MINUTES
MEETING OF THE CONSULTATION FORUM UNDER
ARTICLE 18 OF THE ECODESIGN OF ENERGY-RELATED PRODUCTS
(DIRECTIVE 2009/125/EC)
REVIEW OF THE STAGE 6 REQUIREMENTS OF COMMISSION REGULATION (EC) NO 244/2009

ROOM AB-1B
CENTRE A. BORSCHETTE, RUE FROISSERT 36, 1040 BRUSSELS
25 NOVEMBER 2013, 10.00 – 15.15

Participants: See Annex

EC Participants: Paul HODSON (Chairman - ENER), Ruben KUBIAK (ENER), Nina PICKL (ENER), Robert NUIJ (ENER), Michael ZIEGLER (CNECT)

Documents:

1. WELCOME AND INTRODUCTION

The Chair welcomed the participants and indicated that the purpose of this meeting was to discuss the working document on the review of the stage 6 requirements of Commission Regulation (EC) No 244/2009, questions concerning the definitions of special purpose products in Commission Regulations (EC) No 244/2009 and (EU) No 1194/2012, and the potential misuse of these special purpose products in general lighting applications.

The Chair asked to move the agenda point AOB before the lunch break and to reserve the afternoon for the discussion on special purpose products. With this change the agenda was approved.

2. WORKING DOCUMENT ON THE REVIEW OF THE STAGE 6 REQUIREMENTS OF COMMISSION REGULATION (EC) NO 244/2009

The Commission presented the working documents on the review of the stage 6 requirements and proposed the following regulatory changes:

1. Changing the entry into force of the stage 6 requirements to 1 September 2018, allowing LED technology to mature further and reach an optimal time point in terms of monetary and energy savings;
2. Removing the current loophole by extending the stage 6 requirements to halogen lamps with G9 and R7s socket; and

3. Introducing a provision that luminaires sold after 1 September 2015 should be compatible with LED technology to prevent future obstacles to the introduction of efficient lighting.

During the ensuing discussion, the following points were raised:

**DE** supported delaying stage 6 until 2018 and using the extra time between 2016 and 2018 to monitor technological development. Especially for lamps with high lumen output suitable replacement options would need to come on the market before a full halogen phase out. **DE** expressed the view that removing the exemptions for G9 and R7s lamps might lead to a 'lock-in' effect for consumers in the absence of suitable LED replacement lamps. **DE** stated the opinion that the misuse of special purpose lamps in general lighting applications will be the main loophole rather than the use of G9 and R7s lamps with adapter kits, and requested to keep these lamps on the market for those consumers that would otherwise need new luminaires. Concerning proposal 3, **DE** agreed in principle with the proposal's underlying idea, and mentioned previously adopted, less strong compatibility requirements in Regulation 1194/2012.

The **Commission** replied that the exemption of G9 and R7s lamps from stage 6 should only be temporary in line with recital (21) of Regulation 244/2009, and the energy savings potential is significant with suitable replacement options already on the market. Furthermore, adapter kits for circumventing the stage 6 requirements with G9 and R7s lamps are already today on the market. The **Commission** clarified that the planned implementation of proposal 3 would be technologically neutral, but LED will probably be the most efficient and also most widely used lighting technology.

**AT** explained that their market observation showed full availability of products which have supposedly been phased out years ago. **AT** questioned whether it is wise to tackle a new phase out if previous phase outs have not been completed yet. Furthermore, **AT** pointed out that shifting from 'C' class efficiency to 'B' class only offers a limited savings potential. **AT** stated that a full phase out of halogen lamps should be considered, but agreed with the Commission that 2016 might be too early for this. In addition, **AT** stressed the importance of having full comparability regarding quality and costs between LED and halogen lamps by the time of a phase out. **AT**'s preliminary conclusion was that postponing stage 6 for another two years would be good, and **AT** supported the Commission proposals 2 and 3.

**SE** welcomed the omnibus revision of the lighting regulations. However, **SE** did not support any delay or abolition of stage 6; these requirements should come into force as previously adopted. **SE** argued that regulations are introduced with fixed requirements to stimulate innovation. Delaying stage 6 will give a wrong impression to industry, suggesting that lobbying can undo previously agreed and adopted regulations. Furthermore, the lost energy savings and increased CO₂ emissions will be significant. **SE** stated that the review report and the reasoning behind the Commission's proposal are not convincing and should be improved. **SE** expressed its belief that the revision clause in Regulation 244/2009 does not foresee postponing or abolishing the stage 6 requirements. **SE** fully supported Commission proposals 2 and 3.

