

Brussels, 13 November 2014

Orgalime comments on the preparatory study to establish the Ecodesign Working Plan 2015-2017 under the Ecodesign Directive 2009/125/EC

Orgalime supports Directive 2009/125/EC, which establishes a framework for the setting of eco design requirements on Energy related Products (ErP) addressing all environmental aspects related to such products from a life cycle perspective. We herewith would like to provide our comments on the preparatory study to establish the Ecodesign Working Plan for the period 2015-2017¹ (WP3). Our remarks are based on the second stakeholder meeting, which took place on 29 October 2014.

We recognise the work done by the consultants, and particularly support the conclusion that more in-depth preparatory work is needed, before any of the Product Groups (PGs) suggested could indeed be included in a next Working Plan. At this stage, we highlight the following concerns and alternative suggestions for the way forward on WP3:

- **Core message regarding remaining energy efficiency potentials:**

Following our previous comments from 17 July 2014, we reiterate that the given energy savings potentials for the 16 Task 4 PGs seem exaggerated and not screened against cost efficiency. Also, the approach of mixing different product groups with different product types, characteristics, applications and usages into one lot, such as various internal combustion engines, will neither be workable nor appropriate. It should not be pursued. Considering the somewhat limited energy savings potentials of the newly suggested PGs on the one hand and the remaining backlog in implementation of the product groups listed on preceding working plans on the other hand, WP3 should in our view be the occasion to consolidate the unfinished ecodesign implementation work to date. According to our records, out of +/- 50 selected product groups, some 28 remain pending. WP3 should in our view particularly focus on the conclusion of these open lots, considering also the level of implementation and enforcement practices in Member States. For this overriding purpose, WP3 should do the following:

- Firstly, identify the remaining open lots from all previous working plans and list these unfinished lots in one consolidated list as priority work items. There are still product groups from the very first priority list included in the initial 2005 Directive, which are not yet concluded, the same applies for product groups listed on WPs 1 and 2. WP3 should therefore be used as the opportunity to coordinate these remaining tasks through one consolidated list.
- Secondly, the WP3 study should map where implementation stands and identify what industry is and will be busy with in the coming years and according to what precise timetables, to draw conclusions on its further “carrying capacity”. The adoption of an ecodesign implementation measure is undoubtedly not the end of the ecodesign process and realisation of the estimated energy savings in practice, but the beginning: companies have to work towards compliance with (several tiers of) new requirements respecting given timelines, and subsequently, the market would still need to respond to these new, more efficient appliances.

¹ See preparatory study to establish the working plan 2015-2017 Task 1-4 Reports [here](#)

Orgalime, the European Engineering Industries Association, speaks for 40 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs some 10.3 million people in the EU and in 2013 accounted for some €1,800 billion of annual output. The industry not only represents some 28% of the output of manufactured products but also a third of the manufactured exports of the European Union.

In our view, giving companies the necessary time to implement, comply and get pay back on their investments requires to be better reflected in the setting up of new Working Plans.

Allowing companies to profit from the investments they have made is a matter of mainstreaming competitiveness into this policy area and should have priority over finding new PGs, especially where limited savings are to be gained.

We wish to remind the Commission that in parallel to the establishment of new implementation measures, existing implementation measures are undergoing review processes.

- **Core message regarding suggested new focus on resource efficiency parameters:**

The study contractors have looked into non-energy parameters in the area of resource efficiency, such as durability and reparability, to assess whether new or “old” PGs (which have already been assessed under earlier working plan studies but did not qualify for inclusion in any) should be included into WP3.

We firmly believe that the Ecodesign Directive pursues a holistic concept and as such it is generally fit to address any environmental parameter over a product’s life cycle, including also end-of-life or substance parameters. However, we question that WP3 should really prioritise resource efficiency parameters at this stage. The draft study shows that there is a lack of data, a lack of methodology and that no scientific evidence has been brought so far regarding the significance of these parameters. Also, the suggested end-of-life requirements to date are widely immeasurable and unenforceable, with standards being absent. Therefore, we stress that it is premature to go into the setting of additional resource efficiency requirements. We believe that it is high time that the Commission moves towards evidence based policy making in line with its commitments.

Moreover, the proposal for investigating on horizontal measures on non-energy parameters is particularly of concern, as it would mean implementing immeasurable, unenforceable requirements in many areas without giving the necessary detailed attention and assessment of relevant aspects per product group. We are concerned that substantial negative impacts would arise for industry, including drawbacks on the ongoing energy efficiency implementation (which more often than not depends on more materials and substances use than less) and the creation of open doors for free-riders thereby negatively impacting the competitiveness of our sector at a global level.

In conclusion, Orgalime is concerned with the overall quality and focus of the report:

- The WP3 study should be based on sound, scientifically based data, which has so far not been the case. It should provide for legal stability for companies as a priority, and care should be taken with a view to indeed selecting product groups with true potentials and relevance for further examination.
- The fact that the draft report is often based on data, which is not representative and not sufficiently scientifically based, results in many simplistic assumptions being drawn. We believe that it is high time that the Commission moves towards evidence based policy making in line with its commitments.
- The overall focus should be on reflecting where implementation stands today. WP3 should prioritise the finalisation of unfinished, pending lots, implementation and enforcement of existing implementation measures. Some 28 out of +/- 50 ongoing remain pending to date.
- It is in our view, at least, premature to include additional resource efficiency parameters into the Working Plan: data, methodologies and standards are missing, requirements risk being immeasurable and unenforceable, free riding and negative competitiveness impacts seem imminent. Horizontal measures would exponentially increase the problem.
- Finally, reassessing the same product groups, which have been set aside following earlier working plan assessments, under this new working plan study again, is not helpful for the necessary legislative stability and planning certainty for companies.

Orgalime remains available for further information.

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