MINUTES OF THE CONSULTATION FORUM OF 20 JANUARY 2012

Subject Consultation on the draft of the 2nd Working Plan of the Ecodesign Directive (2012-2014)
Place CCAB Building, Brussels
Chair Kirsi Ekroth-Mansson
EC participants Cesar Santos-Gil, Tobias Biermann (ENTR); Paul Hodson, Ismo Gronroos-Saikkala, Adam Romanowski (ENER); Davide Minotti (ENV)

1. Welcome, Introduction and Agenda

The CHAIR welcomed the participants and presented the agenda and the participants from the Commission.

2. Agenda

The agenda was adopted without changes.


3.1 State of implementation of Ecodesign and Energy Labelling measures

The COMMISSION presented the state of implementation of the Ecodesign and the Energy Labelling Directives. The Ecodesign Directive and the first Working Plan (2009-2011) identified 18 priority products, broken down in 37 preparatory studies. So far, 17 implementing measures have been adopted (12 Ecodesign, 5 Energy Labelling). Until 2014, 31 implementing measures are to be adopted (22 Ecodesign, 9 Energy Labelling); 4 voluntary agreements are in the process of recognition, 9 preparatory studies are to be finalised, and 11 existing measures are to be revised.

The COMMISSION recognised that the planning might have been too ambitious given the complexity of the process and the resources available. The preparatory and adoption procedure requires 3 to 4 years if some principles are to be respected, such as transparency and consultation of all parties. The COMMISSION is exploring ways to streamline the process (e.g. 'fast-track' for revision procedures). Besides, the COMMISSION underlined that, with the multiplication of
measures adopted, communication and other implementation-related activities have grown up sharply (e.g. drafting guidelines, following the standardisation process, drafting replies to questions from the Parliament or the press). This has taken away resources from the legislative work. Solutions are under consideration, such as the outsourcing of non-legislative tasks ('helpdesk') or the support from other agencies and organisations.

The COMMISSION announced that a Consultation Forum meeting would be held later in the year to discuss the Ecodesign and energy labelling horizontal issues.

AUSTRIA asked whether priority will be set, in order to direct resources towards the product groups generating the biggest savings.

ECOS stated that it is not acceptable to separate discussions about procedures from the Working Plan, since the way procedures are evolving will impact the feasibility of the Working Plan. It was pointed out that the pace of implementation is too slow given the priorities set in the Directive and the first Working Plan. ECOS raised a number of issues affecting the implementation rate: the lack of resources, the lack of strict deadlines, the lack of political support from the hierarchy, and the issue of low-quality data which is not properly dealt with.

To AUSTRIA, the COMMISSION stressed that boilers and water heaters are notably of high priority, as well as directional lighting.

To ECOS, the COMMISSION in principle agreed with the points raised, although explained that the discussion on the new Working Plan should not be delayed. This would send a negative political message. The COMMISSION stressed that it has not received any political signal that the Ecodesign policy is of low priority. It was added that there has been a sizeable turnover of staff, and new colleagues need to get acquainted with the policy and procedures. Help is sought from external services: the EC Joint Research Centre is being involved in a pilot project; the Executive Agency for Competitiveness & Innovation is looked at for externalisation, in particular within the IEE WP 2012.

The CHAIR suggested that, given that the teams are new, there is an opportunity for stakeholder to provide them with fresh and concrete recommendations.

ECOS emphasised that, albeit the good work done by the Commission staff, as long as the resources are kept at the current (limited) level, the Working Plan is not credible.

The NETHERLANDS welcomed the openness of discussion on such issues. They underline that priorities should be set, and found that, when sufficient evidences were provided, the COMMISSION could take decisions more quickly and shorten the consultation process. The reference was made to the cases of coffee machine and professional refrigeration.

SWEDEN expressed their support for such open discussion. It was suggested that the discussion on the Working Plan should be linked with a discussion on the implementation issues, instead of merely adding new products to the list.

The COMMISSION clarified that it would welcome comments on how to improve the working process.
ITALY welcomed the level of ambition of the new Working Plan, and suggested that a priority should be given to products with high saving potential. It was pointed out that the most difficult step of the process is the development of implementing measures targeting a new product group. Once a product group is covered for one environmental aspect, it is then easier to add new environmental aspects when revising the implementing measure.

The COMMISSION pointed out that prioritising is not as straightforward as it may look like. Not only potential savings have to be taken into account, but also the stage of the regulatory process.

