

ECODESIGN DIRECTIVE EVALUATION – THIRD STAKEHOLDERS MEETING

DATE: 18 JANUARY 2012

NOTES OF THE MEETING

Session 1 – Relevance and Effectiveness of the Ecodesign Directive

Topic : Relevance of the Ecodesign Directive

Name and Organisation	Stakeholders comments	CSES answers
Peter Nielsen; Danish Energy Agency	I fully agree with your conclusion on achieving coordination with other legal instruments (WEEE and RoHS directives) but there is also a need for coordination with Ecolabel –there is the possibility to do it on a voluntary basis and involve companies; you can be much more ambitious than where you have a legal requirement. Why do you not see any need for coordination between those two?	It is useful for us to have a discussion on this and to tie down what is happening. There is no problem in principle, there are no contradictions – the two approaches fit together reasonably well but there are practical problems. We suggest that the best way of dealing with the relationship is to codify it somehow in some kind of guidelines. What we have in mind is the issue of a document on the different methodologies and approaches used; We do not propose that Ecolabel requirements come down to Ecodesign levels but only that there are common methodologies and a common evidence base.
Floris Akkerman; Federal Institute for Materials Research and Testing	Coordination with other instruments is important and a recommendation to the Commission is needed to develop guidance on this. It is also important to distinguish between what it is a standard product and complex products so it is necessary to have a clear	

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	distinction between those two.	
Eva Maraquee; AIMCC	The report points out the risk of an overlap of the Ecodesign measures and other legislation. However the Construction Products Regulation not only deals with safety but covers environment, energy savings and sustainable use of resources; The CPR states that essential characteristics of construction products are established according to basic requirements. The characteristics of construction products are already dealt with at the basic level and the Ecodesign measures at the product level would be in contradiction with this approach. The Commission has the possibility to determine the essential characteristics of construction products, even with levels and classes through delegated acts. To avoid any overlap, the CPR is the relevant instrument to address eco-design requirements at the building level and not the Ecodesign Directive.	We hope we can get this statement in written form; We are not miles from that position; reinforcing it essentially
Hans Paul Siderius; Netherlands Agency	The previous comment illustrates the experience MSs had in the relationship between the Ecodesign Directive and ROHS and WEEE; I fully agree with the emphasis on a practical approach and the need for clarification. Maybe a document spelling out what is covered by what, so that claims by actors can be scrutinised; What is needed is a practical document pointing out what is really covered by the different legislation.	
Ines Oehme, Federal Environment Agency (DE)	We also agree with the previous statement and it is really an important issue. A guidance document could help because I think we have regulation which has the theoretical task to cover certain aspects but this task is just announced and nobody is in a position to act; For example WEEE article 4. We don't have specific requirements for products, so this is a theoretical task and WEEE is not a proper instrument to take action. In the CPR the theoretical task of environment impact and resource	We point out in the report that Preparatory Studies in the past were rather technical documents but we suggest that a broader approach should also take into account practical issues of implementation and questions of regulatory efficiency and what is the best course of action;

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	<p>efficiency has been introduced but it seems difficult to implement this. The Directive tells us to do it but it is very open and I think it needs to be clear in the guidance who is really responsible.</p>	

Topic – Effectiveness of the Ecodesign Directive

Name and Organisation	Stakeholders comments	CSES answers
Ian Bromsen; Belgian Federal Government	Are there any quantitative targets for the Ecodesign Directive in relation to 2020 targets against which to assess effectiveness?	The targets we looked at have to do with energy as these were the ones specified; The Ecodesign Directive does not set specific targets but they are defined in the Implementing Measures
Lopes Carlos; Swedish Energy Agency	How do you separate the effect of the label in some of the products (e.g.TV- in first year does not have an effect but there are effects from the label; it might also be the case with white goods; how do you calculate this? How you assess the impact of the Ecodesign Directive vs. Ecolabel Directive?	The question is probably broader in terms of how one can divide effects of the Ecodesign Directive from all other sorts of developments which influence energy efficiency. Of course labelling is a supplementary measure; therefore it is even closer to the Ecodesign Directive and more difficult to distinguish. It has not been possible in the sort of study we have conducted to control for other effects, but we tried to do this as best as we could looking at the timing of the developments and different steps of the IM's development, the time they came to effect and the same with Energy Label and comparing the data. We complemented it with interviews of certain firms to get a more precise view. However it was not possible to have a control group to make a more thorough assessment.
Michael Faber; Bundesverband Großhandel	I have a question concerning the sentence in the conclusions relating to space and water issue. The effects from water heating will take place only when we get a new LOT. We expected a lot of effects from this.	If you look are products covered and the potential of products lined up, the effects of products still to be covered are much bigger. The product was identified in 2005 and the main issue is the delay; Only small

