

## **Working Document**

### **on the review of the Ecodesign Directive 2009/125/EC**

#### **- Agenda Point 3 –**

The purpose of this Working Document is to present the results of the study on the revision of the Ecodesign Directive and to recommend the way forward.

This Working Document will be discussed with the Members of the Ecodesign Consultation Forum at the meeting of 19 April 2012 (agenda point 3).

#### **I. Legal basis**

Under Article 21 of the Ecodesign Directive, the Commission is required to review, not later than in 2012, the effectiveness of the Ecodesign Directive and of its implementing measures and to assess the appropriateness of extending the scope of the Directive to non-energy related products.

#### **II. Effectiveness**

In 2011, the Commission launched a general study (hereinafter 'the study') aiming at the review of the effectiveness of (i) the Directive and its implementing measures, (ii) the Ecodesign methodology, (iii) the threshold for implementing measures as described in Article 15 of the Directive, (iv) market surveillance, and (v) voluntary agreements<sup>1</sup>. This study was completed by a second specific study proposing the new Methodology for the Ecodesign of Energy-related products (MEErP)<sup>2</sup>.

The study concluded that, in general, the Ecodesign Directive achieves its policy objectives (free movement of goods and environmental protection) and that **no revision of the Directive is deemed appropriate at the moment or necessary to increase its effectiveness and of its implementing measures.**

The study has in particular pointed out that:

- In principle, the Directive achieves its policy objectives. The available data illustrate a move towards energy efficiency for all products regulated by the Ecodesign implementing measures<sup>3</sup>.

---

<sup>1</sup> For the final report (that was published in March 2012) please see [http://cses.co.uk/ecodesign\\_evaluation](http://cses.co.uk/ecodesign_evaluation)

<sup>2</sup> For new methodology, please see <http://www.meerp.eu/>

<sup>3</sup> In 3 instances (domestic lighting, standby, circulators), there is a direct contribution of Ecodesign requirements to this move. In 1 instance (TVs), technological change is considered to have played the greatest role. In 1 instance (external power supplies), data are insufficient to assess the effects of the implementing measure.

- It is too early to correctly evaluate the full effects of the Directive and of the implementing mandatory and self-regulatory measures because of the insufficient period of their application. For one out of twelve ecodesign regulations, Tier-1 requirements have not yet entered into force and for eight implementing measures, Tier-2 requirements have not yet entered into force. Furthermore, out of four proposed voluntary agreements, none has been yet officially endorsed by the Commission<sup>4</sup>.
- It is considered that the threshold for adopting implementing ecodesign measures and the criteria for selecting the priority product groups to be included in the Ecodesign Working Plan, defined in Article 15 of the Ecodesign Directive, remain appropriate.
- The methodological issues have been fully addressed by the study on the Methodology for the Ecodesign of Energy-related products (MEErP).

The study has also indicated **challenges faced at EU and Member States levels** in the application of the Ecodesign Directive and its implementing measures, including:

I

- Complex and lengthy preparatory procedure;
- Unavailability of reliable data to inform policy decisions (e.g. market trends and technological changes, market data, performance data from market surveillance activities etc.);
- Insufficient coordination of ecodesign measures with other pieces of the EU legislation, such as WEEE, RoHS or EPBD Directives;
- Lack of resources to deal with the increasing amount of the regulatory, communication and standardisation work<sup>5</sup>;
- Question on the level of ambition of requirements, and especially in Tier-1;
- Remaining potential to further address non-energy related issues of energy related products (e.g. material efficiency, recyclability etc.);
- Delays in the elaboration of suitable harmonised standards;
- Insufficient and ineffective market surveillance<sup>6</sup>.

In accordance with the recommendations of the study, **the Commission developed at the end of 2011 a set of new measures that address the identified challenges and that will consequently contribute to improving the application of the Directive and its implementing regulations.** The most relevant activities are:

- Outsourcing of non-legislative work (notably implementation and communication activities), so that Commission resources are assigned to the regulatory work. The Commission together with the *give full name* (EACI) is establishing a special 'communication helpdesk' that will give support in (i) preparing and running information campaigns on ecodesign and energy labelling and (ii) replying to queries submitted by citizens, stakeholders and other relevant parties.

---

<sup>4</sup> In 1 instance (complex set top boxes), the first reporting period is just over.

<sup>5</sup> Legal interpretation and guidance to stakeholders, standardisation and market surveillance activities, calls for tenders etc.

