Environmental NGO Comments on Draft Omnibus Amendment to 2019 Ecodesign and Energy Labelling Regulations

3 November 2020

The following document contains views on the proposed changes to 2019 Ecodesign regulations as well as those which are shared with the 2019 regulations on Energy Labelling. A separate position paper is submitted in relation to proposed changes that pertain only to Energy Labelling.

General comments

We fully agree with the need for unequivocal wording and provisions in order to facilitate timely and uniform implementation of the implementing measures and therefore **support the intention of the regulator to correct technical errors and improve the accuracy, consistency and cross-referencing across regulatory texts**, including through the consistent inclusion of dedicated anti-circumvention clauses. However, **we are concerned to see some of the proposed changes**, notably in relation to Ecodesign regulations on displays and lighting products, **that go well beyond the rationale outlined above, making amends to the scope of the regulations and putting into question essential requirements** previously agreed upon by the Member States after a thorough consultation with all stakeholders.

The changes in question do not only set a highly worrying precedent of requirements being reconsidered without a thorough regulatory scrutiny or impact assessment, but also pose risks to the timely adoption and implementation of implementing regulations in the future. In light of this, we invite the regulator to reconsider proposed changes, and only adopt amendments that improve clarity and consistency, as per the proposed recital (9) of the omnibus regulation.

Declared values

We support the inclusion of consistent wording with regard to declared values, including a dedicated definition thereof. However, for completeness, the **definition of 'declared values' should also be inserted in the remaining two ecodesign regulations adopted in 2019**, notably on external power supplies (Regulation (EU) 2019/1782) and welding equipment (Regulation (EU) 2019/1784).

Verification tolerances

We support the clarification introduced across the regulations as regards the meaning of 'verification tolerances'. However, in order to provide further clarity and avoid situations where the absence of a verification tolerance is considered an obstacle to performing surveillance checks, the following change in wording is proposed across regulations:

'The verification tolerances defined in this Annex relate only to the verification by Member State authorities of the declared values and shall not be used by the manufacturer, importer or authorised representative as an allowed tolerance to establish the values in the technical documentation or interpreting these values with a view to achieving compliance or to communicate better performance by any means. ***In the absence of a specified verification tolerance for a parameter, a tolerance will be assumed and documented that is considered appropriate, taking into account the measurement equipment used and the magnitude of the parameter being measured or otherwise assessed.****'*

Servers and data storage products – ecodesign – 2019/424

Subject	Proposed change by the Commission in latest draft	Comments	Proposed action
Circumvention and software updates (Article 6)	*Article 6* *Circumvention* *The manufacturer, importer or authorised representative shall not place on the market products designed to be able to detect they are being tested (for example by recognising the test conditions or test cycle) and to react specifically by automatically altering their performance during the test with the aim of reaching a more favourable level for any of the parameters in the technical documentation or included in any documentation provided.*	We **strongly support** the inclusion of amendments across regulations which aim to ensure that software updates do not negatively affect the energy performance of products. It is our opinion that aligning the circumvention article in all the implementing measures is the right way forward in terms of a consistent anti-circumvention approach. Furthermore, consumers of any appliance deserve the same protection against these situations. However, the **software clause on circumvention is missing** in the regulation on servers and data storage products and should be added to ensure that software updates do not negatively affect the energy performance of these products too.	Amend the article as follows: *'Article 6* ***Circumvention and software updates*** *The manufacturer, importer or authorised representative shall not place on the market products designed to be able to detect they are being tested (for example by recognising the test conditions or test cycle) and to react specifically by automatically altering their performance during the test with the aim of reaching a more favourable level for any of the parameters in the technical documentation or included in any documentation provided.* ***The energy consumption of the product and any of the other declared parameters shall not deteriorate after a software or firmware update when measured with the same test standard originally used for the declaration of conformity, except with explicit consent of the end-user prior to the update. No performance change shall occur as a result of rejecting the update.*** ***A software update shall never have the effect of changing the product's performance in a way that makes it non-compliant with the ecodesign requirements applicable for the declaration of conformity.';***
Definitions of motherboard, processor and memory (Annex I)	-	Errors are present in the definitions of 'motherboard', 'processor' and 'memory' provided in Annex I of the Regulation which specifically reference servers without making mention of data storage products. This opens the door to a false interpretation that the provision on ease	Amend definitions as follows: *(3) 'motherboard' means the main circuit board of a server* ***or a data storage product.*** *For purposes of this regulation, the motherboard includes connectors for attaching additional*

		of disassembly and spare parts in relation to these three components is only applicable to servers but not data storage products. **We suggest amending the three definitions to close this unintended loophole, as it is otherwise likely to lead to a reduced reparability of data storage products.**	*boards and typically includes the following components: processor, memory, BIOS, and expansion slots;* *(4) 'processor' means the logic circuitry that responds to and processes the basic instructions that drive a server* ***or a data storage product.*** *For purposes of this regulation, the processor is the CPU of the server. A typical CPU is a physical package to be installed on the server motherboard via a socket or direct solder attachment. The CPU package may include one or more processor cores;* *(5) 'memory' means a part of a server* ***or a data storage product*** *external to the processor in which information is stored for immediate use by the processor, expressed in gigabyte (GB);*
Repair information (Annex II, Part 3.3)	-	Compared to other 2019 regulations, the way in which the identity of a third party dealing with maintenance, repair, reuse, recycling and upgrading of servers and data storage products is verified is left unclear. **We therefore suggest bringing the Regulation in line with the provisions of other 2019 regulations by inserting an explicit reference to an official registration system in order to facilitate access to repair information by independent actors dealing with their repair, reuse, upgrade and recycling**.	Insert the following clause under Part 3.3 of Annex II: ***"Reference to an official registration system as professional repairer, where such system exists in the Member States concerned, shall be accepted by manufacturers, their authorised representatives and importers as proof that a third party deals with maintenance, repair, reuse, recycling and upgrading of servers and/or online data storage products."***
Transitional methods (Annex IIIa, Table 1 & Table 2)	New section on transitional methods added.	We support the inclusion of transitional methods in Annex IIIa of Regulation (EU) 2019/424. **We recommend that** in the notes sections in Tables 1 and 2 on "Ability of the server to be disassembled" and "Ability of the data storage product to be disassembled", **EN 45554 is also referenced**.	Add reference to EN 45554 in Tables 1 and 2 under "Ability of the server to be disassembled" and "Ability of the data storage product to be disassembled".

