

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



## Diskussion über künftige Änderungsverordnungen (Produktgestaltung und information)

Diskussionstext der EU-Kommission vom 20. Mai 2020:

**Stellungnahme der Niederlande vom 4. Juni 2020**

– Diskussionstext –

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

**EN:** Information on EU Lighting Regulations – Ecodesign and Energy Labelling – Compilation <sup>[1]</sup> 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 20 May 2020:  
Comments by the Netherlands, 4 June 2020**

– Discussion text –

**FR:** Informations sur réglementations de l'UE concernant l'éclairage – l'écoconception et l'étiquetage énergétique – Compilation <sup>[1]</sup> 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 20 mai 2020 :  
Commentaires des Pays-Bas du 4 juin 2020**

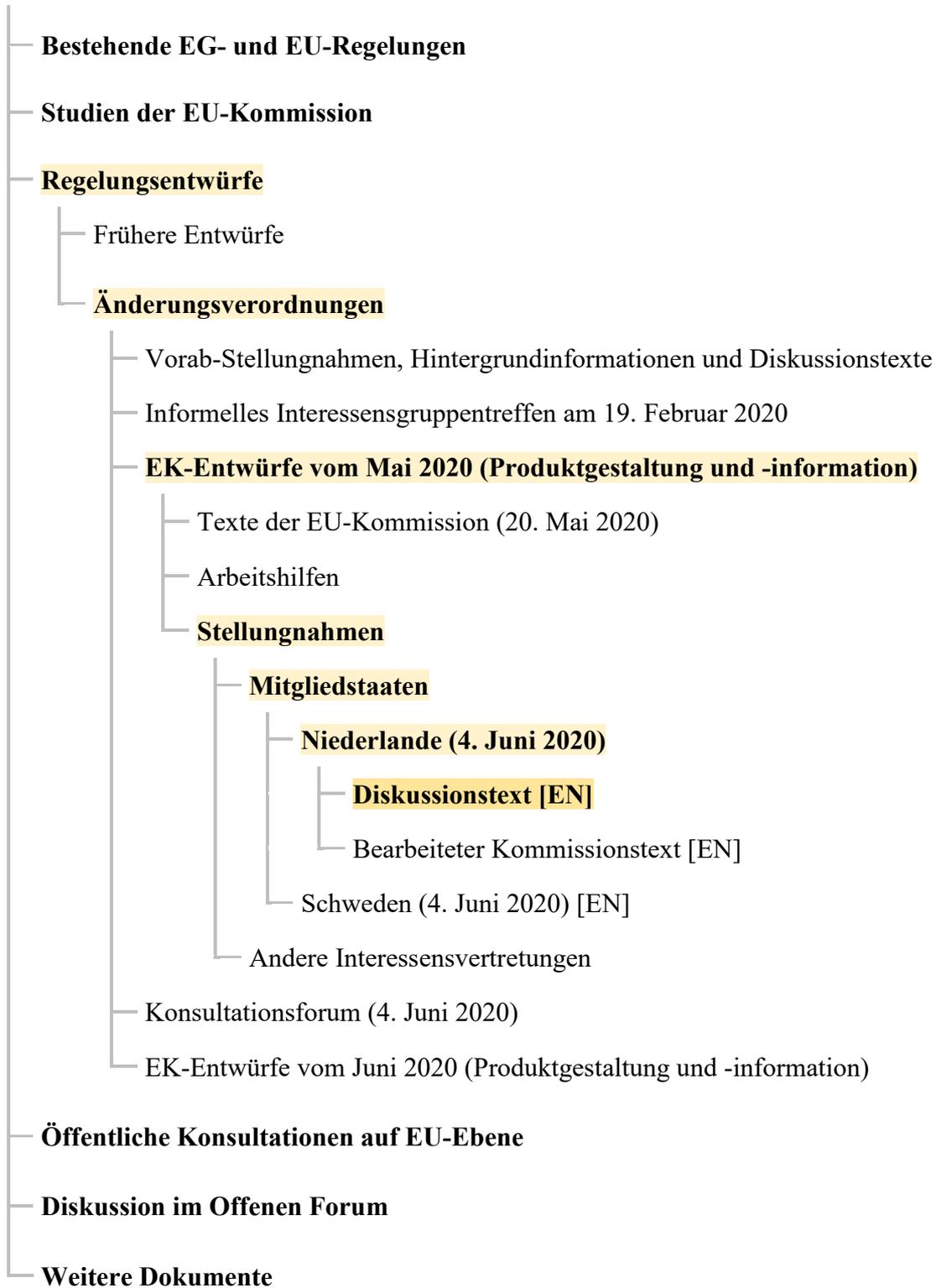
– Texte de discussion –

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

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

Texte im Offenen Forum

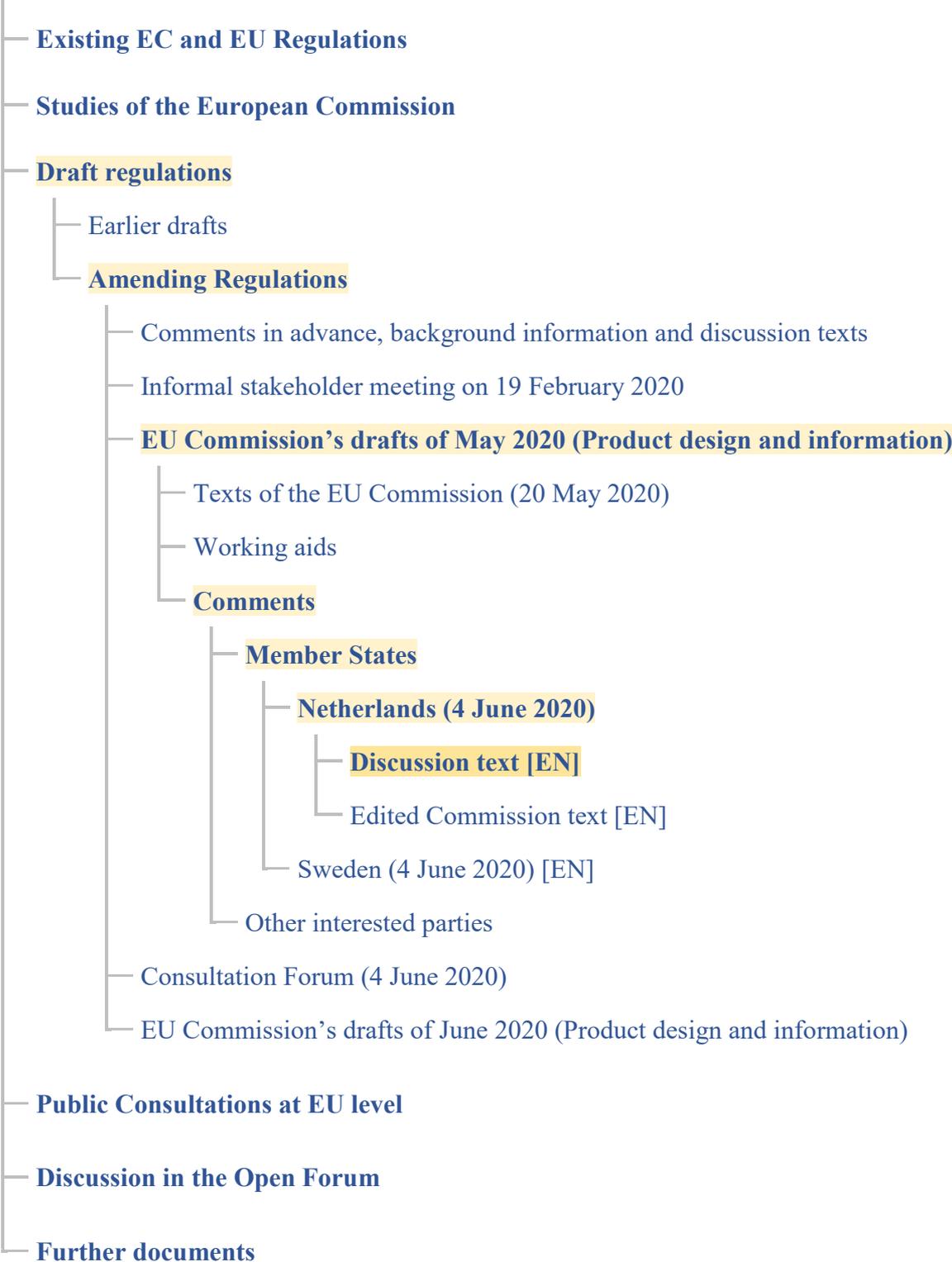
(abc = vorliegender Text)



