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Your ref.

Subject: Consultation Green Paper on a 2030 framework
for climate and energy policies

June 27, 2013

Dear Madam, Sir,

On behalf of the Dutch Foundation Enerchique, which is registered in the Transparency Register under ID number 140992111418-09 and which address is Energieweg 9, Den Helder, the Netherlands (NL-1785AD), I would like to draw attention to the following.

As is well known, with regard to the EU2020 climate and energy policies, the European Union has decided to set three principal goals, consisting of a 20% reduction in greenhouse gas emissions and an increase in energy efficiency by 20% in 2020 compared to 1990, as well as of the adoption of a binding target of 20% renewable energy from final energy consumption by 2020. As an important legal instrument used to achieve these goals, the Ecodesign Directive of July 6, 2005 (Directive 2005/32/EC) sets specific requirements on energy-related products, including lighting products. The Directive has been further implemented by Commission Regulation (EC) No 244/2009 of March 18, 2009. This regulation provides for a general phase out of both the incandescent light bulb and the halogen lamp, in order to safeguard the use of the compact fluorescent lamp (hereinafter: “CFL”) and LED light bulbs as the only energy efficient sources of light in the future.

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The *rationale* of the phase out of the incandescent light bulb has been that the incandescent light bulb is regarded to be much less energy efficient than most other types of lighting, since most incandescent bulbs convert only 5% of the energy they use into visible light, while 95% of the energy is converted into heat. However, people turn on the lights when the sun sets, and - the sun of course producing both light and heat - this is most of the time also when people tend to turn on the central heating. It is often forgotten that the incandescent light bulb has for this reason always served as an important secondary source of heating, and, for that reason, is in fact 100% energy efficient.

Be that as it may, the most important disadvantage of CFL lightning is of course that each CFL contains approximately 4 mg of mercury. As is well known, next to uranium, mercury is the second most toxic element on earth and in fact life-threatening for all living organisms. Mercury-exposure often results in significant health problems, which are often revealed at a much later time than the actual exposure.

It is for this reason that the European Union has over the years introduced various bans on the use of mercury. Importantly, the Restriction of Hazardous Substances Directive (“RoHS”)-directive (Directive 2002/95/EC) prohibits the use of mercury and other toxic materials such as lead and cadmium in electrical and electronic devices. Nevertheless, while Article 4(1) of the RoHS directive explicitly prohibits the use of other toxic materials in light bulbs, remarkably, an exception is made in the Appendix to this Directive with regard to the use of mercury in light bulbs.

The consequences of this legal exception cannot easily be underestimated. While it has been agreed upon by manufacturers of CFL’s that they are responsibly for recycling CFL’s - reason for which CFL’s must be threatened as household hazardous waste (“HHW”) - research from 2012 shows that in the Netherlands between 80 and 85% of the CFL’s are not handed in at the designated HHW drop off points. As a consequence, each year, 40,000 kg. of mercury is released into the environment - in the Netherlands only - an amount which will only increase with the increased use of CFL’s the coming years. Given the fact that the CFL was introduced already in 2008, while hardly any CFL’s have been handed in, it follows that since 2008 already large quantities of mercury have been released into the environment.

Furthermore, the life expectancy of CFL is often much shorter than as advocated. In short, this will, EU- wide (including countries such as Switzerland and Norway which have already announced that they will mirror the EU policy on CFL’s), lead to an estimated release of mercury into the environment of hundreds of thousands kilograms per year.

Moreover, it is only Article 11 of the (Dutch) manual for CFL’s – hence not for instance already the first provision – which provides that if a CFL bulb breaks, it must immediately be covered with an isolation blanket, while the room concerned must be ventilated for at least 45 minutes. Of course, in practice, hardly anyone knows about this instruction, nor is in actual possession of such blanket for that matter.

It is for this reason that, on behalf of Stichting Enerchique, supported by the Dutch Foundation “Urgenda”, I would like to request the European Commission to propose to bring CFL’s within the scope of the prohibition on mercury as laid down in Article 4(1) of the RoHS directive. Consequently, Enerchique would like to request the European Commission to propose legislation aimed at a general phase out of the CFL, while in the mean time obliging manufacturers of CFL’s to actually recycle these products to avoid mercury being released into the environment. Finally, should the industry prove to be unable to come up with any alternatives, Enerchique proposes to reintroduce the use of incandescent light bulbs and halogen lamps.

Enerchique would welcome the opportunity to provide further details in person.

Kind Regards,

On behalf of Stichting Enerchique,

A handwritten signature in black ink, consisting of a stylized, elongated shape with a small loop at the end.

Dr. Allard Knook, LL.M