



EUROPEAN COMMISSION

ENTERPRISE and INDUSTRY DIRECTORATE-GENERAL DIRECTORATE-GENERAL FOR ENERGY AND TRANSPORT

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DIRECTORATE D - New and Renewable Energy
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**Directive 2005/32/EC
Ecodesign of EuPs
Consultation Forum**

**MINUTES OF THE MEETING OF THE CONSULTATION FORUM
HELD ON 22 JUNE 2007**

Subject: Ecodesign of EuPs Consultation Forum
Place: Charlemagne building, Brussels
Chairman: Luis MONTOYA (ENTR/I4) – Agenda points 1 to 4
André BRISAER (TREN/D3) – Agenda points 5 to 8
EC Participants: Martin EIFEL (ENTR/I4), Andras TOTH, Stephan KOLB, Matthew Kestner & Ismo GRÖNROOS-SAIKKALA (TREN/D3), Bettina LORZ (ENV/G4) & Ludmila MAJLATHOVA (ENV/C5)

1. Welcome and introduction

The **CHAIRMAN** welcomed the participants. He commented on the background of the Directive pointing out that the Directive was co-managed by DG TREN and DG ENTR.

He explained the role of the forum as laid down in Article 18 of the Directive, underlining that it was a formal consultative body requested by the European Parliament and the Council, in which to record the opinions of the different stakeholders on potential implementing measures and other issues.

It was made up of around 60 member organisations, which had been selected following a call for applications ending in March 2006, using a selection criteria aimed to ensure balanced representation of stakeholders.

Non-member organisations with a sectoral interest in potential implementing measures for specific product groups could be invited to attend the forum meetings where they are discussed. If needed the members list would be reviewed at term.

He emphasized that there would not be any voting, nor consolidated forum positions and that the aim was not to agree on a compromise text, but to record opinions.

In principle, there would be one forum meeting per potential implementing measure, building on the transparent consultation throughout the preparatory study phase.

Maximum transparency would be achieved by using CIRCA and EUROPA websites for communication purposes.

The forum would be officially set up by a Commission decision after the summer, including the indicative members list and the rules of procedure.

Concerning the organisation of this meeting, the Chairman said that it had been very important to hold a meeting before the summer break in order to progress work on draft implementing measures before more preparatory studies would be finished in the busy autumn.

He was aware of the difficulties the late invitation had caused and therefore written contributions from forum members on street lighting would be accepted for up to five weeks after the meeting.

A roll call was made (see attendance list).

2. Adoption of the agenda

The agenda was adopted without changes.

3. Rules of Procedure and administrative arrangements of the Consultation Forum (opinion)

The CHAIRMAN asked Mr EIFEL to present the draft rules of procedure and the administrative arrangements of the forum.

Draft rules of procedure

Mr. EIFEL explained that the draft was based on the standard rules for expert and committees managed by the Commission. It had been adapted to the special characteristics of the forum, notably on the way to take stock of stakeholders' opinions, deadlines for submitting documents, representation and transparency policy. He said that in order to ensure smooth functioning of the forum, it would seem useful to make some changes to the proposed text. First, in Article 3(2), to change the deadline for members to submit documents before forum meetings from "two weeks" to "one week". Second, to insert a new paragraph, Article 4(2)bis "Following the discussions in the forum meeting, complementary statements may be submitted up to three weeks after the meeting date."

ORGALIME remarked that, as a consequence, the reference to Article 4(2) in Article 10 would need to be changed, to which Mr EIFEL agreed.

EUROACE welcomed the rules and emphasized the need to respect the deadlines for submitting documents in Article 3.

The CHAIRMAN ensured that the Commission would also respect the deadlines.

LITHUANIA asked for an explanation on how the subgroups of Article 6 would be set up and how members would be selected.

Mr EIFEL and MR BRISAER explained that subgroups would be created by the chairman within the context of the forum and discuss and report to the forum in full transparency. They could be used in order to facilitate discussions on how to resolve certain issues and would typically include the main stakeholders and other interested parties, such as authorities, uniting in a for the purpose more dynamic group than the full forum.

ORGALIME asked if members would have the possibility to propose agenda items, to which the CHAIRMAN responded that members were welcome to submit proposals for the agenda.

In the context of consultation on future implementing measures, ORGALIME wished that the forum should always be consulted on the final version submitted to the regulatory committee.

