Position paper

Preparatory study for the Ecodesign and Energy Labelling Working Plan 2020-2024

Brussels, April 2021

Highlights

- The adoption of the Working Plan for 2020-2024 is long overdue so we insist on the need to finalise this process as quickly as possible.

- The selection process between the product groups listed in task 3 (31 products) and the shortlist in task 4 (16 products) should be science-based and objective. The study report states that the selection was done "in a dialogue/ in agreement with the European Commission". We understand the need for some pragmatism, but we find that political aspects should not be considered at this preparatory stage and we want to insist on the importance of transparency and objectivity in the selection process. We therefore consider that the influence of the European Commission in deciding to keep or discard each product group for task 4 should be more clearly explained, notably if it relates to arguments going beyond purely technical assessments.

- We propose an alternative shortlist keeping the majority of the products selected by the study team but introducing 4 product groups that have a large savings potential but have been discarded: base stations, electric vehicles chargers, universal batteries, heaters for outdoor spaces.

Reconsider the product group boundaries

As the selection process is (largely) based on the absolute amount of energy and material saving potential per product group, the way to define these product groups and set their boundaries plays a critical role. Yet, we notice that the boundaries can be arbitrary or at least seem questionable: for instance, the shortlisted product group "Professional cooking appliances" has a high saving potential but consists of multiple product types (ovens, hobs, hoods, etc.), while professional coffee machines have been placed in the "Tertiary hot beverage equipment" and discarded in the final

shortlist because of their low potential. These coffee machines could very well be included in the professional cooking appliances, as they are similarly used in the hospitality sector (see our proposal below). Cooking appliances such as kettles, household coffee machines and small cooking equipment (e.g., multi-cookers) could also be grouped and eventually included in the next revision of the household cooking appliances (currently including ovens, hobs, range hoods).Material efficiency aspects are particularly relevant for these types of products as highlighted in the development of a regulation for kettles, and basic ecodesign requirements on material efficiency (repairability, recycled content) could be applied to the whole product category.

Alternative shortlist proposal

If the final list needs to be restricted to 16 items , we suggest the following **arrangements and alternative list**:

Study team proposal	NGO proposal
Durability	Durability
Ecological profile	Base stations
Enterprise network equipment	Enterprise network equipment
Firmware and software	Firmware and software
Industrial smart sensors	Electric vehicle chargers
Lightweight design	Lightweight design
Low temperature emitters	Low temperature emitters
Professional cooking appliances	Professional cooking appliances (incl. coffee machines)
Professional dishwashers	Professional washing appliances
Professional laundry appliances	Heaters for outdoor spaces
Recycled content	Recycled content
Scarce and raw materials	Scarce and raw materials
Small network equipment for home and office use	Small network equipment for home and office use
Swimming pool heaters	Swimming pool heaters
Uninterruptible power supplies	Uninterruptible power supplies
Universal external power supplies	Universal batteries and external power supplies

Legend:
- in orange the products/horizontal initiatives we propose to delete
- in blue the product groups we propose to extend/reorganise
- in green the product groups we propose to add.

- The **professional laundry appliances and professional dishwashers** can be grouped, as recommended by the study team.

- **Tertiary coffee machines** can be included in the professional cooking appliances category.

- **Patio heaters and air curtains** should be included in a 'heaters for outdoor spaces' category:
  We do not understand why patio heaters, which were listed in task 2, have completely disappeared from all lists and have not been assessed in task 3.
  Heaters designed for outdoor spaces are iconic examples of unsustainable products[1], and public intervention at EU level would be fully relevant. While an outright ban could be warranted, an ecodesign regulation could at least prevent the market being flooded by cheap low-quality products and reduce the risks of impulsive purchases by individuals and businesses.
  The task 3 assessment on air curtains seems to be based on relatively conservative assumptions (i.e. stock growth, low indirect energy saving potential, etc.). We observe a trend for doorless or open door shops all year long, and thus, we are not sure the low savings estimates can be trusted. Besides, one major European industry federation expressed its interest for regulating this product group. For these reasons, we consider that it could be relevant to shortlist this product group, either as a standalone group or part of one of the heating lots.

- **Universal batteries** have potential and should not be discarded.
  We find it disappointing that the interoperability of batteries for power tools, gardening tools, etc. has not been shortlisted. It is not clear why in the task 3 analysis a proper legislative/regulatory proposal to impose a universal battery has not been considered. We believe that it is both necessary and urgent that interoperability becomes the norm everywhere as it contributes to cutting material waste.
  If batteries and chargers were universalised and their sales unbundled from that of products, consumers/professionals would only have to buy one or a couple of batteries for all their tools. It could trigger considerable material and chemical savings.
  We propose to group universal batteries and external power supplies.

