**Stakeholder commenting form
Preparatory study for the Ecodesign and Energy Labelling Working Plan 2020-2024**

Please send to Project Manager Jan Viegand, jv@viegandmaagoe.dk

|  |  |
| --- | --- |
| Organisation: ECOS-EEB-CoolproductsDate: 20.08.2020 | Contact name: Nerea RuizEmail: nerea.ruiz@ecostandard.orgTel.: +32 2 894 46 83 |

| **#** | **Report’s****task #** | **Page #** | **Topic** | **Comment** | **Proposed change** |
| --- | --- | --- | --- | --- | --- |
| 1 | General |  |  | * It could be very useful that the study provides some general observations and recommendations on how to best structure and implement the next Ecodesign WP. In particular, there is a need for sound prioritisation and for a **concrete timeline to finalise the ongoing studies and the EC to resolve on pending decisions** (e.g. **taps & showers, air conditioners, vacuum cleaners, pumps, lifts, high pressure cleaners, etc.**).

It should be noted that several products have been discussed at the EELCF but are still pending revision: Air conditioners and comfort fans ,Taps & showers, Water pumps, Vacuum cleaners, Circulators, Tumble driers, Compressors. Furthermore, other products have not yet reached discussion at EELCF level: Smart appliances, Lifts, High pressure cleaners.* We invite the study team to reflect on the best regulatory tools to address new products, in particular recognising the weaknesses and mostly ineffective use so far of voluntary agreements under the Ecodesign Directive, and discouraging their use for the upcoming regulatory discussions.
* It is important to call for an early adoption and implementation of the ED&EL WP 2020-24, in order to avoid the same delays as with previous WPs, provide more stability and allow for quicker savings.
* Looking into the ToR for the study, 5 key aspects are identified. However, several are so far not sufficiently reflected in Tasks 2 and 3 and should be tackled to ensure that the outcome of the study feeds its purpose:
	+ Social inclusion and benefits
	+ Linkages EPREL/ICSMS
	+ Remaining gaps or opportunities in existing regulations and voluntary agreements: see our call to look into the necessary reviews (also to adapt the scope if needed), revisiting ineffective voluntary agreements, etc.
	+ Examination of complex products.
 |  |
| 2 | 2 |  | Introduction | * We welcome that this WP covers both ED and EL. Ecodesign policy works better if associated with the Energy Label. The Ecodesign Directive and Energy Labelling Regulation are complementary market transformation instruments.
 |  |
| 3 | 2 | 8 | Objectives | * Include also explicit reference to **upgradability** in addition to “products durability, reparability, recyclability and/or recycled content.”. While upgradability is generally included in the notion of “durability”, it is often overlooked afterwards in the analysis.
 |  |
| 4 | 2 | 12 | Methodology - Long list of products and horizontal measures  | * For transparency reasons, we believe the **full initial list of products and horizontal measures** (that served as a first step to identify possible gaps) should be published in the study.
 |  |
| 5 | 2 | 13 | Methodology – Pending reviews and loopholes in existing scope | * The study does not consider products that are already regulated under ecodesign, presumably assuming that they are not relevant for the purposes of the WP. We consider that these should also be looked into, as the working plan will also be used to **prioritise legislative reviews (including scope adjustments** – note the loss of savings derived from existing loopholes in the scopes and unregulated products - **and new types of requirements)** on the basis of evolution on given markets.
 |  |
| 6 | 2 | 15 | Methodology - Matrix | * Again for transparency reasons, the **screening and scoring matrix** developed to identify possible gaps should be clarified and published.
 |  |
| 7 | 2 | 17 | Product lists – Remaining from previous WP  | * Some product categories such as **humidifiers / dehumidifiers and ironing products** had been discarded in previous WPs but based on relatively gross and theoretical saving calculations at that time (due to substantial lack of data). We don’t consider it obvious that they should be left aside forever. New assessments (in particular including not only energy but also material savings) would be useful to check how they compare to the product groups currently chosen in Task 3.
 |  |
| 8 | 2 | 17 | Product lists – Remaining from WP 2016-19 | Several product categories included in the WP 2016-19 under different status (ongoing work, reviews, etc.) are still pending final decision and should be reinstated to ensure they are properly dealt with. Find here some examples:* **Early rescaling of space and water heaters’ labels** should be discussed (notably in terms of additional potential) and included.
* **Water-related product groups** where part of the WP 2016-19. Although the CF on Taps & Showers took place in December 2019, no further regulatory decision has been taken and the EC’s way forward is unclear. What is more, the WP 2016-19 identified only energy labelling requirements, the latest discussions however may show also the need for accompanying ecodesign requirements.
* Several products have been discussed at the EELCF but are still pending revision: Air conditioners and comfort fans, Water pumps, Vacuum cleaners, Circulators, Tumble driers, Compressors. Furthermore, other products have not yet reached discussion at EELCF level: Smart appliances, Lifts, High pressure cleaners.
 |  |
| 9 | 2 | 19 | Product lists – Not selected product groups | * Without the long list and the screening and scoring matrix developed it is difficult to identify possible gaps and to understand the specific justifications for leaving out several categories.