Electric motors – ecodesign – 2019/1781

Subject	Proposed change by the Commission in latest draft	Comments	Proposed action
Efficiency requirements for 50/60 Hz motors (Annex I, Part 1)	*(iii) 'Energy efficiency of motors, expressed in International Energy efficiency classes (IE), is set out in Tables 1 to 6 for different values of the motor rated output power PN, at 50 Hz or 60 Hz. IE classes are determined at rated output power (PN), rated voltage (UN), and*	It is our understanding that as a result of the second paragraph, motors that declare performance at 50 Hz and at 60 Hz will need to be tested at both frequencies which doubles the cost for testing and market surveillance. **It is our view that it is only necessary to test a motor once** – either at 50 or at 60 Hz.	Amend as follows: *(iii) 'Energy efficiency of motors, expressed in International Energy efficiency classes (IE), is set out in Tables 1 to 6 for different values of the motor rated output power PN, at 50 Hz or 60 Hz. IE classes are determined at rated output power (PN), rated voltage (UN), and based on 25° C ambient reference temperature.*

	based on 25° C ambient reference temperature. *For 50/60 Hz motors, the requirements above shall be met at both 50 Hz and 60 Hz at the rated output power specified for 50 Hz.'*		***For motors with 50 and 50/60 Hz marking, the requirements above shall be met for 50 Hz operation at the rated output power specified for 50 Hz. For motors with 60 Hz marking, the requirements above shall be met for 60 Hz operation at the rated output power specified for 60 Hz.'***

Household refrigerating appliances – ecodesign and energy labelling – 2019/2019 and 2019/2016

Subject	Proposed change by the Commission in latest draft	Comments	Proposed action
Changes that concern both Ecodesign and Energy Labelling Regulations			
Definition of mobile refrigerating appliance (Article 2, Regulation (EU) 2019/2019; Article 2, Regulation (EU) 2019/2016)	*'mobile refrigerating appliance' means a refrigerating appliance that can be used where there is no access to the mains electricity grid and that uses extra low-voltage electricity (< 120V DC) or fuel or both as the energy source for the refrigeration functionality, including a refrigerating appliance that, in addition to extra low voltage electricity or fuel, or both, can be electric mains operated **via an external AC/DC converter to be purchased separately**. An appliance placed on the market with an AC/DC converter is not a mobile refrigerating appliance;*	**We fear that the text as drafted effectively bans genuine mobile appliances** that have either an integrated or an external AC to DC converter due to them being very unlikely to meet the minimum energy performance requirements.	Change proposed amendment as follows: *'mobile refrigerating appliance' means a refrigerating appliance that can be used where there is no access to the mains electricity grid and that uses extra low-voltage electricity (< 120V DC) or fuel or both as the energy source for the refrigeration functionality, including a refrigerating appliance that, in addition to extra low voltage electricity or fuel, or both, can be electric mains operated **via an integrated or external AC to DC converter**. An **AC mains operated** appliance placed on the market with **a DC to AC converter** is not a mobile refrigerating appliance;*
Verification tolerances (Annex IV, Regulation (EU) 2019/2019; Annex IX, Regulation (EU) 2019/2016)	Verification tolerance removed for E_{16} and E_{aux} parameters in both regulations, and temperature rise time tolerance added to the Ecodesign Regulation	**We support changes proposed to the annexes of the two regulations related to verification tolerances**. It is our understanding that the application of verification tolerance to the assessment of E_{32} value and the annual energy consumption will be enough to verify the appliance along with the other parameters, as long as E_{16} and E_{aux} are included in the technical documentation.	Accept proposed changes.

Subject	Proposed change by the Commission in latest draft	Comments	Proposed action
Changes that concern both Ecodesign and Energy Labelling Regulations			
Definition of containing product (Article 4, Regulation (EU) 2019/2020; Article 3, Regulation (EU) 2019/2015)	Regulation 2019/2020: *'containing product' means a product containing one or more light sources, or separate control gears, or both, including luminaires that can be taken apart to allow separate verification of the contained light source(s), household appliances containing light source(s), furniture (shelves, mirrors, display cabinets) containing light source(s).* ~~*If a containing product cannot be taken apart for verification of the light source and separate control gear, the entire containing product is to be considered a light source*~~ Regulation 2019/2015*:* *'containing product' means a product containing one or more light sources, or separate control gears, or both. Examples of containing products are luminaires that can be taken apart to allow separate verification of the contained light source(s), household appliances containing light source(s), furniture (shelves, mirrors, display cabinets) containing light source(s).* ~~*If a containing product cannot be taken apart for verification of the light source and separate control*~~	**We do not support the removal of the last sentence,** which was inserted during the drafting stage of the implementing measure to have luminaires that can be accessed by standard maintenance personnel and have such major components as the LED light engine, the driver electronics, control and other circuits, and any other components such as gaskets or optical lenses, replaced should they be damaged. The requirement of having containing products that could not be taken apart to be treated as light sources was an incentive for manufacturers to continue to make lighting products serviceable. **We fear that the taking away of this sentence will fundamentally alter the intent of the regulation**, encouraging non-serviceable, integrated light sources and promoting disposable luminaires, thus running counter to the goals of achieving increased resource efficiency and circularity in products.	Revert to the original and align the definition in the two regulations: *'containing product' means a product containing one or more light sources, or separate control gears, or both. Examples of containing products are luminaires that can be taken apart to allow separate verification of the contained light source(s), household appliances containing light source(s), furniture (shelves, mirrors, display cabinets) containing light source(s).* ***If a containing product cannot be taken apart for verification of the light source and separate control gear, the entire containing product is to be considered a light source****;*