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		part of the potential effect has been covered so far.
Niels Boutroue Bekkhus NHO, Confederation of Norwegian Enterprise	Delays for boilers and heaters have been an obstacle etc. However, sometimes delays might have been for good reasons and may have been founded on serious issues that should have been answered. There were factual problems to be solved before progressing.	We had a look at anticipated impacts and the delays clearly reduce them
Edouard Toulouse European ECOS on behalf of environmental NGOs	In your study you highlight several times the difficulty to find data for the assessment and that data could be partial or 2/3 years old; assessment should be easier in the future but I am not that convinced that this will be the case if we cannot find data. This is a serious issue – it should be more underlined and you could include product registration – how market monitoring could be improved (targeting the delays etc).	We have raised this issue a number of times under Market Surveillance; we should leave this question until a later session to discuss overall conclusions because there is quite a lot commentary on procedures later in the agenda. Still, we do refer to problems with data but maybe not as clearly as we should. One of our recommendations to be presented later says that if there is to be a new institutional solution one of the tasks of new institution is to improve data collection. We will come back to this in the afternoon.
Peter Nielsen Danish Energy Agency	<p>In relation to how to speed up the process– other countries (USA) have similar legislation. If the problem is that assessment takes too long, why cannot we use American standards and build on them – not take them as they are, but use them as a basis. I would like to see short deliberation on this in the report.</p> <p>Regarding the 4 different classes of impacts prepared by Oxford Research (direct, anticipated, expected etc.) I would speculate on who are the stakeholders in setting the requirements for those products and their attitudes –are they stakeholders who are ambitious/not ambitious. I</p>	<p>In relation to the first comment we will think about it and possibly include it;</p> <p>Concerning the second comment we do not think we can speculate in the report on the type and attitudes of the stakeholders.</p>

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	wonder if you have views on the different type of stakeholder. I think it would be worth mentioning in the report.	
Heinz-Jochen Poremksi, Federal Ministry for the Environment, Nature Conservation and Nuclear Safety	<p>Concerning the statement that there was no negative effect on pricing: how did you calculate this? Is there some report available where we could see analysis;</p> <p>Maybe I can give you some background on this – when we had discussions concerning the drafting of labelling, we discussed this point in Germany, how to combine labelling and Ecodesign requirements and express this through labelling in an appropriate way. There was a strong point concerning rescaling, which had a negative impact on the price situation and the value of the product. We have no proof of this impact but it was a strong political argument. It would be interesting to see if we can find some basis to go in one direction rather than another.</p>	<p>The initial basis comes from Eurostat data; the report has a graph showing these data, but this is not the main basis for conclusions. We based our conclusions on studies on third countries with requirements on energy efficiency. Furthermore we have not received any comments from stakeholders after the first/second meeting stating otherwise.</p> <p>We referred to an Australian study which points to the fact that around the world greater effects on prices were anticipated that actually occurred – this is part of the evidence, along with the data from Eurostat and the International debate.</p>
Sasha Dietrich; Federal Ministry of Economics and Technology	Just for clarification on this point, are you referring to life cycle costs – so the purchase price for the products can be higher with the Ecodesign requirements? Have I understood it right? Or are these statistical prices?	We looked for evidence on the direct effect on prices just on their own. It was generally expected that they would increase at least initially but the evidence seems to show that prices actually have not gone up. These are statistical prices not life cycle costs.
Carlos Lopez Swedish Energy Agency	This report is going to be very much used by EU Institutions and the MSs, sowe should not isolate Ecodesign from labelling and other instruments; we should not refer to the costs and effects of the Ecodesign Directive when these are mainly attributable to energy labelling.	We have the difficulty that we are only evaluating the Ecodesign Directive, not the whole package of instruments – we need to look at the text and be more careful but I would take it that Stakeholders and the Commission would bear this in mind during

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		the discussions.

