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ENTERPRISE and INDUSTRY DIRECTORATE-GENERAL

New Approach Industries, Tourism and CSR  
**Mechanical, Electrical and Telecom Equipment**

DIRECTORATE-GENERAL FOR ENERGY AND TRANSPORT

DIRECTORATE D - New and Renewable Energy Sources, Energy Efficiency & Innovation  
**Energy Efficiency**

**Directive 2005/32/EC  
Ecodesign of EuPs  
Consultation Forum**

**MINUTES OF THE MEETING OF THE CONSULTATION FORUM  
HELD ON 19 October 2007**

**Subject:** Ecodesign of EuPs Consultation Forum  
**Place:** Charlemagne building, Brussels  
**Chairman:** André BRISAER (TREN/D3)  
**EC Participants:** Stephan KOLB (TREN/D3), Martin EIFEL (ENTR/I4),  
Katri TYTYKOSKI (ENTR/I4), Ludmila MAJLATHOVA (ENV/C5)

The following MS were not represented: BE, CY, CZ, EL, IT, LU, RO

**Adoption of the agenda**

The agenda was adopted without changes.

**Adoption of the minutes of the 1<sup>st</sup> Consultation Forum meeting on 22 June 2007**

The minutes of the 1<sup>st</sup> Consultation Forum meeting on 22 June 2007 as circulated to the Consultation Forum members on 16 October 2007 per E-Mail were adopted.

**Working document on possible ecodesign requirements for standby and off mode electric power consumption of electrical and electronic household and office equipment**

The Commission staff presented the main aspects of the preparatory study on standby and off mode losses. The feasibility of a "horizontal" functional approach for the simple and basic functions/no function envisaged for ecodesign requirements and the corresponding suggestions for ecodesign requirements was highlighted (see presentation circulated together with these draft minutes).

Then the Commission staff presented the main aspects of the working document and the rationale of the approach for discussion (see presentation circulated together with these draft minutes).

***Scope***

The scope should be restricted to "plug-and-play" equipment, and not include fixed installed equipment (EUROVENT, CELMA). The Commission staff agreed to reconsider the role of the latter equipment. A very clear definition of the functions addressed is extremely important in particular for complex equipment like e.g. servers and the systems they are part of, and it may be necessary to leave such equipment out of the scope and restrict it for a first implementing measure to "mono-user" equipment (who is the "end user"? EICTA). A reference to the WEEE-Directive would be ambiguous (indicative list) which could lead to add-ons by the Member States to the list (Article 95 vs. Article 175 legal basis; ORGALIME), and could lead to a "moving scope"

(EUROVENT). The "catch-all" elements of the WEEE list are problematic and bear the risk of de-harmonising the scope (ORGALIME).

On the other hand it was pointed out that it has to be ensured that products which are not available on the market today are covered (NL), and that the scope be as large as possible, as proposed (ECOS). Grey areas are unavoidable, but it is unclear how they will be dealt with (NL).

The chairman underlined that a clear scope and definitions will be developed, with a preference for an adaptation of a list which has already been adopted by the Legislator (supported by DE/BMU). The chairman stressed that it will be made sure that no "moving scope" is created (i.e. not simply referring to WEEE which could be amended). Furthermore, the preferred legal format is to have a regulation (legal basis Article 95) leaving no room for national interpretation of scope.

The Commission staff underlined that the "catch all" elements of the WEEE list are welcome since they provide the flexibility to cover e.g. products which are not on the market today, while making clear which product groups are addressed. Furthermore, the emphasis is on the function/no function aspect, and the end-use has been introduced to make clear that components are not addressed.

### ***Definitions***

The approach to exclude security functionalities from the relevant functions was supported by CECED and ORGALIME. Such functionalities should be considered in "all-inclusive" product specific approaches (CECED). The approach was not supported by DE/UBA and ECOS, stressing that all standby modes should be covered.

The interrelation between off and networked standby has to be re-checked to prevent that useful functions are left out from equipment that help save energy for the sake of meeting the "standby" requirements (EICTA). The definitions have to make clear that equipment is providing *only* reactivation/display function for requirements on standby, and it has to be clarified what is considered to be a network, and what is considered to be "connected", e.g. connections between outside and inside airco equipment (EUROVENT).

The wording used for defining the modes should not only be "standby", but "Lot 6 passive standby", otherwise confusion could be created in the future and it is made clear that only a part of the standby issue is addressed (DE/UBA).

The Commission staff confirmed that a balance has to be found that ensures that the simple functions/no function addressed by the implementing measure is optimized, while making sure that the implementation of useful functions helping to save energy are not impeded for product design. The set of definitions will be rechecked in order to achieve this. Lighting sensors are considered "always-on" under the current definitions, and reactivation of a PC via a mouse click is not considered as "reactivation function".

### ***Relation "horizontal" to "vertical" measures***

The evidence coming out of the vertical studies/measures should be used for the horizontal measure (EICTA). The text in the part of the working document related to the "implementing measure", and the text in the "explanatory notes" of the working document seem to be contradicting, and the text in the suggestion for the implementing measure ("unless") is supported (CECED).