The **CHAIRMAN** answered that in general it would not be possible. However, the Commission is fully committed to maximum transparency and the concepts would be fully discussed before the final version is drafted. In addition, the political pressure exerted by the forum would ensure that the Commission acts in confidence.

ORGALIME asked in which cases the provisions in Article 3(3) on the possibility to shorten the time limit for transmission of documents would apply.

Mr EIFEL answered that the purpose of the provision was mainly to have the possibility to, if necessary, complement already transmitted working documents with new information. The provision was not intended for general use.

GERMANY asked for maximum flexibility concerning the application of Article 5(2) on the number of people the Member States could send to the forum meetings, given that several Ministries could be involved.

The **CHAIRMAN** answered that, when possible, maximum flexibility would indeed be shown within the framework of the rules in Article 5(2). An ad-hoc approach would be used and depending on the issues discussed, the meeting room and other factors there would be more or less possibility to accept additional participants. Furthermore experience from other directives had shown that Member States were generally good at coordinating their positions before the meetings and therefore the sometimes necessary restriction was not a major problem. However, it was also underlined that the purpose of the formal designation of a person representing the Member State by the Mission was to ensure the identification of an official spokesman for the Member State.

BELGIUM asked whether the provisions on information and representation in Article 5(4) and 5(5) applied also to Member States in the sense that they had to consult all national interested parties before taking position at the forum.

The **CHAIRMAN** answered that each Member State was responsible for designating a person representing it and that the position taken at the forum meeting would be representative of the Member State and its internal stakeholders.

The **CHAIRMAN** concluded that the draft rules of procedure would be adapted according to the discussion and included in the Commission decision to set up the Consultation Forum.

Administrative arrangements

Mr EIFEL explained that the well-tested CIRCA restricted user-group web-system would be used for communication purposes. All documents relating to the forum would be kept in the CIRCA library and members and observers would be notified of new documents. Users would be responsible to ensure contact details were kept up-to-date in CIRCA. The Commission would contact all members of the forum and potential observers in order to clarify how to register and have access to the Ecodesign CIRCA user-group.

4. State of play and next steps regarding the Working Plan under Article 16 of the Ecodesign Directive (information)

The **CHAIRMAN** gave the floor to Mr EIFEL, who explained that the transitional priority list of Article 16(2) on product groups identified by ECCP as offering a high potential for cost-effective reduction of greenhouse gas emissions had resulted in 20 preparatory studies. Developing implementing measures for these groups was already an ambitious target for the next couple of

years. The working plan would end the transitional period and list the product groups to prioritise in the coming three years after its adoption, taking into account all relevant environmental concerns.

In order to assemble decision background material for the Commission, a contract study led by the company EPTA, in collaboration with the University of Athens and the company PE International, had been launched. There would be a stakeholder workshop on 9 July in Brussels and the final report was scheduled for end September. All stakeholders were encouraged to aid and cooperate with the contractor.

The forum would be consulted on the draft working plan in the autumn after which the Commission would adopt the working plan. A workshop was planned to present the working plan and resulting activities.

5. State of play and next steps regarding the on-going work on product groups (information)

The CHAIRMAN gave the floor to Mr TOTH, who provided an update of the situation as regards the different product groups (see table in the presentation). Consultation Forum meetings for all currently examined product groups would probably take place at the latest in first half of 2008. On domestic lighting, the European Council conclusions from March 2007 ask for the adoption of measures at the latest in 2009. In order to comply with this, the domestic lighting study, for which the contract should be signed in the forthcoming days, would be carried out in two parts. Incandescent light bulbs would be included in the first part, and the conclusions relating to this technology should allow the Commission to convene the Consultation Forum to discuss possible measures already in the first half of 2008. The second part of the study shall stick to the original timeline, which foresees a 24-months study. For the other 4 products of this second round of studies, the contracts should be signed between July and September, as the evaluation process is still ongoing.

On the practical organisation and timetable for Consultation Forum meetings in the forthcoming year, the CHAIRMAN added that the Commission is planning to discuss a maximum of two product groups in a meeting, possibly in synergy with the meetings of the committee, where this is feasible. Although it could be attractive to set a the date for the Forum meetings for the coming year already now, the actual state of readiness of the working documents for the meetings will be a key factor, so that dates will probably be designated individually before each meeting.

THE UNITED KINGDOM asked whether in the case of subgroups being created to discuss more technical issues, if the Forum would discuss their reports in a second meeting. The CHAIRMAN acknowledged that in special cases reports from subgroups may have to be discussed in a second meeting, but generally the aim is to have only one meeting per product group. The written procedure may also be applied to refine positions.

