

Brussels, 19 June 2008

Draft Implementing Measure on Eco Design Requirements for Standby and Off Mode (Lot 6)

In view of the institutions further proceedings on eco design requirements for standby and off mode, Orgalime herewith provides the following additional comments to the debate that complement its earlier submissions and points raised at the meeting of the Consultation Forum:

Orgalime requests the European Institutions:

- **to ensure a fully harmonised scope of the implementing measure in the interest of enforcement and market surveillance:**¹ Orgalime generally supports the proposed scope of the draft implementing measure. However, some “catch all” clauses of annex I.B of Directive 2002/96/EC on WEEE still remain included in the draft. These we propose should be deleted from the present draft to avoid fragmentation of the internal market. Orgalime supports the clear focus on electrical and electronic household and office equipment that does not include the following product functions in the scope of the implementing measure: “preheating functions”, “sensor based safety functions”, “network reactivation and network integrity functions”, such as Wake on LAN (WoL), or “delay time functions” or the “recharging of batteries to prepare and enable active mode”. Orgalime also supports the exclusion of “fixed installation” from the scope of the considered implementing measure.
- **to exclude networked standby and a hard off requirement** from the future implementing measure, since it concerns firstly evolving new concepts and technologies, is highly content and data specific. Besides, there are no clear measurement methods. From this approach, we understand that DECT telephones are not targeted by the requirements, which we support. If this were not the case, such products would be facing significant problems since the mere purpose of a telephone is to be “networked” at all times, to either receive calls or to be able to call (e.g. for help in a case of emergency).
- **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 in the implementing measure. To avoid possible conflicts in the area of market surveillance caused by dispersion of quality of test laboratories, market surveillance authorities should use only accredited laboratories for their activities in line with the New Legislative Framework, and the Regulation on Accreditation and Market Surveillance more particularly. We request regulators not to set a unique default horizontal tolerance value applicable for all products, since the tolerance value depends on many product characteristics and their specific testing conditions. Annex IV of the draft implementing measure should be modified accordingly.
- **to urgently issue mandates to CEN/CENELEC to start working on missing EN Harmonized Standards without delay.** The results of the lot 6 preparatory study should be used as an input to the ongoing revision of IEC 62301.

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.

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

- We acknowledge the modifications made by the Commission regarding compliance dates with the second tier requirement. However, Orgalime remains concerned with the tight timelines proposed for compliance with the future eco design requirements. Orgalime would like to recommend an extended 2 years timeline for compliance with the proposed first stage limits and an extended 5 years timeline for compliance with the proposed second stage limits to reflect redesign and production cycles and the time needed for reorganising the supply chain, which in general take longer than the proposed time limits. This considers the time industry needs to take next generation product decisions based on defined legislation rather than on working documents along the EUP implementing measure definition process. The upcoming impact assessment should in our view look into this issue.
- The draft Commission Regulation Annex II, clause 2 and 3, puts the burden of proof to demonstrate that it is “inappropriate for the intended use” for equipment having off mode and/or standby mode respectively offering power management, upon the manufacturer. Consequently, this means that it is the manufacturer’s responsibility to declare whether the specific function would be present or not.
- We have an editorial comment on annex II and annex V, i.e.: we propose to replace the notion “*The manufacturer shall declare*”, by “*The manufacturer shall establish*”, since a test protocol cannot be declared.
- 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.

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 1813 billion euro in 2007. 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.