The **Commission** responded that additional data are welcome to better inform final decisions. Written comments from Member States and stakeholders should be submitted before 13 January 2014.

**IT** questioned whether the market will actually follow the projected developments in the next years. **IT** therefore requested to remove stage 6 completely, unless it can be proven with further data that LEDs can fully replace halogen lamps, especially considering dimmability and retrofitting requirements.

**DK** expressed the view that LED prices will decrease and a mass penetration of LEDs will appear well in time before stage 6 comes into force in 2016. **DK** did not see a justification to change the timing of the entry into force of stage 6. Additionally, **DK** agreed with **SE** that the revision clause in Regulation
244/2009 does not foresee the postponement or abolition of stage 6. **DK** supported Commission proposals 2 and 3.

**FR** did not have a fixed position concerning the three proposals but was ready to give some preliminary comments. They supported the position of **SE** and **DK** on the expected developments on the lighting market. **FR** pointed out that the market already today offers suitable replacements for halogen lamps, hence this should not be an argument against stage 6. Since the main LED industry is based in Asia, **FR** suggested to the European industry to focus on high quality LED products, which are already the business model of some SMEs in **FR**, **DK** and **SE**. Furthermore, stage 6 should be seen as a booster for this development, and **FR** therefore expressed disagreement with changing the entry into force of stage 6.

**BE** reminded the audience of the procedure for reviewing and revising regulations, and expressed concerns about the efficiency of running two processes for one regulation in parallel: the review of the stage 6 requirements and the omnibus review. **BE** indicated its preference to merge the two reviews and revisions, and discuss both within one process. **BE** also asked to be invited to all future stakeholder meetings concerning products regulated or to be regulated under the Ecodesign Directive. Regarding the Commission proposals **BE** stated the view that abolishing stage 6 is not an option. Concerning the timing they expressed no final opinion, but mentioned that keeping the current entry into force would maintain pressure on industry and further foster product innovation. **BE** expressed its agreement with the second Commission proposal.

The **Commission** responded that the stage 6 review has been separated from the omnibus review based on the review provisions in the Regulation, which particularly ask for a review and revision in light of technological developments like the unpredictable disappearance of 'B' class halogens.

**UK** stated that although it has not decided on a final position yet, it is in general against the delay of stage 6, because this will set a precedent for changing previously adopted product requirements as a result of industry pressure on the Commission. **UK** further remarked that the 'Lisbonisation' of regulations to delegated acts would intensify this problem, because the Commission could simply publish a new regulation. **UK** also pointed out that according to media reports there is massive LED innovation currently ongoing.

**NL** agreed with **UK** that the data provided so far do not give a solid argument for postponing stage 6. **NL** asked for further, more technologically oriented information on market developments to justify a postponement. Although **NL** was not able to take a final position at the meeting, it expressed the view that it would be appropriate to stick with the current entry into force date if no convincing data for other actions can be provided.

The **Commission** responded that the technical review study looks extensively at the evolution of the market, includes conclusive data and modelling, and provides detailed technological information.

**DE** asked for clarification whether proposal 3 on luminaires is also applicable to the tertiary sector or not.

The **Commission** responded that the current focus lies on household luminaires and not the tertiary sector but it is open to broaden the scope if requested.

**KSLD** raised the concern that ecodesign is no longer technology neutral. **KSLD** mentioned that the impact on the tertiary sector needs to be taken into account as for example historical buildings cannot always be retrofitted with state of the art equipment. Some G9 and R7s replacement products are currently not dimmable and cannot achieve the required lumen output. This will cause serious problems for lighting designers' clients if the products the clients rely on will, at some point, be removed from the market, leaving consumers no replacement parts and forcing them to buy new lighting fixtures.
LightingEurope (LE) stated that retrofit alternatives for halogens will not be available by 2018 and that the decision whether to delay stage 6 should be built on realistic data. LE presented product samples mainly related to the possible G9 and R7s replacement issue, stating that the problem is not to provide new luminaires with new technology but to provide retrofit solutions for the existing luminaire stock already bought by end-users. Retrofit solutions might not always be available and end-users might be forced to buy a new luminaire. LE drew attention to the fact that Regulation 1194/2012 already provides many information requirements, which are costly to implement for manufacturers. Implementing proposal 3 would again be costly for the industry.

SE asked LE why they keep investing in old luminaires instead of advancing new technologies.

LE answered that they are determined to accelerate technological progress in luminaires, however they need to finance this research and they need planning security to make progress.