	~~*gear, the entire containing product is to be considered a light source*~~		
Changes that concern Ecodesign Regulation only			
Stroboscopic effect for LED and OLED MLS (Annex II, Point 2, Table 4)	*SVM ≤0,9 at full-load (except for light sources intended for use in outdoor applications, industrial applications or other applications where lighting standards allow a CRI < 80)* *From 1 September 2023: SVM ≤0,4 at full-load (except for light sources intended for use in outdoor applications, industrial applications or other applications where lighting standards allow a CRI < 80)*	**We disagree with the proposed reconsideration of the limits on the stroboscopic effect (SVM), which puts into question essential requirements** and the level of ambition of the Ecodesign Regulation on lighting equipment. Studies from researchers in Canada and France have shown that the level necessary to protect public health, and particularly the most vulnerable people from the effects of flicker is 0.4[1]. Moreover, the results of the extensive round-robin testing conducted by Germany, Sweden and a number of members of LightingEurope have demonstrated that meeting the 0.4 requirement is technologically feasible and that products meeting this requirement are already readily and widely available on the market. In the absence of a genuine technical and economic justification[2] and considering that the proposed regulatory amendment not only goes beyond correcting technical and editorial issues but also counter to the precautionary principle by putting the public health of Europeans at risk, we find the proposed change entirely unacceptable.	Revert to the original text of the Regulation 2019/2020: *SVM ≤ 0,4 at full-load (except for HID with Φuse > 4 klm and for light sources intended for use in outdoor applications, industrial applications or other applications where lighting standards allow a CRI< 80).*
Exemption for fluorescent tubes used for scene- and stage-lighting (Annex III, Point 2(3))	*(w) light sources that* *(1) are specifically designed and exclusively marketed for scene-lighting use in film-studios, TV-studios and locations, and photographic-studios and locations, or for stage-lighting use in theatres, during concerts or other entertainment events;*	Fluorescent tubes described under point (f) have absolutely no unique or special requirement that should justify or differentiate their use for studio purposes – they have standard caps (G5 or G13), standard diameters (T5, T12), standard CRI value (≥85) and standard CCT values (2900, 3000, 3200, 5600, 6500K). **The adoption of the proposed change would therefore create a major loophole**, allowing T12 lamps to be installed in T8 sockets and be marketed for studio lighting, thus leading to a	Amend the article as follows: *(w) light sources that* *(1) are specifically designed and exclusively marketed for scene-lighting use in film-studios, TV-studios and locations, and photographic-studios and locations, or for stage-lighting use in theatres, during concerts or other entertainment events;* *and that:*

[1] See Veitch, J.A and Martinsons, C., 'Detection of the stroboscopic effect by young adults varying in sensitivity', *Lighting Research & Technology*, 52(6), 2020

[2] The only known study that attempted at challenging the existing scientific consensus has been presented by Sekulovski et al. (see Sekulovski, D. et al, 'Effects of long-term exposure to stroboscopic effect from moderate-level modulated light', *Lighting Research & Technology*, 52(6), 2020). The said study, however, presents a number of fundamental methodological flaws – it did not gather data concerning the individual differences in sensitivity of the study subjects prior to the experiment, performed the experiment with varying SVM conditions depending on the placement of the studied subjects in the room, and did not report on the total SVM exposure duration or intensity by the study participants. Taken together, this does not allow for its conclusions to be considered relevant for policy-making purposes and for the precautionary principle to disapply.

	and that: *(2) meet at least one of the following specifications:* *(a) LED with power ≥ 100 W and CRI > 90;* *(b) GES/E40, K39d socket with changeable Colour Temperature down to 1 800 K (undimmed), used with low voltage power supply;* *(c) LED with power ≥ 180 W and arranged to direct output to an area smaller than the light emitting surface;* *(d) Incandescent light source that is DWE type and has 650 W power, 120 V voltage and pressure screw terminal;* *(e) LED with power ≥ 100 W that allows the user to set different correlated colour temperatures for the emitted light;* (f) *LFL T5 with G5 cap and LFL T12 with G13 cap, with CRI ≥ 85 and CCT 2 900, 3 000, 3 200, 5 600 or 6 500 K;*	backdoor re-introduction of lamps that have been phased out due to both their inefficiency and toxicity. Furthermore, numerous examples of LED tubes exist that are widely used in television and film studio applications[3]. We therefore strongly encourage the regulator to completely remove the exemption from the lighting regulation due to its being worded too openly and being technologically unjustified.	*(2) meet at least one of the following specifications:* *(a) LED with power ≥ 100 W and CRI > 90;* *(b) GES/E40, K39d socket with changeable Colour Temperature down to 1 800 K (undimmed), used with low voltage power supply;* *(c) LED with power ≥ 180 W and arranged to direct output to an area smaller than the light emitting surface;* *(d) Incandescent light source that is DWE type and has 650 W power, 120 V voltage and pressure screw terminal;* *(e) LED with power ≥ 100 W that allows the user to set different correlated colour temperatures for the emitted light;* ~~*(f) LFL T5 with G5 cap and LFL T12 with G13 cap, with CRI ≥ 85 and CCT 2 900, 3 000, 3 200, 5 600 or 6 500 K;*~~
Exemption for incandescent lamps used for infrared heating (Annex III, Point 2(3))	*(x) incandescent DLS fulfilling all of the following conditions: E27 cap, clear envelope, power ≥ 100 W and ≤ 400 W, CCT ≤ 2 500 K, specifically designed and exclusively marketed for infrared heating*	**We strongly reject the newly proposed exemption for incandescent lamps used for infrared heating, as this amends the scope of the adopted regulation without sufficient regulatory scrutiny nor justification**. With LED heat lamp models already readily available on the market, the exemption is not only unsubstantiated, but also goes contrary to the goal of the omnibus amendment which is	Reject proposed change.

