



Revision of EU Ecodesign and Energy Label for household dishwashers, washing machines, and washer-dryers: NGO comments on the JRC discussion document for material efficiency criteria

October 2016

We would like to thank the JRC for the opportunity to follow up with comments in written after the webinar on 7 October 2016 when the proposals on potential material efficiency requirements for washing machines (WM), washer-dryers (WD), and dishwashers (DW) were presented and further explained. We also welcome the draft JRC technical report on “Analysis of durability, reusability and reparability - Application to dishwashers and washing machines” which forms the scientific basis for justifying minimum information and design requirements to be implemented for these product categories under the framework of the EU Ecodesign and Energy Labelling Directives. We highly recommend referencing the main findings of this report within the official preparatory study for the revision of the related implementing measures.

The investigation of material efficiency and end-of-life aspects was a precise and named objective of the review study for this product group. The results from the different life cycle impact assessment scenarios for durability, reusability and reparability through the refined JRC’s resource efficiency assessment of products (REAPro) method should complement the analysis undertaken through the general Methodology for the Ecodesign of Energy-related Products (MEErP). Building on this comprehensive analysis, the preparatory studies for WM, WD and DW need to conclude on policy options and concrete proposals addressing the significant and positive environmental improvement potentials related to prolonging the lifetime of those products and supporting effectiveness of recycling them at their end-of-life.

Therefore, the undersigned organisations aim with this paper to identify and prioritize those measures that can and should be regulated within the forthcoming revision process.

Criteria for prioritization of policy options

Based on our previous input on material efficiency & end-of-life aspects for these product categories from August 2015, we recommend using the following criteria for prioritization of policy options to be regulated under Ecodesign and Energy Labelling provisions:

- ***Leverage for environmental and consumer benefits through a single market, product-specific regulation compared to national policy measures***
- ***Support of regulative coherence with legal obligations under the WEEE Directive***
- ***Facilitation of implementing, monitoring and verifying the requirements***
- ***Not depending on the outcome of the standardisation work following the Mandate M/543***

Justification

In its EU Action Plan for the Circular Economy from December 2015, the European Commission commits itself to put more emphasis on circular economy aspects in future product requirements under the Ecodesign directive. The Council of Environmental Ministers concluded on 20 June 2016 that it “NOTES with concern that the Commission has failed to meet the timetable indicated in the

annex to the action plan for actions regarding eco-design; REQUESTS the Commission to follow-up on these actions without further delay; URGES the Commission to include appropriate measures to improve the durability, reparability, reusability, possibilities to use recycled materials, upgradability and recyclability of products in the EU Ecodesign regulations, and other legislation as appropriate, before 2020.” Finally, the European Parliament expressed its support to these measures in its own initiative report from July 2015.

As summarized in the JRC technical report on WM, WD and DW, there are clear environmental benefits associated with measures promoting durability, reusability and reparability of these products which are not outweighed by a moderate improvement of energy efficiency for new appliances. With regard to aspects such as consumer information, spare parts availability, or implementation of Art. 15 WEEE, some EU Member States started designing and implementing national policy measures. This situation is not ideal as environmental and consumer benefits would be very limited compared to an EU wide regulation for all products put on the European single market. Therefore, the upcoming revision of the Ecodesign and Energy label provisions for white goods provide a unique opportunity to establish harmonized material efficiency requirements.

As the JRC discussion paper still presents a broad spectrum of potential policy options, the prioritization of suitable measures should be focused on maximising benefits, effectiveness and feasibility. The proposals should address all aspects that keep materials, components and products at their highest utility for a longer lifetime. Those options that would heavily rely on the development of new technical standards or even horizontal alignment across different product categories to facilitate their implementation and verification could be set aside for the time being.

We acknowledge that design requirements ensuring full functionality of the products over a very long lifetime are difficult to enforce. Therefore, we support supplementary measures that would avoid regulating durability directly, such as harmonized consumer communication (Proposal 5.1), display of commercial guarantees fulfilling minimum requirements on the Energy label (Proposal 3.1), a set of Ecodesign criteria ensuring better reparability (Proposals 6.1 - 6.4), and/or information on spare parts availability on the Energy label (Proposal 2.3). Moreover, we expect that requirements on design for dismantling, re-use, recycling and recovery (Proposal 4) should increase regulative coherence with legal obligations under the WEEE Directive.

