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DIRECTORATE-GENERAL FOR ENERGY AND TRANSPORT

DIRECTORATE D - New and Renewable Energy Sources, Energy Efficiency & Innovation
Energy efficiency of products & Intelligent Energy – Europe

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MINUTES

Consultation meeting on the revision of the Energy Labelling Directive 92/75/EEC on 8 February 2008.

Centre Albert Borschette (CCAB), room 0D, rue Froissart 36, 1040 Brussels,

Participants: see Annex 1.

The Chairman opened the meeting and outlined the context for the stakeholder consultation. The renewed Sustainable Development Strategy calls upon the Commission to propose an EU Consumption and Production Action Plan (DG ENV) to "help identify and overcome barriers for SCP and to ensure better coherence between different related policy areas. The possible revision of the Energy Labelling Directive makes part of this context as well as of the parallel initiative on Sustainable Industrial Policy led by DG ENTR. The purpose of this consultation is to collect comments and views from all stakeholders on the main policy options for a possible revision of the Energy Labelling Framework Directive 92/75/EC. Part of the SCP/SIP would be to extend the scopes of the Eco-design Directive 2005/32/EC and of the Labelling Directive 92/75/EEC, vehicles and their parts (such as tyres or air-conditioning) being excluded.

The Chairman then gave an overview on the next steps in preparing eco-design and energy labelling implementing measures. For SCP/SIP it is important to maximize synergies and consistency between these two legislative tools, as well as with Energy-Star, Ecolabel, RoHs, WEEE and other relevant legislation. In that context, it could make sense to extend the mandate of the Energy Labelling regulatory Committees to also cover the Ecodesign Directive.

Stakeholders were invited to continue providing comments by 22 February 2008; the Commission would aim making a proposal on revising 92/75/EC before the summer break 2008.

The meeting was structured based on the questions and policy options discussed in the Commission working document that was published on 20 December 2007 on http://ec.europa.eu/energy/demand/legislation/eco_design_en.htm.

The comments made during the meeting and noted in these minutes are subject to possible fine-tuning or change by stakeholders by 22 February, at latest.

Due to the urgency to update the existing Energy Labelling Implementing Directives it was agreed to conduct a discussion on the design of the label outside the context of the revision process towards the end of the meeting.

The summary of the discussion is as follows:

The meeting participants fully agreed on the general principle of reinforcing the use of energy labelling (Q2).

Question/Policy Option	Yes	No
Q2. Do you agree to the general principle of <u>reinforcing the use of (energy labelling)</u> in order to more vigorously contribute to the Union's objectives on climate mitigation, competitiveness and sustainable product policy?	X	

Upon this agreement, a discussion was conducted on a possible wider scope of the revised directive, as summarised in below table.

Question/Policy Option	Yes	No
Q6. Would you like to <u>add other products</u> to the scope of the labelling Directive than those covered at present (household appliances only)?	X	
P1. Extending labelling to <u>additional household</u> appliances displayed in shops/outlets, such as televisions, water heaters, boilers ...	X	
P2. Extending labelling to <u>non-household energy-using</u> appliances, such as electric motors	X	
P3. Extending labelling to <u>non-energy using</u> products, such as windows, tyres or services	X	X

The majority of the meeting participants responded positively to the above questions, particularly as to adding other energy-using or (non energy –using but) energy-related products to the scope of the directive. On the question to add all non-energy using products into the scope of the directive the majority of participants expressed doubts.

ITALY supported by the UK expressed a negative position on adding systematically non-energy using products into the scope. Instead, it was supported that 'energy-relevant' non-energy using products could be covered (except vehicle parts, such as tyres) if an impact assessment so would advice; therefore the revised Framework Directive should keep that possibility opened in selected well justified cases. The NETHERLANDS felt that we should only label carefully selected non EUP. EUROACE supported labelling of windows, but felt that any label on insulation products would not be useful. FRANCE and GERMANY had doubts on going beyond non energy-relevant non EUP.