6. State of play and next steps regarding the reinforced scrutiny of the European Parliament in comitology (for information)

The CHAIRMAN updated the members on the situation regarding interinstitutional negotiations on the European Parliament's (EP) reinforced right of scrutiny in comitology procedures of the EuP Directive. He recalled that the question was whether to give the EP the right to oppose implementing measures voted by the regulatory committee procedure also on grounds of incompatibility with the aim or content of the basic act or failure to comply with the principles of subsidiarity/proportionality, compared to the current situation where the EP can only oppose when the Commission has exceeded its mandate with the proposed measure. Also, the new procedure would give the EP 3 months instead of 1 month to give its opinion, and this period would only start

after the transmission of the last official EU language version of the document, which could add another 4-6 months due to possible translation delays.

In the negotiations with the EP, the Commission was trying to obtain that these delays are shortened. The EP seemed to be ready to work on documents submitted already in the first language version, although before submitting an official opinion, they would have to wait for the last language version.

The question is also which articles of the EuP Directive would fall under the new procedure. It is clear that if the committee is only consulted without vote, the reinforced right of scrutiny of the EP would not apply. It has to be noted that Article 15(10) currently makes it possible to accompany implementing measures with guidelines, notably on the balancing of various environmental aspects, to be adopted with a vote in the regulatory committee. As the EP was asking for a reinforced right of scrutiny on these guidelines, it was necessary to propose a clarification of the Directive on this point, introducing the balancing of various environmental aspects as a possible provision in the implementing measures. For the part of the guidelines in Article 15(10) relating to the need to develop guidelines for SMEs, it was suggested to move it to the specific Article 13 on SMEs, for which no regulatory procedure applies. The Council and the EP were supportive of the amendments introducing these clarifications.

The EP had also asked to have access to the documents discussed in the Consultation Forum, and to be invited to Forum meetings as observers.

Although an acceptable compromise between Council, EP and Commission is shaping up, with a likely favourable EP plenary vote at the beginning of July, the timing of the adoption of the amended EuP Directive is uncertain. The interinstitutional context is such that the amendment of the EuP Directive is discussed alongside 25 other directives, and further 300 directives will have to be examined in the near future for alignment with the new regulatory procedure with reinforced EP scrutiny. The three institutions may want to apply a coherent approach to all, which may still influence both the timing and the content of the EuP Directive's amendment. If it will take place together with the other 25 directives, final adoption is more likely by the end of the year only. In the meantime, the old procedure would apply to any implementing measures voted in committee - but no committee meeting is foreseen before early 2008.

7. Working document on possible Eco-design requirements for Public Street Lighting (*for opinions*)

The CHAIRMAN indicated that the transmitted working document was not the draft legal text of an implementing measure, but rather a collection of main ideas for such a measure, meant to identify the significant environmental aspects, the improvement potential, and how to achieve it. He thanked Finland, Belgium, the European Lamp Companies Federation (ELC), the Federation of National Manufacturers Associations for Luminaires and Electrotechnical Components for Luminaires (CELMA) and the environmental NGOs represented by the European Environmental Citizens Organisation for Standardisation (ECOS) for the written comments they have sent, in spite of the late diffusion of the working document. He then gave the floor to Mr. TOTH.

Mr TOTH recalled the structure of the working document and explained the relationship between the concerned applications areas / lighting technologies, as well as the scope of the proposed requirements in relation to lamps, ballasts and luminaires as the different parts of street lighting products (see presentation).

Then followed a discussion on the written comments received before the meeting, compiled into a single list of questions (see presentation). Unless otherwise noted, the question is coming from the joint ELC/CELMA comments.

1. More time needed for proper input (also ECOS) – request for a revised Working Document

Addressed earlier (see Welcome and introduction) and further on.

2. Is the luminaire an EuP? Are lamps and ballasts its components?

Mr TOTH stated that since in street lighting, luminaires are always sold together with ballasts, which are EuPs, the luminaires themselves are also EuPs. He confirmed that lamps and ballasts are both EuPs and not components as they are dependent on energy input, their environmental impact can be assessed separately, and they are placed on the market also as individual parts. CELMA claimed that while it is true that the environmental performance (energy efficiency) of ballasts can be assessed separately, the same is not true for lamps of the HID technology – they always need a ballast to operate, even for the purposes of assessment. Therefore they do not fulfil the criteria to be considered as EuPs. ELC replied that HID lamps can be considered EuPs if a clear procedure is developed for assessing them independently. The CHAIRMAN confirmed that it is the Commission's intention to consider lamps as EuPs, as they conform to the definition of Article 2 (1).