[3] See, e.g., http://www.dadcopowerandlights.com/led-lighting-systems-for-tv-and-motion-picture-production or https://www.bulbtronics.com/landing-pages/studio-lamp-led-retrofits/

		to only introduce changes that correct errors or inconsistencies. Furthermore, all of the criteria proposed – directional shape, E27 screw base, clear envelope, power and CCT values are common across incandescent lamps. If adopted, this will create a major loophole, resulting in lost energy savings with importers marking these lamps as being designed for "infrared heating" and claiming exemption – similarly to the historic precedents of the HeatBall incident in 2010 or the "Not for Household Use" loophole of 2015. For the exemption to capture solely infrared lamps that are used for heating, the CCT value should at the very least be lowered to ≤ 2200 K.	

Electronic displays and televisions – ecodesign and energy labelling – 2019/2021 and 2019/2013

Subject	Proposed change by the Commission in latest draft	Comments	Proposed action
Changes that concern both Ecodesign and Energy Labelling Regulations			
Transitional methods (Annex IIIa, Regulation (EU) 2019/2021; Annex IV, Regulation (EU) 2019/2013)	New section on transitional methods added.	**We support the inclusion of transitional methods** in Annex IIIa of Regulation 2019/2021 and Annex IV of Regulation 2019/2013. In particular, **we strongly support the following aspects** being referenced: - **Video sequence for power measurement**: replacement of the video sequence described in EN62087-2:2016 with the updated 10-minute dynamic broadcast video sequence specifically provided for the purpose; - **Enabling of HDR**: requirement for the HDR to be enabled before testing; - **Test pattern for screen luminance measurement for ABC**: improved test pattern, allowing to avoid power limiting effects to be triggered during luminance measurement; - **Test equipment for ABC test**: the specified use of a solid-state projector light source and the corresponding tilting mounting platform.	1. Include Figure 1 "Example of a compliant menu and warning implementation" in the text of the transitional methods, as suggested in the annex of this document. 2. Review the use of 'should' and 'shall' clauses across the specified transitional methods to ensure consistency and that all key requirements are properly implemented during testing.

		We have the following observations aimed at improving the clarity of the proposed transitional methods: Firstly, **Figure 1 "Example of a compliant menu and warning implementation"** is referenced but not present in the proposed regulatory text. There have been notable issues in the previous draft of this figure, previously distributed together with the draft standardisation request for displays. In that version, if the user were to select an alternative configuration that did not increase the power consumption compared to normal configuration and then selected another mode that went above the normal configuration power level, no warning were to be provided. The regulation specifies that for higher power configurations a warning should be displayed – and does not specify a sequence relating to this. A suggested figure that is in line with the regulatory requirements is proposed in the annex of this document. Secondly, **the use of 'should' and 'shall' clauses in the text of the transitional methods is inconsistent**, and on a number of occasions the 'should' clauses are likely to lead to important testing consideration not being properly taken into account by manufacturers and/or market surveillance authorities. We strongly invite the regulator to review transitional test methods in order to ensure that all key considerations are accompanied with a 'shall' clause.	
Changes that concern Ecodesign Regulation only			
Exemption for displays for industrial applications in hostile environments (Articles 1(2) and 1(3))	Article 1(2): *The following point (h) is added:* *'(h) electronic displays for industrial applications in hostile environments';* Article 1(3): *The following point (21) is added:*	**We strongly oppose the intention to reconsider the scope of the regulatory texts after their adoption and publication in the Official Journal**, as such an approach is clearly inconsistent with the Commission's guidelines on Better Regulation and goes well beyond the objective of the omnibus amendment to solely correct errors and inconsistencies. No evidence seems to suggest that the intention of the regulator upon the adoption of the 2019 regulation was to exempt industrial displays from neither energy efficiency nor material efficiency requirements.	Reject proposed change.