Abkürzungen: ● EG = Europäische Gemeinschaft ● EK = EU-Kommission ● EU = Europäische Union

Documents in the Open Forum

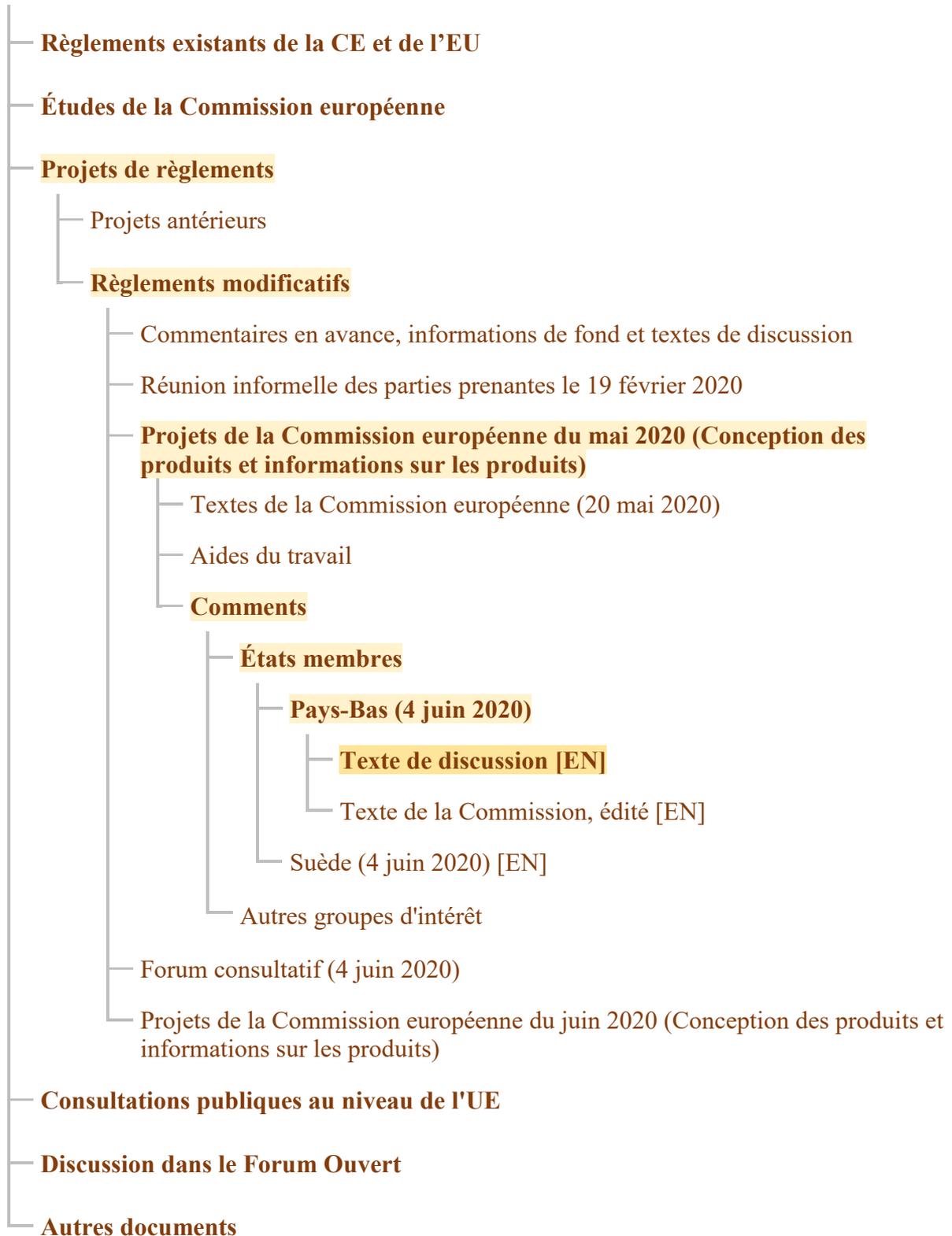
(abc = text at hand)



