

Comments on Ecodesign Working Plan 3 (2015-2017)

16 April 2016

The Ecodesign Working Plan as foreseen in article 16 of the Ecodesign Directive generally represents an early warning tool for the affected industry and helps companies to prepare and plan ahead for the demanding implementation process of the Directive.

Some 50 product groups have been identified as priority groups in the initial list of priority products of the Directive itself and the subsequent working plans 1 and 2.

To date, work on about half of these product groups has been concluded, while the other half remains pending. There are actually still product groups from the very first priority list included in the initial 2005 Directive, which are not yet finalised; the same applies for product groups listed on Working Plans 1 and 2. In addition, where implementing measures have been adopted, reviews of more than 10 existing measures are underway due to specific review clauses in the legal text of these implementing measures.

Instead, the success of the Ecodesign Directive should now be carried forward to the systems levels through the review of Directives 2012/27/EU (Energy Efficiency) and 2010/31 (Energy Performance of Buildings). The Industrial Emissions Directive (IED) would, in our view, also be a suitable tool for promoting the uptake of innovative technologies.

Should a new Ecodesign working plan 3 be adopted, it should be the opportunity to **consolidate the pending work on open lots**: It should identify the remaining open lots from all previous working plans and list those unfinished lots in one consolidated list as priority work items. Finishing the energy efficiency job first, would be coherent with the successful outcome of COP21 and the “Energy Efficiency First” principle of the EU Energy Union. Besides, this would reflect the broad view of members of the Consultation Forum.

For the pending reviews, however, we stress that the **energy efficiency gains of standalone appliances are reaching its technical limits**. Future potential remains at the level of different systems, notably at the level of buildings, transport, industry and energy through the deployment of available energy efficiency and low carbon technologies. Experience has shown the Ecodesign Directive imposes severe constraints in properly tapping into such system savings, including in the industry sector. Therefore, it would be counterproductive to envisage more regulation on such standalone “industrial equipment/components”, since their energy performance depends on the system into which they are integrated. In addition, regulating at the level of components causes serious problems for market surveillance and enforcement, thereby upsetting manufacturers’ investments (see [Orgalime position paper products in products](#) debate).

Adding a **mandate to develop common rules for the evaluation of “other, non-energy environmental impacts”** under involvement of the Ecodesign Consultation Forum would be helpful in the light of the new Circular Economy Action Plan.

Adding new product groups however, should only happen if there is a real case and if all criteria of article 15 are indeed met. The existing Ecodesign Directive requires science based evidence, supported by reliable data and in application of a Life Cycle approach to ensure the minimisation of life cycle impacts of products.

For the **16 new product groups** presented to the Consultation Forum in the autumn 2015, such evidence, including on significant improvement potential, remains lacking. Also, no information regarding the underlying methodology, data, assumptions or changes that occurred in comparison to the draft preparatory study has been provided to members of the Consultation Forum. **Adding these product groups to the new working plan therefore does not appear justified to us and shows little respect for the principles of better regulation to which the Commission is supposedly committed.**

Should no working plan 3 for the period 2015-2017 be adopted at this stage, ecodesign work would still continue on the basis of the previous working plans and the given review clauses of existing measures. 13 out of 29 adopted measures already include resource efficiency information requirements.

To conclude, the publication of the working plan 3 meant to cover the period 2015-2017, appears of limited interest from an environmental perspective and of limited help for the industry and its own planning activities today, while moving from regulating standalone equipment to the deployment of available energy efficiency technologies at the level of the buildings, transport, industry and energy sectors would bring real drive to the realisation of the new energy efficiency target.

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Annex: Copy of legal obligations of the Ecodesign Directive regarding the Working Plan:

- Recital 14: Although a comprehensive approach to environmental performance is desirable, greenhouse gas mitigation through increased energy efficiency should be considered a priority environmental goal pending the adoption of a working plan.
- Recital 24: When preparing implementing measures and the working plan, the Commission should consult Member States' representatives as well as interested parties concerned with the product group, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations.
- **Article 16 : Working plan**
 1. In accordance with the criteria set out in Article 15 and having consulted the Consultation Forum referred to in Article 18, the Commission shall, not later than 21 October 2011 establish a working plan which shall be made publicly available.
The working plan shall set out for the following three years an indicative list of product groups which are considered as priorities for the adoption of implementing measures.
The working plan shall be amended periodically by the Commission after consultation with the Consultation Forum.