- **Industrial smart sensors** could be considered, through amendments in the next revisions of the Ecodesign regulations for motors, pumps, and compressors and treated in a similar way as variable speed drives.

- Now is the time to cover **electric vehicle chargers**. With the adoption of a more ambitious EU 2030 target on greenhouse gas emissions, the current increasing uptake of domestic and professional electric vehicles can be expected to accelerate. Considering the number of years observed on average from the inclusion of a product in the Working Plan to the implementation of a first regulatory tier, we do not agree that "*measures are too early to establish*". On the contrary, the time is now to influence the design of these chargers to avoid the deployment of inefficient infrastructure and future lock-in effect. While we understand the complexity due to the diversity of options being developed, we still maintain that general rules could and should be defined to ensure a minimum efficiency of this type of equipment that will be installed at a large scale over the coming years.

- **Base stations** should absolutely be considered in this working plan. The deployment of 5G is a topic of considerable concern among the public and experts, especially with respect to its

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[1] e.g., the French government has recently decided to ban them from restaurant and bar terraces in 2022.

energy and environmental impact. The task 3 analysis states that "*it remains a product group of special interest and even small improvement in the efficiency can potentially lead to considerable savings in terms of electricity consumption and CO_2-emissions*", and "*it becomes increasingly important to consider the saving potential by applying ecodesign requirements*". Yet the product group is discarded in the task 4 analysis, but we consider that dropping this product group is unfounded. We call for reintegrating it in the final shortlist.

- We do not see a particular reason to "push the application of **ecological profiles** as priority topic in the next Working Plan". The Ecodesign Directive offers several types of tools to regulate the performance of products. Specific and generic requirements have proven their worth and efficiency in that prospect. Complex products indeed pose challenges to adequately design these requirements, however there is no guarantee that implementing an ecological profile approach would decrease the complexity or achieve better results, as it has never been tested. Envisaging ecological profiles for certain product groups is already possible, so we don't see the need to develop a specific horizontal item within the Working Plan.

- We particularly welcome the integration of "**Small network equipment for home and office use**" and "**Firmware and software**" to the proposed Working Plan. Those are two increasingly important topics and anecdotal evidence from experts show that good practices exist and are feasible but are not always applied. For small network equipment for home and office use, we are convinced that a lot can be done at the level of the user's equipment. Concerning firmware and software, we observed a trend to embed into larger products IT equipment for which technology improvements happen at a very dynamic pace. That is a way to build obsolescence into the product that should be regulated.

- Regarding **durability,** we want to highlight the importance of adopting a Repairability Score Index as a first step to improve information and labelling of products – starting with products already covered by energy labelling, and extending it to more products, horizontally. This would help signpost consumers to more repairable products, and work alongside material efficiency requirements. Compared to overall durability horizontal aspects, repairability aspects are well within reach and could be implemented within the course of the 2020-2024 workplan.

Additional remarks

We are very concerned about the current delays and backlog in the Ecodesign and Energy Labelling regulatory process. Several reviews are overdue, no new measure has been adopted since 2019, and this working plan will be adopted midway through the period 2020-2024 it is supposed to cover.
While developing in parallel on the new Sustainable Products Initiative, we would like to highlight that it is of the utmost importance that the Commission grants sufficient resources and staff to ensure a smoother preparation and adoption of implementing measures, so that the new Working Plan can be put on track.
As 2021 and possibly 2022 are expected to be already packed with key pending regulations and reviews, some recommendations could be made on how to best organise the implementation of the working plan until 2024. One option could be to classify the 16 shortlisted product groups

according to the complexity / contentiousness matrix developed by Hans-Paul Siderius[2], and suggest that the "easiest" ones are dealt with first, so that they do not risk hampering the parallel backlog clearing process.

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[2] Hans-Paul Siderius (2013), Speeding up adopting ecodesign and energy labelling measures – analysis, challenges and solutions.
https://www.eceee.org/library/conference_proceedings/eceee_Summer_Studies/2013/6-appliances-product-policy-and-ict/speeding-up-adopting-ecodesign-and-energy-labelling-measures-8211-analysis-challenges-and-solutions/2013/6-068-13_Siderius.pdf/