



Comments on the Commission's draft working documents Lighting review

1 February 2016

Summary

On behalf of environmental NGOs, we welcome the Commission's draft legislative proposals to revise existing lighting regulations EC 244/2009, EC 245/2009, EU 1194/2012 and delegated act EU 874/2012. We welcome the intention to simplify the regulatory framework, which should facilitate compliance from obligated parties, as well as the work of Market Surveillance Authorities (MSAs). However, we are concerned the simplification exercise has triggered a number of issues described below, which we urge the Commission to address.

Increase the ambition of the Ecodesign minimum efficacy requirements

The levels of the proposed Ecodesign minimum efficacy requirements are far too lenient. Under the current proposal, the requirements set for 2018 and 2020 are for some lighting products below existing 2010 requirements¹. Only in 2024 would the suggested Ecodesign regulation require an improvement of the efficiency of these products, which are the largest user of lighting energy in Europe today. We suggest the Commission brings forward proposed 2020 and 2024 Ecodesign requirements to 2018 to 2020, respectively, in line with the preparatory study² ECO120+LBL scenario.

Adjust Energy Labelling levels

We welcome the Commission's proposed A-G label. We also applaud the decision to apply the same A-G label to luminaires with integrated LEDs, with no correction factor. We think however the current proposal does not allow for sufficient level classes at the bottom end of the scale, and too many at the top end.

Close remaining loopholes and clarify definitions

The proposals must also be improved to: 1) close any possible loopholes regarding special purpose lamps; 2) restrict the use of the term 'energy-saving lamps' or similar; 3) clarify standby definitions and requirements; 4) require the display of energy labels on the front of the packaging; 5) explicitly prohibit the use tolerances by suppliers; 6) introduce a mercury-free logo on the label.

¹ e.g. for Linear Fluorescent Lamps (LFL), high-pressure sodium (HPS) lamps and metal halide (MH) lamps, who make up the largest share of the lighting market in Europe.

² Lot 8/9/19 Ecodesign Preparatory Study on Light Sources: <http://ecodesign-lightsources.eu/documents>

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Comments on the Ecodesign draft proposal

Increase the ambition of efficacy requirements

The levels of the proposed efficacy requirements for both domestic and professional lighting are far too lenient. The current European Commission’s proposal (based on the consultants’ ECO80+LBL scenario) would actually lower requirements below what current regulations stipulate. Europe would not only be lagging behind other major economies, but also behind what it set for itself years ago.

Figure 1 illustrates how the proposed Tier 1 and Tier 2 are below existing 2010 Ecodesign requirements³ for Linear Fluorescent Lamps (LFL), which represent 46% of the lighting primary energy consumption in the EU-28⁴. Only in 2024 would the suggested Ecodesign regulation require an improvement of the efficiency of LFLs, the largest user of lighting energy in Europe today. Moreover, the requirement calculation offers a free bonus of 2W to all lamps (presumably to anticipate standby losses in ‘smart’ lamps, which are still very niche today):