	'(21) 'industrial display' means an electronic display designed for use in harsh operating conditions for measuring, testing and process monitoring and control. Its design must provide at least suitability for regular use in ambient temperatures above 40° C, minimum level of ingress protection (IP) ensuring no ingress of dust and complete protection against contact (dust-tight) with no effect for water projected by a nozzle (6.3 mm) against the enclosure, EMC immunity suitable for industrial environments and, in addition at least one of the following: conformal coating of electronic components, assembly potting, impermeable enclosed circuit boards, integrated shatterproof screen or gaskets sealing the display;'	Moreover, two particular issues can be identified with regard to the draft formulation of the proposed exemption. Firstly, while Article 1(2) proposes an exemption for 'electronic displays for industrial applications in hostile environments', the definition intended to accompany this exemption and proposed to be introduced under Article 1(3) relates to 'industrial display' with reference to 'harsh operating conditions'. **The wording in the two articles is inconsistent and misleading**. Secondly, while the definition proposed to be inserted under Article 1(3) is now improved through the introduction of obligatory features of an industrial display, **the reference to 'gaskets sealing the display' makes the list of optional features redundant**, since such gaskets are likely to be a universal feature of a display with dust-tight design and splash proofing.	
Professional displays (Article 2(15))	*(15) 'professional display' means an electronic display designed and marketed for professional use for editing video and graphic images. Its specification shall include all of the following features:* *(a) contrast ratio of at least 1000:1 in accordance with EBU Tech 3320 – Grade 2 or higher monitor;* *(b) viewing Angle Dependency in accordance with EBU Tech 3320 – Grade 2 or higher monitor;* *(c) native resolution of at least 2,3 mega pixels;* *(d) colour Gamut support greater or equal to 38.4% of CIE LUV* *(e) colour and luminance uniformity in accordance with EBU*	**We strongly oppose the proposed amendment.** Fundamental changes have been made to the definition of professional displays that have the potential to significantly widen the number of displays that would be classified within this group, including by an indirect delegation of the regulatory powers to the EBU. With the definitions of the monitor grades in the EBU specifications being based on terms such as "it would be highly desirable for the monitor to be able to" or "usually used for", we do not consider them suitable for regulatory purposes. Moreover, reference to Grade 2 monitors weakens both the requirement related to contrast ratio and colour and luminance uniformity. The contrast ratio for Grade 2 monitors according to the EBU Tech specifications is set at or above 500:1, compared to contrast ratio of at least 1000:1 as specified in the original text of the regulation. The measurement approach, too, is much less robust in	Reject proposed change.

	Tech 3320 – Grade 2 or higher monitor'	the EBU Tech specifications as compared to the existing regulatory text in relation to this requirement. The proposed change in relation to colour and luminance uniformity requirement, meanwhile, would mean that the previous requirement of being within 1.3 Δu*v* of the measured white at the centre of the screen, would now be changed to 4 Δu*v*. Given that there is no technical justification to relax the currently existing text of the exemption and that the issue was never previously addressed during stakeholder consultations, we urge the regulator to reject proposed changes and retain the original text as is.	
Networked standby (Annex II, Part C, Point 2)	*Networked electronic displays shall comply with the requirements for networked standby mode with the reactivation trigger device connected to the network and ready to activate a trigger instruction when required to. With networked standby mode disabled, networked electronic displays shall comply with the requirements of standby mode.*	The current definition of standby mode in the display regulation reads as follows: *'standby mode' means a condition where the electronic display is connected to a power source, depends on energy input from that source to work as intended and provides only the following functions, which may persist for an indefinite time:* *— reactivation function, or reactivation function and only an indication of enabled reactivation function; and/or* *-- information or status display;* The difference between a 'reactivation trigger device' referenced in the proposed amendment, and a 'reactivation function', as defined in the current regulation quoted above, is unclear and this new text is likely to create confusion. **We suggest aligning the two provisions for the purpose of clarity**.	Change proposed amendment as follows: *Networked electronic displays shall comply with the requirements for networked standby mode **when** ~~with~~ the reactivation ~~trigger device~~ **function is** connected to the network and ready to activate a trigger instruction **in response to the network** when required ~~to~~. With networked standby mode disabled, networked electronic displays shall comply with the requirements of standby mode.';*
Exemption for outdoor displays from disassembly requirements (Annex II, Part D, Point 1)	*By way of derogation, **industrial displays designed for use in harsh operating conditions** can use irreversible sealing techniques necessary for safety or durability. The technical documentation shall include the technical justification related to why the sealing has been used, as well as instructions on how to disassemble or dismantle the display for repair.*	**The proposed exemption for outdoor displays from fulfilling disassembly requirements is entirely unjustified and goes contrary to the objective of the omnibus amendment** to solely correct errors and inconsistencies in the regulations. Not only has such an exemption never been proposed in any of the discussions had with stakeholders to date, but it is also not backed by any evidence that would justify its introduction. Furthermore, the ad-hoc definition of outdoor displays proposed is insufficient, and, relating solely to how the	Reject proposed change.

