
Brussels, 17 July 2014

Orgalime comments on the preparatory study to establish the Ecodesign Working Plan 2015-2017 under the Ecodesign Directive 2009/125/EC

Orgalime fully supports Directive 2009/125/EC, which establishes a framework for the setting of eco design requirements on Energy related Products (ErP) addressing all environmental aspects related to such products from a life cycle perspective. We are pleased to provide our comments on the preparatory study to establish the Ecodesign Working Plan for the period 2015-2017¹. Our remarks are based on the first stakeholder meeting, which took place on 3 July 2014.

We recognise the work done by the consultants, and particularly support the conclusion that product groups in the scope of a preparatory study, but not of a regulation, should not be included once again in the new working plan. We would like to contribute with the experience of our industry, to create a committed, while realistic and workable, programme for the years to come. Nevertheless, we have identified a number of irregularities in the preparatory study presented during the stakeholder meeting. Against this background, Orgalime would like to make the following observations:

- **On the lack of evidence on the improvement potentials of the suggested product groups**

We would like to recall the importance of Article 15 of the Ecodesign Directive (2009/125/EC) for the implementation of the Directive, in particular the criterion of “significant volume of sales and trade” (200 000 units / year), and of “significant environmental impact” and “significant improvement potential of a product without entailing excessive costs”. Unfortunately, these criteria are not duly taken into consideration in the preparatory study at this stage.

First, the preparatory study is clearly based on rather limited and/or incorrect product data. There is a tendency to bundle together products into groups which, although they appear similar, serve different purposes, presumably in order to increase the sales numbers. For example, table-top hot beverage equipment, free-standing hot beverage equipment and café/restaurant espresso machines have been clustered in the same group of “domestic kitchen appliances”. Experience shows that such a cluster results in problems at the later stages of the implementation process, including already at the study level.

Second, it seems that, in several cases, the actual environmental impact and improvement potential of the products are exaggerated and not screened against cost efficiency.

¹ See preparatory study to establish the working plan 2015-2017 [Task 3 Report](#), for Task 1 and Task 2 reports see [link](#)

Orgalime, the European Engineering Industries Association, speaks for 40 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs some 10.3 million people in the EU and in 2013 accounted for some €1,800 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.

A case in point are electric kettles and water cookers, where industry questioned the actual potential for improvement during the recent stakeholder meeting. Moreover, the ongoing energy efficiency self-regulatory initiatives of the industry are not taken into account. This is true for mobile and smart phones where one of the selling criteria is the long battery life, meaning that improvements are continuously being made.

Third, the working plan for the first time suggests a multi-dimensional approach beyond energy efficiency, including in particular resource efficiency parameters. While Orgalime supports the holistic life cycle based approach of the Ecodesign Directive, we challenge the current findings of the study report and, in particular, request the contractor to substantiate through evidence and proof of the improvement potentials and costs of the suggested resource efficiency parameters, as the Directive requires. The additional product requirements (for example labelling, minimum content of recycled plastic) and end-of-life requirements, such as easy disassembly in recycling facilities and easy extraction of certain components, are particularly worrying. Administrative burdens will be created, intellectual property rights affected and therefore the international competitiveness of European manufacturers too, while it remains doubtful that the suggested requirements will indeed translate into environmental benefits. The suggested end-of-life requirement will only lead to environmental improvements in reality, if indeed applied during the waste treatment process and if the appropriate recycling technology is in place. We also question the enforceability of these measures. So far, the preparatory study has failed to prove the feasibility, enforceability and the environmental savings linked to such measures. Unfortunately, this leads us to conclude that this “new approach” of looking at resource efficiency in a multidimensional perspective lacks scientific evidence and credibility.

- **Existing legislation and risk of overlap**

Consistence and coherence of the EU legislative environment is necessary to avoid overlaps and legal uncertainty that penalise manufacturers, as well as to secure the competitiveness of EU industries. Gaps and overlaps between, and also within, the expanding EU legislative environment, may become an unbearable burden on manufacturers. The even more complex EU legislation is increasingly of concern, especially for integrated multifunctional products, which may be subject to several inconsistent or even contradictory regulations.

We therefore recommend the preparatory study should carefully assess if new measures are indeed needed in addition to the existing ones, which are under revision at the same time and may well lead to modifications in the scope of products covered. A case in point is the proposed measures for swimming pool heaters, which could possibly be considered under current Ecodesign lots. The ongoing review procedure of existing implementing measures under the Ecodesign Directive should be duly considered when preparing the upcoming working plan.

In conclusion, we find that the preparatory study for the Ecodesign Working Plan 2015-2017 is lackluster in many crucial respects. The evidence upon which the recommendations to the Commission is made is incomplete and there seem to be rather limited savings potential on product groups, which are not already covered by existing legislation. The review of existing measures, including in the area of their scope, needs to be taken into account in the establishment of this working plan. Regarding resource efficiency aspects, the study fails to document how the proposed measures would indeed meet cost efficiency and environmental improvements.

Overall, we call upon the study contractor and the Commission to properly implement article 15 of the Eco design Directive (2009/125/EC) when preparing the Ecodesign working plan for 2015-2017.