11 April 2018

FINAL MINUTES

MEETING OF THE Consultation Forum


BRUSSELS, 6 DECEMBER 2017 (10.00 – 17:30)

Participants: See “Attendance List” in Annex

1. WELCOME AND INTRODUCTION

The Chair welcomed the participants and explained the purpose of the meeting i.e. to discuss the results of the review study regarding Regulation (EU) No 643/2009 and Regulation (EU) No 1060/2010 and the proposed draft working documents.

2. ADOPTION OF THE AGENDA AND APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

The agenda was adopted without any changes.

The draft minutes of the Consultation Forums of 6 July 2017 on electronic displays that were circulated in advance of the meeting were approved.

3. STATE OF PLAY CONCERNING THE COMBINED ECODESIGN AND ENERGY LABELLING CONSULTATION FORUM

The chair explained that in accordance with the new energy labelling framework regulation, a consultation forum for energy labelling needs to be set up. The idea is to combine the consultations for ecodesign and energy labelling. This combined consultation forum will be set up in first quarter of 2019 at which time a call for interest will be launched. Existing members of the consultation forum need to reapply for membership.
4. **Presentation of the Main Findings of the Review Study**

After a presentation by the Contractor (Van Holsteijn en Kemna) of the review study, the ensuing discussion raised the following key points:

**Food waste study and multi-door factor** – AT stated that the food waste issue can only be solved by looking at all factors (e.g. buying frequency of consumers, the amount of food to be stored and the time period to store it) and by involving all actors. This was backed up by **Independent retail Europe**, who also requested more information about how to optimise multi-door refrigerating appliances. **BEUC** was concerned that the correction factor might miss its intended effect without consumer awareness. **ECOS and CLASP** were concerned that the multi-door factor as it is defined would reward more products than only those that reduce food waste. Some suggestions were made to award the correction factor only when there is a separate door, to add clear information in the user manual to explain which food should be stored in which compartment, and to make the meat and fish compartment mandatory (i.e. the most important compartments) in order to receive a multi-door factor.

**The Contractor** stated that ecodesign and energy labelling cannot regulate all these factors. If in the future the standards will provide us with more tools to improve other factors than only temperature, more could be done. **The contractor** informed that the study includes some information on the optimisation of multi-door refrigerating appliances. **The contractor** stated that the study on food waste was shared with other DGs with the aim to get more information on the consumer side. Moreover, the multi-door factor is a first step in the process to tackle food waste and could be improved, but to maintain certain flexibility, it is not a good idea to make fish and meat compartments mandatory.

**The new test standard** - IT stated that the test conditions in the new standard will lead to a worse functional performance (i.e. the storage of food) when referring only to the average temperature of the compartment. This is due to undetected higher storage temperatures in a compartment and should be avoided to protect the consumer against increased food spoilage and waste of the embedded energy. **CLASP** stated that circumvention should be addressed better in the standard.

**Combi factor** - **ECOS** believes that the bonus is too high and that it might be misused by manufacturers.

**The Contractor** replied that the combi factor is the result of a compromise and needs to be sufficiently high not to ban type 1 refrigerating appliances from the market.

**Glass door appliances** - **CLASP** stated that it is unclear which test standard should be used when the glass door appliances would be included in the commercial refrigeration group. **Austria** asked about the current status of the commercial refrigeration preparations.

**The contractor** replied that still a lot of work needs to be done if they are to be included in the commercial refrigeration appliances, e.g. the test standard needs to be updated.
The Commission Services replied that the commercial refrigeration study will be revitalised, with the next step being the Inter-Service Consultation. It is the intention to include it as part of the package for the end of the year.

5. **PRESENTATION OF THE WORKING DOCUMENTS**

After a presentation by the Commission Services of the working documents the ensuing discussion raised the following key points:

5.1. **Ecodesign**

**Article 1 - Scope**

*Scope definition* - IT stated that the definition of the scope with the introduction of 5 categories creates confusion. Moreover, the definition of a household refrigerating appliance should be revised to make sure that technologies other than those with condensers are covered. IT also stated that the definition of the display function could be applicable to any type of product and that the boundary between commercial and household should be the fact that you can purchase the refrigerated items. This was supported by SE.

*Chest freezers* - IT stated that the definition for chest freezers is not included in the document. AT asked about the difference between professional chest freezers and household chest freezers and said that they seem to be excluded from the professional refrigeration regulation. The contractor confirmed that they are explicitly excluded from the professional refrigeration regulation.