A vertical implementing measure should prevail over the horizontal measure as a principle. The transition time between entry into force of the horizontal measure and the vertical measures where standby is an issue, is particularly sensitive. (ORGALIME).

The chairman underlined that the knowledge acquired together with the stakeholders is sufficient to have an implementing measure on the simple functions/no function. If "all" (how many?) vertical implementing measures would have to be awaited, a horizontal measure would be feasible only in the distant future. This is clearly not an option.

This approach was supported by DE/BMU, stressing that demanding horizontal requirements are in line with the conclusions of the March Council, and more stringent levels should be set in the vertical measures, if appropriate. The chairman confirmed that the mechanism between horizontal and vertical measure must not be contradicting. The wording will be scrutinized and compatibility will be ensured. Any concerns on inconsistencies in the preparatory studies should be flagged. Furthermore, one of the aims to discuss standby at this early point in time in the ecodesign process is to set the scene for those operating modes timely, thereby facilitating consistency with the vertical measures.

### ***"Networked standby"***

NL pointed out that, although currently it is not feasible to include networked standby in a horizontal manner, by the next revision it is important to reconsider the feasibility of a horizontal networked standby requirements because it becomes increasingly important. A revision date has to be included in the measure, considering networked standby in the vertical measures only may not be enough (supported by DE/BMU). The energy consumption in networked standby will increase dramatically due to intelligent house/digital home solutions (ANEC). Another option could be to define horizontal requirements in a first stage on networked standby with "higher" levels (DE/BMU), or to have a functional adder approach (EICTA).

On the other hand it was argued that networked standby should be addressed as suggested by the preparatory study (INFORSE). At least appropriate consumer information has to be made available to the user on energy consumption in networked standby, and the horizontal measure should contain a clear commitment to deal with networked standby to give a clear signal to manufacturers, and for similar functions similar power levels should be implemented (ECOS). EICTA stressed that manufacturers are working on these issues for a long time already. Based on the results of the ecodesign preparatory study, networked standby will be included in the revision of IEC 62301 on standby (NL).

### ***Requirements for off/standby***

The two-tiered approach (one year/three year) is realistic and is supported, but a third tier (e.g. 5 years) could be added (DE, EUROACE, ECOS). On the other hand it was argued that, although in general this view is shared, for some products this timeline is too short because of redesign, and even "tiny" changes imply re-qualification (ORGALIME). At least two years (DE/BAM), or at least two to three years are needed, in particular for equipment with long redesign cycles (EPEE).

Requiring the same levels for reactivation function and off mode is a contradiction (CECED). In particular, the delay timer function helps to save energy and is important for energy demand management and should therefore not be covered by the considered implementing measure (CECED, ORGALIME). In longer term off mode levels should be 0.1 W (ECOS), or 0.2 W for a third tier (DK), and networked standby should be included in a possible revision of the measure (DK). On the other hand it was argued by EICTA that a maximum level of 0.5 W for off mode

power consumption is in contradiction with requirements on electromagnetic compatibility for equipment with high rated power, e.g. 1 kW or more. Lighting installations with very heavy power loads should not be in the scope (CELMA).

A requirement for a hard-off switch should be considered (AT, ANEC, ECOS), already for the first tier (DE/BMU), and the consumer should have the option to switch equipment completely off (ECOS). On the other hand it was argued (NL, CECED) that a requirement for a hard-off switch is not appropriate since policy should not prescribe particular technical solutions, but rather set goals. A hard off switch may be useful for some products, but a requirement is not suitable for a horizontal measure and should be looked at in vertical measures (DE/BAM, DK, EICTA).

Consumers may indeed wish to have the hard off switch option, but in real life it is observed that it is rarely used; a clear and unambiguous definition for "hard-off switch" would be needed to have a clear view on the legal consequences, and to create a level playing field (avoiding that "hard-off switch" presence is understood by some that no further effort is required for stand by consumption while other manufacturers would bear the costs of the switch AND the off / stand by modes related design) (ORGALIME). ORGALIME supports the proposal not to include a hard off switch in the considered implementing measure. The hard off switch should be easily accessible and the consumer needs to have information what the switch is actually doing (DE/UBA). The user must not be punished for using a hard off switch, and in particular memory settings should be retained when using the hard off switch (AT).

The interrelation with external power supplies and battery chargers has to be clarified, in particular if these products are included in the horizontal measure, and the definitions. The energy savings effects are limited, and the costs implied for achieving the suggested values are high and may not pay off. Re-design cycles are longer than one year (EPTA).

The Commission staff pointed out that the compatibility of the off mode power levels with electromagnetic compatibility requirements will be looked at again since the study did not deliver a clear answer on this issue. On request of EICTA it was clarified that "link-through" is considered to be a function, but under the applicable measurement standard peripherals are disconnected anyway.

