ORGALIME COMMENTS:
STRENGTHS, WEAKNESSES, IMPROVEMENT OPTIONS OF ECODESIGN AND ENERGY LABELLING DIRECTIVES

Brussels, 30 September 2013

I. ECODESIGN DIRECTIVE

STRENGTHS	WEAKNESSES	OPTIONS FOR IMPROVEMENTS

• Fully harmonised requirements secure the EU internal market, fair competition and a high level of environmental protection.
• The link of the framework to proven concepts of the sector, notably the New Legislative Framework (with CE marking, self-declaration and use of standards) is positive for the workability, credibility, enforceability and acceptability of the Directive.
• The principles of transparency and inclusiveness for the entire preparatory and adoption process of implementing measures are positive and a prerogative for setting appropriate, as ambitious as possible, while workable, technically feasible and enforceable requirements.
• The general concept of encompassing all environmental aspects of the whole life cycle is a truly sustainable and holistic approach.
• The setting of requirements that are measurable on the product itself ensures fair competition and the potential for proper enforcement.
• The concept of cutting off least performing products on the basis of LLCC ensures a constant upwards trend of the market.
	The weaknesses that we have identified relate to the implementation of Directive, not the framework Directive itself:
	• A lack of market surveillance activities and enforcement
	• Divergences of market surveillance and enforcement activities at national, regional and local level
	• Legal certainty and credibility of the instrument is undermined by:
	  ○ Instability of MEErP
	  ○ Parallel review of MEErP and implementing measures (IMs)
	  ○ Too short review cycles of IMs (even before the entry into force of the last stage requirements given by IMs)
	• We observe the trend of targeting too broad product categories that mix too different products into one lot, which cannot be compared with each other. Consequently, the complexity of discussions increases with subsequent time delays for adoption of the IM.
	• Delays at the stage of final adoption can risk setting outdated requirements.
	• Focus of preparatory studies is often unclear and not sufficiently determined, last minute changes occur, which have not been
		Orgalime sees the following options for improving implementation:
		• Apply Market Surveillance Package also for Ecodesign Directive.
		• Preparatory studies for existing lots need to remain valid for further implementation activities on the very product group.
		• Study a new product group and all relevant aspects at one moment in time (not one aspect this year, another aspect next year etc.) and then ensure stability for the product group for a reasonable time.
		• Improve product management to target only as many product groups as manageable considering human resources available.
		• Make better use of standardisation (synchronisation of the developments of standards tests and the adoption of implementing measures).
		• Any parameter to be regulated needs to be measureable, enforceable, supported by standards, and bring significant environment benefit without hampering industry's competitiveness.
		• MEErP should better take into account benefits and performances in order to not unduly penalise good products.

• Coupled with Energy Label for consumer products, the concept allows the promotion of best performing products and a rise of consumer awareness (which is not yet sufficient but increasing). • LLCC as such ensures affordability of products for consumers and fair competition. • The toolbox of different instruments of the framework (legal requirements, voluntary agreements) gives the necessary flexibility for the broad scope of the Directive that covers products with highly variable characteristics, functions and challenges. • The scientific based approach of the framework led to the identification of the real environment benefit areas in application of life cycle thinking, namely the focus on the use phase and mass standalone products.	(sufficiently) addressed by the studies (e.g.: last minute changes of scope of IMs). • Difficulties for manufacturers, and barriers arising to innovation, especially for SMEs, which are perhaps forced to focus on absolute necessities, as the ecodesign process is complex and overwhelming. • The lack of alignment between development of IMs and availability of appropriate measurement standards. • The link to substances and their impact on energy efficiency performance could be better taken into account. • We agree with focusing on products (components) rather than complex systems for the sake of practicability, measurability and simplicity, as there are practical limits for targeting components that go into systems, especially into buildings, despite their efficiency potentials. • The more complex a product, the more difficult it becomes to set requirements, e.g.: complex set top boxes. • There are limitations in MEErP to take into account Member States national energy mixes and their possibilities for improvement due to this mix.	Regarding **discussions on the scope of the Framework Directive**, extending the scope of the existing Ecodesign Directive beyond ErP is not an option in our view, as it would upset the implementation for the existing scope. This has been confirmed in the 2012 Ecodesign review (see Commission Communication on 2012 Ecodesign review[1]). If justified, products other than ErP can be addressed separately, outside the Ecodesign Directive, so that the ongoing implementation on ErP is not disturbed and that legislative predictability and stability for the currently targeted sector is maintained.

[1] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0765:FIN:EN:PDF

II. ENERGY LABELLING DIRECTIVE

STRENGTHS	WEAKNESSES	OPTIONS FOR IMPROVEMENTS
• Consumer understanding and acceptability of the label • Open scale provides for a certain flexibility and certain incentives for best performers • Label is generally language neutral • Concept that products have to comply with requirements at the moment of placing the product on the market creates consistency with New Legislative Framework (NLF), which is a standing concept in the targeted industry and ensures fair competition • The option of including certain additional parameters to energy consumption in the use phase to the label where identified as relevant, gives the consumer appropriate additional information on these parameters. • Label is harmonised in EU internal market, which supports its strength and acceptance • Coupled with Ecodesign requirements to cut off least performing products based on LLCC brings a constant upward trend of the market • Energy Label takes into account the performances in the calculation of the index • Focus on use phase and mass consumer products	• Discussion on open scale may end up in requirement of relabeling products that have been legally placed on the market • Labelling is not the most appropriate tool for providing product information in the area of industrial products in business-to-business relationships; scope needs to be carefully determined. • In general, the process could be more dynamic and more flexible and incentivising for best performers	• Alignment / coordination with Ecolabel and GPP instruments (especially for non-energy related aspects) • Any other parameter shall be relevant, measureable, enforceable, supported by standards, bring significant environment benefit without hampering industry's competitiveness • Allow for a dynamic system with sufficient flexibility for best performers