Session 2 – Efficiency of Ecodesign Directive implementation

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Sheila Cassells; Digital Interoperability Forum	We took part in the Voluntary Agreement on complex set-up boxes; they are not easy option but we are learning from the experience. There are 3 more pros in VAs besides those stated in the report: VAs give flexibility that works both ways (reactions to changes in technology can be quicker); it offers a route to harmonisation, since it applies to products other than EU products (assisting enforcement) and it involves all stakeholders (steering committee meeting).	
Sylvie Feindt; DIGITAL EUROPE	A new Agency – An IM is legally binding; it is a regulatory measure. If you delegate it to Agency this would be less democratically independent; there are well-known problems with staff turnover in agencies and it is also important to mention the Ecodesign Directive is already spread out though 3 DGs in the Commission. Adding an Agency does not make sense. The bottleneck is not on the side of Industry.	We suggest that an Agency be considered and recognise that not everybody would be in favour of such an arrangement. Of course, political responsibility would stay within the Commission, but an agency could manage a lot of the preparatory technical work. y t is actually 2 DGs (DG ENTR and DG ENER) co-managing the Directive. DG Energy – responsible for energy related products; DG Enterprise – is about to propose some IMs.
Niels Boutrouk Bekkhus NHO,	Concerning the Primary Energy factor - It is not only a Norwegian problem; 11 MS are concerned – I have sent this to the Commission and	

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Confederation of Norwegian Enterprise	happy to provide it again – it should be highlighted in the report	
No name provided	<p>One comment concerning the Commission’s resources being used up by the coming reviews of IMs. One possible solution would be a screening study – like the horizontal framework mandate for standardisation which can adapt to new IMs coming to the force.</p> <p>It is important to review every IM in the timeframe in the Regulation but there is also a danger of Commission resources being overloaded by the number of reviews required;</p> <p>You could identify product groups for one year and have screening of those groups on an annual basis – screening of the Working Plan and the potential for savings or other TIERS</p>	<p>Reviews should provide a dynamic approach – they are a significant exercise which should be examine the situation in depth but it is not sure at this point now they are going to be dealt with.</p> <p>The requirements for the reviews come in different times, so we are not sure how it could work.</p> <p>We will look into that.</p>
Katia Lacasse; European Copper Institute /Metals For Building alliance	<p>Methodology used in line with standards – it is stated in the report that the MEEuP served its main purpose and you referred to the revision of the methodology where you expect a number of improvements. Unfortunately the ways that metal recycling is dealt with in the MEEuP in the version released in December is still not satisfactory because recycling credits for the metals are still not exclusively related to the recycling content which is the input side –the end of life is not taken to the account in the methodology</p>	<p>Please send us written comments</p> <p>VHK – we have worked on the review and we did our best to include recyclability; of course the methodology has to be related to many products, so we cannot give you default values. How to apply it in practice is up to the consultants involved in preparatory studies where they can deal with the recyclability issue in particular cases.</p>
Edouard Toulouse European ECOS on behalf of environmental NGOs	<p>The report is not specific about reviews. What would be the most efficient approach ? For the existing measures the first TIER is part of the learning process; the second TIER has some real effects; Should TIER 3 be set on the basis of a life cycle cost calculation and should there be longer term TIERS (related to the long term 2020 target) – it would be good to know about similar policies in different countries.</p>	<p>We do not suggest how reviews should be conducted; we suggest that reviews are important for picking up broader environmental issues</p>

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Peter Nielsen Danish Energy Agency	Problem of MSs that do not enforce the different regulations; Maybe give specific advice to the Commission on what to do with MS not complying with regulation	One of our suggestions is to increase the transparency of the process (publishing the results of the reviews, as in e.g. the UK)
Hans Paul Siderius; Netherlands Agency	Supporting Danish colleague on what MSs could do to make the enforcement process more transparent. On obligations and activities of the Commission – there is a clear text in the Ecodesign Directive that gives the Commission a role in coordination and stimulation, but also in enforcement and Market Surveillance. Maybe some text in the report on how this is working and perceived by Consultants/MSs would be a good idea.	
Carlos Lopes Swedish Energy Agency	The Report has a very high quality; We agree with most of the recommendation especially on the lack of resources; it is important that you are clearer about the Commission taking a role with Market Surveillance promoting the cooperation between the MSs; small things: missing flexibility in the process (have a discussion on increased flexibility – in the face of rapid technological development) Voluntary Agreements are very flexible but are not developing very fast; that issue should be discussed and for products where we do not have measurement standards; also I miss the idea of a fast track approach, where there is broad agreement on what is necessary. It would be possible to have a mix of current processes with the voluntary approach – if the Commission does not have recourses they should accept that Industry and the MSs could agree a position– for small products the Commission could take a fast track approach	
Fabio Pagano, CELMA	Just a quick remark. In your report there is no attention paid to the fact that the Directive is setting targets for re-using products; how can we live with this conflicting condition, when we have to respect new requirements and reusing targets created by another DG (Environment) –	Please send specific examples if possible. It is not easy to comment on relationships between DGs, solutions could be suggested in the Preparatory Studies; We definitely see an issue here.