3. Harmonisation of abbreviations, terminology, numbering of requirements

Mr TOTH promised that in later documents the necessary harmonisation of abbreviations and terminology would be done and that the current numbering of requirements (overlapping with category codes in street lighting standards) would disappear when the legal text will be drafted.

4. Are labelling/marketing requirements possible, in addition to the CE marking?

Mr TOTH explained that Annex I Part 2 of the EuP Directive gives the possibility to require manufacturers to provide product information with their products, and so the requirements proposed in the working document are backed by the Directive. In spite of the terminology "labelling" or "marking", it is only product information after all. ELC and CELMA expressed their opposition to any labelling or marking based on the intended purpose of the products. Mr Markku Norhio, registered as CELMA participant and speaking for the ballast industry, also joined ELC and CELMA in this opinion. The CE marking should be the only requirement for placing on the market. Also, it is not the manufacturers who decide where the products are going to be used, but installers and lighting designers in the following step. In that logic HID lamps used in industrial lighting (indoor/outdoor), shoplighting etc, should also have their own marking. Mr TOTH replied that the proposed marking and detailed product information is meant to inform about a product's particular suitability for street lighting and assist the designers and installers to put the products into service so that their performance is optimal. Reaping the improvement potential through putting into service seems to be the aim of industry as well. Furthermore, as opposed to shop lighting or industrial lighting, street lighting involves other, more local levels of public decision-making, which could impose as an installation requirement that only products marked as suitable for street lighting can be installed in public streets under their control. Also, more stringent requirements can be put on products that are meant to be suitable for street lighting than on other products.

5. ECOS: Dynamic requirements are missing from the measure – no push for innovation through phased introduction of requirements.

INFORSE, DENMARK, GERMANY and the NETHERLANDS also expressed their concerns over the lack of dynamism in the proposed requirements, even though the European Council and the Energy Efficiency Action Plan are asking for it. Separate tiers would be necessary in the measure, or at least clear deadlines for a revision, otherwise it could lead to a standstill. A long term-perspective is also desirable from an industrial point of view, for predictability. According to Annex

VII, implementing measures should also provide a date for their revision. ELC added that as lighting manufacturers, they are in a position to indicate which time-frames would be achievable for improving their products and bringing in better technologies in the longer run. Mr TOTH pointed out that there are already elements of a phased approach bringing dynamism in the working document, e.g. on dimming of ballasts and the interrelation of requirements relating to lamps and luminaires providing for phasing out in several steps. The CHAIRMAN explained that even though there is scope for fixing dynamic limits and phases, the provisions of the Directive do not allow the Commission to go beyond what is considered as best available technology already on the market, when determining what is going to be mandatory in the future. Other instruments could also contribute to achieving dynamic market incentives. At the stage of the working document, it may be too early to discuss tiers and revisions, we first need to agree on where the improvement potential is and what are the means to achieve it. Instead of setting a date for revision already now, we could first see how the market evolves after the adoption of the measure, and examine the necessity of a revision later, e.g. on request of stakeholders. ECOS expressed doubts whether without setting deadlines for revision now, any review would happen at all taking into account the workload of the Commission under the EuP Directive. Too technology specific requirements are to be avoided, as they would not cover possibly upcoming new technologies, which would then push the current good technologies off the market, since the requirements would not apply to them. Dynamically increasing general requirements applying to all products in the category should be preferred.