The discussion on the possible revised scope led to the question on content and type of the label to be used, as summarised in the below table.

Question/Policy Option	Yes	No
Q3. For energy using products, would you favour the use of an energy label focusing on the <u>energy consumption in use</u> or of an 'eco-design label', (near to the Eco-label showing the 'best') giving the global environment performance of the product throughout its life-cycle?	X	X
P5b. Replace the energy label by an 'eco-design' label combining several significant environmental parameters		X
Q4. Are you in favour of adding CO ₂ on the energy label? How could reliable information be assured in the light of different energy mixes in the 27 Member States		X
P5a. Provision of additional <u>product information</u> on the energy label, such as CO ₂ emissions or annual running costs		(X)
Q5. Are you in favour of <u>adding annual running costs</u> on the energy label?		X

For energy-using products there was unanimity on the need to maintain the energy label with focus on energy consumption in use phase, including the indication of the consumption of other relevant consumables during the use phase, in line with the present successful scheme.

Environmental NGOs stressed that the urgency was to address energy consumption (while not affecting other environmental parameters) and the need to urgently review the existing implementing directives.

Stakeholders requested to keep the message clear and simple and not to indicate additional environmental information such as CO₂, except possibly if the scope was broadened towards non-energy using products. CECED reminded that indicating CO₂ would be neither feasible nor enforceable and therefore should not be a legal requirement. ORGALIME supports this view as far as the use phase is concerned and clarifies that for the rest of the life cycle information CO₂ emissions may be relevant for some products. Including this option into the legal framework may be appropriate, as the question is about possible practical difficulties to collect the necessary data. UK was not against indicating some CO₂ footprint as such but not necessarily on the label.

ANEC and BEUC, supported by Italy and France, saw a danger in mixing the energy label with other environmental information, as consumers need a simple message; carbon discussion should be kept out of the label. The energy label should focus on energy and other consumables at use phase and should not aim at including other environmental parameters during the life-cycle. The key for consumers is that the label provides reliable information on the energy consumption of running an appliance in real life situation and on the most consumer relevant functional performance (as running cycle of washing machines). This is in fact anyway a way to indirectly contribute to preserve the environment.

On the indication of the running cost, FRANCE, supported by ANEC and BEUC, stated that standard running cost in the context of the 27+7 countries implementing the European energy label would never match with the real running cost to the consumer.

Instead of helping, it would contribute to disinformation of consumers. UK stated that running cost is important information to consumers but recognised that practicalities hinder their inclusion in the label.

EUROCOMMERCE reminded that sales personnel can not take the responsibility and are not able to convey complex environmental information to consumers. The label must remain simple and convincing for both consumers and sales personnel in order to be efficient.

ORGALIME considered that it could be useful in some cases to open the possibility for the indication of other environmental parameters in the revised Framework Directive. It would be a pity not to have this possibility, if the need was there in the future (change of priority in environmental concerns) and/or for particular product groups.

A request was made, supported by BELGIUM, for further synergies between various tools (ecodesing, energy labelling, Energy-Star, Ecolabel, RoHs, WEEE).

It was summarised that the Framework Directive should:

- focus on consumption of energy and other resources in use for energy-using products and some non energy-using but energy related products
- keep the possibility to include additional information useful to consumers such as functional performance;
- open the possibility to include other environmental aspects throughout the life cycle for non-energy using products.

On policy options 10, 7 and 8, there was a full agreement, as shown in the table below.

Question/Policy Option	Yes	No
P10. Implementation through <u>Regulation</u> rather than Directive	X	
P7. Tighter <u>tolerances</u> in the measurement standards	X	
P8. <u>Better enforcement</u> of the labelling requirements in respect of both manufacturers meeting the set standards and retailers displaying correct information	X	

CECED supported by ORGALIME demanded that each actor be held responsible for its tolerances, that is, manufacturers to be responsible only for product variances and the variances in test laboratories to be decreased. MARCOGAZ supported CECED and considered that a general statement on tighter tolerances is not enough but should include explicit figures. ANEC and BEUC supported and requested that the present test standards be revised in order to better reflect the actual use of the appliance (such as test standard on washing machines).