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

## Documents dans le forum ouvert

(abc = présent document)



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

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Es folgt ein unveränderter Originaltext.

**EN:** The following is an unmodified original text.

**FR:** Ce qui suit est un texte original.

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# Possible amendments to energy labelling and ecodesign regulations – comments on the discussion paper

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Netherlands Enterprise Agency – 4 June 2020

## Introduction

The Netherlands welcomes the discussion paper on possible amendments to Commission Delegated Regulations with regards to energy labelling and Commission Regulations with regard to ecodesign. We agree with the need for the amendments in order to clarify the situation regarding “declared” values and correct mistakes in the various regulations.

Please find in this document the preliminary comments and suggestions of the Netherlands. First we provide comments on generic topics, then comments per product. Also detailed comments in track changes are provided in a separate document.

## Generic topics

### Calculated technical parameters

In the discussion document of the Commission declared values are defined as follows:

‘declared values’ means the values provided by the supplier for the stated, calculated or measured technical parameters, in accordance with Article 3(1)(d) and Annex VI, for the verification of compliance by the Member State authorities.

So, declared values come in three types, stated, calculated or measured, and are related to the verification of technical parameters. The verification of stated and measured technical parameters is straightforward:

- Stated technical parameters are verified by the presence of the conditions stated in their definition, an example of a stated technical parameter is the “built-in” parameter.
- Measured technical parameters are verified as prescribed in the procedure in the verification annex of the regulation, i.e. by comparing the value measured by the Member State authorities (MSA) with the declared value by the supplier. For the model to comply, the deviation between the two should not be more than the tolerance for that parameter indicated in the table with tolerances in the annex.

This leaves the verification of declared calculated<sup>1</sup> technical parameters, which is more complicated and has raised a number of misunderstandings. The clarification can be

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<sup>1</sup> Note that the term “calculation” refers to calculations in the regulation, and not to calculations in the measurement standard; e.g. if the result of a technical parameter is determined by averaging the results of

done in different way, e.g. by a guidance document of the Commission, but in any case it should be made clear in the tables with the declared values of the technical parameters to be uploaded in EPREL which of these parameters are calculated technical parameters. Furthermore, any measured technical parameter that is included in the table to be uploaded in EPREL should have a tolerance. Or said otherwise: any measured technical parameter that does not have a tolerance, should either be deleted from the table or get a tolerance assigned in the verification annex. Calculated technical parameters may have a tolerance.

Please find some suggestions for clarification in the annex.

### Components and subassemblies

Components and subassemblies have a specific meaning in ecodesign (Article 2.2):

2. 'Components and sub-assemblies' means 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 or the environmental performance of which cannot be assessed independently;

In combination with the definition of (energy-related) product it means that ecodesign requirements do not relate to components and subassemblies. Components and sub-assemblies are not defined in the energy labelling framework regulation but since the definition of (energy-related) product is the same, the same conclusion can be drawn, i.e. that "parts intended ... of which cannot be assessed independently" cannot have a label.

In the proposed amendments, this topic recurs several times.

### Energy labelling electronic displays (2019/2013)

The list of exemptions (correctly) includes electronic displays that are components or subassemblies of products. It is also correct that this should apply to all products and not only the products covered by implementing measures. Since the energy label regulation does not contain a definition of components and subassemblies, this should be added (and be coherent with the ecodesign directive). The proposed text is not coherent with the ecodesign directive, since it adds ("and") the content of the definition to the exemption.