6. Further measures needed to accelerate replacement and for « putting into service criteria »

CELMA explained that lighting product manufacturers do not need a push to be more efficient, efficient products have been on the market for years, and still they are seeking even more efficient new technologies (such as LEDs) without external pressure. But there is not enough market demand for new products, the rate of replacement is slow, and new installations are not always the most efficient. The savings forecasted in the street lighting preparatory study through the proposed product-level measures would bring only 0,07 % reduction of the total energy use in the EU, whereas the savings through installation level requirements could be 2,93 %. [It was pointed out after the meeting that the preparatory study had estimated the consumption of street lighting to 1,3 % of the final electricity consumption of the EU. It is therefore questionable how installation level requirements on street lighting could achieve a 2,93 % reduction of total energy use in the EU. CELMA is in the process of verifying the percentages they provided during the meeting.] EuP should be backed up in the same time frame with a legislative instrument regulating the integration of the products in installations. ECOS warned against starting to compare a product group's achievable savings to the total energy use in the EU, because taken by themselves the individual savings could seem minor, it is their combined impact that would make a difference. Mr TOTH argued that solutions should be first sought within the EuP Directive itself. The working document introduces requirements which would have an indirect effect on the installation phase, such as product information for better installation, or accelerated replacement of the long-life luminaires triggered by a phasing out of spare lamps (ca 3 year lifetime) that go into them. Also, the marking for suitability can serve as a basis for legal requirements on installation at other levels of decision making (e.g. Member States as part of their National Energy Efficiency Action Plans under Directive 2006/32/EC), as described under question 4. The improvement potential of these requirements was not yet assessed in the preparatory study, so the real saving through direct and indirect effects of the implementing measure would be much higher than 0,07%. CELMA expressed worries over the approach for accelerated replacement, because if it is not properly prepared, local authorities will be taken by surprise by the disappearance of spare lamps, and streets will either be in the dark, or cheap, less performing or inefficient solutions will be sought. Instead, predictable regulation at installation level is necessary. Also, the working document assumes too quickly that in a transitional period high-pressure mercury vapour lamps can be replaced by retrofit high-pressure sodium lamps in the same old luminaire. Compatibility issues may arise. Instead, a replacement of the entire luminaire should be preferred through installation requirements. The CHAIRMAN

concluded that the impact assessment would determine the improvement potential related to the different policy options, and that in case it is demonstrated that the EuP Directive alone cannot achieve the desired proportion of the potential savings, other instruments may have to be explored.

7. Differentiating street lighting and other products is impossible, detailed product information to facilitate installation is difficult because manufacturer does not know where product will be installed

Already addressed in question 4.

8. Weakness of market surveillance

CELMA noted that putting into service requirements could provide a solution to check the conformity of the products in the lighting design and installation phase. If renovation is forced through phasing out of spare parts, cheap, non-conforming products will dilute the lighting market. ELC underlined the necessity of short term action to improve market surveillance under the EuP Directive, which works properly only in a few Member States. Mr MONTOYA recognised that market surveillance has not always worked ideally, but the difficulties are relative. Member States are improving their systems. Some directives (including EuP) have better provisions on market surveillance, and it is a key question during the ongoing review of the New Approach. There is much to be gained by the implementing measures and experience of the Low Voltage Directive has shown that certain market surveillance problems have not altered the positive balance. The CHAIRMAN pointed out that the current discussion concerns only the street lighting implementing measure, which alone would not solve the problem of market surveillance. The measures should not open the door to new ways of cheating, on the contrary they should facilitate market surveillance.

9. Are all street lighting luminaires targeted, even TL-F?

Mr TOTH confirmed that the requirements on the luminaire maintenance factor and the upward and downward lumen output ratio would have to be fulfilled by all street lighting luminaires, including those for tubular fluorescent lamps. CELMA suggested that because these luminaires are also used in other application areas, technology-based common requirements could be set instead in implementing measure, which would also cover products used in other areas (e.g. implementing measure on tubular fluorescent lamps and luminaires). Complementary installation requirements on street lighting could ensure that no other less efficient technology is used in street lighting as a backdoor way.

10. The measure should be only on street lighting products.

Already addressed in the introductory presentation.

11. Why does the measure exclude LFL and halogen lamps in public but not in private road lighting?

Mr TOTH explained that stronger requirements can be imposed on public street lighting products, due to the unique characteristics of public street lighting as compared to private road lighting. CELMA suggested that if the rule was technology-based, it would apply through it to all applications. The CHAIRMAN concluded the debate on applications / technology by pointing out that we have two options: either requirements on street lighting products are applicable also when those products are used outside street lighting, or if we want different requirements, we need to mark the products as suitable for street lighting.

12. Fast phasing out of spare lamps will create critical situations – 5 years are needed

Already addressed in question 6.

13. Will this measure refer to additional environmental aspects not yet mentioned in the text?

Mr TOTH confirmed that the intention was to stick to the environmental aspects identified in the working document.

14. The assessment of a product's energy efficiency should include the surface to be lit.

Mr TOTH explained that in chapter 3 of the preparatory study (Consumer analysis and local infrastructure), assumptions were made on the EU average characteristics of the surface to be lit. EU totals in the study were calculated taking into account those characteristics. Also, the detailed requirements on product information should allow the installers to assess the product's performance as regards the surface to be lit.