To improve the situation, DENMARK proposed, supported by EUROACE, to increase information sharing and provision of technical data between test laboratories, although it is difficult as product models often differ in different Member States. A European database could be developed, e.g. within the Intelligent Energy Europe programme. ANEC requested that all market surveillance activities in Member States should be centrally registered and reported to the Commission. ITALY reminded that the

Australian scheme also includes sanctions and covers some 20-30 products tested annually. CECED doubted how much of this can be brought into the legal text but was ready to contribute. The UNITED KINGDOM suggested that technical files should be open to all (at least MS), and the verification procedure should be made easier.

Question/Policy Option	Yes	No
P6a. Reinforce provision of labels on <u>internet sales</u>	X	
P6b. Reinforce provision of labels in the context of other type of <u>sales and advertising</u> : www-pages, newspaper and TV adds ...	X	
P6c. Provision of information on energy consumption (apart from labelling) <u>in media and advertising</u> : www-pages, newspaper, magazines and TV adds ...	X	
P9. Legal protection of the label	X	

As the table shows, stakeholders require stronger provisions across all of the above issues. Environmental NGOs requested better display of labels outside shops and in departments where the products are sold, including second hand shops.

The Netherlands foresaw difficulties in how to enforce a provision of information in media and advertising.

CECED was positive about legal protection of the label but wanted to avoid any possible royalty issues.

The issue of possible alternative routes beyond the considerations in the Commission working document was addressed with no reactions by the stakeholders, as shown in the below table.

Question/Policy Option	Yes	No
Q8. Do you want to propose an <u>alternative route</u> beyond the considerations in this document?		X

Finally, the issue of how to ensure dynamic labelling was addressed with considerations on the type of specific distortions relevant to manufacturers, retailers and consumers. The summary results of the discussion are shown in the below table.

Question/Policy Option	Yes	No
Q7. In view of <u>dynamic labelling</u> , which approach would you suggest for the transition from an existing labelling scheme to a new labelling classification in order to cause minimum distortions?		
P4. Reinforce <u>dynamic labelling</u> with periodic reviews and rescaling of the ratings, including a possible redesign of the label and upgrading of the existing Directive	X	

CECED reminded of the importance of an adequate return to the investment made by the industry, which is particularly important, if the scope of the directive is broadened and more products are to be labelled. Consequently, in order to respond to the request for a dynamic labelling scheme, CECED proposed a new numerical labelling scale, which had also been presented to Member States the day before. The scale would reduce the burden of manufacturers in the event of updating existing labelling schemes and would not require manufacturers and retailers to 'downgrade' their products in the event of an upgraded label. The '*buy A*' -slogan would have to be replaced by a '*buy green*' -slogan.

CECED continued that the indication of the label is legally binding for manufacturers but they should not be held responsible for re-labelling of already sold products. EICTA supported CECED position reminding that products in the ICT sector develop very fast and could require frequent updates. CECED suggested that rescaling of energy labels that had taken place in Australia and Korea involved changes to the label design. For consumers, changing only the scale of the label is less disturbing than changing the whole label. All necessary efforts should be made to reduce the burden of the label for those involved in the process, e.g., the label must be translated to the languages of the 27+7 European countries in which it is implemented.

ANEC/BEUC reiterated that the shortcoming of the energy scheme comes from its lack of flexibility and not on its layout. ANEC/BEUC opposed the suggested numerical scale and wanted to keep the A-G scale, without A+ or A++. Consumers are used to A-G and they should not be confused with a numerical labelling scale. Any significant change to the label's layout should be evaluated through extensive consumer research. Also, the existing label has been copied by a number of other economies and Europe should not introduce a change to something that has proven to work. 'Buy A' has become a known slogan for efficient appliances among consumers and it works also with colour blind people.