The NETHERLANDS suggested that, if the saving potential of a product group appears to be low, it should be possible to stop the process, even though sizeable resources have already been invested.

3.2 Presentation of the new priority list of product groups for the period 2012-2014 and draft calendar for adoption of the Working Plan

The COMMISSION presented the analysis carried out for selecting product groups to be included in the indicative list of priority product groups for the next three years. It builds on the work done since 2005. The analysis is based on a study carried out by VHK consulting. A quantitative evaluation of potential energy saving was carried out, along with a qualitative evaluation of other environmental aspects. The existing EU legislation was analysed and comments from stakeholders were considered. Five product groups stand in a priority list, while three others are in a conditional list (draft Ecodesign Working Plan 2012-2014). To avoid an overlap, the product groups of the conditional list will be examined in the light of the outcomes of the ongoing regulatory processes of other product groups.

EAA welcomed task 3, but expressed its surprise that windows and insulation products are ranked so differently, while the same EU legislation applies to both product groups. As for windows, EAA suggested that a labelling scheme targeting installers would be more appropriate than a traditional energy labelling scheme, because windows are primarily installed by professionals and not purchased as other consumer goods. It was also stressed that proposal for window labelling was submitted twice to the Commission, but never properly looked at.

BELGIUM asked for clarification concerning cables, smart metering and the scope of steam boilers. It expected explanations on the absence of taps and showerheads and insulation materials in the list.

GERMANY mentioned a study which showed that the net potential gain of smart meter is not clear-cut, because of its energy consumption. Furthermore, it was suggested that the saving potential of such control technologies (e.g. smart meter, lighting control) is reached through their application; the added-value of Ecodesign requirements in that field is therefore questionable.

Velux underlined that energy labelling can be suitable for windows. However, it did not support the use of the Ecodesign Directive for this product group.

The COMMISSION clarified that the preparatory study on windows will also look at energy labelling.
As for insulation products, the COMMISSION clarified that what is critical is not the product per se, but the way it is installed. That is why the Energy Performance of Building Directive would be more appropriate to address this issue.

Regarding smart meters, the saving potential is very high. Furthermore, smart meters, together with the introduction of a new billing regime, have a potential to change consumer behaviour. The Commission pointed out at the ongoing standardisation work on smart meters carried out by CEN. Should this work not deliver the expected results, the legislative approach may be necessary.

As for taps and showerhead, the COMMISSION explained that because of its high sensitivity and expected frictions, the adoption of an implementing measure for this product group could be very challenging as well as time and resource consuming. The focus should, therefore, be given to 'less controversial' product groups that guarantee the adoption of a measure and savings. Given the already significant workload, the inclusion of taps and showerhead in the list was deemed as inappropriate.

On wine storage appliances, the COMMISSION recalled that this product is included in the scope of the refrigeration regulation, which is to be reviewed within two years.

Regarding power cables, it was explained that this product group concerns cables within domestic and industrial buildings.

**VHK CONSULTING** explained that steam boilers are mostly found in industrial installation. The large ones are already covered by existing legislation, such as the Industrial Emissions Directive. That is why, for this product group, the focus will be put on smaller units.

**EVIA (European Ventilation Industry Association)** suggested that fractional horsepower motors to be integrated within the scope of ENER Lot 30, so that all motors out of the scope of ENER Lot 11 would be covered.

**SWEDEN** stressed that the potential of taps and showerhead is large, as showed by the JRC study and a Swedish study. Standards that can facilitate the introduction of a regulation already exist. The positive approach of the industry was mentioned. The implementation of 'technological procurement' in public building in Sweden revealed that the installation of efficient taps and showerheads was successful and did not significantly increase the costs. Sweden expected clearer explanations on the disappearance of taps and showerheads from the Working Plan.

**ANEC/BEUC** welcomed that the COMMISSION acknowledges and opens the discussion on implementation issues. As for insulation products, it regretted that the issue of hazardous substances would not be covered, and stressed that the debate should not only focus on product level versus system level. Regarding taps and showerhead, the explanations were not well understood, and more details were expected. Besides, ANEC/BEUC was concerned about the fact that the COMMISSION had still not yet adopted a regulation on boilers.

**BELGIUM** suggested considering a third approach towards smart metering, in which appliances are directly targeted. For instance, a display showing the consumption could be added to each appliance.