15. Existing high-pressure sodium lamps (HPS) are good enough, innovation would bring undue costs. <> ECOS: requirements on metal halide lamps (MHL) and HPS too modest

ELC claimed that contrarily to the position expressed in the question, the lighting industry was ready to put forward better specifications for a reasonable time frame. ECOS replied that while this tackles part of their question, the other issue is lamp lumen maintenance factors and burning hours, where harmonised requirements on all lamp types and a stepwise increase in ambition would be more appropriate. Mr TOTH objected that according to experts, common maintenance factors and burning hours requirements for HPS and MHL lamps cannot be set.

16. No requirements on ballasts are possible, as there is no measurement standard for ballast efficiency and none will be proposed by industry in the near future. <> ECOS: COM should come forward with measurement method

CELMA (ballast manufacturers) insisted on the small energy saving that is achievable through improving magnetic ballasts, whereas the electronic ballast technology for street lighting has not yet proved that it can replace them (maybe in five years' time). Article 15.2.c of the EuP Directive states that the targeted EuP shall present significant improvement potential without entailing excessive costs. Differences in ballast efficiency are so little (85% for magnetic, 90% for electronic for 70W HPS lamp) that with current measurement methods they are hard to trace, due to variations in the wattage of the test lamps themselves. It is the main reason why no measurement standard could be developed ten years ago in spite of a mandate from the Commission. Magnetic ballasts would be replaced anyway by electronic ones, it does not make sense to force a new generation of magnetic ones at this point. A measurement method could be developed for electronic ballasts later. Mr EIFEL noted that the absence of a measurement method is not a reason in itself for not adopting measures. Requirements could be set, a measurement standard could be mandated, and the measure could be applied when the standard is adopted. ECOS agreed, noting that the upcoming electronic ballast technology needed a push from the implementing measure.

17. Electronic ballasts cannot always replace magnetic ones and they do not bring enough benefits – bilevel or phase-cutting dimming should be enough, 5 levels are too much. ECOS: 50% dimming not enough, 20 or 30% already used

Mr TOTH noted that this was another example of product-level requirements that would have an indirect effect if the product is properly installed and used. If all ballasts are dimmable, the option is always there to make use of the dimming. Dimming has also other benefits apart from adapting to low traffic situations: it can play an important role in reducing the energy use of new lamps that are overdimensioned to take account of the later reduction of their performance (lamp lumen maintenance factor compensation). It is also an example of staged (dynamic) requirements: it would not enter into force right away, only when electronic ballasts are improved in a few years time. CELMA (ballast manufacturers) noted that applying this requirement to all ballasts was currently unrealistic, installation or design phase requirements would be needed instead. Also not all lamps are suitable for dimming. The matter could be rediscussed when electronic ballasts become widely available.

18. Conservative values proposed by industry for luminaire IP rating and for ULOR/DLOR <> ECOS: maintain ambition

CELMA claimed the IP rating values do not need to be more ambitious, a closed luminaire should be enough for street lighting. It is the rating of the optical part that is important. The experts from VITO noted in reply that the values proposed in the working document have been applied in street lighting in the past, and that two countries outside the EU have already imposed them as minimum requirements. As the luminaire maintenance factor (IP rating) is important in calculating the initial installed power, there are potential energy efficiency gains with better protected luminaires.

19. RoHS and WEEE directives should be used for mercury and waste, no requirements under this measure. <> ECOS: a maximum mercury content per unit should be defined + a mandatory take back system for used lamps would be appropriate (at least for Hg and other heavy metal containing lamps). Design for recycling needed.

On request of DENMARK, Mr TOTH confirmed that HID lamps are completely exempt from restrictions on their mercury content under the RoHS directive. ELC noted that a take-back system for spent gas-discharge lamps (including HID) exists in all EU countries, as a result of the WEEE directive. ECOS clarified that they do not have a problem if the lamp industry prefers that the mercury content of lamps is regulated under the RoHS directive. They would appreciate more information on recycling methods under the WEEE directive, as it was not detailed in the preparatory study. ELC proposed to provide them with the information. On design for recycling, Mr EIFEL noted that if an Article 175 directive such as WEEE requests the Member States to adopt design requirements for products, it can be counterproductive both for the internal market and for ambitious common product environmental performance requirements, as Member States are free to set a low level of requirements, or, since the WEEE directive is vague in its wording, soft measures only. It would be a good idea to harmonise design for recycling through EuP, providing clear rules with legal certainty. If appropriate, all significant/relevant environmental parameters could be addressed in a similar way as waste in the working document. CENELEC added that product-specific standardisation could also be considered, as it is an area subject to fast change. Mr EIFEL agreed that this could be a way of introducing dynamism in the implementing measures, through a combination of generic requirements and standards.

