



EUROPEAN COMMISSION
Impact Assessment Board

Brussels,
D(2012)

Opinion

Title **DG ENER - Impact Assessment on a voluntary agreement concluded under the Ecodesign Directive 2009/125/EU to improve the energy efficiency of imaging equipment**
(draft version of 17 August 2012)*

(A) Context

Directive 2009/125/EC (Ecodesign Directive) establishes a legal framework for laying down ecodesign requirements for selected priority product groups. Under the Ecodesign Directive, a priority product group must be covered by either a mandatory implementing measure or a self-regulatory measure, if it meets three conditions: (i) it represents significant sales volumes, (ii) it has a significant environmental impact and (iii) it has a significant improvement potential. Furthermore, the Directive encourages the Commission to prioritise self-regulatory measures over mandatory measures if the former is likely to deliver the policy objectives faster or in a less costly manner than the latter. The present report discusses amongst other options the enforcement of a voluntary agreement which aims to reduce energy consumption and related CO₂ emissions produced by imaging equipment and promote energy efficiency. This comes against a backdrop of continuous environmental improvements made within this product group already, as pointed out by the preparatory studies. So far, no voluntary agreements substituting mandatory Ecodesign Regulations have been approved.

(B) Overall assessment

The report should be improved in a number of respects. First, it should more clearly describe and substantiate with further evidence the concrete problems to be addressed, and should better explain the improvement potential. The report also needs to set out a more credible baseline scenario which more accurately reflects current technological developments in the sector as well as requirements flowing from third country regulatory regimes (i.e. US Energy Star programme). Second, the report should set out a clear level of ambition, including specific objectives and concrete targets for reducing the energy usage of imaging equipment. It should better justify the level of the targets that appear to have been adopted, with closer reference to the different views of stakeholders. Third, the report should provide more detail on the actual content of each of the policy options, and demonstrate the added-value of the voluntary agreement compared to the strengthened and updated baseline scenario. Fourth, the report should further assess the potential impacts on consumers, and the competitiveness of EU-based manufacturers.

In their written communication with the Board DG ENER accepted to amend the report along the lines of these recommendations.

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted

(C) Main recommendations for improvements

1) Clearly identify problems and strengthen the baseline scenario. The report should identify the concrete problems to be addressed more clearly, and demonstrate to what extent the current baseline trend (as of 2012) needs to be further improved. The problems should then be linked more closely to the EU's commitments on climate change and requirements under the Ecodesign Directive. The report should then better substantiate and elaborate on the underlying problem drivers (market and regulatory failure), and provide concrete evidence from the field or as cited in the preparatory study, to support the practical relevance of these drivers. The scope of the measures should be further specified by outlining the proportion of total imaging equipment products to be covered by the measures, and by outlining which products are to be exempted. The baseline should be considerably strengthened by bringing it fully up to date with the energy efficiency advancements in the sector since 2005, and by providing more information on the current legislation already in place in the EU. The report should then explain the scope of the Energy Star programme, and explain what elements are already implemented within the Union, under the EU-US agreement. On that basis a more credible baseline scenario should be developed, so that the difference attributable to the voluntary program would become clearer.

2) Present a clear level of ambition. The report should set a hierarchy of objectives, which includes specific and operational objectives. The specific objectives should then directly correspond to the objectives of the voluntary agreement, which also need to be further refined so as to make clear industry's level of ambition and engagement compared to the revised baseline scenario, and so as to provide the basis for the periodic revisions that will take place every 3-4 years. Specific targets should be set within an appropriate timeline, and these should be clearly linked to the reworked problem definition/baseline as well as to more concrete monitoring indicators. Finally, the report should explain and justify these objectives with closer reference to the views of each main stakeholder group stating clearly the extent to which the voluntary approach will achieve the optimum potential savings in the future compared to other options and the baseline.

3) Provide further information on the policy options. The report should provide more information on the content of the policy options. It should discuss the added value of the voluntary agreement, and clearly explain within the main text exactly what the additional requirements for industry will be, compared to those already imposed through other (third-country) regulatory frameworks. The report should then explain concretely how the different preferences of Member States, NGOs, consumer groups, SME associations, and industry, have been taken into account in the formulation of the chosen policy option. In relation to option 4, mandatory ecodesign regulation, the report should provide a more developed assessment of the feasibility of this option, and explain why a Regulation would not provide the necessary market 'pull' or rather 'push' towards new energy efficiency technologies. It should also discuss how such a Regulation could negatively impact upon the implementation of the Energy Star programme. Finally, it should be explained how enforcement is to be ensured for the mandatory and voluntary approaches.

4) Further substantiate the main impacts. The report should further explain the methodology and assumptions for calculating the energy consumption and emissions figures for each of the options. It should then assess the potential impacts on consumers and on retail prices, and substantiate the administrative costs to industry and national

authorities, and especially the administrative burden associated with the yearly reporting and evaluation arrangements. The competitiveness and employment impacts on manufacturing plants based in the EU should then be further explored, especially with regards manufacturers in third countries that have not signed up to the Energy Star programme (China, India, and Russia). The report should also assess the relationship between the impacts of the various options and other climate change policies (the EU ETS).

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report

(D) Procedure and presentation

The report should explain why a full public consultation, in accordance with the Commission's consultation standards was not carried out.

(E) IAB scrutiny process

Reference number	2012/ENER/037
External expertise used	No
Date of IAB meeting	19 September 2012 (Written Procedure)