The analysis of the not selected products is presented too aggregated to judge if all the categories have been fairly considered. We recommend that the study team **shares the disaggregated data (overview of calculated saving potential), long list and scoring matrix** to allow for a better assessment of the proposed decisions. |  |
| 10 | 2 | 19 | Product lists – Not selected product groups | * We **oppose using the lack of measurement standards as a cut-off criteria.** Categories (e.g. wireless charging) where the main argument for rejection was that there is no measurement standard should be revisited. When significant savings can be identified, we recommend to include the product group into the shortlist in order to move forward with the assessment and push the EC to issue a Standardisation Request asap.
 |  |
| 11 | 2 | 20 | Product lists – New product groups | * Now that it is confirmed that the ongoing JRC preparatory study on cooking appliances will not be looking into **professional/commercial cooking products**, we consider that these should be reinstated in the WP as a category assessed in task 3.
* In the transition towards electric vehicles and given the increasing market, we propose that the WP looks into the **domestic loading stations for electric cars** in order to assess the energy and material efficiency options under the Ecodesign framework.
 |  |
| 12 | 2 | 20 | Product lists – New product groups – Interconnected home audio and video | * Inclusion positive overall and draft study mentions a lot of relevant elements (e.g. software obsolescence, impacts on networked standby). We believe the **focus should be enlarged** to more audio/video equipment, such as **loudspeakers** (excluded in previous work plan because of assumed low energy consumption) and **headphones/earphones** (not looked into, whereas relevant from resource efficiency perspectives). The [global audio market continues its growth trajectory](https://www.gfk.com/press/global-audio-market-continues-growth-trajectory) (“*Between January and June 2019, GfK recorded total sales of €7.9 billion for the global audio devices market, excl. North America*”) with headphones and headsets as the key driver of growth, together with portable Bluetooth speakers and louspeakers for the home.
* We also believe that there is no reason to restrict the product group to *home* products only; there is also a growing number of interconnected audio/video systems in the **tertiary sector** (offices, public spaces, restaurants, shops, etc.)
* This product group is very important, especially to include **home/office assistants** and avoid that they trigger very high power demand in standby.
 |  |
| 13 | 2 | 20 | Product lists – New product groups – Small home / office networking equipment | * The scope should be enlarged to **capture all networking equipment (including products that were considered and excluded from the scope of the servers regulation** because of perceived complexity of the product group at the time)
* **Professional network equipment for big businesses and public authorities** should be in the scope.
 |  |
| 14 | 2 | 22 | Product lists – New product groups – Small-scale cooking products – | * Note that products such as **microwave only ovens** (represent a rather large electricity consumption, high equipment rate and not negligible consumption), **mini ovens (small ovens, portable ovens), small burners for hobs, portable hobs, outdoor cooking appliances,** etc. are not included in this category but at the same time, most are excluded from the scope of the existing regulations for domestic cooking appliances (or it is not certain that they will be included in the scope of the revised cooking appliances regulations as it is the case of microwave ovens). We call for their consideration in this category.
* Only the energy efficiency aspect is covered; the material efficiency is missing.
 |  |
| 15 | 2 | 25 | Product lists – New product groups – Patio heaters | * The scope should consider **all “outdoor heaters”**, not only patio heaters, as discussed in the heating appliances regulatory discussions.
 |  |
| 16 | 2 | 25 | New horizontal measures | In addition to the measures proposed, we recommend to take into account the following:* **Repairability to be streamlined** across all product categories. Both a horizontal intervention and expansion of scope is possible, and which should therefore be definitely studied in depth.
* **Modularity** should be assessed as a potential horizontal measure to ensure product upgradability/reusability.
* **Systematic considerations on plastics**:
	+ whenever a product contains plastic parts, the types of plastics and plastic blends used should be detailed/investigated & quantified in the bill of materials.
	+ Ensure the availability of spare plastic parts to discourage the replacement of the entire (still functioning) product due to a broken plastic part; this can hopefully also incentivize product designers to avoid ‘over-engineering’ functionalities of such plastic parts by adding unnecessary chemicals to polymer formulations;
	+ limit the use of PVC, PC, PS and PUR in consumer products due to their high chemicals content and subsequent difficult end of life treatment [to protect human health and the environment](https://www.breakfreefromplastic.org/2020/07/30/draft-guideline-sup/).
* **Systematic assessment of the generation of hazardous waste** at end-of-life due to product design as a way to address toxic contents of products and to ultimately consider setting requirements to restrict the use of certain chemicals
* **Systematic restriction of the use of all flame retardant substances (including halogenated and phosphorus based flame retardants) from casings and enclosures, as well as external power supplies.** In most cases, the use of flame retardants in enclosures can be avoided through simple changes in how the product is designed, e.g. by introducing an air gap between the potential ignition source and the casing, or by using a buffer material between the ignition source and the plastic part). As for external power supplies, they are by default too far from a potential ignition source to require flame retardant additives. The difficulties flame retardants pose in recycling streams have already been identified in product regulation for electronic displays.
* Optimise the use of the **Energy Label to provide consumers with further information on material efficiency aspects** (e.g. repair score)
* Use of **EPREL** also for products with ecodesign requirements only for market surveillance authorities to benefit from its functionality.
* Generic ecodesign requirements and energy labels that promote not only digital efficiency but also **digital “sufficiency”** (e.g. consuming less data streams through avoiding the oversizing and overuse of equipment, supporting domestic and professional users in consuming less data and storage space, etc.)