20. Product documentation should be made available but not with individual products.

Mr TOTH explained that the location of the product documentation to be required from manufacturers is still an open question, especially with a product group such as street lighting²¹. *Requirements are necessary on component manufacturers.*

Mr TOTH recalled that neither the preparatory study nor the accompanying stakeholder consultation showed the need for requirements on component manufacturers (i.e. components of lamps, ballasts and luminaires), according to Article 11 of the Directive. Nobody in the meeting room could clarify what was meant with this question.

22. ECOS: Requirements for (new) technologies not covered by the addressed lamp types may be either missing or inappropriate, which could result in a limited push towards the development and/or use of more efficient product alternatives available on the market.

Already addressed in questions 5, 9 and 11.

23. ECOS: Requirements needed for S1 lamp lumen maintenance factor and lamp survival factor, the same should be harmonised across S3 and S4

Already addressed in question 15.

24. ECOS: Ga-1 on light pollution - clear requirements supporting future upgrade possibilities of lamps (e.g. possibilities without change ballasts) are missing

Mr TOTH asked for clarifications concerning this question as it was difficult to understand it, but none were given. CELMA recommended their recently published "Guide on obtrusive light" for reading.

Member States questions:

Having gone through the compilation of questions received from ELC/CELMA and ECOS, Mr TOTH then answered written questions from Member States. FINLAND had raised concerns about the term "public street lighting", which could be too general: it is unclear whether the definition covers lighting for park areas or walkways. Mr TOTH claimed that the European standards were already using this terminology, which should be thus suitable for regulatory purposes. Slow traffic areas are covered, including park areas and walkways if they are public. FINLAND also stated that the present life-cycle of products should be taken into account for transitional provisions. Mr TOTH replied that they were already taken into account in the study. BELGIUM had asked why there was no specific requirement on mercury content in HID lamps. Mr TOTH pointed out that this issue was discussed earlier in the meeting (see question 19). BELGIUM also noted that the reference to the WEEE directive may not be sufficient, especially when the HPM lamps will be phased out. Mr TOTH then opened the floor for further comments relating to the working document on public street lighting. ELC stated that all the problems worth discussing in the current Forum meeting had been raised. Mr TOTH closed the discussion and promised that a consolidated document containing all the comments received before the meeting from stakeholders and MS would be circulated in the forthcoming days.

The CHAIRMAN concluded this point of the agenda by stating that the Commission had fulfilled its mandate by listening to the different points of view relating to the planned implementing measure. Major issues discussed were the question of the technology versus application approach, and the necessity or not to have installation requirements for public street lighting. The rest are probably technical points that can be solved in the forthcoming months. The NETHERLANDS asked when the impact assessment mentioned several times in the working document would be ready, and when a revised version of the working document would be available. The CHAIRMAN answered that the impact assessment could be ready at the earliest in approximately 3 to 4 months time. It will be certainly ready for the interservice consultation within the Commission, before the draft measure is sent to the committee for vote (currently scheduled for early 2008). As for the revised version of the working document, it could be that none would be sent to the Forum, as the next version might be the draft measure itself. The Commission services will take stock of the comments received so far and possibly in the forthcoming weeks. They will then make a number of choices regarding the available policy options. If those choices respect the discussions and comments, and nothing radically new is introduced, there is no reason to come back to rediscuss the draft measure with the Forum. This would also respect the intention of having one Forum meeting per product group. In that case, the Forum would of course be informed of the next steps in a form yet to be determined.

8. Any other business

Concerning the method of product documentation, ORGALIME noted that making the information available on websites or catalogues rather than on individual products has worked well in the past. The CHAIRMAN replied that the location of the product information depends on the product and on the purpose of the information. In many cases, this information is needed for a proper use of the product by the end-user, in which case it should accompany the product. In some special cases information is needed many years after the product is purchased and put into service, and thus should be fixed on the product itself, as the marking on boilers that ensures their proper use if their installation is reconfigured.