EUROCOMMERCE confirmed that some of their members had reacted positively to the proposed numerical scale but that they did not make a final decision on the preferred option. EUROCOMMERCE was concerned about the number of revisions of existing labels, as it is the retailers that need to inform customers. They would prefer that appliances in the stock should not be re-labelled, only new appliances.

To facilitate the transfer from the old to the new label BEUC the label should include the date on which it has been introduced. DENMARK suggested a transitional label but BEUC and ANEC objected, as the indication of the year of introduction was considered less confusing than a third intermediary label.

Environmental NGOs preferred the existing A-G label and requested regular updates of implementing directives every five years. CECED opposed this proposal and suggested to update labelling scales depending on the type of product and its specific technological development with 12 months of coexistence of the old and new label, at maximum. NETHERLANDS opposed the proposed 12-month coexistence but recognised the difficulty of manufacturers to update the underlying label. Also ANEC and BEUC opposed the 12-month coexistence suggesting 6 months as a maximum. Requests were also made to update old labels on a given foreseen specific date.

FRANCE found the numerical scale interesting but supports the A-G scale because it is well known for consumers. GERMANY recognised that there is no interest among retailers to downgrade their products in the event of an upgraded label. The

NETHERLANDS requested that the revised framework directive identify responsibilities in the event of rescaling and specify the time for coexistence of different labels, which should be as short as possible. In the case of Energy-Star, manufacturers are responsible for implementing the requested changes and it works. UK welcomed the work undertaken by CECED in developing a constructive proposal but strongly favoured the existing A-G scale until more information was available on the pros and cons of the numerical scale.

The NETHERLANDS asked the Commission to investigate whether there would be a legally acceptable procedure which would allow dynamic and speedy decision on the date for updating the coloured background of the label in the “CECED” numerical scale.

At the end of the meeting, it was agreed that a working group be established in order to identify the advantages and disadvantages from the point of view of manufacturers, retailers, consumers and public administrations in relation to different labelling scales and design. Proposals for participation in the working group could be made to the Commission until 22 February, at latest.

End of meeting.

Annex 1: List of participants

EU Member States

Austria, Ministry of Economics and Labour
Belgium
Bulgaria, Ministry of Economy and Energy
Denmark, Danish Energy Authority
Estonia, Ministry of Economic Affairs and Communications
Finland, Ministry of Environment, Ministry of Employment and Economy
France, Ministère charge de l'énergie and Ademe
Germany, Ministry for the Environment, Federal Ministry of Economics and Technology, Dena, Fraunhofer ISI
Italy, ENEA
Lithuania, Energy Agency
Luxembourg, Service de l'Energie de l'Etat
Netherlands, Ministry of Economic Affairs and Senter-Novem
Poland, Ministry of Economy
Slovak Republic,
Slovenia, Ministry of Environment
Sweden, Swedish Energy Agency
United Kingdom, Defra and Market Transformation Programme

EFTA Member Countries: Norway, Ministry of Energy

Environmental NGOs and Consumer Associations

ANEC, The European Consumer Voice in Standardisation
BEUC, The European Consumer's Organisation
ECEEE, European Council for an Energy Efficient Economy
ECOS, European Environmental Citizens Organisation
Inforse-Europe, International Network for Sustainable Energy

Industry and Retailers

CECED, European Committee of Domestic Equipment Manufacturers
CELMA, Federation of National Manufacturers Associations for Luminaires and Electrotechnical Components for Luminaires in the European Union
EHI, European Heating Industry
EICTA, European Digital Technology Industry
ELC, European Lighting Industry
EPEE, European Partnership for Energy and Environment
EuroAce, The European Alliance of Companies for Energy Efficiency in Buildings
Eurocommerce, Association of retail, wholesale and international trade sectors in Europe
Marcogaz, Technical Association of the Natural Gas Industry
ORGALIME, The European Engineering Industries Association representing the interests of the Mechanical, Electrical, Electronic, Metalworking & Metal Articles Industries
ETRMA, European Tyre & Rubber Manufacturers' Association

European Commission: DG TREN, DG ENV, DG ENTR