

Brussels, 28 July 2017

Comments following the Consultation Forum Meeting on 6 July 2017 on possible Ecodesign and Energy Labelling requirement for electronic displays

Executive Summary

Orgalime thanks the Commission for having reconvened the Consultation Forum following the public consultation of the better regulation platform, to which Orgalime filed its comments [here](#). Due to the lack of a thorough impact assessment, Orgalime welcomes the intended changes to the draft regulation for eco-design requirements, as presented at the Forum meeting, and would like to see the following Commission's proposed scope exclusions confirmed in the final text:

- Displays for industrial use (separated or to be integrated into).
- Displays covered by other regulation (for example medical products).
- Displays that are out of scope of Directive 2012/19/EU (WEEE).

We support the inclusion of TVs and computer monitors for domestic and office applications in the scope.

With regard to the proposed energy labelling requirements, Orgalime particularly welcomes the proposed scope exclusions h), j), q) as these particular displays are characterised by low energy consumption and therefore do not contribute towards the regulatory objective of the energy efficiency label. Orgalime urges caution not to overburden the planned label with numerous and difficult to comprehend icons.

With regard to the proposed resource efficiency requirements in the draft eco-design regulation, we stress the need that any such requirements are measurable, enforceable and bring true environmental benefit. Product functionality, safety, human health or confidential business data and Intellectual Property (IP) cannot be compromised.

1. ECODESIGN REQUIREMENTS

Orgalime thanks the European Commission for having organised this Consultation Forum meeting following the better regulation consultation on the draft regulation with regard to eco-design requirements for electronic displays. Orgalime had responded to the open consultation asking for a thorough revision of the revised draft due to conflicts with better regulation and the Ecodesign Framework Directive 2009/125/EC. In this regard, **Orgalime welcomes the intention for a revised draft regulation for eco-design requirements for electronic displays as presented at the Consultation Forum:**

Orgalime, the European Engineering Industries Association, speaks for 41 trade federations representing the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs some 11 million people in the EU and in 2016 accounted for more than €2000 billion of annual output. The industry accounts for over a quarter of manufacturing output and a third of the manufactured exports of the European Union.

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- **Scope**

The Commission presented its intention for a differentiated approach that distinguishes between stand-alone displays for domestic and office applications (TVs, computers) and displays for industrial use (separated or to be integrated), which we welcome:

- We support the inclusion of TVs and computer monitors for domestic and office application in the scope of the future regulation.
- Displays for industrial use (separated or to be integrated), displays already covered by other legislation or outside the scope of the WEEE-Directive however, will not be covered by the present regulation. Orgalime supports these suggested exclusions, in particular for displays for industrial use (separated or to be integrated) and would like to see these intended changes to the draft text confirmed in the final regulation. These exclusions are necessary and justified for several reasons:
 - Firstly, because there had been no prior assessment of the “impact on the environment, consumers, and manufacturers (...) innovation, market access and costs and benefits” as required by the Ecodesign Framework. Orgalime contends that the impact on manufacturers using industrial equipment with integrated displays in an industrial context varies significantly from the impact on displays in the B2C environment. The diverse range of possible applications is not comparable to the rather narrow focus of TVs and computers that has been previously examined.
 - Furthermore, displays for industrial use are adapted to the manufacturing environment (vibrations, extreme temperatures, humidity, exposure to dust, etc.) and to the regulatory environment. Such displays are specifically designed and built to withstand harsh environments (such as high levels of vibration, outdoor use, industrial levels of EMC immunity) – all of which are much more stringent than the requirements that apply to office/domestic products. No assessment of such industrial displays has occurred and their inclusion would clearly have unintended consequences, including potential negative safety implications for users of critical plants, such as manufacturing plants, oil refineries or nuclear power stations. Functionality and health and safety compliance are determining factors in the design and application of industrial equipment and, therefore, how components are integrated (Art. 15(5)(a) Ecodesign Directive). Product functionality, health and safety cannot be compromised. Negative implications for industry’s competitiveness (Art. 15(5)(d)) would be the consequence.
- Displays integrated into or “to be integrated into” other equipment that is already subject to an eco-design regulation (“vertical regulation”) would be out of scope but vertical regulation will set the same requirements if any covered by Ecodesign measures, such as computers, fridges, washing machines or dishwashers. We support this proposal, too, as it is:
 - consistent with principles of the New Legislative Framework (NFL), avoids double regulation and provides legal certainty for both producers and market surveillance authorities.
 - consistent with article 2.2 and article 11 of the Ecodesign Directive, which establishes the principle of setting of requirements on components and sub-assemblies (such as displays) within the vertical regulation of the final product (such as washing machines), and the requirement to provide the manufacturer of a product covered by a vertical implementing measures with relevant information on the material composition and the consumption of energy, materials and/or resources of the components or sub-assemblies.

- **Resource efficiency requirements**

Orgalime generally welcomes the Commission's revised approach to the resource efficiency requirements. It appears that the Commission intends to formulate a more technology-neutral requirement that focuses on readily removable components regardless of the joining, fastening or sealing techniques. However, it is difficult to comment on this approach in more detail without understanding the exact wording that will be proposed. Orgalime stresses that, depending on the application and different conditions of the industrial use of the display, the functionality of the overall equipment is crucial. Also, any requirement must be measurable and enforceable and must not compromise confidential business data or IP or hamper industry's competitiveness (Art. 15(5)(d)).

Orgalime would like to reiterate that the draft regulation was unclear regarding the division of responsibilities between display producers and the integrators. Manufacturers integrating displays into their equipment cannot be responsible for the design or reparability of the component. This would have to be clarified in the new draft regulation.

2. ENERGY LABELLING REQUIREMENTS

- **Scope**

Orgalime particularly welcomes the scope exclusions h), j) and q) as these displays integrated or "to be integrated" into other equipment are not characterised by high energy using functions and therefore are not relevant for the regulatory objective of incentivising energy efficiency increases.

- **Extension of the label to more requirements**

Orgalime reminds of the success of the energy label to date due to its simplicity, clear focus and easy to understand nature. We urge caution not to overburden the planned label with numerous and difficult to comprehend icons.

This supplementary information is not useful to the professional end user, especially when the display is integrated into other equipment.

During the meeting, stakeholders suggested the addition of further product information on the label, such as availability of spare parts or warranty. As soon as the legislative product requirements change during the lifetime of a product, which is increasingly happening, producers would no longer be allowed by law to provide spare parts to consumers. Hence, there is the need for balancing values and consistent application of the 'repair as produced' principle instead.

The 'availability of spare parts' requirement risks giving rise to negative environmental impacts by itself: producers would have to maintain stocks of spare parts that may never be required and would thus have to be scrapped without having been used. Reparability of products depends on many different factors, beyond the availability of spare parts, such as consumer behaviour, overall environmental benefit of repair from a life cycle perspective or affordability for the consumer. The mere indication of a spare part being available does not mean that repair would actually happen nor that it would from an environmental perspective be recommendable or cost-efficient. We recommend awaiting the ongoing work on the material efficiency standardisation mandate before proposing any regulation.

We would like to suggest deleting the possibility of including the Ecolabel in the Energy Label, as they pursue different objectives. The Ecolabel is a voluntary label of excellence. The Energy Label is a mandatory label to inform consumers on the energy consumption in the use phase linked to applicable eco-design requirements that cut off least performing products from the market. The layouts of both labels differ and should not be merged into one, since pursuing different objectives and therefore risking confusion of the consumer and diluting the success of the energy label.