		product is marketed, creates a significant loophole that can have major repercussions on the reparability of electronic displays. We therefore call on the regulator to reject the proposed exemption.	
Permanent connection of batteries and accumulators (Annex II, Part D, Point 1)	*By way of derogation from the first paragraph of this point, the permanent connection between the display and the battery or accumulator is permitted under the conditions indicated in Directive 2006/66/EC.*	**The proposed change in wording which would allow permanent connection of batteries and accumulators is both fully unjustified and entirely unacceptable**. It clearly goes contrary to the intention of the adopted regulation to ensure easy removal of replacement of batteries and accumulators in cases of failure.	Reject proposed change.
Spare parts (Annex II, Part D, Point 1)	*(1) manufacturers, importers or authorised representatives of electronic displays shall make available to professional repairers at least the following spare parts: internal power supply, connectors to connect external equipment (cable, antenna, USB, DVD and Blue-Ray), capacitors **above 400 microfarads**, **non standardised** batteries and accumulators, DVD/Blue-Ray module if applicable and HD/SSD module if applicable for a minimum period of seven years after placing the last unit of the model on the market;*	We do not support the intention to amend the adopted list of spare parts as changes that are made thereto also impact the ease of disassembly of electronic displays and televisions. While **the newly proposed text to limit the exclusion of capacitors to those below 400 microfarads is an acceptable compromise**, resulting in larger capacitors that are most relevant for repair continuing to be required to be easily disassembled, **the newly introduced limitation on the scope of the provision to 'non standardised' batteries and accumulators is entirely unacceptable**. Not only is such a limitation not based on any technical justification or assessment, it also opens a loophole in the regulation since 'non standardised batteries and accumulators' are never defined in the regulatory text. We strongly call on the regulator to reject this latter amendment.	Change proposed amendment as follows: *(1) manufacturers, importers or authorised representatives of electronic displays shall make available to professional repairers at least the following spare parts: internal power supply, connectors to connect external equipment (cable, antenna, USB, DVD and Blue-Ray), capacitors **above 400 microfarads**, batteries and accumulators, DVD/Blue-Ray module if applicable and HD/SSD module if applicable for a minimum period of seven years after placing the last unit of the model on the market;*
Maximum concentration values for halogenated flame retardants (Annex IV, Table 3)	*The determined value for any homogeneous material shall not exceed 0,1 % by weight of bromine, 0,1 % by weight of fluorine and 0,1 % by weight of chlorine attributable to flame retardant.*	We welcome the intention of the regulator to provide for additional clarity as regards the newly introduced ban of halogenated flame retardants in the enclosures and stands of displays. However, **we see two issues in particular with the proposed wording relating thereto.** Firstly, while the proposed value for bromine and chlorine is fit for purpose, **the value for fluorine should be lowered** as the current limit would continue to allow for certain fluorinated flame retardants that are available on the market today[4] and which are added in quantities close to or just below the proposed 0.1% threshold to be present and go undetected by market surveillance authorities.	Change proposed amendment as follows: *The determined value for any homogeneous material shall not exceed 0,1 % by weight of bromine, **0,01 %** by weight of fluorine and 0,1 % by weight of chlorine ~~attributable to flame retardant~~.*

[4] Notably potassium perfluorobutane sulfonate (KPFBS): https://www.3m.com/3M/en_US/company-us/all-3m-products/~/3M-Flame-Retardant-Additive-FR-2025/?N=5002385+4294875886&rt=d

		Secondly, **we fear that the newly proposed text places undue burden on the market surveillance authorities due to the expected attribution of the detected halogen to a flame retardant for which no procedure is specified**. We believe that such attribution is unnecessary, and the detection of specific halogen content should in itself be sufficient to establish non-compliance. Alternatively, we believe that the proposed clause should be reformulated, so to only allow the presence of bromine, fluorine and chlorine in cases where, taking into account technical documentation submitted by the manufacturer, these are clearly attributable to a substance that is not functionally linked to flammability control.	

Household dishwashers – ecodesign and energy labelling – 2019/2022 and 2019/2017

Subject	Proposed change by the Commission in latest draft	Comments	Proposed action
Changes that concern both Ecodesign and Energy Labelling Regulations			
Low power modes (Annex III, Point 4, Regulation (EU) 2019/2022; Annex IV, Point 4, Regulation (EU) 2019/2017)	*"**Where applicable**, the power consumption of the off mode (Po), standby mode (Psm) and ~~where applicable~~ delay start (Pds) are measured."*	Inserting 'where applicable' at the start of the provision opens the possibility for a supplier to imagine that their dishwasher has no 'off mode' or 'standby mode' and therefore is not subject to performance and reporting obligations. In line with the intent of the requirement, as stipulated in EN 60436:2020 Annex ZA, these modes are simply equal to the power consumption after 15 minutes from switch on with no interactions and therefore applicable in every case – whether or not the mode is declared by the supplied to be a 'feature'. As a result, the **proposed change opens an unintended loophole**.	Revert to the original wording: *"The power consumption of the off mode (Po), standby mode (Psm) and **where applicable** delay start (Pds) are measured."*

Household washing machines and washer-driers – ecodesign and energy labelling – 2019/2023 and 2019/2014

Subject	Proposed change by the Commission in latest draft	Comments	Proposed action
Changes that concern both Ecodesign and Energy Labelling Regulations			
Low power modes (Annex III, Point 8, Regulation (EU) 2019/2013; Annex IV, Point 9, Regulation (EU) 2019/2014)	*"**Where applicable**, the power consumption of the off mode (Po), standby mode (Psm) and ~~where applicable~~ delay start (Pds) are measured."*	Inserting 'where applicable' at the start of the provision opens the possibility for a supplier to imagine that their washing machine has no 'off mode' or 'standby mode' and therefore is not subject to performance and reporting obligations. In line with the intent of the requirement, as stipulated in EN 60456:2020 Annex ZA, these modes are simply equal to the power consumption after 15 minutes from switch on with no interactions and therefore applicable in every case – whether or not the mode is declared by the supplied to be a 'feature'. As a result, the **proposed change opens an unintended loophole**.	Revert to the original wording: *"The power consumption of the off mode (Po), standby mode (Psm) and **where applicable** delay start (Pds) are measured."*