*Wine coolers and mini bars* - ECOS is of the opinion that wine coolers and mini-bars should be included in the scope of this regulation and stated that the glass door does not have a functionality. This was supported by CLASP, DL, NL, SE, UK, FR, CECE. CECE prefers to have a separate category for these products but was not sure about the EEI limit that should be applied. In addition CLASP requested to align the definitions with the definitions in the draft measure for commercial cold appliances.

The Commission Services stated that wine coolers will be taken up in the regulation and that definitions will be updated.

*Mobile refrigerating appliances* - CLASP asked why mobile refrigerating appliances are excluded. DE asked for clarification whether mobile refrigerating appliances that can be operated by electric mains are included and proposed to keep them in the scope.

The Commission Services replied that the definition of mobile refrigerating appliance was added with the aim to cover battery-operated appliances, and that the definitions could be improved.

*Appliances < 10 litre* - CLASP did not agree with the exemption for appliances below 10 litres.
Requirements for displays - UK requested to include the requirements for displays in this regulation or in the review of this regulation. NL asked the UK if they mean the requirements on resource efficiency or also regarding energy efficiency. UK replied that the energy efficiency of the entire appliance should be tested, including the display. IT stated that the regulation and the standard should require that the display is on during testing.

The Commission services replied that the intention was to only take up the resource efficiency requirements. If the request is to take up energy efficiency as well, further investigation is needed.

Article 2 - Definitions

Sequence of the definitions - IT considers that the definitions in Ecodesign and energy labelling should be in the same sequence.

The Commission Services stated that formally the definitions need to be ordered in the sequence in which they appear in the documents.

External door - CLASP stated that the definition of an external door is more complicated than proposed. IT agreed and stated that drawers and lids should be included in the definition of doors to avoid circumvention. CECED suggested replacing the definition and including it in the coefficient for doors to avoid the complexity.

The Commission Services replied that concrete suggestions would be welcome.

Article 3 – Ecodesign requirements

See comments to Annex II.

Article 4 - Conformity assessment

Wine storage appliances - NL informed that wine storage appliances were missing in the text.

Article 5 – Verification procedure for market surveillance purposes & Article 6 – Indicative benchmarks

See comments to Annex IV and Annex V.

Article 7 - Repeal

No comments

Article 8 - Review

Suggestions for improvement - EEB, NL stated that 'no later than 5 years after entry into force' should move to the end of the sentence. CECED was concerned that the proposal introduces a gap between the new and old regulation. CECED requested adding a relative date for entry into force instead of a fixed date. DE opposed a relative date. CLASP asked to add a deadline for a vote of the member states.
The Commission Services replied that there should not be a gap and that they are not in favour of adding a deadline for the vote because they do not have full control over the process after the consultation forum.

**Article 9 - Entry into force**

**Fast track products** – DE requested to include the 5 products in one publication so that they would come into force on the same date.

The Commission Services replied that it is the Commission's intention to implement the regulations at the same time; however, there might be different product specific reasons for having different dates.

**Annex I - Definitions**

3&4 star appliances - IT stated that the definition of 3 and 4 star compartments should be separated. CECED stated that there could be an 'EU exception' for the definition of a freezer in the EU standard that is being adapted from an international IEC standard.

Freezing capacity - IT recommended, with regards to the freezing capacity, going back to the minimum of 4.5 kg/100 l with a min of 2 kg. CECED stated that the new condition does not make it easier to proof that you are a 4 star freezer, but agreed that this was not proven. IT stated that the new temperature conditions make the products appear more energy efficient, but the food preservation is worse. The measurement method should be adapted to avoid that food preservation is worse, without complicating the measurement. This can be done either by ensuring that the target temperature is the warmest temperature or by setting a maximum standard deviation. These things can be adapted through the regulation and/or through the standard.

**Annex II - Ecodesign requirements**

Ambition level - CECED gave a presentation explaining that the requirements are too ambitious in the time frame that is given. They proposed a 3 tier approach with a tier 0 in 2020 at the same level of efficiency of today, a 2nd tier in 2023 at the level of the proposed tier 1 and in 2028 a 3rd tier with LLCC requirements. The contractor replied with a presentation that showed that the tier 0 proposal would allow banned products to end up on the market again. ECOS, CLASP, SE, NL agreed that the CECED proposal was too conservative. ECOS understood that the timing would be too ambitious and would be open to discuss possible timings; this was supported by CLASP, SE, PL. IT is concerned that the problem is more complicated than presented by VHK and requested an evaluation of EU data instead of non-EU data. NL stated that it is not in favour of setting tiers after the review date of the regulation and believes that the CECED presentation was a bit conservative. CLASP stated that it does not necessarily disagree with a 3rd tier after the review deadline. BEUC/ANEC requested more information with regards to low price refrigerating appliances for both the CECED and the European Commission's proposal.