**GERMANY** highlighted the importance of taking into account the use profile (e.g. load, running time) when considering certain product groups for the inclusion in the Working Plan, in particular power cables and motors.
DIGITAL EUROPE expressed its surprise concerning the inclusion of power cables in the list. More efficient cable means the use of more copper. This could increase the cost. Moreover, it could be questioned whether such a measure would be consistent with the increasingly important issue of resource efficiency. As for servers, DIGITAL EUROPE stressed that energy consumption was a cost issue for companies running servers. The work is already ongoing within the COMMISSION (e.g. a code of conduct of data centres energy efficiency), as well as some companies run specific programmes on this issue. It was suggested to give more time to the industry to develop initiatives.

GERMANY stated that there had already been critical press articles concerning regulatory work on taps and showerheads. It was pointed out that the link with the light bulb issue was not unreasonable. DE asked for clarification on whether the energy consumption of smart meters will also be looked at and on the concrete added-value of the Ecodesign Directive for this product group.

The UK welcomed the acknowledgement of implementation issues by the COMMISSION. It questioned the credibility of the Working Plan given the resources and time constraints. As for taps and showerheads, the UK asked for further explanations. The UK authorities and the UK industry would rather support a regulation. Furthermore, the UK suggested the merging of blowers and fans in a single lot.

ECOS recalled that, in the recital of the recast Directive, three symbolic energy-related products are mentioned (taps, showerheads, insulation products) which are not in the Working Plan. ECOS asked for explanations, and asked to insert them in the conditional list. It was proposed to look carefully at the 'political feasibility' of some product groups; some measures could arguably be easier to develop. ECOS suggested that some products could be tackled when reviewing existing legislation instead of launching a new legislative process, e.g. requirements on stand-by mode could be extended to industrial product and the voluntary agreement on medical imaging equipment could be extended to other medical equipment.

ORGALIME welcomed the timeline and the proposed Working Plan. It regretted that the final study was made available after the circulation of the draft Working Plan. Further explanations were expected for power cables and smart meters. It was requested that, as the discussion on smart meters and appliances came at the very end of the process, more information should be provided. Besides it was underlined that domestic and commercial products should not be mixed.

AUSTRIA suggested that energy labelling could be used for taps and showerheads, which is less risky than an Ecodesign measure.

Regarding taps and showerheads, the COMMISSION considered that the cost of the legislative work is likely to be too high. The COMMISSION was also doubtful that an Ecodesign measure could bring any added-value for insulation products. On these two product groups, the COMMISSION invited the participants to send their comments in writing.

It is recalled that the main objective of including smart meters in the list was to pave the way for further work on smart metering and appliances.

Regarding fractional horsepower motors, the first choice was to include them in lot 30, however there was an issue of resources. The COMMISSION invited the participants to contribute to the discussion of the scope of lot 30.
Furthermore, the COMMISSION stressed that load is a crucial parameter that is looked at when evaluating Ecodesign requirements. The extended product approach for industrial products was to be pursued, and standardisation processes had been launched in that perspective.

SELMA underlined that the system level should be kept as the main focus. For instance, lighting control cannot save energy alone, but in connection with the whole system.

GERMANY clarified that its previous comment did not focus specifically on part-load but also on low running time.

The COMMISSION confirmed to SELMA and GERMANY that those aspects would be looked at.

ÖKOPOL on behalf of environmental NGOs welcomed the approach taken by the COMMISSION. Some clarifications were asked concerning the revision of existing regulation, in particular whether only the requirements will be updated, or whether the scope could also be changed. ÖKOPOL asked whether any procedures already exist for these processes.

SWEDEN clearly indicated that it cannot accept the removal of taps and showerheads from the Working Plan. The Swedish position will be presented in written format, as well as information on the work done with regard to this product group in Sweden. It was stressed that clear and significant benefits could be obtained, in particular in the realm of resource efficiency. Water is an increasingly concerning problem, especially in southern Europe. SWEDEN underlined that if the work on labelling was to be done. SWEDEN stated its support for the launch of a preparatory study.

ITALY stated that SWEDEN should not involve southern countries in the discussion without their approval.

BELGIUM added that there were ongoing studies on taps and showerheads under Eco-label and GPP. It expressed its surprise that this product group would not be looked at, even though there could potentially be quick-win measures.

EEB recalled that discussions around product and system levels are usually complex and do not lead to concrete progress. Instead, it was proposed to look at this issue in each lot on a case-by-case basis. As for smart meters and appliances, EEB proposed to launch a smart regulation under the Integrated Product Policy, which would look at opportunities in each product groups.