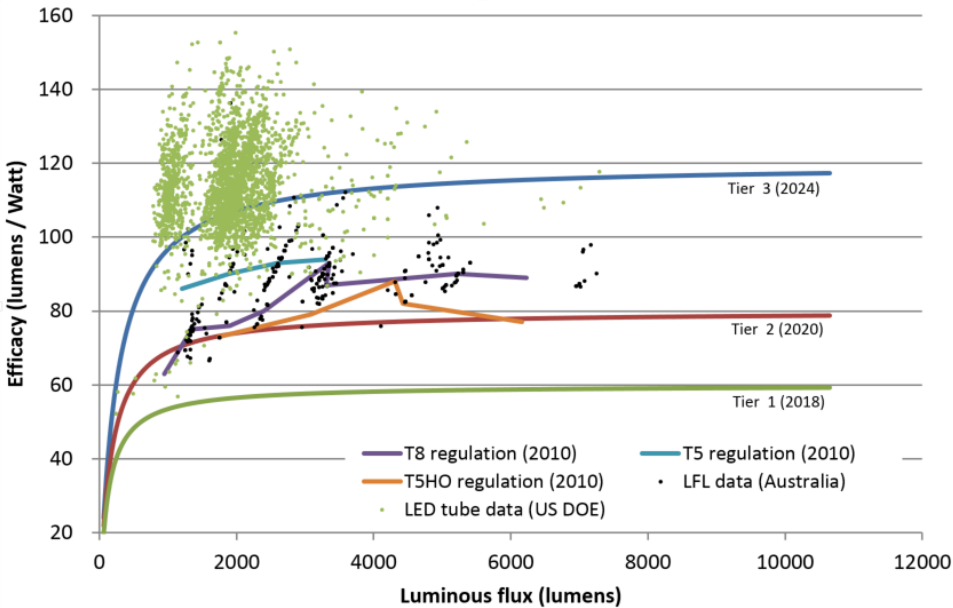


Figure 1: current Ecodesign Tier 1 (2018) and Tier 2 (2020) proposals are below existing 2010 requirements for Linear Fluorescent Lamps (46% of lighting primary energy consumption in the EU-28⁵). CLASP, 2015.

A similar problem applies to High-Pressure Sodium (HPS) lamps: the Ecodesign requirements suggested by the Commission for 2018 (Tier 1) and 2020 (Tier 2) are for most part below the existing 2012 Ecodesign requirements⁶ for HPS lamps, both clear and not clear ones. It is only in 2024 that the suggested Ecodesign regulation would require an improvement of the efficiency of all HPS lamps:

³ Commission Regulation (EC) No 245/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to eco-design requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps, and repealing Directive 2000/55/EC of the European Parliament and of the Council

⁴ See VHK preparatory study on lighting products, task 5, figure 6.

⁵ Same as (4) above.

⁶ Same as (3) above.

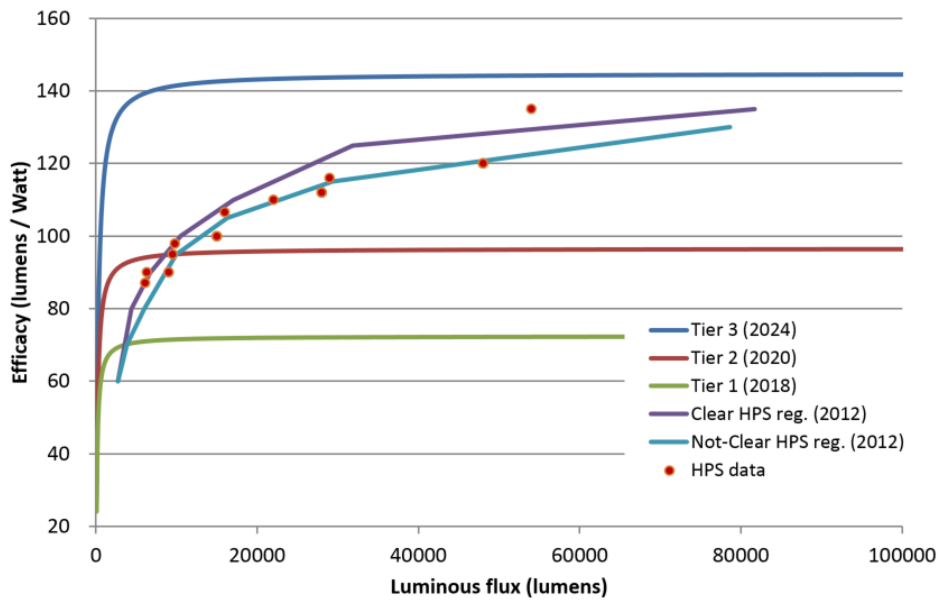


Figure 2: current Ecodesign Tier 1 (2018) and Tier 2 (2020) proposals are below existing 2012 requirements for most luminous flux levels for High Sodium Pressure (HPS) lamps. CLASP, 2015.