A solution would be to just refer to components or subassemblies in the exemption and add the following definition to the definition:

'component' or 'subassembly' means a part intended to be incorporated into products 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;

### Ecodesign electronic displays (2019/2021)

Following the reasoning above the proposed amendment for article 1.2(g) is correct when deleting "covered by ..." but does not need the extra text, since the ecodesign directive already provides a definition of components and subassemblies (which can be referred to in a guidance document). So the amended text should just be:

(g) electronic displays that are components or subassemblies;

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a certain number of test runs as prescribed in the measurement standard, this calculation is not a calculation as considered in this document.

## Exemptions for control gears in Annex III, point 2 of the ecodesign regulation for light sources (2019/2020)

The motivation for these exemptions is amongst other that these control gears are components and cannot be tested separately. As indicated above, this is exactly why components and subassemblies are not object of ecodesign requirements.

Looking at the definition of separate control gear:

(3) 'separate control gear', means a control gear that is not physically integrated with a light source and is placed on the market as a separate product or as a part of a containing product;

Keeping in mind the definitions of product and part in the ecodesign directive, the "control gears" that APPLiA wants an exemption for are not products nor parts because they, i.e. their function as control gear for light sources – see definition of control gear, cannot be tested separately because it is integrated in the control board of the appliance. (Of course if a separated control gear is used, e.g. in a range hood, it should comply with the ecodesign regulation.) Note that using the wording "separate control gear" in the exemption contradicts the purpose of the exemption, because if the control gears used in the products would be separate control gears, their performance could be assessed independently.

So, it is not needed to have these exemptions; instead the guidance document can explain that control gears in whatever product that are not separate control gears are not covered.

## Other generic topics

Other generic topics are:

- The titles, headings and order of the columns in the various tables for the declared values of technical parameters to be uploaded in EPREL differs; we suggest to align these.
- The indication of the precision of the parameters to be uploaded differs: X versus X, several X before the comma versus one X; we suggest to align this.
- Please check carefully requests regarding the non-applicability of the equivalence clause for the product information sheet. E.g. the model identifier should be unique for each model.

## Specific topics for displays

### Exemption for industrial displays

We do not agree with the exemption for industrial displays for the energy label. Whereas for the ecodesign regulation this might be necessary to avoid unwantedly banning from the market some displays, the energy label provides information on the efficiency and power consumption of displays which is also useful for industrial displays.

Regarding the proposal for the ecodesign regulation, we suggest to use fewer properties, at least containing the ingress protection of at least IP 65, but require them all to prevent this exemption becoming a loophole by manufacturers only using the easy to implement properties.

## Table 5 (Declared values for technical parameters)

This table should not contain values for test conditions (as described in the standard) and measured values for technical parameters. The latter means that if a technical parameter is only measured and not declared, it should not appear in the table. This is the case for the measurements of the peak white luminance for the brightest on mode configuration and for the normal configuration, where only the ratio of these values is declared.

## Specific topics for light sources

### Definition of containing product

The document proposes changes in the definition of containing product to solve problems because not in every translation the words “to be considered” are or can be translated correctly.

However, the proposal creates other issues and rather makes the situation worse than better.

### Analysis of current text

The current definition of containing product goes as follows (both in ecodesign and energy labelling):

‘containing product’ means a product containing one or more light sources, or separate control gears or both.

Then some examples follow (which only mention light sources) and the definition ends with the sentence “If the 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”.

In principle this correlates with the statement in the light source definition that light sources do not include (c) products containing light source(s) from which these light source(s) can be removed for verification. Because the last sentence in the definition of containing product relates to products that cannot be taken apart.

Regarding ecodesign, these definitions have to be seen in the light of Article 4 that relates to the removal of light sources and separate control gears. In point 1 manufacturers etc. shall ensure that light sources and separate control gears can be replaced with the use of common available tools and without permanent damage to the containing product unless they have a technical justification for not doing so.