The Commission Services also prefer not setting requirements after the review deadline and requested more information about the timing needed for testing.
Harmonised standard - **IT** asked whether manufacturers are required to use the harmonised standard and whether the MSAs are obliged to use the harmonised standard.

**The Commission Services** replied that the manufacturers are not obliged, but whether the MSAs are obliged will have to be checked.

Glass door appliances - **BE** asked whether glass door appliances can pass the current limits for wine coolers. **CECED** replied that they would not pass. **ECOS** replied that it would be preferential to have less tight requirements for glass doors. **NL** agreed, but was in favour of a correction factor that would only be applicable to wine storage appliances.

Product information – **IT** requested to fully align energy label and ecodesign product information requirements and requested not to repeat such requirements to be included in free access websites and the product information when this information already needs to be uploaded in the database. This was supported by **UK, NL and CLASP**. **EEB** agreed, but stated that the usefulness for consumers should be evaluated point by point.

Circumvention - **CLASP** stated that the circumvention clause needs to be adapted to make sure that it does not appear that circumvention is allowed before 1/4/2020. They asked whether circumvention would be discussed on a horizontal level in a consultation forum. **AT** considered that the circumvention paragraph is not useful. **DE** thought that similar language should be used in ecodesign and energy label; **NL** and **EEB** supported this.

**The Commission Services** replied that this is also part of the energy labelling framework, and that it in response to Member States’ requests to include this to be able to prevent circumvention. They welcome further written comments. As regards information requirements, **the Commission Services** replied that if the database is considered sufficient, it could be deleted in ecodesign.

Recyclability - **EURIC** presented its views on recyclability and explained the difficulties with recycling fridges and the increased cost of recycling VIP panels. **DE, DK and BE** asked EURIC to specify what type of requirements would be sufficient to solve the issue e.g. information, pictograms. **EURIC** stated that information does not help with the fact that the recycling will have to adapt. **CECED** stated that they are discussing voluntary labelling of VIP panels. **The Commission Services** gave an example of a pictogram on the panels as regards the composition of the foam, which has proven to be cost efficient. **IT** stated that the recyclers need to adapt the plants to be able to cope with this. **CECED** suggested sitting around the table with EURIC to further discuss the issue, and to avoid overregulation. **BEUC** asked EURIC whether the recycling process would be different if HFOs are used instead of hydrocarbons. **EURIC** is not aware of HFOs in foams in household refrigeration. **SE, REUSE, ECOS, BEUC, EEB** and **EURIC** commented on lack of other resource efficiency requirements and asked for the addition of some requirements that are useful for these products and suggested requirements on spare parts availability, easy repair, price of the spare parts, etc. **EEB** asked the contractor to share their calculations on resource efficiency.

**The Commission Services** replied that the measures that are proposed in the working documents are the ones that make sense for these products according to the
review study. They stated that they are committed to look at resource efficiency and requested stakeholders to come forward with improvement proposals. However, ecodesign is not necessarily the right tool to address prices of spare parts. The contractor explained that there is still a large savings potential for fridges while this is not the case for products such as washing machines and dishwashers.

**Fast freeze and winter switch - CECED** requested an exception for the mandatory automatic fast freeze and winter switch for electromechanical appliances for a limited time e.g. until 2023.

**Annex III - Measurements and calculations**

**Detail - DE** commented that Annex III has too many details copied from the standard, and proposed to limit it to essential information. **BE, CECED** supported this. **The Contractor** replied that Annex III is a summary of the standard to ensure that the correct method is followed. **IT** stated that the purpose of the annex is to avoid that the test method can be changed in such a way that the energy efficiency values are altered. Therefore, only the essential requirements should be included and not a long description of the measurement method.

**Other suggestions for improvement - NL** stated that the definition for networked appliances should be aligned with the definitions in the network standby regulation and that the total volume should not be larger than the sum of the volume of the compartments. **DE** asked to align the temperature conditions for low noise appliances with the other appliances and to apply the L factor for fridge-freezers as well. **The Contractor** replied that the L factor makes sense for large freezers, not for small freezers.