Similarly for Metal Halide (MH) lamps, both clear and not clear: the Ecodesign requirement suggested by the Commission for 2018 (Tier 1) is below the existing 2017 Ecodesign requirements⁷ for MH lamps; the 2018 requirement (Tier 2) is roughly equivalent to existing 2017 Ecodesign requirements; and it is only in 2024 (Tier 3) that the suggested Ecodesign regulation would require a real improvement of the efficiency of MH lamps:

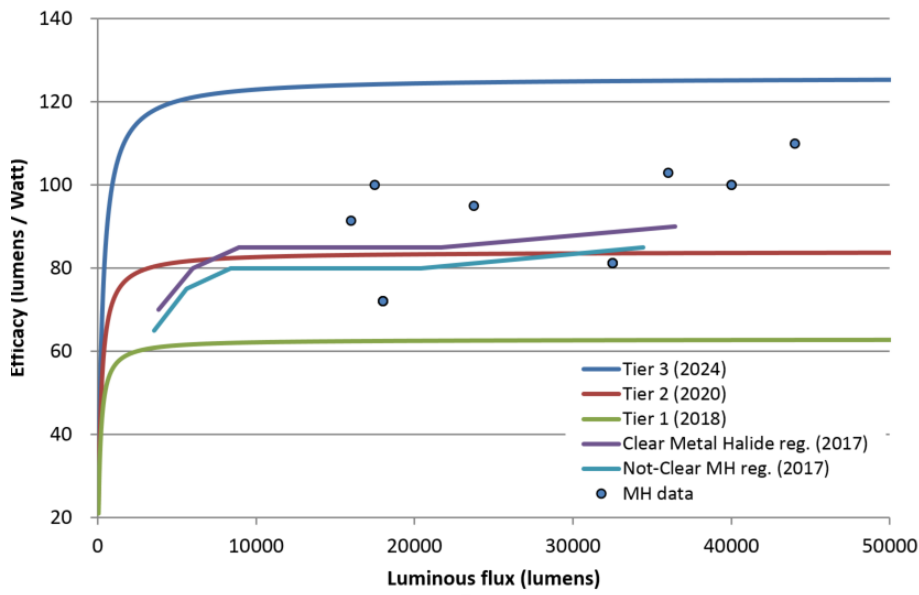


Figure 3: current Tier 1 (2018) and Tier 2 (2020) efficacy requirements are not higher than existing 2017 requirements for Metal Halide (MH) lamps. CLASP, 2015.

⁷ Commission Regulation (EC) No 245/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps, and repealing Directive 2000/55/EC of the European Parliament and of the Council

This backtracking on existing commitments is unacceptable in itself, and incongruous in the context of the current international climate commitments and the European Union's own energy and climate objectives. It also creates a risk that low efficiency products that are not sold in the EU any longer make a comeback (backsliding)⁸.

In order to maintain the simplified approach without jeopardising energy savings, the Commission should propose Ecodesign requirements in line with the consultants' ECO120+LBL scenario. This scenario –which brings suggested 2020 and 2024 requirements forward to 2018 to 2020–outperforms all other analysed scenarios, not only in terms of energy savings, but also greenhouse gas emission reductions and total monetary expenses⁹.

⇒ **Our recommendation, supported by several Member States during the Consultation Forum meeting of 7th December 2015 is therefore to bring proposed Ecodesign tiers forward in line with the ECO120+LBL scenario: current Tier 1 disappears, Tier 2 enters into force in 2018, and Tier 3 in 2020. A review would follow in 2021.**

Firmly close special purpose lamp loopholes

The special purpose lamp exemption in current Regulations has had a very detrimental impact by allowing some suppliers to flood the market with terribly inefficient incandescent lamps qualified as 'decoration lamps' or 'vintage lamps', but in fact used for illumination in many restaurants and even households.



Figure 4: Examples of lamps placed on the market that are twice less efficient than old incandescent bulbs

In the past, some suppliers have been clearly playing against the spirit of the EU policy. The European Commission cannot take the risk of this happening again, and should close all special purpose lamp loopholes with 100% certainty.

The draft proposal suggests to exempt lamps that are 'specified to operate exclusively' in a number of professional environments (e.g. military installations, vehicles, but also pieces of art, or when the temperature is above 50°C). It is unclear who 'specifies' it, and how it is to be 'specified', as there is

⁸ Read more here: <http://www.coolproducts.eu/blog/lighting-timewarp>

⁹ See VHK preparatory study on lighting products, task 7, table 14.

no requirements on the way it shall be indicated on the packaging. A manufacturer could still sell standard incandescent lamps by adding a very small mention on the packaging such as 'to be used in art', or 'only for high temperatures'.