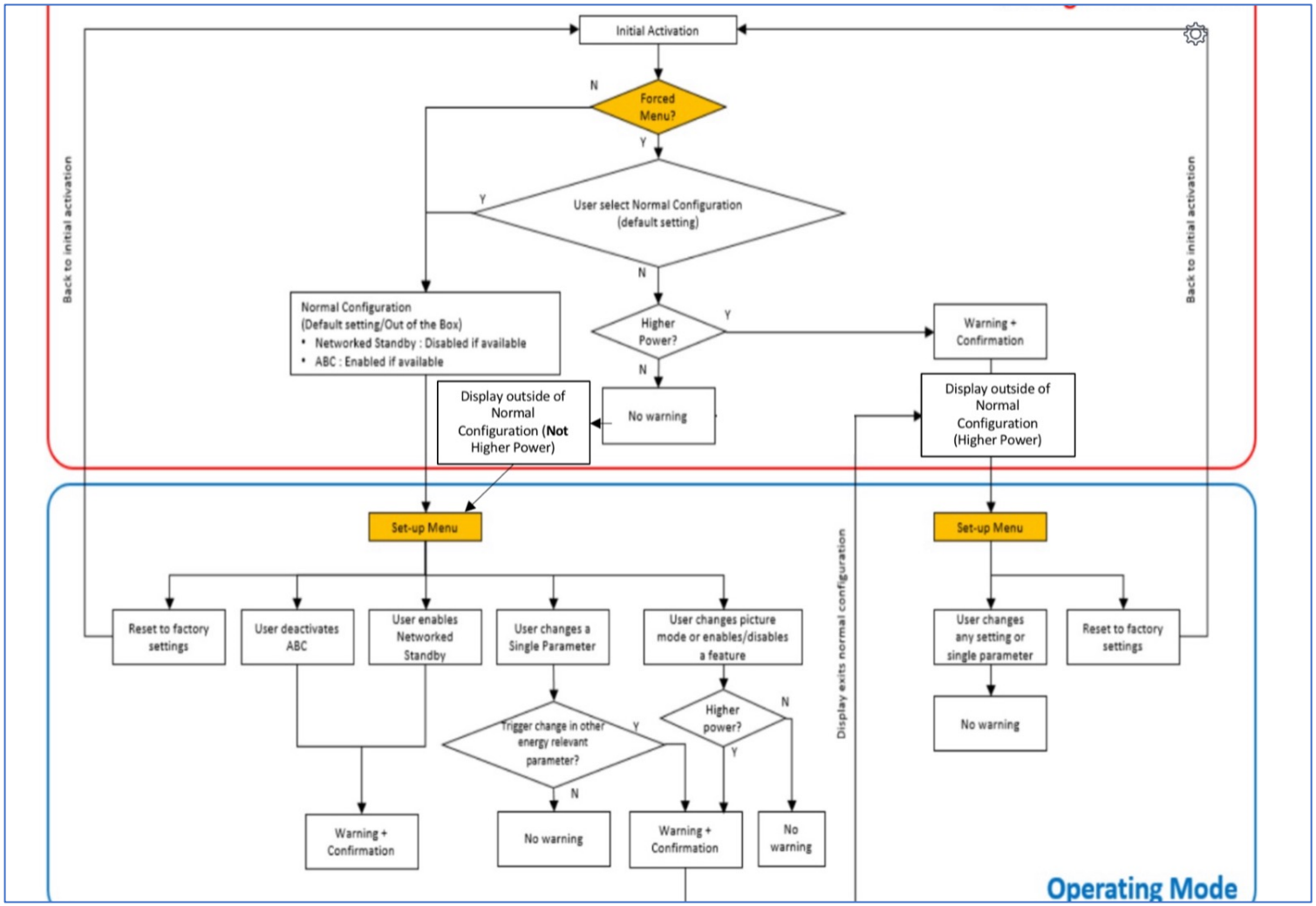
Refrigerating appliances with a direct sales function – ecodesign and energy labelling – 2019/2024 and 2019/2018

Subject	Proposed change by the Commission in latest draft	Comments	Proposed action
Changes that concern both Ecodesign and Energy Labelling Regulations			
Carousel cabinets (Articles 1(3) and 2, Regulation (EU) 2019/2024; Articles 1(2) and 2, Regulation (EU) 2019/2018)	<u>Article 1(2) / Article 1(3):</u> *' corner**, curved and carousel** cabinets'* <u>Article 2</u> *'corner, curved and carousel cabinets' means a refrigerating appliance with a direct sales function used to achieve*	**We see two issues with the addition of the term 'carousel' in the proposed exemption**. Firstly, the term 'carousel' does not fit within the definition as drafted, as it is not 'wedge' shaped or 'similar'. Moreover, carousel cabinets are designed to function as a stand-alone refrigerated unit. Secondly, the term 'carousel' is used in EN 50597 for a type of vending machine that is also within the scope of this regulation (see annex of this document for an	1. Delete 'carousel' from this exemption and definition, referring only to 'corner and curved'; 2. Define circular cabinets for direct sales (which are the type of products here referred to as 'carousel') separately and, if appropriate, separately exclude them from the scope. If the word 'carousel' is retained, qualify it as 'carousel or circular-type supermarket cabinet' to avoid confusion with carousel-type vending machines.

	geometrical continuity between two linear cabinets that are at an angle to each other and/or that form a curve. A corner, ***curved and carousel cabinets*** *do not have a recognisable longitudinal axis or length since it consists only of a filling shape (wedge or similar) and is not designed to function as a stand-alone refrigerated unit. The two ends of the corner cabinet are inclined at an angle of between 30° and 90°*	example), used for plated meals and other perishable foods.	
Temperature class for M0 (Annex III, Table 5, Regulation (EU) 2019/2024; Annex IV, Table 4, Regulation (EU) 2019/2018)	Temperature class for M0 is added with associated values for factor C.	This cabinet temperature class is becoming more widely used across EU member states and is focused on closer temperature control and higher standards of food safety – it is therefore appropriate to include it. The C-factors are used to adjust the thresholds for the slightly varying storage temperatures M1, M2, M0; energy demand is linearly and inversely proportional to storage temperature. Based on typical achieved storage temperatures, a linear proportionality would, however, imply an M0 C-factor for vertical cabinets of 1,22 (and not 1,3 as proposed, see annex of this document for additional evidence). **The C-factor value of 1,3 would allocate energy labels and minimum energy performance requirements that are too lenient for M0 vertical cabinets and would mislead buyers by allowing M0 cabinets to achieve a better energy class while actually consuming more energy than an equivalent design of M2 cabinet.**	Change C-factor M0 for vertical cabinets to 1,22 (currently proposed as 1,3) in order to be consistent with the other C-factors and avoid unduly lenient minimum energy performance requirements for M0 vertical cabinets.