 |  |
| 17 | 2 | 25 | New horizontal measures - Durability | * We welcome that the study looks into software updates as a key for durability. However, we propose **to include also software products as part of the study in a broader sense**. Software is not only massively influencing the durability of the hardware by the provision of updates, but it does also significantly impact the energy consumption of the hardware ([see criteria from the blue angel](https://www.blauer-engel.de/de/produktwelt/elektrogeraete/ressourcen-und-energieeffiziente-softwareprodukte/ressourcen-und-energieeffiziente-softwareprodukte) which has started to look into software products for desktop computers e.g. for text/photo editing, video player, etc.)
* Furthermore, the study might also have a look at software updates, licensing, support time, as these increasingly affect the use of goods.
 |  |
| 18 | 2 | 26 | New horizontal measures – Post consumer recycled content | * We welcome the consideration of post-consumer (only) recycled content. Promoting post-consumer recycled content will push for better sorting and recycling of waste, and enable to reduce demand for virgin plastic.
* Targeting post consumer recycled content in this way will need to prompt greater transparency on the origin of the plastic recyclate , and help avoid false assumptions on levels of recycled content that can realistically be reached with the current quality levels of plastic wastes collected This will hopefully also trigger more informed and streamlined plastic part design from manufacturers to ensure sufficient recyclate quality can be reached once the product becomes waste.
* An additional element that could be looked into is design options (notably from material point of view) which facilitate recycling (i.e. data/anecdotal evidence on polymers which are difficult/uneconomical to recycle in practice)
 |   |
| 19 | 2 | 26 | New horizontal measures – Universal External Power Supplies | * Inclusion very welcome, but a number of additional points should be considered which are currently left out and which would influence the possible conclusion on the value of regulatory intervention (*see comment #29*).
 |  |
| 20 | 2 | 25 | New horizontal measures – Universal batteries for battery-driven products | * Additional provisions on battery interoperability will be complementary to the requirements that will be set out in the revision of the EU battery legislation (ongoing, EC proposal in October 2020), where the Commission is looking into the inclusion of requirements on removability, replaceability and interoperability principles.
 |   |
| 21 | 2 | 27 | New horizontal measures – Ecological profile | * Interesting to look into **as long as it does** **not weaken attempts to set limit values**, and is not used by some stakeholders as a way to delay or circumvent hard regulation
* As part of the ecological profile, we suggest the information requirements to be disclosed on specific dimension, notably material and chemical contents = BOM (on chemicals, starting with SVHC as planned by the SCIP ECHA database, but not limited to those, and to be documented per model of product), and specific dimensions of ecological profile, such as Carbon Footprint and Abiotic Resources depletion in line with EC LCA rules (= PEF)
 |  |
| 22 | 2 | 28 | New horizontal measures – Horizontal innovative solutions for improved market surveillance | * Need for adapted verification procedures for complex products (see [recommendations from the H2020 INTAS project](https://www.intas-testing.eu/storage/app/media/INTAS_D4.4_%20Final.pdf) on the notification to MSA, testing at manufacturers site, in situ testing)
* Need for harmonisation of standards or setting of transitional methods,
* To assess appropriateness of 3rd party conformity assessment for other product categories
* Explore the implications of material efficiency requirements for market surveillance (see [ECOS discussion paper on the topic](https://ecostandard.org/wp-content/uploads/ECODESIGN-AS-PART-OF-CIRCULAR-ECONOMY-IMPLICATIONS-FOR-MARKET-SURVEILLANCE.pdf)), asses and define the standardisation needs for the material efficiency aspects at product-specific level in order to support the ecodesign requirements in place, and if needed, the EC should issue the according standardisation request(s).
 |  |
| 23 | 3 |  | Preliminary analysis – Third batch products (awaiting confirmation ISG) | We hope to see a further assessment in Task 3 of all the product categories that have been mentioned as important in Task 2, notably those that are awaiting confirmation from ISG as they should also be considered within the EDEL WP:* Base stations & subsystems: with the acceleration of the deployment of 5G systems in Europe, it is an utmost urgency to **cover base stations and antennas with requirement asap**, otherwise it will simply be too late and the damage done; the warning on page 23 of Task 2 should be much more prominent and one of the priority conclusions of this study. We find it very worrying that after several years of stalling, delays are again added through this new pending ICT study ,whereas action needs to be taken now!
* Non-tertiary coffee machines: they are an emblematic product and fail quite early in general. They are also expensive to repair in general (at least compared to their value on the second-hand market), which encourages second-hand operators to avoid trying to repair them (even though there might be a high demand for second-hand coffee machines).
* Horizontal innovative solutions for improved market surveillance
* Industrial sensors
* Hair dryers
* Tertiary hot beverage equipment incl. free-standing hot beverage vending machines
* Greenhouse covers
* Patio heaters.
 |  |
| 24 | 3 | 47 & 54 | Preliminary analysis – Professional laundry appliances & Professional dishwashers  | * “*As the buyers are professionals, the Energy Label was not considered to have additional value*.”. We invite the study team to reconsider such an assumption following the recently adopted energy label for commercial refrigerators. We recommend to calculate the further savings due to a potential energy label.
 |  |
| 25 | 3 | 82 | Preliminary analysis - Small home and office networking equipment | * Clarification is needed on whether set-top-boxes are actually included in the assessment. It is not clear if the existing voluntary agreement on complex set top boxes is not sufficiently delivering, or if the assumption for these products is that additional measures are needed.
 |  |
| 26 | 3 | 151 | Preliminary analysis – Water decalcifiers and softeners | * “*The first category of policy measures could be an Energy Label and – possibly at a later stage when there is more information – Ecodesign measures to guide the consumers on*