ORGALIME asked what would happen to the 12 environmental aspects where the preparatory study showed that no action is necessary, and which were not mentioned in the working document either, where only three aspects were identified as significant. Will there be a formal ban on Member States legislation on these environmental aspects, as the Directive allows it? The

CHAIRMAN replied that it was determined today that there is a consensus on the aspects to be considered as significant. It was clear that implementing measures can, if appropriate, list the ecodesign parameters for which no ecodesign requirements are necessary. In practice it should not make a difference whether such an approach is used or not, since it is a harmonising Article 95 directive on the internal market and any subsequent Member State regulatory initiative on a non-significant environmental aspect of the product in question would be considered negatively in the framework of the Directive 98/34/EC notification system of Member States legislation to the Commission. If, for the sake of legal clarity, there is a need to adopt a stronger position, and stipulate that no ecodesign requirement is necessary for all these environmental aspects, it can be done.

ORGALIME enquired whether issues related to the progress in the transposition of the Directive in the Member States could be addressed in the Forum. The CHAIRMAN reported that even though the transposition deadline was quite close, only a few transpositions had been already notified to the Commission. Stakeholders are welcome to raise for discussion in the Forum relevant issues concerning the national transposing acts, if appropriate.

The UNITED KINGDOM asked whether the implementing measures would take the form of directives or decisions/regulations, keeping in mind that the directive format would allow for adaptation to the UK legal system through transposition, making it probably easier for the UK to agree to draft measures in the committee. The CHAIRMAN pointed out that legally speaking, all three options are available and the Commission's Legal Service has confirmed that the implementing measures can take the form of regulations or decisions. In practice, it would be decided on a case by case basis for each measure whether its content is straightforward enough to understand and apply directly in all Member States, or a margin of interpretation should be left to them. Regulations should be preferred, as they would save the burden and delays related to transposition by Member States and checking the transposition by the Commission, and would avoid potential differences in the national transpositions that would be detrimental to clarity on the internal market.

On a question from CELMA, the CHAIRMAN indicated that the next meeting of the Consultation Forum would probably take place in the autumn, depending on the state of readiness of the further working documents to discuss, however certainly not before the beginning of October. The presentations and minutes from this meeting would be made available on the EUROPA ecodesign websites, where updates would also be published on the state of advancement of the different implementing measures.

List of written statements from members of the forum

Agenda item	Submitted by	Title	Document	Date
7	Finland	[questions listed in an email]	ECF-2007-04	19/06/2007
3 and 7	Belgium	[questions listed in an email]	ECF-2007-05	19/06/2007
7	CELMA / ELC	Joint ELC / CELMA Comments on the Working Document on Possible Ecodesign Requirements for Public Street Lighting	ECF-2007-06	20/06/2007
7	CELMA	CELMA Guide on Obtrusive Light – First Edition June 2007	ECF-2007-07	20/06/2007
7	ECOS	Position of the environmental organisations working on Eco-design at European level on the Working document on possible Ecodesign requirements for Public Street Lighting, provided by EC DG TREN on 7 June 2007	ECF-2007-08	21/06/2007
7	European Commission	Member State and Stakeholder Comments on the Working document on possible Ecodesign requirements for Public Street Lighting (consolidated version of comments received before the meeting)	ECF-2007-09	22/06/2007
7	Netherlands	Comments of the Netherlands on working document on possible ecodesign requirements for public street lighting	ECF-2007-10	05/07/2007
7	Sweden	Comments on the working document regarding Ecodesign requirements for Public Street Lighting	ECF-2007-11	13/07/2007
7	Austria	Comments from Austria regarding the working document on possible ecodesign requirements for public street lighting in the framework of the Consultation Forum process	ECF-2007-12	20/07/2007
1, 3, 7	Orgalime	Additional Comments on First Meeting of the Consultation Forum under Directive 2005/32/EC on Ecodesign of Energy Using Products	ECF-2007-13	20/07/2007
7	Denmark	Comments from Denmark on the working document on possible eco-design implementing measures for public street lighting	ECF-2007-14	20/07/2007
7	Belgium	Comments on Annex 3 Working document on possible ecodesign requirements for public street lighting	ECF-2007-15	30/07/2007
7	Germany	Comments of the German Federal Government on the "Working Document on Possible Ecodesign Requirements for Public Street Lighting" submitted by the Commission	ECF-2007-16	31/07/2007
7	ELC	ELC Final Street Lighting Working Documents Comments – Table S1, S3 and S4	ECF-2007-17	31/07/2007