**Annex IV - Verification procedure**

**Parameters - IT** stated that parameters are missing from Table 5. This was supported by **NL** and **SE**. **IT** requested to add all measured parameters. This was supported by **ECOS**. **NL** would not be in favour of adding all intermediate parameters. **SE** suggested adding the tolerance for the freezing capacity in the review clause.

**Suggestions for improvement - NL** stated that Annex IV should be aligned in format and wording with the verification and tolerances annexes of the other measures.

**The Commission Services** confirmed that that was their intention.

**Clarification - DE** requested more information about the notification procedure related to section (h) and the relation with the safeguard clause.

**The Commission Services** stated that they will follow this up bilaterally with **DE**.

**3 tests - BE** requested to remove the 3 tests from the verification procedure, although this was not supported by **IT** and **DK**. Alternatively, **BE** suggested to rephrase 2(e) to say that the product loses its presumption of conformity. **NL** replied that this is an internal MS procedure and that this kind of solutions might give problems for other member states.
Annex V - Indicative benchmarks

Benchmarks - CECED stated that the converted values (based on the new standard) cannot be used to calculate the benchmarks and that the current values (based on the current harmonised standard) should be used. NL did not support this, but suggested to add a disclaimer.

Commission Services would welcome comments on the recitals.

5.2. Energy Labelling

General

Consumer survey - UK asked about the timing for the consumer study for labelling. DE asked what exactly would be evaluated. BEUC requested to share the results of the survey.

The Commission Services replied that the contract should start at the beginning of January. The results of that study will be shared with the consultation forum. They stated that they would share the terms of references with the consultation forum. The same type of study is being launched for the other product groups.

Article 1 - Subject matter and scope & Article 2 - Definitions

Stakeholders indicated that the same comments as for Ecodesign apply.

Article 3 - Obligations of the suppliers

Paper product information - NL stated that the paper version of the product information sheet should disappear, as the database should be sufficient. This is the case in Article 3, but it should be more explicit in the regulation, e.g. through a recital. This was supported by CECED, Independent retail Europe.

The Commission Services stated that this was the intention, but welcomes suggestions.

Suggestions for improvement - DE informed us about a wrong reference to the Annex in Article 3.

Article 4 - Obligation of dealers

Bear the label on the product - Independent Retail Europe suggested to alter the wording i.e. 'bear' is not specific enough and 'displayed on the outside or the top of the product' does not always makes sense. NL stated that the wording 'bears' leaves the necessary flexibility. NL, DE and IT stated that the label should be on the product and IT requested to clarify this in the regulation especially for the built-in appliances. ECOS suggested adding guidelines on the correct labelling of products. From comments made by BE, DE, IT and UK it became clear that member states each have their own approach. DE suggested clarifying it in the ADCO. UK did not see the benefit of a European clarification and BE supported this.

Article 5 – Measurement methods

See Comments to Annex IX
Article 6 - Verification procedure for market surveillance

**Suggestion for improvement** - BE suggested to refer to 'the conformity of the product' instead of summing up the different parameters.

The Commission Services replied that this could be done.

**Article 7 - Revision**

**Suggestions for improvement** - NL asked about the reason for adding the second paragraph in Article 7, since it should be clear from the labelling framework regulation. CLASP suggested aligning with the review clause in ecodesign.

The Commission Services agreed that the second paragraph is not absolutely necessary and could be revised.

Circular economy - IT asked why only a specific reference to requirements on circular economy were added to the article.

The Commission Services replied that there will be a horizontal discussion on circular economy in the CF of 19/12. A study on reparability/durability will investigate whether something could be added to the label on these issues.

**Article 8 and 9 - Repeal and entry into force**

Implementation date - CECED stated that the same comments as for ecodesign apply.

**Annex I - Definitions**

No comments.

**Annex II - Energy efficiency classes**

Grey efficiency classes - DE suggested not to start with a grey efficiency class G; CLASP, SE, CECED supported this. CLASP suggested removing the built-in factor to achieve this.

Colour of C class - CECED asked whether the C class would be green or yellow.

The Commission Services replied that it would be green.

**Annex III - Energy label**

QR code - CECED suggested not linking the QR code to the information of the supplier's website and the database, but rather to the database only; this was supported by ECOS. IT suggested reducing the size of the QR code.

The Commission Services replied that they would make the QR code as small as possible and that it would be linked to the database.

Label layout general - NL suggested using another colour than green for the border of the label in order to avoid confusion with an A labelled product. DE and ANEC/BEUC supported this. IT suggested not using the lightning bolt on the top,
since it is too similar to the “danger high voltage” pictogram. This was not supported by BE.