*the most energy- and material-efficient water softener products/solutions*”. We think it is premature to already postpone potential ecodesign measures. Ecodesign requirements can be set in several stages, so it would be possible to start with some first requirements (e.g. on material efficiency) and then improve them over time.  |  |
| 27 | 3 | 153 | Preliminary analysis – Lightweight design | * “*Green NGOs perspective seem not very enthusiastic about the subject, often pointing at the exceptions where lightweighting is not beneficial*.”

We propose to replace this too rudimentary sentence by: “***Lightweighting can be in general beneficial provided it does not hinder other environmental aspects such as repairability, upgradability, more streamlined product formulations and designs, as well as ultimate recyclability at the end of life****. Lightweighting should target material reduction of aspects of products that are purely related to aesthetics or marketing purposes*.” |  |
| 28 | 3 | 171 | Preliminary analysis - Post consumer recycled content | * We strongly support the following statement in section 14: “*In line with recommendations in MEErP only post-consumer recycled material will be considered*”; and footnote 300 “*Unlike several test standards like ISO 14021, also referenced in prEN 45557:2019, that consider recycling of pre-consumer waste –i.e. waste during production—also as part of ‘recycled content*’”.It is our view that pre-consumer waste (e.g. from production residues) should not be counted as recyclates that are eligible for recycled content claims. **Promoting post-consumer recycled content will push for better sorting and recycling of waste, as well as incentivize smarter product design from the onset.**
* Furthermore, we call for further research on mass balance related aspects in the (potential) preparatory study to set the boundaries at a batch level (= batch level mass balance approach) that will help verify the recycled content. Cf. abstract from 14.1: “*Recycled content is the amount of recycled material that goes into the manufacturing of a new product, expressed either as a fraction of the total material input (in %) or in absolute numbers (kg per unit, million tonnes Mt in aggregates)*.” This would especially be important for chemical recycling.
* Table 103: change from prEN 45557 to EN 45557 as the standard is now published. Do not refer to "pre-standards" anymore.
 |  |
| 29 | 3 | 183-200 | Preliminary analysis - Universal External Power Supplies | * Additional points which should be considered are (1) possible positive impacts in reducing port- or device failures which would otherwise arise from the proliferation of counterfeit or old cables without USB-PD protocols, (2) possible reduction in market fragmentation and associated consumer inconvenience as regards unregulated fast charge functionalities, (3) possible reduction in market fragmentation and associated consumer inconvenience arising from variations in additional charger functionalities (e.g. data or display delivery), (4) possible positive impacts in increasing energy efficiency and ensuring interoperability of wireless chargers, (5) major environmental savings that could be achieved through mandatory decoupling using the EPS regulation.

For more details on all of the above and the concrete legislative proposal, see the [ECOS paper](https://ecostandard.org/wp-content/uploads/2020/07/ECOS-COMMON-CHARGER-PAPER.pdf) “One charger to fit them all – Using Ecodesign to deliver an ambitious common charger initiative” July 2020. |  |