KSLD replied to SE that new technology comparable to all existing products does not exist yet.

CLASP stated that there is not enough evidence to justify a delay of stage 6. They have done their own modelling, which leads to environmental impacts that differ from those estimated in the study by the Commission's contractor. According to their model the savings are about twice as much as in the review study, which according to CLASP contains some factual and data errors. CLASP explained that delaying stage 6 will reduce energy savings by 40% according to their own analysis. Furthermore they see a weakness in the review report's analysis of the socio-economic impacts. According to CLASP the employment costs have been overestimated while the benefits have been underestimated; CLASP stated that over 10,000 new jobs could be created by keeping stage 6 in its current form. Overall, they see currently no strong arguments to delay stage 6. CLASP emphasised the need not to penalise those economic actors which have adapted to stage 6 in time and count on reliability of adopted regulatory measures.

The Commission asked again for written comments on the data to be provided before 13 January 2014 and welcomed further inputs from stakeholders and Member States in written form by that date.

AT responded to CLASP that their projections concerning the future savings are too optimistic. Incandescent lamps are still on the market and this needs to be addressed before starting a new phase out. AT stated that the simple switch from 'C' class to 'B' class level will only gain substantial savings if no high voltage halogen lamps will be left on the market.

CLASP responded that the appearance of such lamps is a real possibility as there are two suppliers in China producing copy-cat versions of Philips' class 'B' halogen lamps.

EEB questioned the current position of the lighting industry, which supported the regulations when they were adopted; it wondered why the industry had not yet adapted. According to EEB delaying stage 6 could set a precedent for other industries since the wish for a delay is not coming from Member States but from industry. Moreover, Member States would have to find alternative, less cost effective savings to achieve Europe's energy efficiency targets.

ECEEE stated that it has been working with CLASP on a technical analysis and they support CLASP's view that the claims made in the working document are not solid. LED lamps will become much more resource efficient soon and this should be considered as well when discussing a possible delay of stage 6. Agreeing with previous comments, ECEEE mentioned the danger of signalling to industry that lobbying can change adopted regulations. In addition, there are still three years left until stage 6 comes into force in 2016, which leaves a lot of time for further technological development.

CENELEC drew attention to the fact that a delay of stage 6 will not have a positive effect on the environment. On the other hand, standardisation will require extra time to have testing methods ready when the requirements come into force. CENELEC emphasised that new applications are being introduced such as smart metering systems and these should be compatible with technologies used in lighting, which requires time for standardisation, too. It suggested postponing stage 6 to 2018 to be
able to adapt compatibility between technologies accordingly. In 2018 another review could be done to see whether further postponement would be necessary.

The Commission clarified that if stage 6 is postponed during this revision process, there should be no expectation of any further postponement.

Society of Light and Lighting (SLL) favoured a delay of stage 6 because they do not believe that current replacement products have the necessary quality, which might result in a public backlash.

ECOS asked for further explanatory information on the data provided, and expressed its preference to stick with 2016 for the entry into force date of stage 6.

ANEC/BEUC pointed out that they have always been supportive to Regulation 244/2009 and stage 6. However, ANEC/BEUC members’ experiences reveal some problems with LEDs not meeting consumers’ expectations associated to light quality, durability, dimmability and compatibility. Therefore, ANEC/BEUC supported a restricted postponement of stage 6 until 2018 tied to a strict enforcement.

LE stated that a delay until 2018 might not be enough; industry has a lot of innovation pressure and they want to avoid consumer disappointment on bad product quality.

NL added that LE should not create a lock-in situation by further promoting and selling old halogen technology, which might not be compatible with more efficient technologies such as LEDs. Furthermore, NL expressed the opinion that industry should not just be asking for a postponement but also give full information on the technological possibilities and concentrate efforts on products ready for the future.

BE agreed with NL and requested to look for more data and discuss stage 6 further.

EEB asked ANEC/BEUC about regulatory requirements which would satisfy consumer needs, and formulated the idea to possibly add those to the revision process.

ANEC/BEUC replied that caution must be applied with increasing requirements. The inability of products to even remotely approach declared and hardly verifiable performance claims (i.e. burning hours) creates confusion and frustration to consumers.

CENELEC pointed out that Regulation 1194/2012 contains provisions on luminaire/lamp compatibility, but there is no standard for such compatibility in place yet.

ECETEE replied that standards are important for monitoring and enforcement but not for the actual regulatory requirements.

The Commission explained again that the technical review study contains extensive data and all stakeholders had had the chance to submit comments and data. Nonetheless, the Commission invited the participants to submit any further written comments and data before 13 January 2013.