**Icons** - DE, ANEC/BEUC and BE suggested reducing some icons in size. DE and ANEC/BEUC suggested using an icon for the kW/annum and suggested removing the different compartments from the label. IT supported this, while AT did not. DE and ANEC/BEUC suggested using a scale, e.g. A to C, for the noise. IT suggested using the number of bottles instead of the volume for wine storage appliances, this was supported by AT. CLASP suggested that consumers might be interested in more information if they are more aware of the relevant issues; this was not supported by DE. NL supported this, and especially in relation to food waste and the multi-door appliance, which might be incentivised just by adding something on the label. **Independent Retail Europe and CECED** supported a simple label.

**The Commission Services** suggested waiting for the outcome of the consumer study before making decisions.

**A class** - AT stated that the A-class should be populated soon after implementation. This was supported by CECED.

**Smart appliances** - EEB suggested including smart appliances on the label as per the labelling framework regulation. NL and CECED agreed. NL suggested including something in the impact assessment, in the documentation that goes to the parliament and potentially in the regulation so that we don't have to wait until the review.

**The Commission Services** replied that a preparatory study is ongoing for smart appliances. They will see how it can be reflected in the documentation.

**Annex IV - Measurements and calculations**

**Stakeholders** indicated that the same comments as in Ecodesign apply.

**Correction factors** - CLASP suggested removing some of the correction factors, mainly the built-in factor, for the energy labels.

**Annex V - Product information sheet**

**Alignment** - NL suggested removing wording that is not in line with the fact that entering information in the database is sufficient. This was supported by IT. In addition, IT suggested to fully align the ecodesign and energy labelling measures. Some examples were given.

**Annex VI - Technical documentation**

**Declared values** - NL suggested clarifying which values are required, declared or measured.

**Annex VII - Information to be provided in the case of distance selling, except on the internet**

**Printed copy** - IT suggested removing the 'printed copy' of the product information sheet to make sure that this is only per specific request or add that the printed copy should be specifically asked for.
Annex VII and Annex X - Arrow

**Arrow - ECOS** suggested only showing the label classes that are really available or grey out the other classes. **DE** supported this, while **NL** suggested that greying out the classes would not be convenient for distance selling by means of paper catalogues. **DE** stated that coloured classes would make the link with the energy label clearer for consumers. The **UK** supported this. **DE** asked if advertisements in black and white would need the coloured scaling. **CLASP** requested adding the little arrow to the consumer survey. **DK** was concerned that the arrow as suggested by Germany would be too complicated for internet selling. **CECED** pointed out that the arrows are different in the different regulations and requested an alignment.

**The Commission Services** replied that another design for the arrow would be possible and requested the CF members to comment on the DE proposal for the arrow. They would check if the design of the arrow could be investigated in one of the consumer studies. **The Commission Services** confirmed that the current text would require the label to be in colour even if the promotion materials are in black and white.

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**Annex VIII - Information to be provided in the case of sale, hire or hire-purchase through the internet**

No comments.

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**Annex IX - Verification procedure for market surveillance purposes**

**Stakeholders** indicated that the same comments as for ecodesign apply.

**Suggestions for improvement** - **NL** suggested aligning with the texts of the other measures.

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**Annex X - Displaying the energy class and the range of the efficiency class in visual advertisement and promotional material**

No comments.

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5.3. **Other comments**

**Timing** - **DK** was not in favour of aligning ecodesign and energy labelling if this would mean that energy labelling would be delayed. **DE** suggested that if tier 1 would be delayed, we should not wait with the information requirements. **BE** asked how the date of application relates to the framework regulation, i.e. when does the 3-weeks relabelling period start?

**The Commission Services** confirmed that the 3 weeks start on the date of application.

**ANEC/BEUC** asked if there would be an opportunity to comment on the new label design that will be based on the consumer study.

**The commission services** confirmed that this would be possible and suggested doing a written consultation on this.
6. AOB

DE requested more information on the taskforce for ICT.

The Commission Services replied that they have established a task force and are drafting the request for service for a support study, hopefully to start in Q1 of 2018.

CECED asked whether the documents of the Inter Service Consultation will be made public, noting that after the ISC, there will be a feedback period of 4 weeks when the document coming out of ISC will be publically available.

The Commission Services could not guarantee this and explained the process.

Comments to the working documents are due by the 26th of January with some flexibility.

ANNEX – Attendance List

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