

Brussels, 17 January 2017

RESPONSE TO COMMISSION PUBLIC CONSULTATION ON DRAFT ECODESIGN REGULATION ON ELECTRONIC DISPLAYS

In the context of the Commission's Better Regulation Consultation on the Draft Ecodesign Regulation on Electronic Displays, Orgalime, the European Engineering Industries Association, would like to raise the following comments:

ORGALIME sees the need to thoroughly revisit the Draft Regulation due to conflicts with Better Regulation and the Ecodesign Framework Directive 2009/125/EC:

1. SCOPE

Art.1, 10 and recitals 7-16 of the Draft Regulation are confusing and are in contradiction with each other as well as with Directive 2012/19/EU on Waste Electrical and Electronic Equipment (WEEE).

Art.15.4(b) of the Ecodesign Directive requires that an implementing measure can only include products that have been subject to prior assessment of the *"impact on the environment, consumers and manufacturers (...) innovation, market access and costs and benefits"*. This has not been the case for a vast range of products now potentially affected by the scope, notably for displays integrated into other products, such as industrial equipment, machinery, in-home displays connected to smart meters, boilers, heaters, automation and control equipment or domestic household equipment to name but a few. Also, the present wording could be understood as if displays integrated in other non-energy related products were targeted, such as means of transport, despite these being explicitly excluded from the Ecodesign Directive.

Therefore, article 1.5 of the Draft Regulation should be amended by a derogation for *"all displays integrated into, or intended to be integrated into other products except TVs and computer monitors"*. The reference to *"intended to be integrated into"* is necessary to ensure fair treatment of displays placed on the market in the EU prior to their integration. Similarly, this concern arises in art.1.4 of the Draft Regulation in its present form.

The term *"placing on the market"* in art.1.1 of the Draft Regulation is not defined. The **definition of art.2.4 of the Ecodesign Directive should apply** to ensure enforceability.

Art.15.4(d) of the Ecodesign Directive requires appropriate stakeholder consultations when preparing an implementing measure. The present limited consultation is in our view insufficient.

Orgalime, the European Engineering Industries Association, speaks for 41 trade federations representing the mechanical, electrical, electronic, metalworking & metal articles industries of 24 European countries. The industry employs some 10.9 million people in the EU and in 2015 accounted for more than €1,900 billion of annual output. The industry accounts for over a quarter of manufacturing output and a third of the manufactured exports of the European Union.

The inclusion of integrated monitors will be **harming circular economy** in the absence of an exclusion for monitors used to repair old devices. Global movement of equipment, such as spare displays recovered from equipment placed on the market outside the EU, will be negatively impacted to the detriment of repair and remanufacturing of, for example, medical or industrial equipment. Art.15.5(d) of the Ecodesign Directive appears not respected.

2. APPROPRIATENESS OF THE SUGGESTED REQUIREMENTS AND THEIR COMPLIANCE DATES

Annex II - Energy Efficiency requirements:

Considering above mentioned scope uncertainties, the appropriateness of the proposed energy efficiency requirements and their compliance deadlines remains uncertain, too.

Annex III – Resource Efficiency Requirements:

Overall, it remains unclear who bears what obligation in the case of displays integrated into other products, and therefore also if the suggested requirements would indeed translate into environmental benefits and qualify overall against art.15 of the Ecodesign Directive.

Requiring manufacturers not to use welding or glueing techniques other than the use of double-sided adhesive tape is far too intrusive and prescriptive and can, in conflict with art.15.5(a)&(d) of the Ecodesign Directive, negatively impact the functionality of the product, workers safety and industry's competitiveness. Also, harmonised WEEE treatment standards exist, that, despite Art.15.4(c) of the Ecodesign Directive, are being ignored.

Requiring to document the sequence of dismantling operations undermines companies' IPR and damages competitiveness, as knowing how to disassemble at the same time reveals IPR-sensitive information on how to assemble a product. Art.15.5(d)&(e) of the Ecodesign Directive are at stake.

Requiring the marking of "mercury inside" or "cadmium inside" ignores Directive 2011/65/EC (RoHS) despite art.15.4(c) of the Ecodesign Directive.

Annex IV - Information Requirements:

The suggested repair and end of life documentation requirements seem ineffective for displays in industrial equipment.

In general, we question the **enforceability of annexes III & IV** in the absence of standards, and their environment benefits in general considering that 80% of WEEE treatment is mechanical treatment (=shredding). Manufacturers and consumers face the risk of stranded investments. We call upon the Commission to live up to its commitment of setting measurable and enforceable requirements and thereby secure the credibility of the instrument.

For further information, please contact:

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