The technical documentation shall also (i.e. it is the technical documentation of the containing product) provide instructions on how light sources and separate control gears can be removed without being permanently damaged for verification purposes<sup>2</sup>.

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<sup>2</sup> Note the difference between the two situations: replacement only requires no damage to the containing product, whereas removal for verification requires only no damage to the light sources and separate control gears. Since the “also” indicates an “addition”, it means that in case of replacement both requirements apply and therefore also in case of replacement there should be no damage to the light sources and control gears.

The rationale of the construction in the current text is that in as many cases as possible it should be possible to replace or in any case remove the light sources and separate control gears, not only for the sake of verification but also for repair and dismantling. Therefore, the alternative for the sentence at the end of the definition of containing product is to require that in all containing products, the light sources and separate control gears can at least be taken apart for verification.

One could question whether the sentence “If the 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” is useful in the framework of energy labelling, since it would mean that a refrigerator from which the light sources cannot be removed for verification would have two energy labels. So for energy labelling the sentence could be amended to refer only to luminaires: If the luminaire cannot be taken apart for verification of the light source(s) or separate control gear(s), the entire luminaire is to be considered a light source.

### **Analysis of the proposal**

The proposal defines a containing product as a containing product for light sources or a containing product for separate control gears or both. Followed by the definitions of containing product for light sources / separate control gears: means a product containing one or more light sources / separate control gears from with all light sources / separate control gears can be removed for verification. Then follow examples for containing products for light sources without the last sentence “If the containing product ... a light source.”.

The problem with the proposal is that what was a requirement for containing products (albeit a bit hidden in Article 4) is now a condition in the definition. In our interpretation this means that a product containing light sources from which (at least) 1 light source cannot be removed for verification, is not a containing product in the meaning of the regulation (the same holds for separate control gears). It is also unclear what the product is then; e.g. nobody would call a refrigerator suddenly a light source when the light source in the refrigerator cannot be removed (so the refrigerator is not a containing product) and fulfils the definition of light source in Article 2.1. Refrigerators might not be the biggest problem but we foresee a large grey area for “luminaires” where the light sources and the separate control gears cannot be removed. Note that the efficiency requirements for light sources not only cover efficacy (which might be ok anyhow if LEDs are used) but also (networked) standby. Also this would not stimulate the removal (and thereby replacement) of separate control gears and light sources.

### **Solution**

The most clear solution is to require for all containing products that the light sources and separate control gears can be removed without being permanently damaged for verification purposes. This would also solve the issue for the energy label.

One could say that this is already required in Article 4.1, second paragraph. But it is done indirectly. A more direct formulation for this paragraph would be:

Manufacturers, importers or authorized representatives of containing products shall ensure that light sources and separate control gears can be removed without being permanently damaged for verification purposes by market surveillance authorities. The technical documentation shall provide instructions on how to do this.

An alternative for amending Article 4 would be to clarify this in a guidance document. In any case, the sentence in the definition that “caused” difficulties in interpretation can be deleted because there are no containing products that cannot be taken apart for the verification of the light sources or separate control gears. Also the part of the sentence with the examples qualifying the luminaires (that can be taken apart to allow separate verification of the contained light source(s)) can be deleted since all luminaires should allow this.

Definition 2.3 now becomes:

‘containing product’ means a product containing one or more light sources, or separate control gears or both.

Examples of containing products are luminaires, household appliances and furniture such as shelves, mirrors and display cabinets, containing light source(s) or separate control gear(s) or both.

### **Declared values for technical parameters**

We suggest that a table containing the declared and measured values for technical parameters is included in Annex VI (Technical documentation) in the energy labelling regulation for light sources as it is for the other regulations.

### **Exemption for clear lamps used primarily for infrared lighting**

Although we understand the reason for the exemption, we ask the Commission to ensure that the specifications are detailed enough to prevent manufacturers etc. using this exemption to place on the market cheap incandescent light sources (that are currently not on the market and should not be on the market).