Upon request of EICTA the chairman underlined that the suggested approach is complementary to the participation of the EU in the Energy Star programme for office equipment. Consistency with Energy Star criteria and measurement methods is aimed at, but the levels envisaged for ecodesign requirements could be more demanding than existing Energy Star criteria which would be updated if necessary.

### ***Auto power down***

ECOS pointed out that the wording of the "power management requirement" is not clear enough, and the most frequently used operational modes are the ones that should be addressed by this requirement. Furthermore it has to be ensured that power management works properly, and the manufacturer has to activate it when delivering the product. (DE/UBA, UK). The "signal" on the importance of power management contained in the horizontal measure should be further developed in the vertical measures (UK). On the other hand it has to be ensured that functionalities are not hampered, e.g. broadband modem relaying telephony functions have to be always available (EICTA).

The Commission staff confirmed that several suggestions were received for improving the text.

### ***Compliance checking for market surveillance purposes***

The working document defines a clear limit and gives clear guidance to market surveillance authorities, and there is no risk of "illegal" decisions by national authorities since manufacturers can appeal to the Commission (DK). On the other hand it has to be avoided that results of testing laboratories are challenged on a regular basis due to the very significant dispersion of capabilities among laboratories, with the effect that the problems are shifted to the courts which would be overburdened (ORGALIME).

In general the procedure, as in the case of labelling, is lengthy and costly for Member States, and it should be considered how the process can be speeded up and burdens on enforcement bodies could be reduced (UK, NL, MT). Furthermore, accreditation is a crucial aspect if in practise action is taken against a non-complying product, and a very careful wording is needed for provisions on market surveillance (MT).

A "zero tolerance" for the second step of the verification procedure (in case that the first test failed) is a methodological mistake because quality of testing laboratories is not under the control of the manufacturers (ORGALIME). Such an approach would mean that the manufacturers would have to bear the burden for varying tolerances of testing laboratories, and would in fact have to comply with the limit value minus the error of the worst testing laboratory, thereby internalizing the variations of European testing laboratories, which is not acceptable (CECED).

CENELEC pointed out that EuP implementing measures should use harmonized standards. Verification procedures and definitions are a classic field for standardization, and the reference to IEC 62301 should be replaced by EN 62301, which contains a verification procedure. NL underlined that the relevant EN standards contain a verification procedure that direct manufacturers to the "wrong direction", leading to structurally higher figures than e.g. defined for labelling classes. A "fresh start" is therefore needed for EuP, and the approach to require that the average of products should meet the target is supported. The measurement tolerance cannot be fixed by a single value as currently done in EN standards.

In general thorough and active market surveillance is decisive for avoiding competitive disadvantages for those manufacturers investing to comply with legal obligations vis-à-vis manufacturers which do not respect the rules (EICTA).

The chairman confirmed that market surveillance is crucial. No obvious solutions exist, but the aspects raised by the Consultation Forum will be considered and further developed in the impact assessment.

### ***Consumer information***

Provisions on consumer/user information should be considered. This would create added value and help consumers to save energy, e.g. by information on networked standby (ECOS, ANEC).

The Commission staff underlined that the requirements on the standby modes addressed by the working document are stringent, and asking for consumer information related to these modes would have little additional benefit. Specific information on networked standby should be provided in the framework of vertical measures.

### *Next steps*

The chairman clarified that the next step is to launch the impact assessment (duration four to five months). Stakeholders may be contacted with the request for input. After going through Commission internal procedures (interservice consultation ...) the implementing measure could possibly be presented to the Regulatory Committee in July 2008, but a precise prediction is impossible at this stage.

Further input on the topics discussed during the Consultation Forum meeting is welcome and should be submitted as soon as possible.

### **Update on the working plan**

After resolving some difficulties related to data collection the contractor had submitted the draft final report of the working plan study. The study would be examined by the Commission services, and when deemed complete it would be made available on the DG ENTR/TREN ecodesign websites (E-Mail alert would be sent to members of the Consultation Forum) for comments. The Consultation Forum meeting on the working plan would possibly take place at the beginning of 2008, and the working plan could be adopted by the Commission in spring 2008.

### **Any other business**

Each member organisation of the Consultation Forum could have one member representative in the CIRCA system whom would be invited to the Forum meetings. Other interested persons from member organisations and non-member organisations could have access to the CIRCA site as observers. Requests for access to the CIRCA site, including existing user names and the full contact details should be sent to the functional ecodesign mailbox of DG ENTR (ENTR-ECODESIGN@ec.europa.eu).

The next meeting of the Consultation Forum is planned for December 2007, potentially addressing one or two of the following product groups: office lighting, external power supplies/battery chargers, simple set top boxes.

### **List of written contributions**

The following members of the Consultation Forum have submitted written comments by 12 October (circulated via E-Mail on 16 October):

BE, DK, ES, NL, CECED, CELMA, ECOS/EEB/CAN-EUROPE/INFORSE-EUROPE/WWF, EICTA, EPEE, ORGALIME