3. AOB

ECOS mentioned they would welcome more guidance on and a concrete framework for all ongoing reviews since some elements need further discussion, e.g. the possible need for a full LCC-analysis.

ECOS proposed a horizontal CF on how reviews are taking place.

The Commission replied that this could be discussed when the Omnibus Review is being brought to the CF.

NL asked about any planned meetings on solid fuel boilers and local space heaters.
The **Commission** responded that it is still engaged in internal discussions and that such meetings would not take place in 2013.

**UK** suggested that any such meetings should also be attended by Member States' experts on air quality.

The **Commission** agreed to take this suggestion into account.

4. **SPECIAL PURPOSE LAMPS DEFINITION IN COMMISSION REGULATION (EC) NO 244/2009 AND THE POTENTIAL FOR MISUSE**

The **Commission** presented the proposal to change the definition of special purpose products in Regulation 244/2009 to stop the misuse of these in general lighting applications. This revision should bring the definition more in line with the one used in Regulation 1194/2012. This proposal was widely supported by the participants of the Consultation Forum.

**LE** added that it had also received signals from various industry members and market surveillance authorities indicating that not only the special purpose product provisions are misused, but that some incandescent light bulbs are illegally imported or produced and subsequently placed on the EU market. **LE** further remarked that special purpose lamps are viewed as one, single category but that special purpose products are made up of many different types. The most misused category is the shock proof lamp because it is most similar to regular incandescent lamps.

**KSLD** stated that in Regulation 1194/2012 there was a slight difference in defining special purpose lamps compared to Regulation 244/2009. **KSLD** asked to adapt the wording so that people with photosensitive problems can still obtain incandescent lights. **KSLD** pointed out that there might be some health issues which should be considered.

The **Commission** responded that it does not support or bring forward regulations with known negative health effects.

**UK** suggested that manufacturers have to declare and justify why they place their products as special purpose products on the market. This would be similar to what is required in the stand-by regulation.

**NL** responded that this declaration needs to include a technical justification.

**IT** indicated its general agreement with the proposal but questioned whether the data are sufficient to judge if misuse is happening.

**DK** and **DE** raised the question whether there is any special purpose application which cannot be fulfilled with a low voltage halogen lamp.

**LE** responded that they would have to investigate this.

**BE** raised the point that, according to the regulations, it has to be defined what makes a product a special purpose product. **BE** asked if and how market surveillance authorities are supposed to assess whether it is sufficient for a product to be declared as special purpose lamp. Moreover, **BE** suggested to have clearer definitions.

The **Commission** referred to Regulation 1194/2012, which requires technical parameters to be presented in the technical documentation file, and reassured participants that it is the task of market surveillance authorities to check this technical justification.

**KSLD** stated that flickering might be a problem as stated in a scientific committee report. Dimmable LED products show some flickering whereas halogens do not. **KSLD** argued there is not enough documentation on this.

**SE** supported the addressing of this issue.
5. **SPECIAL PURPOSE LAMPS DEFINITION IN COMMISSION REGULATION (EU) NO 1194/2012**

The Commission proposed to amend the definition for special purpose products in Regulation 1194/2012 to change an unintended linguistic error: currently, products such as fridges including a special purpose lamp are also considered to be a special purpose product, and therefore are required to fulfil the provisions laid down in the Regulation. The Commission asked for support to propose a re-wording, solving this issue. The change has to be done through an amendment and is not possible by corrigendum.

NL thanked the Commission for addressing this issue and commented that the rewording should be limited.

LE added that the marketing of these products, which causes confusion for consumers, should be looked at more closely.

The Commission stated that this would be an issue for market surveillance.

DK asked if it would be feasible to produce and only use special sockets for special purpose lamps.

LE replied that Osram already tried to introduce new socket solutions but this was not accepted by the market.

DE suggested that manufacturers should put a warning on those products that are not suitable for use in closed luminaires.

LE responded that there are already some manufacturers putting this warning on packages. LE raised the question of whether this should be addressed by ecodesign or whether it is rather a safety issue.

KSLD questioned why the legislation is becoming more complex, making market surveillance even more complicated, especially since market surveillance is costly and has not been efficient in the lighting sector so far.

NL commented that the discussion today was aimed largely at reducing complexity but supported simplification in general to make market surveillance easier and more effective.

The Chair concluded the meeting by giving a short summary of the topics discussed, invited stakeholders to provide further comments and input on issues addressed, and thanked participants for their attendance.
Annex – Attendance list

**Commission Services**

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