## **Specific topics for refrigeration appliances**

### **Tolerances**

We suggest to remove the tolerance for Eaux because this is mostly a value based on the (calculation) procedure in the (harmonised) standard and values of the power consumption of the heaters declared by the manufacturer.

Also the tolerance for E16 is not really necessary for verification and can be removed.

### **Separate control gears**

As indicated in the section Components and subassemblies, the proposed exemptions for “separate” control gears are not necessary since the control gears mentioned are not separate control gears but a component or assembly and therefore by definition not subject to ecodesign requirements. A clarification on this point in a Guidance Document would be sufficient.

### **Mobile appliances**

The proposed amendment for the definition of mobile appliances introduces more problems than it solves (although it is correct regarding the content). So, we suggest to leave the text as it is.

## Guidelines for verification of calculated technical parameters

The aim of this Annex is to provide clear guidance on the options for the verification of declared calculated technical parameters.

### Formulas with single calculations

A calculated technical parameter X that follows from a single calculation can have the form of  $X = A \times Y1 + B \times Y2 + C \times Y3$  or  $X = Y1/Y2$ , where Y1, Y2 and Y3 are measured technical parameters. We will use the example of the weighted energy consumption for washing machines ( $E_w$ ), which is calculated as follows:

$$E_w = A \times E_1 + B \times E_{1/2} + C \times E_{1/4}$$

where  $E_1$ ,  $E_{1/2}$  and  $E_{1/4}$  are the energy consumption at rated capacity, half of the rated capacity and a quarter of the rated capacity respectively<sup>3</sup>.

Three situations can occur regarding verification of the calculated parameter ( $E_w$ ).

#### 1. The measured technical parameters have tolerances, but the calculated technical parameter has not

The measured technical parameters ( $E_1$ ,  $E_{1/2}$  and  $E_{1/4}$ ) are individually verified according to the procedure in the verification annex. In case the verification is positive, the MSA calculates the calculated technical parameter ( $E_w$ ) with the *declared* values of the measured technical parameters and checks if the resulting value is not less favorable for the supplier than the declared<sup>4</sup> value of the calculated technical parameter<sup>5</sup>.

This can be characterized as an “indirect” verification of the calculated technical parameter: if the MSA finds that each components of the calculated technical parameter is verified, then the calculated technical parameter is also considered verified.

Apart from this, the MSA can require a test report from the supplier and check whether the declared values for the measured technical parameters are supported by the test report, i.e. whether the declared values are not more favorable for the supplier than the values in the test report.

#### 2. The calculated technical parameter has a tolerance, but the measured technical parameters have not

The calculated technical parameter ( $E_w$ ) is verified according to the procedure in the verification annex as follows. The MSA uses the results of their measurements of the measured technical parameters to calculate the result. This “measured” value of the

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<sup>3</sup> We ignore in this example that the parameters A, B and C depend on the rated capacity of the washing machine.

<sup>4</sup> If this calculated technical parameter need not be declared, the MSA can use the value to check that any published value is not more favorable for the supplier than the calculated value.

<sup>5</sup> In addition the check is also on possible mistakes are made in the calculation. Note that the supplier has the freedom to declare a value of the calculated technical parameter that is less favorable than would result from the calculation of the individual declared values of the measured technical parameters. E.g. with declared values of 1,00, 0,60 and 0,40 for  $E_1$ ,  $E_{1/2}$  and  $E_{1/4}$  and assuming  $A=0,500$ ,  $B=0,300$  and  $C=0,200$ , the calculation would result in  $E_w = 0,76$ ; the supplier is free to declare a value of 0,80 for  $E_w$  (but not 0,75).

calculated technical parameter is then verified according to the procedure in the verification annex. This means that the verification annex needs to include a tolerance for the calculated technical parameter. Note that the individual measured technical parameters in this case do not need to be declared and that these are not verified by the MSA

Apart from this, the MSA can require a test report from the supplier and check whether the declared value of the calculated result is supported by the results in the test report, i.e. a calculation with the values in the test report of the individual measured technical parameters should not provide a less favorable result for the supplier. But no check is done by comparing each individual measured technical parameter measured by the supplier with the corresponding measured technical parameter measured by the MSA.