Annex I – Electronic displays and televisions – suggested example of a compliant menu and warning implementation

The proposed chart below would ensure that warnings occur when there is a change from alternative configurations that do not exceed normal mode energy consumption. This is consistent with the regulation, which does not specify that the warning only occurs when changing from normal configuration, but when the user changes (without specifying the mode they are currently in) to a mode that is not the normal configuration and that has a higher power demand.



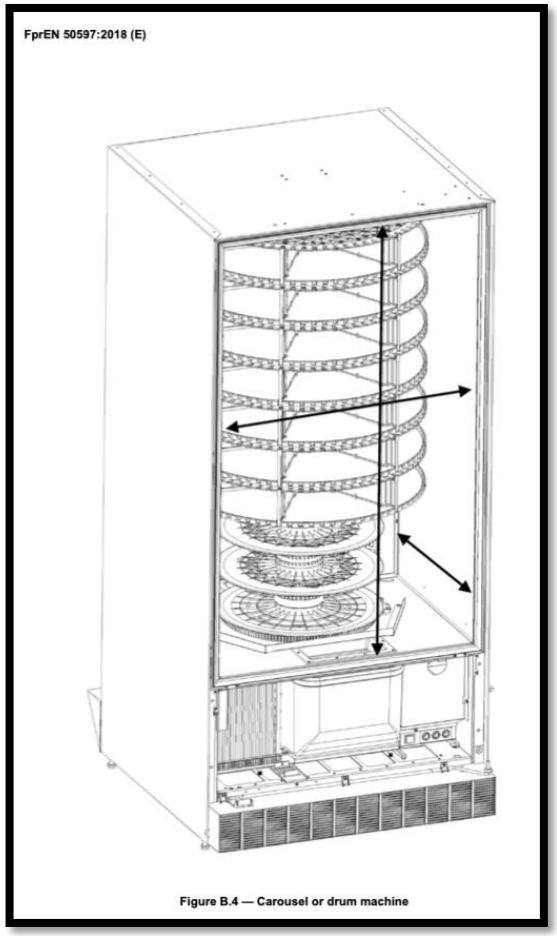


Figure 1a: (left) a carousel type vending machine (from EN 50597). Figure 1b (right) a circular 'carousel' type refrigerated retail display cabinet for supermarkets

Annex III – Refrigerated appliances with a direct sales function – supporting evidence in relation to temperature class for M0

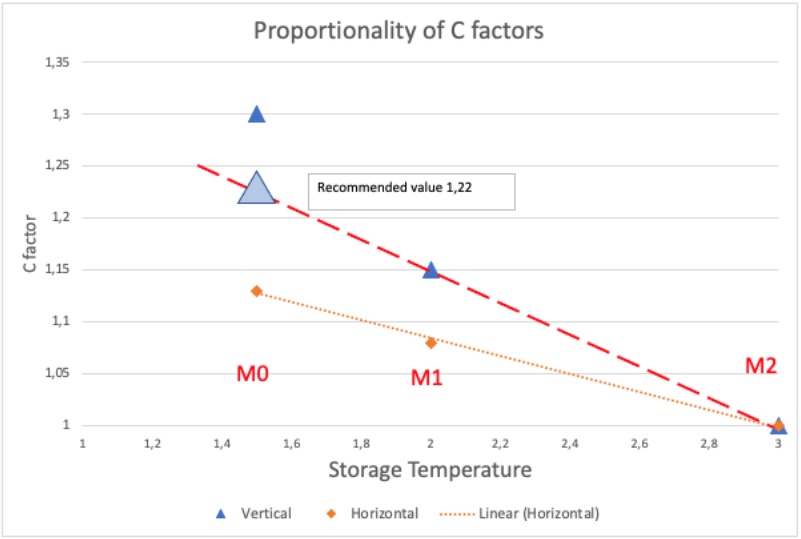


Table 32. Estimated average M-package temperature (°C) for each EN ISO M-package temperature class

	M-package temperature class							
	3H1	3H2	3M2	3M1	3M0	3L1	3L2	3L3
Estimated average temperature (°C)	+5.5	+4.5	+3.0	+2.0	+1.5	−16.5	−15.0	−13.5
ANSI/AHRI 1200 average temperature (°C)	+3.3	+3.3	+3.3	+3.3	+3.3	−18.0	−18.0	−18.0

Figure 2a (left) – Proportionality of C-factors for M0, suggesting that a value of 1,22 for vertical cabinets is consistent with the already established C-factors, based on proportionality of storage temperatures. Figure 2b (right) - Typical storage temperatures are from a CLASP study[5].

[5] CLASP, 'Benchmarking Analysis Compares Efficiency of Commercial Refrigeration Equipment Across Nine Economies', 2014, available at: https://clasp.ngo/publications/benchmarking-analysis-compares-efficiency-of-commercial-refrigeration-equipment-across-nine-economies.