CEIR, the European association for the valves and taps industry, pointed out that there were ongoing activities under Eco-label, which should not be used as a preparatory study for ecodesign measure. It was stressed that frictions might exist regarding certain materials in contact with water and that a mere focus on energy would be a missed opportunity.

As regards the question on the scope under the revision process, the COMMISSION stated that this was an open question, to be discussed on a case-by-case basis. The revision process would be faster if there were no changes to the scope. The COMMISSION invited the participants to contribute to this discussion. It was recognised that the system approach, for instance in the case of motors, could be a challenging issue. Middle-way approaches were often to be found after the completion of preparatory studies.
On environmental impacts other than energy, the COMMISSION recalled that it was feasible under the Directive to regulate them, but that so far the focus had been given to energy-using products, for which the energy consumption during the use phase was found to be the most urgent aspect to be regulated. The COMMISSION further stated that the study on taps and showerheads done under Eco-label and GPP was specific for these instruments, and therefore cannot be used as such for an Ecodesign measure.

The GERMAN Federal Environment Agency asked for information on the preparatory study launched on water irrigation products.

On environmental impacts other than energy, ECOS emphasised that the ongoing study for the review of the Ecodesign Directive revealed some missed opportunities in already adopted regulations. Given the work done by the JRC and DG ENV on resource efficiency issues (e.g. critical material, recyclability), ECOS expressed its disappointment on the limited emphasis put on those issues in the draft Working Plan. It was felt that there was a lack of comprehensive strategy embracing horizontally those aspects. ECOS asked for a clarification on how the work done by the JRC and DG ENV could be included in the ecodesign process.

The UK expressed its interested for the environmental footprint methodology developed by the JRC and DG ENV and for other related work. Further explanation was requested on how this work and the Ecodesign process could fit together.

ECOS asked for information on the development of a possible voluntary agreement for machine tools, while the preparatory study is still ongoing. It was underlined that this preparatory study would be needed if the Consultation Forum was asked to give an opinion on the voluntary agreement. ECOS requested for more guidance on voluntary agreements.

PUEC/ANEC expressed its surprise concerning a possible voluntary agreement on game console.

As regards environmental impacts other than energy, the COMMISSION stated that it would be a part of the future work to look more at such aspects. It was stressed that it would require a larger amount of work, especially for the development of standards. Trade-offs between different impacts would have to be sorted out. Within the IEE WP 2012 it was planned to launch studies on horizontal aspects of the implementation issues. The COMMISSION invited all participants to propose ideas for that matter.

As for machine tools, the COMMISSION recognised the complexity of the issue. It was underlined that only the steel processing machine tool industry had proposed a voluntary agreement, which was so far not of sufficient quality. No voluntary agreements are in preparation for plastic and wood processing machine tools. A voluntary agreement could also be prepared gaming consoles, which is part of ENTR Lot 3 on sound and imaging equipment. The COMMISSION stressed that the Directive already defines criteria to assess voluntary agreements, and that a guidance document has already been circulated. It was clarified that a voluntary agreement needs to undergo an impact assessment to be formally recognised by the EC. In that case, it is equal to an implementing measure.

The COMMISSION stated that the ongoing work done by the JRC examines certain aspects related to the end-of-life and durability of products, upstream of the standardisation process. If the methodologies developed are successful, they could possibly be integrated into the Ecodesign methodology in the future. The COMMISSION underlined that it has yet to define its policy on
this. Information on the JRC project would circulate in CIRCA. A stakeholder event would take place the coming summer.

The CHAIR recalled that all written comments should be sent before the 10th of February.

4. New Ecodesign methodology for energy-related products (MEErP)

The CHAIR announced that the study for the MEErP was finalised at the end of 2011.

The COMMISSION recalled several elements about the methodology. Its aim is to link Article 15 of the Directive to the preparatory studies. The first methodology (MEEuP) was designed in 2004-2005. The preparation of the new methodology (MEErP) follows the recast of the Directive in 2009. The methodology is addressed to the COMMISSION and technical experts; it is not designed for public use. Other projects are being carried out (e.g. environmental product footprinting), which could, if relevant, be integrated in the MEErP. It was underlined that it is open for contribution.

VHK CONSULTING presented the new features of the methodology. Although the MEEuP had been recognised as a proven and effective tool, two shortcomings were pointed out: the low availability of data and an unbalanced focus on energy. The main changes are the following: evolution of the structure (in particular the introduction of a 'quick scan' task); enlargement of the scope to the ‘affected energy system' and introduction of system aspects; systematic consideration of third country legislation; reassessment the scope throughout the process; upgrade of the EcoReport tool; setting of default values; introduction of a sensitivity analysis; and provision of a large set of environmental and economic data.