### 3. Both the measured technical parameters and the calculated technical parameter have tolerances<sup>6</sup>

The measured technical parameters ( $E_1$ ,  $E_{1/2}$  and  $E_{1/4}$ ) are individually verified according to the procedure in the verification annex, and the calculated technical parameter ( $E_w$ ) is verified as indicated in situation 2 above. In practice setting a tolerance on the result of the calculation is a way to restrict the individual tolerance on each component of the calculation.

Also in this case, the MSA can require a test report from the supplier to check whether the declared values for the measured technical parameters are supported by the test report and the calculation of the calculated technical parameter supports its declared value.

#### Formulas with multiple calculations

The regulation also contains formulas with multiple, at least two, calculations. An example is the energy efficiency index for washing machines ( $EEI_w$ ), consisting of two components  $E_w$  and  $SCE_w$ :

$$EEI_w = \frac{E_w}{SCE_w} = \frac{A \times E_1 + B \times E_{1/2} + C \times E_{1/4}}{-0,0025 \times c^2 + 0,0846 \times c + 0,3920}$$

where  $E_1$ ,  $E_{1/2}$  and  $E_{1/4}$  are the energy consumption at rated capacity, half of the rated capacity and a quarter of the rated capacity respectively, and  $c$  is the rated capacity.

The following situations are considered.

#### 1. The resulting technical parameter $EEI_w$ has a tolerance, the components $E_w$ and $SCE_w$ have not

*a) The measured technical parameters ( $E_1$ ,  $E_{1/2}$  and  $E_{1/4}$ ;  $c$ ) of the components have tolerances*

In this case the verification follows in 2 steps. First step is to verify the individual measured technical parameters according to the procedure in the verification annex considering own tolerance. If the verification is positive, the MSA calculates the value of the components from the declared values of the measured technical parameters.

However, since the resulting technical parameter has a tolerance, its value declared by

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<sup>6</sup> The rationale for having tolerances on both the components and the result of the calculation is that individual tolerances on the components can be less strict, while the tolerance on the result still ensures an acceptable result.

the supplier is compared with the calculated value by the MSA from their measurements of the individual technical parameters, considering the tolerance in the verification annex.

*b) Some or all of the measured technical parameters have no tolerances*

The verification follows in 2 steps. First step is to verify the individual measured technical parameters according to the procedure in the verification annex. If the verification is positive, the MSA calculates the value for resulting components from the declared values of the measured technical parameters where applicable and from the values measured by the MSA for the other measured technical parameters. However, since the resulting technical parameter has a tolerance, its calculated value declared by the supplier is compared with the calculated value by the MSA considering the tolerance in the verification annex.

**2. The resulting technical parameter EEIw has no tolerance, the components (Ew and SCEw) and/or measured technical parameters (E1, E1/2 and E1/4; c) have a tolerance**

*a) All measured technical parameters of the components have tolerances, the components have no tolerances*

In this case the components can be classified as in situation 1 and will be verified accordingly. In case the verification of the *declared* values of the measured technical parameters is positive, the MSA calculates the components with these values and uses the results to calculate the resulting technical parameter. Furthermore, the MSA checks whether the resulting technical parameter is not less favorable for the supplier than the declared value of the resulting technical parameter<sup>7</sup>.

*b) Some measured technical parameters and some components have tolerances*

In order to be able to verify the resulting technical parameter, for each of the components either the component need to have a tolerance and/or the measured technical parameters need to have a tolerance. Depending on this, one of the situations or the foregoing section applies for each of the components. The resulting technical parameter is calculated with the declared values of the measured technical parameters and the declared values of the components as applicable.

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<sup>7</sup> As in situation 1 this can be characterized as an “indirect” verification of the resulting technical parameter. If the resulting technical parameter need not be declared, the MSA can use the calculated value to check whether any published value is not less favorable for the supplier than the calculated value.