Finally, we would like to encourage the Commission to investigate an industry initiative to increase overall use of recycled content across different product categories, with a particular focus on plastics. Several EU Member States already suggested developing such a horizontal Voluntary Agreement (VA) under the EU Ecodesign Directive. This would be a good starting point to support market demand for high-quality secondary raw materials without the need for defining a minimum percentage or mandatory labelling of their use in individual products.

Harmonized consumer communication (Proposal 5.1)

Introduce an Ecodesign requirement for using a harmonized user manual template with instructions for use and maintenance in order to ensure good performance over a longer lifetime of the appliance.

Justification

Instead of lengthy research for adequate use and maintenance instructions, a common template should become a mandatory part of the (online) user manual, providing a quick overview of the

most relevant actions required by the user, how to recognize when they need to be carried out, and which of those functions are performed automatically by the machine.

Display of commercial guarantees fulfilling minimum requirements on Energy label (Proposal 3.1)

The manufacturer shall be free to decide on the offer and duration of a commercial guarantee. If it meets certain minimum requirements, the number of years can be displayed on the Energy label. This would complement the provisions set out in EU directive 1999/44/EC on consumer goods.

Justification

If the minimum requirements for a commercial guarantee address relevant aspects of the appliances' reliability, durability and reparability with the burden of proof put on the manufacturer and not the consumer, the display of the number of years covered would stimulate competition amongst manufacturers to improve relevant product properties. In case they decide not to offer a commercial guarantee for a significant period in relation to the expected lifetime, they simply have to convince customers by other means of the quality of their products. This holds also true for other business models such as sharing, reuse, renting, or leasing services.

Overall, this proposal shows relevant advantages compared to a mandatory Ecodesign requirement on a minimum lifetime (Proposals 1.1 and 1.2), mandatory labelling of the average or tested lifetime (Proposal 1.3) or requirements for a mandatory period to be covered by a guarantee (Proposal 3.1). It is more flexible and easy to check because it does not require the development of an expensive procedure for a lengthy test standard on durability. Any mandatory measure will likely only cover a few additional years beyond the legal guarantee in order to stay proportionate. The possibility to prominently display a commercial guarantee related to a longer period seems to be more effective.

Set of Ecodesign criteria ensuring better reparability (Complementary to proposals 6.1 - 6.4)

Components subject to wear and tear should be designed for repair and must be accessible for non-destructive disassembly & replacement. It is up to the owner of the appliance to decide which repair options to choose. Services offered by original equipment manufacturers (OEM) might prove to be too expensive or burdensome. That's why mandatory Ecodesign criteria should prohibit the use of proprietary information and tools needed for error diagnosis and repair, and facilitate access to spare parts - in similar way as the motor vehicles regulations 461/2010 and 715/2007 already do.

Justification

Access to points of connection and clearance shall be adequate for ease of dismantling of the above mentioned parts of the appliances. Non-separable connections (e.g. glued, welded) between different materials shall be avoided unless they are technically or legally required or utilised for safety purposes. While the verification of such a requirement currently being implemented in IEEE standards is based on documentation, we could also imagine establishing a simple test procedure to be run by independent laboratories.

For the technical documentation we suggest to refer to the existing precedent for professional vacuum cleaners: information relevant for non-destructive disassembly for maintenance and repair purposes shall be made accessible free of charge to independent service providers through the websites of manufacturers, their authorised representatives, or importers. To further specify this

requirement, the preparatory study should take into account the most frequent failures. For washing machines and washer dryers we would consider e.g. the drain pump, drive belt, heating, motor brush, inverter electronics, power electronics, shock absorber, inlet hose, door handle, drum bearings and paddles as most relevant. For dishwashers e.g. circulation pump, door handle, dish basket rolls, drain pumps, power electronics, heating and spray arms would be concerned.