ANEC/PUEC stressed the importance of assumptions representing consumer behaviour. It was pointed out that many studies on this topic lack of independence. More thorough studies on consumer behaviour were expected, in particular the use of consumer focus groups.

VHK CONSULTING recognised that this would be a desirable, but very costly, input to preparatory studies. It is up to the COMMISSION to decide whether to invest resources on this matter.

EAA considered that the way recycling is taken into account in the MEErP is not satisfactory, and differs from the methodology developed by the JRC for the environmental footprint. Moreover, EAA explained that the MEErP adopts a sectoral approach, while a product approach would be more appropriate.

VHK CONSULTING underlined that this issue of how recycling and recyclability is taken into account is a never-ending debate. It was considered that the proposal from the metal industry is based on another definition of recyclability which cannot be taken into account in the MEErP.

ECOS added that several assumptions in the MEErP are misleading, and undermine the potential of the methodology. For instance, it is assumed that the End-of-Life of electronic and electric equipment is tackled by the WEEE Directive, which is not yet fully the case. ECOS called for more consistency between the MEErP and the work carried out by the JRC on reusability, recyclability and recoverability. ECOS supported the idea that the methodology could be significantly improved by tackling those issues.
VHK CONSULTING claimed that the recycling and recyclability issue is properly tackled in the MEErP, and that the approach supported by EAA is not satisfactory.

EAA claimed that recyclability is not addressed in the MEErP, which should reflect the work of the JRC.

BELGIUM supported the recycled content approach used in the MEErP, as opposed to the approach by EAA.

ÖKOPOL on behalf of environmental NGOs stressed that the result sheet of the EcoReport tool is very simple, and suggested that it should not be considered as the only basis to decide on which impact is relevant and which is not.

VHK CONSULTING agreed on this point.

GERMANY welcomed the new methodology, especially the introduction of default values and the social cost benefit analysis. It was stressed that many impacts are hidden in the recymax indicators. The work of the JRC should be closely followed for a potential integration to the MEErP.

The NETHERLANDS congratulated VHK CONSULTING for the MEErP. It was however underlined that the cost of a preparatory study using the new methodology is likely to be higher than previous studies.

VHK CONSULTING agreed that preparatory studies may cost more. Nevertheless, it was underlined that the MEErP will contribute to automate the development of preparatory studies.

GASP suggested that more analysis should be carried out on scenarios with several tiers for the introduction of mandatory requirements. GASP also asked for more transparency, especially on the business-as-usual scenarios and on the criteria used.

Regarding the cost issue, ECOS stressed that synergies can be developed between different instruments. For instance, it was suggested that the core part of the MEErP could be shared with methodologies used for other instruments.

The COMMISSION acknowledged that different methodologies have steps that are relatively similar. However, significant differences still exist between the MEErP and other methodologies, for instance the use of indicators. It can be envisioned to reassess the LCA part of the EcoReport tool in the light of the development of the environmental footprint methodology.

ITALY asked whether it is possible to derive a 'fast-track' methodology from the MEErP. This could be useful for the revision process of existing measures. ITALY also wondered whether it is conceivable to select the consultants in charge of preparatory studies in a more effective way.

The UK requested information on how the different tools and methodologies would work together.

NORWAY presented arguments which suggest that the primary energy factor used in Ecodesign (set at 2.5) should be lowered. The factor is currently calculated using a long-term average; Norway asked for a better modelling. In particular, it was argued that the European electrical
system is diverse and it is likely that the share of renewable energy will grow significantly. Moreover, more efficient fossil fuel technologies are being promoted. The factor will therefore probably drop.

GERMANY underlined that establishing benchmarks is crucial but difficult, and regretted that the MEErP does not provide more guidance on it.

VHK CONSULTING agreed that identifying benchmarks is difficult. It depends on a number of factors, among which the quality of the consultants and the money invested in the study. To ITALY, VHK CONSULTING stressed that the 'task 0' of the MEErP can provide a useful basis to develop an accelerated track.

The COMMISSION agreed that the primary energy factor is likely to decrease. However, it is safer to work with an average than with a value that hangs on political decision. Moreover, the factor has to be harmonised across different instruments, in particular with the Energy Services Directive and coming Energy Efficiency Directive.

The CHAIR closed the meeting.