

Brussels, 21 May 2012

Comments on Commission Working Document on the review of the Ecodesign Directive 2009/125/EC

EXECUTIVE SUMMARY

At the occasion of the Eco Design Consultation Forum meeting of 19 April 2012, the European Commission presented the results of the CSES study on the “*Evaluation of the Effectiveness of the Eco Design Directive*” and its recommendations for the way forward in above mentioned Working Document. Orgalime herewith confirms its views expressed at the very meeting and provides its follow up comments to the presented Working Document:

1. Orgalime fully supports the following CSES study conclusions:

- No revision of the Ecodesign Directive is deemed appropriate at the moment or necessary to increase its effectiveness and the effectiveness of its implementing measures.
- There is also no need for the extension of the scope of the Eco Design Directive to non-energy related products.
- It is too early to correctly evaluate the full effects of the Directive and of its implementing mandatory and voluntary measures.
- Methodological issues have been fully addressed by the study on the Methodology for the Ecodesign of energy related products (MEErP).
- There is insufficient experience with the extended scope to energy related products.
- There is the need to finish as a priority, the regulatory work under the 2005 Ecodesign Directive and first Working Plan 2009-2011.
- The following challenges have been identified as regards the application of the Directive at EU and national level: complex and lengthy procedures, insufficient coordination of eco design measures with other pieces of legislation, lack of resources to deal with an increasing amount of regulatory, communication and standardisation work, delays in the elaboration of suitable harmonised standards and insufficient and ineffective market surveillance.

2. We consequently support the Commission’s presented conclusion that there is no need for an immediate revision of the Ecodesign Directive or for the extension of the scope to non-energy related products.

3. The Commission’s recommendation to consider an inclusion an update of the review of the Ecodesign Directive at the forthcoming review of the Energy Labelling Directive in 2014 appears a sensible approach in general, considering the complementary roles of the two instruments. However, we call upon the Commission to clarify in its final position that this **can only be an option if by 2014 the current backlog in implementation has indeed been cleared.**

Orgalime, the European Engineering Industries Association, speaks for 34 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 22 European countries. The industry employs some 9.7 million people in the EU and in 2010 accounted for some €1,510 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.

If chosen as an approach, indeed, any future studies on the review of the two Directives should not duplicate the work already done, should take into account the results of the 2011 study and concentrate on aspects that have not been assessed in that study, as the Working Document suggests.

4. Orgalime considers the following Commission recommendations for measures to address the identified challenges of the application of the Directive and its implementing regulations as helpful for the future: launching an annual market surveillance data collection exercise, adopting a realistic planning according to available resources with priority on finishing the ongoing regulatory work and a cautious approach to adding new product groups to the second Working Plan 2012-2014, and establishing a “Communication Helpdesk”.
5. However, Orgalime is concerned with the, in our view, too undifferentiated CSES statement that there would be a remaining potential to further address **non energy related issues of energy related products** (e.g.: material efficiency, recyclability). This, in our view, conflicts with the findings of the existing preparatory studies that for nearly all cases confirm the energy efficiency in the use phase as the parameter of overriding importance according to article 15 of the Directive (accounting generally for some 80% of the total environmental impact of the studied products). In addition, “only” parameters that represent a “*significant potential for improvement without entailing excessive costs*” can be subject to implementing measures according to article 15 of the Ecodesign Directive.
Therefore, we ask the Commission to clarify in its final recommendation that:
 - ***the findings and conclusions of preparatory studies for existing lots should be respected and taken into account in the further process.***
 - ***any regulation on parameters other than energy efficiency in the use phase would have to equally qualify against all criteria of the Ecodesign Directive, and article 15 in particular.***
 - ***the ongoing implementation on energy efficiency must not be undermined by future implementation activities.***
6. Finally, Orgalime invites the Commission to include a strong recommendation for a **better use of standardisation for the implementation of the Directive** in its final recommendation.

Orgalime hereafter provides more detailed comments on the Ecodesign Directive review:

1. EXTENSION OF THE SCOPE BEYOND ENERGY RELATED PRODUCTS

Evidencing the effectiveness of the Directive is in our view a preliminary step before undertaking any change, including in the area of scope.

In its final report, CSES could, in our view, not find sufficient evidence to demonstrate the effectiveness of the Eco Design Directive. At the same time, however, the study clearly identified the negative impacts and the risks that an extension of the scope would have on the implementation of the current Directive.