Information on spare parts availability on Energy label (Proposal 2.3)

Even if spare parts availability is decided solely by the OEM, it should be mandatory to declare the time horizon on the Energy label and must be supplemented through easily accessible online information how to order them.

Justification

Within the methodology for the Ecodesign of Energy-related Products (MEErP) the assumption of an average technical lifetime of 12 years will be used for both washing machines and dishwashers to calculate the Least Life Cycle Costs for minimum performance standards. But this theoretical lifetime can only be reached if spare parts are available for those components that might fail earlier.

The time period for availability of spare parts should therefore correspond to the Average Expected Product Lifetime (AEPL) of the models covered by the regulations. Consumers need to be informed and reassured that their product can actually be repaired during that time period. In addition, a list of retailers selling those spare parts should be made available online. In addition, the use of 3rd party spare parts, whose technical specifications are compatible with the appliance in question, shall not be prohibited as a replacement spare part.

This requirement could also be integrated into Proposal 3.2 on the mandatory display of commercial guarantees fulfilling minimum requirements on Energy label. For each product category it must be defined in the regulation which spare parts are covered by the information provided on the Energy label. If the manufacturer fails to comply with the declared availability of spare parts, the regulation should stipulate the need to provide a comparable replacement product – similar to the provisions under the Californian Lemon Law (a.k.a. the Song-Beverly Consumer Warranty Act).

Requirements on design for dismantling and recycling (Complementary to Proposal 4.1 and 4.2)

The JRC should investigate the need for any specific design and/or information requirements for washing machines or dishwashers to ensure the removal of e.g. Printed Circuit Boards (PCBs) and LCD displays of a minimum size, motors and pumps at end-of-life. Separability of those parts could be tested in a standard BAT recycling line. The WEEE Directive defines the BAT how recycling plants should be operating, so consistency between both regulations would be ensured.

Justification

Manufacturers must be obliged to do their fair share of efforts to facilitate recycling of their devices and to fulfil their legal obligations under WEEE. This includes providing technical evidence how to ensure that recyclers can easily identify, access and extract the above mentioned types of components when present in the product. This should go beyond the proposed marking for heat

pumps containing F-gas and cover other relevant information and design requirements as suggested e.g. by the European Recycling Industries' Confederation (EuRIC AISBL). Ecodesign requirements should lay out in more details the product-specific requirements for markings of different materials or parts (including type of plastics) and preventing design solutions that hinder separation. Building on the example of the Voluntary Agreement on the Ecodesign of Imaging Equipment, the variety of materials used should be limited. All plastic parts may only consist of up to four separable polymers or polymer blends.

Promotion of a cross-industry initiative for the use of recycled (plastics) content (Horizontal VA)

While acknowledging that the use of recycled content might not be the most relevant measure to improve the environmental performance of WM, WD and DW, we urge the European Commission to start the discussion on a potential Ecodesign Horizontal Voluntary Agreement (VA) on the topic. It should be open to all manufacturers of energy-related products that fall under existing Ecodesign implementing measures including the Standby Regulation, and should particularly focus on the increased market uptake for recycled plastics.

Justification

We share the general idea for such a broader, cross-industry approach on recycled (plastic) content as outlined in a non-paper by some EU Member State experts on supporting circular economy objectives with measures under the Ecodesign directive:

- It should include products with lesser energy savings but which comprise much plastic. (e.g. including coffee machines, small domestic appliances).
- It should avoid market distortions, as a wide range of products/producers all source from the same supplies of recycled plastic.
- It should be more effective and create bigger potential than a product by product approach.
- Implementing industries would benefit from some economies of scale. They could make an overall declaration or by product group instead of requiring to label individual products with confusing or even misleading green claims.

A Voluntary Agreement has flexibility needed, that a Regulation cannot provide:

- A 'fleet approach' is possible for requirements, not every single product has to comply with requirements.
- Annual reporting on production is done to assess market coverage.
- A harmonized standard is no prerequisite for conformity assessment.

END

Contact:

EEB – European Environmental Bureau

Carsten Wachholz, carsten.wachholz@eeb.org