<sup>6</sup> It is estimated that 10-20% of products covered by implementing measures are non-compliant

- Continuing to broaden the sources of technical expertise of other EU bodies, notably the Joint Research Centre (JRC) and EACI. JRC will be involved (in the framework of a new 'pilot project') in the work on a preparatory study, in the development of new implementing measures and in following the standardisation work for selected product groups.
- Continuing to broaden the sources of expertise of stakeholders (Member States, industry and NGOs), in particular in the process of reviewing and revising existing implementing measures<sup>7</sup>.
- Use of external experts (including New Approach Consultants) to more closely monitor and to ensure bigger influence on the standardisation work done for the purpose of the ecodesign implementing measures by the European Standardisation Bodies.
- Adoption of realistic planning that takes into account available resources with a priority given to finishing the on-going regulatory work and adopting a relatively cautious approach to adding new product groups to the new second Ecodesign Working Plan 2012-2014<sup>8</sup>.
- Launch of an annual market surveillance data collection exercise. This will allow (i) to better understand how Member States carry out their market surveillance activities, (ii) to identify common problems and challenges and (iii) to decide on further actions that the Commission and Member States could take to reinforce market surveillance activities.

### III. Extension of the scope of the Ecodesign Directive

Following the provisions of Article 21 of the Directive, the study also assessed the appropriateness of extending the scope of the Directive to non-energy-related products.

The study concluded that **there is no need for the extension of the scope of the Ecodesign Directive to non-energy related products.**

The study has in particular pointed at:

- Insufficient experience with the extended (to energy-related products) scope of the Directive. So far, all implementing measures prepared by the Commission concern energy-using products. Only the new Ecodesign Working Plan 2012-2014<sup>9</sup> includes the first energy related product groups, such as windows and thermal insulation.
- The need to finish, as a first priority, the regulatory work under the 2005 Ecodesign Directive and the first Ecodesign Working Plan 2009-2011. Otherwise, increasing workload resulting from the need to implement the existing Working Plans<sup>10</sup> and to launch preparatory studies for new product groups, together with limited resources,

---

<sup>7</sup> 11 implementing measures will be revised by the end of 2014 (8 ecodesign and 3 energy labelling measures).

<sup>8</sup> Consequently, in the new Working Plan 2012-2014, (i) the priority was given to the correct implementation of the previous working plans (2005 Ecodesign Directive and the first Working Plan 2009-2011), (ii) a cautious approach has been taken to adding new product groups and (iii) the number of new product groups reflects the available resources that could work on new implementing measures.

<sup>9</sup> To be adopted in April 2012

<sup>10</sup> Mainly implementation, communication and legal activities and the work on 35 standards

would risk postponing (at least till 2015) the regulatory work on non-energy related product groups.

- Different approach required for non-energy related products. Unlike energy-using products, many non-energy related products (e.g. food, beverages, textiles) have a significant environmental impact that mainly occurs in the earliest phase of the life cycle (i.e. the production of raw materials i.e. cattle and crops).
- Significant difficulty in establishing ecodesign requirements for the non-energy related product groups which represent the highest savings potential<sup>11</sup>.
- The possibility of applying self-regulatory initiatives and local advisory services to SMEs could be applied to effectively address the issue of energy efficiency of non-energy related products.

#### IV. Conclusion

It could seem appropriate to conclude that there **is no need for an immediate revision of the Ecodesign Directive, nor for the extension of its scope to non-energy related products** and to propose the following approach:

- 1) The forthcoming review of the Energy Labelling Directive in 2014 will include, where necessary, an update of the review of the Ecodesign Directive. The combined effect of ecodesign and energy labelling regulations applicable to the same product is often indistinguishable. This approach is therefore justified by the complementary roles of the two instruments;
- 2) Any future studies on the review of the two Directives should not duplicate the work that has already been done and thus should:
  - a. fully take into account the results of the 2011 study (e.g. no need for the extension of the scope of the Directive) and should consequently
  - b. concentrate on the aspects that could not have been fully assessed in that study (such as, the efficiency of implementing measures and standards and more close harmonisation between the two Directives);
- 3) The Commission should continue working together with Member States and stakeholders on improving the implementation of the Ecodesign Directive and its implementing measures.

---

<sup>11</sup> Product requirements seem feasible for non-energy related products such as furniture, cleaning chemicals, mattresses, toys. However, these products account for a minor share of the total environmental impacts of non-energy related products.