Orgalime fully agrees with these findings and believes that it is not appropriate to extend the scope of the Eco Design Directive to further products, especially considering the considerable backlog in the ongoing implementation, with implementing measures offering most improvement potential not yet finalised.

Therefore, Orgalime strongly recommends focusing on priority lots to first demonstrate the success of the Directive and increase its credibility, before considering any changes of the Directive, including on its scope.

2. EXTENSION OF THE SCOPE TO ADDITIONAL ENVIRONMENT PARAMETERS

Orgalime supports the life-cycle approach of the Eco Design Directive, which establishes a framework for setting eco design requirements throughout the whole life cycle, addressing all life cycle stages and including all environmental aspects of a given product.

This life cycle approach is also the basis for the already undertaken preparatory studies.

With its (existing and ongoing) implementation activities on two most relevant resource efficiency parameters, namely energy and water consumption in the use phase of a product, the Ecodesign Directive is already today a major (if not *the* major) contributor in legislative terms to the EU's resource efficiency policy.

When discussing to regulate additional parameters to energy efficiency, it is therefore essential that the ongoing implementation on energy and water efficiency is not undermined.

To this end, ***Orgalime strongly recommends that any conclusions of preparatory studies for existing and ongoing lots need to be fully respected and taken into account in further process. In addition, it is essential to recall that any additional environment parameter that should be regulated must be in line with all criteria of the Ecodesign Directive, and particularly article 15 and the need to demonstrate “significant potential for improvement in terms of its environmental impact without entailing excessive costs”.***

3. IMPROVING THE PREPARATORY PROCESS

Orgalime shares the assessment that there is potential for improving the preparatory process. In this respect, we feel that it is of utmost necessity to finalise the ongoing lots as a matter of priority and especially those that offers most relevant environmental improvement potential, before preparatory studies on new lots are launched.

We also call upon the Commission to avoid overlaps in product scopes for the ongoing implementation and for the upcoming revisions of existing implementation measures. We recommend not mixing too different product groups in one lot, as this increases the complexity of the preparatory process and has been shown to cause delays.

We see room a better project management that would target only as many lots as reasonably manageable by regulators given the level of resources: this would avoid cutting necessary compliance deadlines for manufacturers generated by delays in the early stages of the preparatory process. It would also help improving legal certainty and the relevance of the study findings for final implementing measures.

Finally, we recommend that any actors involved in the preparatory process of implementing measures should take into account important criteria, such as securing a transparent and inclusive process, involving industry experts throughout the process, demonstrating their expertise in eco design and the targeted products and being able to ensure confidentiality of sensitive data as well as good quality and consistent data.

4. IMPROVING ENFORCEMENT OF THE ECO DESIGN DIRECTIVE

Orgalime fully ties in with the many comments and concerns raised with respect to insufficient market surveillance and enforcement.

We urge regulators to improve market surveillance and enforcement of the Ecodesign Directive and support the idea of strengthening the cooperation and information exchange between Member States, and the sharing of best practices through the ADCO group.

However, the proposal for creating a European register raises Orgalime's concerns as it contradicts the Directive and appears to us to be very costly and inappropriate in the area of fully harmonised European product policy.

5. IMPROVING THE USE OF STANDARDISATION

Finally Orgalime recommends a better use of standardisation for the implementation of the Directive.

First, there should be a better synchronisation between the development of implementing measures and that of (measurement and test) standards.

Secondly, we welcome horizontal standardisation mandates, however we advocate for a better use of the ongoing standardisation work and a better portraying of the standardisation work in the different preparatory studies.

Finally, the use of standards should be fully in line with the New Legislative Framework.

CONCLUSIONS

In conclusion, we thank the Commission for giving Orgalime the opportunity to contribute to the discussions and would like to call upon the Commission to strive for a common understanding of the Ecodesign Directive, its application and future deliverables at all levels, which acknowledges the considerable effort, commitment and investments of European engineering industries made to make the Directive work on the ground.

Finally, we would like to stress that improving the energy efficiency of appliances can only be one step in contributing to the achievement of the EU's energy policy objectives.

Only if efforts under this Directive are complemented by instruments, which incentivise the uptake of energy efficient solutions, including through action on other energy policy initiatives, such as the Energy Efficiency Directive, Connecting Europe Facility Regulation or Energy Roadmap follow up, can potential for reaching the 20:20:20 objectives be obtained, which would be to the benefit for the consumer, environment and society as a whole.

We therefore conclude by encouraging regulators the take equally ambitious decisions on these other policy instruments, too.

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