regulation (EU) 2019/2019

- **Freezing capacity (Ecodesign & Energy Labelling)**

In principle, we do not recognise why this figure of ‘a minimum of 2,6 kg/24hr’ is proposed. Referring to EN 62552, a modification in an Annex of the harmonised standard included the following: ‘*freezing capacity shall be 4,5 kg per 24 h per 100 l of volume or 2 kg per 24 h*’. Hence, **the text should not be amended but left as it is – aligned with the standard.**

- **Definition of mobile refrigerating appliance (Ecodesign & Energy Labelling)**

We acknowledge the potential loophole derived from the definition in the existing regulation and recommend to clarify the text. In this context, we hereby present some alternative rewording options for consideration:

¹ See, e.g., <https://www.digibroadcast.com/lighting-c64/led-panels-lighting-kits-c97/came-tv-boltzen-andromeda-slim-tube-led-light-4-lights-kit-3ft-daylight-p30266>, or <http://www.dadcopowerandlights.com/led-lighting-systems-for-tv-and-motion-picture-production>, or <https://astera-led.com/titan/>

- Option A wording: ‘mobile refrigerating appliance’ means a refrigerating appliance that can be used where there is no access to the mains electricity grid without use of an electrical supply converter that is separate or external to the appliance and that uses extra low-voltage electricity (< 120V DC) or fuel or both as the energy source for the refrigeration functionality, ~~including a refrigerating appliance that, in addition to extra low voltage electricity or fuel, or both, can be electric mains operated. An appliance placed on the market with an AC/DC converter is not a mobile refrigerating appliance;~~
[note: Article 1 already allows only mains operated appliances to be included; and the sentence on AC/DC converters has unintended consequences, see table below]
- Option B ² wording: ‘mobile refrigerating appliance’ means a refrigerating appliance specifically designed and marketed for use in vehicles or any other means of transport, and;
 1. can operate on extra low-voltage electricity (< 120V DC) or fuel or both as the energy source for the refrigeration functionality, and;
 2. includes carrying handle(s) or carrying belt(s) or a locking mechanism, other than a magnetic gasket, to prevent the doors, drawers or lids to swing open during transit.

Furthermore, the following table presents an overview of the current situation for different types of appliances and our proposed solutions to the potential problems:

	Appliance type description	Problem with current wording for that specific appliance type situation (if any)	Acceptable outcome under regulation	Remedy
1	Mobile fridge for low voltage supply or fuel (e.g. for camping)	None	Excluded from scope	(Option B wording is more precise)
2	Poor efficiency mains operated fridge, sold with separate converter for DC operation (supplier bundles with cheap converter to achieve exclusion from regs under ‘mobile appliance’ definition)	None	Has to meet EEI of normal fridges	Current wording closes this loophole, but problems arise under 4 and 5. So recommend Option A or B.
3	Minibar (mains operated thermoelectric or absorption fridge with no fan (quiet operation), <60 litres, fixed location)	None	Within scope under low noise category	-
4	Genuine mobile fridge for low voltage supply, fuel with <i>integrated</i> AC/DC converter ³ for mains	Unit is sold ‘with an AC/DC converter’ and so ‘is not a mobile’ appliance and so must meet normal MEPS (even though the converter	Excluded from scope	Both option A and option B wording address this

² We are grateful for detailed technical comments from Dometic in preparing this input.

³ If converter is integrated into the appliance, this represents a substantive additional cost for the design which makes it unattractive as a way to enable the selling of poor quality fridges via a ‘mobile appliance’ loophole.

	voltage input (e.g., for camping)	is integrated) ** UNINTENDED BAN**		
5	Genuine mobile fridge for low voltage supply or fuel (e.g., for camping) which is also offered for sale with a separate AC/DC converter for customers that want to pre-cool it at home before travelling	Unit is sold 'with an AC/DC converter' and so 'is not a mobile' appliance and so must meet normal MEPS ** UNINTENDED BAN**	Excluded from scope	Risk is to inadvertently open loophole 2 in addressing this. Both option A and option B wording address this satisfactorily.
6	Mains operated thermoelectric or absorption fridge, fixed location - but either >60 litres and/or with fan	Cannot meet low noise requirement and too large for 'minibar', so defined with normal fridges (no known appliances in this category and very unlikely to be fully functional for users). Very unlikely to meet EEI -> banned from market.	Remove from the market (if any exist)	None needed.

Amendments on electric motors

Ecodesign Regulation (EU) 2019/1781

- With regards to the proposed amendment on the delay of entry into force of the information requirements for single phase and Ex eb motors, **we support option 1 on introducing IE0 and IE1 classes and tables in the regulation for the requirement to be in place already in 2021**. These motors are currently not regulated and in our view, the fact of having at least the information requirements in place by 2021 will provide valuable information to clients and relevant information on the rating plate and the technical documentation key to identify if the product is within or outside the scope of the regulation.

END

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