



EUROPEAN COMMISSION

Brussels, **XXX**
[...] (2012) **XXX** draft

COMMISSION RECOMMENDATION

of **XXX**

on the voluntary agreement on complex set top boxes

DRAFT COMMISSION STAFF WORKING DOCUMENT

(Text with EEA relevance)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292;

Having regard to Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products () thereof,

Whereas:

- (1) Article 16(2a) of Directive 2009/125/EC provides that in accordance with the criteria set out in Article 15, and after consulting the Consultation Forum (referred to in Article 18), the Commission shall, as appropriate, introduce implementing mandatory measures for consumer electronics product group which offer a high potential for cost-effective reduction of greenhouse gas emission..
- (2) Complex set top boxes are stand-alone devices whose primary function is the reception, descrambling and processing of data from digital broadcasting streams and related services. The devices are equipped to allow for the conditional access by descrambling the received data using dynamically allocated keys.
- (3) Complex set top boxes belong to the consumer electronic product group and meet the criteria listed in Article 15(2a-c) of Directive 2009/125/EC (represent significant volume of sales and trade, have a significant environmental impact and present significant potential for improvement in terms of their environmental impact without entailing excessive costs), thus represent a priority in ecodesign policy.
- (4) Recital 18 of Directive 2009/125/EC provides that ecodesign priority products, should be subject to alternative courses of action such as self-regulation by the industry rather than to mandatory implementing measure, if such action is likely to deliver the policy objectives faster or in a less costly manner than the latter.
- (5) The Commission has carried out a preparatory study and an impact assessment of the voluntary agreement on complex set top boxes proposed by the Industry and has analysed their results together with Member States, stakeholders, NGOs and interested

parties, including in the framework of the Consultation Forum. The voluntary agreement, the results of the preparatory study and of the impact assessment have been made publicly available on the EUROPA website of the Commission.

- (6) The voluntary agreement meets the criteria listed in Recital 18 of Directive 2009/125/EEC and is expected to achieve the policy objectives more quickly and at lesser expense than mandatory requirements.
- (7) The voluntary agreement complies with the applied indicative assessment criteria, and in particular those listed in Annex VIII to Directive 2009/125/EC which refer to openness of participation, added value, representativeness, quantified and staged objectives, involvement of civil society, monitoring and reporting, cost-effectiveness of administering a self-regulatory initiative, sustainability and incentive compatibility.
- (8) The signatories to the voluntary agreement represent all actors of the complex set top boxes market including manufacturers, software and middleware providers as well as TV service providers. Furthermore, they represent large majority of the relevant economic sector as stipulated in point 3 of Annex VIII to Directive 2009/125/EC.
- (9) The environmental aspect of complex set top boxes that is identified as significant for the purpose of the voluntary agreement is the electricity consumption in the use phase.
- (10) Electricity consumption related to the complex set top boxes between 2011 and 2020 was estimated to be 159 TWh. Commitments undertaken by the signatories of this voluntary agreement will allow for the reduction of the electricity consumption to 115 TWh and for the savings of 44 TWh (28%) corresponding to 21 Mt CO₂ emissions.
- (11) Reduction in the electricity consumption of complex set top boxes is possible with readily-available technology and no major additional costs for re-design are expected.
- (12) The Commission is satisfied with the level of commitment undertaken by the signatories to the voluntary agreement and in particular with the agreed energy consumption targets. The Commission expects that the signatories, in cooperation with the Consultation Forum, will continue the work to fully realise the potential identified in the preparatory study and the impact assessment and especially to raise the electricity consumption targets for the future tiers and to include in the agreement other relevant environmental aspects (if appropriate).
- (13) As required by point 6 of Annex VIII to Directive 2009/125/EC, the voluntary agreement contains a well-designed reporting and monitoring system. The Commission, assisted by the Consultation Forum and the Committee referred to in Article 19(1) of Directive 2009/125/EC will monitor the application of the voluntary agreement and will consider introducing the implementing mandatory measure for complex set top boxes provided that the objectives of the voluntary agreement have not been met.
- (14) The Commission considers the agreement to be a valid alternative to an implementing measure in the context of Directive 2009/125/EC.
- (15) Following the provision of point 43 of the Framework Agreement on relations between the European Parliament and the European Commission, the Parliament has been given the opportunity to express its views on the voluntary agreement.

HAS ADOPTED THIS RECOMMENDATION:

1. The signatories to the voluntary agreement on complex set top boxes should take action aimed at improving the environmental performance of complex set top boxes

placed on the European Union market and in particular reducing their energy consumption. Each signatory commits that 90% of its complex set top boxes complies with the energy consumption targets agreed for the relevant period of time and defined in the voluntary agreement.

2. The total energy consumption of complex set top boxes should be calculated and declared according to the calculation method provided in the agreement. The test process to determine the energy consumption of complex set top boxes should be carried out according to the test procedure provided in the agreement.
3. The signatories should continuously assess the progress in applying the agreement. The signatories should cooperate with the Commission, Member States and stakeholders to further improve the environmental performance of complex set top boxes and in particular to increase the energy consumption targets defined in the agreement and to include other relevant environmental aspects (if appropriate).
4. The signatories should provide, within the deadlines stipulated in the agreement, relevant data to allow the Commission and stakeholders for the monitoring of the achievement of the objectives of the agreement.
5. Should the objectives of the agreement not be met, the Commission will consider establishing ecodesign requirements for complex set top boxes in an implementing measure.
6. The signatories should make efforts to ensure the active involvement in the agreement of potential signatories.
7. This Recommendation is addressed to the signatories of the voluntary agreement.

Done at Brussels,

For the Commission
Günther H. OETTINGER
Member of the Commission