The risk of some unethical supplier taking advantage of the loophole therefore remains high, as shown by previous experience. **We recommend that the Commission close this loophole by more clearly defining the exemptions in terms of objective, measurable characteristics of lamps such as their shape, lifetime, emission spectrum, etc.**

Maintain anti-greenwashing provisions

The proposed Regulation would repeal Regulations 244/2009 and 1194/2012, including the information requirement restricting the use of the term 'energy-saving lamp' or equivalent to genuinely efficient lamps¹⁰.

This 'anti-greenwashing' requirement is missing in the draft proposal, and should be reinstated. Halogen lamps will still be placed on the market until 2018, and marketing strategies to flood the market just before September 2018 and push consumers to stockpile are to be expected. In this context, it is of utmost importance (and coherence) to make it very clear that the requirement still applies, i.e. that the terms 'energy-saver', 'eco-halogen', and the like are not allowed on packaging of halogen lamps. In addition, this restriction should apply to CFLs, as they are now clearly less energy efficient than their equivalent LEDs. In the future, this restriction should evolve with changes in the market, applying always to all lamps that do not fall in the most efficient label categories.

We also strongly encourage market surveillance authorities to put greater pressure on suppliers to comply with this requirement. It is easy to spot in shops many non-compliant packaging of halogen lamps. While the situation is steadily improving thanks to dedicated pressure from NGOs of the Coolproducts coalition¹¹, it is the role of authorities to ensure that all market players comply.

Better define standby consumption requirements

We consider that the standby & networked standby consumptions of lighting products have not sufficiently been addressed in the current draft and the Commission should give more consideration to the issue:

- Firstly, a differentiation between standby consumption thresholds and networked standby consumption thresholds needs to be considered. One option could be to only provide the allowance to lamps that actually have networked functionalities.
- Moreover, we would like the Commission to reformulate Annex II Point 1.1.1 of its proposal, so that the proposed 0.5 Watts rated power consumption (or whichever level is finally agreed) is only allowed once for lighting products, as the proposal seems to allow the addition of threshold for different lighting parts.
- We think the data currently available does not provide enough evidence to set an appropriate standby requirement, and that 0.5 Watts might be too high. We urge the Commission to look into this issue and share the results with the Consultation Forum.
- The current Ecodesign formula offers a free bonus of 2 Watts to all lamps (presumably to anticipate standby losses in 'smart' lamps, which are still very niche today). This allowance should be removed should the Commission decide to keep the single formula approach.

¹⁰ See for example regulation 244/2009: "The term 'energy saving lamp' or any similar product related promotional statement about lamp efficacy may only be used if the lamp complies with the efficacy requirements applicable to non-clear lamps in Stage 1 according to Tables 1, 2 and 3."

¹¹ <http://www.coolproducts.eu/blog/bulb-fiction>

Include circular economy requirements for luminaires

The issue of luminaires of which the light sources cannot be separated/exchanged has not been sufficiently addressed in the preparatory study and in the current proposals. We would like to ask the Commission to fully assess the impact of the following possible measures:

In amended Tier 1:

- Display on the package a warning to consumers, explaining that the lighting components of these lighting solutions cannot be replaced;
- Request meaningful minimum lifetime –clearly above those for replacement lamps (e.g. 50.000 hrs);
- Display on the label the warranty time offered by the suppliers (minimum two years) without burden of proof on consumers;

In amended Tier 2:

- Require all lighting products to be designed for ease of access to components and subassemblies, notably the lighting part, which will need removal for replacement.

Ensure that tolerances cannot be used by suppliers

The verification procedure (Annex III) does not include the very important provisions to avoid the misuse of tolerances in product declarations. The Commission should include the following text in its proposal, which is in line with the Commission’s suggested omnibus amendments on tolerances:

‘The tolerances for variation indicated above relate only to the verification of the measured parameters by the Member States’ authorities and shall not be used by the supplier as an allowed tolerance on the values in the technical documentation to achieve an efficiency level compatible with minimum requirements to place the product on the market. The declared values shall not be more favourable for the supplier than the values reported in the technical documentation.’

Carefully consider exemptions for problematic products

Should an exemption need to be awarded to High Pressure Sodium Lamps to protect large investments already made, we would ask the Commission to:

- Clearly set a time limit for such a measure;
- Forbid tertiary lighting systems not compatible with the most energy-savings technologies.

