
Brussels, 9 November 2007

Commission Working Document on Possible Eco Design Requirements for Standby and Off Mode (Lot 6)

At the second meeting of the Consultation Forum of 19 October 2007, the Commission has discussed its working document for possible horizontal standby and off mode requirements for household and office equipment under directive 2005/32/EC with stakeholders.

In addition to its comments submitted ahead of this meeting, Orgalime herewith provides its additional comments resulting from the debate held at the Forum.

Orgalime supports the Commission's commitment and/or proposals expressed at the meeting of the Forum:

- **to avoid inconsistencies of horizontal standby/off mode requirements with potential vertical ones.** To date, such inconsistencies are, in our view, likely to arise for e.g.: lot 1 (boilers), lot 2 (water heaters), lot 10 (air conditioners) and should be further discussed with the targeted industry sector. Where vertical studies (issued before the possible horizontal implementing measure would apply) show inconsistencies with any established horizontal limit and/or timeline (especially for the case of less stringent vertical requirements), the possible horizontal implementing measure should in our view include a specific transitional mechanism to address such findings. Orgalime also calls for an additional transition period for product groups, which have neither been subject of the preparatory study for lot 6 nor an ongoing particular vertical preparatory study. Since not yet identified, industry cannot demonstrate inconsistencies for such future product groups at this moment in time.
- **to ensure a fully harmonised scope of the implementing measure in the interest of enforcement and market surveillance.**¹ In particular, Orgalime encourages the Commission to avoid repeating the confusion and legal uncertainty created by directive 2002/96/EC on WEEE, which would arise with the proposal to establish a list of covered products on the basis of annex I.B WEEE (that due to the variety and rapid change of products can never be complete and up to date) and/or the proposal to introduce "catch all" clauses, such as contained in annex I.B WEEE, which have failed to work in practice. Orgalime particularly advocates for a clear and unambiguous focus on electrical and electronic household and office equipment for private customers that would not include the following product functions: "preheating functions", "sensor based security functions", "network reactivation and network integrity functions", such as Wake on LAN (WoL), or "delay time functions". However, we feel that the proposed definition of "reactivation function" may still benefit from some further specification. The industry sector targeted should be involved. Orgalime also takes the view

¹ See ORGALIME "A practical guide to understanding the scope of WEEE and RoHS" of January 2006 and available in electronic format at www.orgalime.org.

that components of an installation, which are meant to be always on, shouldn't either be in the scope (e.g.: luminaires and equipment for lighting controls).

- **to maintain the non-inclusion of networked standby** in the possible horizontal implementing measure, since it concerns fastly evolving new concepts and technologies, is highly content and data specific and considering the absence of clear measurement methods.
- **to address the issue of tolerance margins for verification procedure** for the purpose of market surveillance fully in line with New Approach and its principles. While we believe that there should be a filter to check the quality performance of laboratories, we request regulators not to internalize this dispersion across laboratories on manufacturers, who have no control on the diverging capabilities of laboratories.
- **not to include a “hard off” requirement.** Such a requirement could cause particular problems for the “delay time” function. Delay time is an important function for energy demand management and should not have same value as off mode, but as indicated above, should not fall in the scope of the implementing measure.
- to consider the **use of EN standards** in addition to IEC 62301.

Orgalime equally supports the Commission’s expressed views on the following issues:

- Module A would be the relevant module for the verification process.
- Considering that a product falling in the scope of the measure would have to perform the proposed modes automatically, it would not be necessary that the possible implementing measure would spell out a particular requirement for information to be provided to the consumer.
- The results of the lot 6 preparatory study should be used as an input to the ongoing revision of IEC 62301.

Orgalime calls upon the Commission to take into account the following additional views:

- Orgalime supports an extended 5 years timeline for compliance with the proposed second stage limits to reflect redesign and reproduction cycles and the time needed for reorganising the supply chain, which in general take longer than the proposed time limits. The upcoming impact assessment should in our view look into this issue.
- Any possible re-evaluation and revision of the possible implementing measure should not anticipate the outcome of analysis to be done at the moment of the revision. Any possible date for revision should in our view be realistic, and particularly take into account the technological process, re-design cycles and the time needed for clearing complex global supply chains.
- Orgalime advocates for consistency of the possible implementing measure and ongoing vertical implementing measures as well as with further EU legislative measures, such as the announced Action Plans for Sustainable Industrial Policy and Sustainable Consumption and Production or the upcoming reviews of the WEEE and RoHS directives.

More detailed and/or additional comments provided in Orgalime’s comments on the working document for possible horizontal standby and off mode requirements for household and office equipment of 12 October 2007 remain valid.

Speaking for European engineering, ORGALIME represents 3 industrial branches (electrical & electronic, mechanical engineering and the metal articles & metalworking) that manufacture over 27% of total EU manufacturing output and has 35 member trade federations in 23 European countries. The industry accounted for some 1,779 billion euro in 2006. The industry not only represents more than one quarter of the output but also a third of the exports of the EU's manufacturing industries.