Comments on the Energy Labelling draft proposal

We welcome the Commission’s proposed A-G label, which is in line with current discussions on the revision of the Energy Labelling Directive. We also applaud the decision to ditch the current compatibility label for luminaires; and to apply the same class levels and testing requirements to luminaires with integrated LEDs as it is proposed for lamps, without correction factor.

We have the following recommendations to improve the Commission’s proposal even further:

Adjust Energy Labelling levels

The proposal for class thresholds is particularly ambitious. While we support ambition and a challenging level for the top two classes, we also believe that the scale should be designed carefully in order to have the most positive impact on consumers, also considering the transition from the current to the new scale.

Under the current proposal, the most efficient LEDs on the market in 2018 would fall from A+ or A++ classes down to E or F. This could be a bit too abrupt for supporting a positive message on the advantages of LEDs (notably in the context of the 2018 ban of halogen lamps that will require some communication efforts). We recommend readjusting the labelling scale in the following way:

Energy efficiency class	<i>lm/W – current proposal</i>	<i>lm/W – alternative</i>
A	210	200
B	185	150
C	160	125
D	135	105
E	110	90
F	85	75
G	0	0

Table 1: suggested energy labelling levels

These suggested Energy Labelling requirements allow for enough space for differentiation between the best LEDs (which would reach class D or C), and less efficient technologies, which would fill the other classes. Figure 5 below shows how the suggested energy labelling levels interact with our suggested Ecodesign requirements:

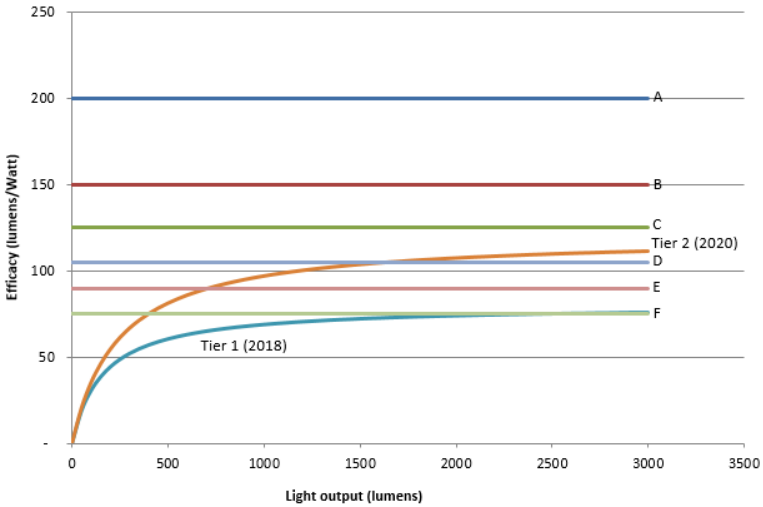


Figure 5: suggested combination of Ecodesign and Energy Labelling requirements.

Make the label always visible on the front side of the package

We consider of utmost importance to ensure the energy label is more visible at the point of sale, through displaying it **on the front side of lamp packaging**.

For consistency, transparency, and fairness, we recommend deleting the following exception (in Annex III): *‘Only if the label would significantly distort or complicate the packaging (such as in some blister packages), the label can be placed on another side.’* We think this would open too wide a loophole. As brands usually use a similar packaging for all their models, it means that some brands would have their entire portfolio without the visible label and only an arrow. In small and non-specialised shops where only one brand is available, the clarity of energy labelling would be compromised.

Ensure that tolerances cannot be used by suppliers

The verification procedure (Annex VIII) does not include the very important provisions to avoid the misuse of tolerances in product declarations. The Commission should include the following text in its proposal, which is in line with the Commission’s suggested omnibus amendments on tolerances:

‘The tolerances for variation indicated above relate only to the verification of the measured parameters by the Member States’ authorities and shall not be used by the supplier as an allowed tolerance on the values in the technical documentation to achieve a more efficient energy class. The declared values shall not be more favourable for the supplier than the values reported in the technical documentation.’

Introduce a mercury-free logo

We call on the Commission to go further than the sole introduction of an information requirement regarding mercury content, by the introduction of a mercury-free logo such as the one which was proposed in the draft display regulation. This would give an additional incentive to consumers to buy the most efficient products (i.e. LEDs), containing no mercury.

ENDS.

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