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	<p>we need to have a common approach.</p> <p>If we have a new product we cannot have old products reused (it is a case especially in lighting sector).</p>	
Kentaro Niwano; Canon	<p>We have faced situations where products are in both horizontal and vertical LOTs – there is a lot of complexity for some products; a consistent approach is needed but flexibility is also helpful for some products.</p>	
Sylvie Feindt; DIGITAL EUROPE	<p>Concerning the proposal for registration – horrifying that members would have to register them in 27 languages; there is no process to share data (problem in different languages); members might have 5000 products in the market – it would be problematic to fill a 2/3 page form for all of them</p>	
Hans Paul Siderius; Netherlands Agency	<p>We support the idea of registration but registering at a national level is a bad idea and is against the spirit of the internal market; It should be online registration; Registration should not be a requirement for placing on the market. There all kinds of ways to make it as effective as possible without administrative burdens</p>	
Sasha Dietrich; Federal Ministry of Economics and Technology	<p>This would be a new element – a new approach but you mentioned other EU directives where registration is required – could you please specify?</p>	<p>The Fertilisers Regulation is one example we have in mind, where registration is required in some Member States.</p>
Anne Claire Rasselet; Orgalime	<p>Concerning registration we are not in favour of it at a MS level as it would bring a lot of administrative burdens without much benefit.</p>	
Stephane Arditi ; EEB	<p>We support the idea of registration of products on the European Market.; it is in line with market monitoring; We need to have a product system registration. It is better to have a European level registration. We are just out of big fight on that matter with WEEE (Commission/Parliament wanted EU level registration, whereas Member States wanted national level) and I think this is not the place to discuss this. We should consider synergies and pros and cons and solutions regarding level and see how</p>	

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	we can use existing instruments, rather than reinventing the wheel.	
Carlos Lopez Swedish Energy Agency	The recommendation of registration should be rewritten and suggest on which level it should be done.	
Peter Nielsen, Danish Energy Agency	It would be a good thing to have a registration at an EU level and I do not see there being a big issue in terms of costs to industry. We would need to information that is largely already in the required technical documentation and it would only need to be transferred into digital form.	

Session 3 – Appropriateness and Feasibility of extending the Ecodesign Directive to cover non-energy related products and Means of transport

Name and Organisation	Stakeholders comments	CSES answers
Anne Claire Rasselet; ORGALIME	What do you mean by 'a tool box' that can be used?	Under Ecodesign there are various elements in the policy tool box (i) Implementing Measures (ii) Voluntary Agreements (iii) requirements based on a general profile of the product. Inside the framework of the Ecodesign Directive there are different ways to address legislation.
Nylander Anna; Swedish Chemicals Agency	Disappointment that presentation made by SCA and non-paper distributed in May is not included in the draft final report under the chapter on the appropriateness of an extension of the Directive. Recommend the Commission look further into the feasibility of including improved information requirements on hazardous substances in products in the review of the Eco-design Directive.	Will take these points into consideration for the final report. However this is not an issue of extension rather this relates to the current Ecodesign Directive and whether information on chemicals can be included even in energy using products. Should other issues be considered besides energy use in new or existing implementing measures.
Eric Jonson; EUROMETREC	There are also non-hazardous and recoverable substances (i.e. artificial fibres) which should be looked at during the design stage. Suggested the establishment of a concerted agreement between manufacturers. Manufacturers could benefit in the end result of environmental impact.	We will look into these comments in more detail together with to what extent there are other regulations (i.e. REACH) that have provisions but are not effective.
Ines Oehme, Federal Environment Agency (DE)	First we wanted a little bit of added value that cannot be found in the executive summary. Propose to distinguish between organisational and technical issues. Appreciate the case studies but think there some aspects that are not fully addressed e.g. existing regulatory framework. Gaps in policy are not fully addressed by the tables in the case study i.e. REACH as well as IPCC directive apply only to production inside the EU. Executive summary raised the possibility of voluntary initiatives which would be a good idea. Regarding test standards and methodology: they are sufficient but could also be developed for other product groups.	The executive study will be revised for the final report to better reflect the comments, but we should remember that executive summaries cannot contain all the detail that is to be found in the main report.

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Katia Lacasse; European Copper Institute /Metals For Building alliance	Why not take into account the final stage of the life cycle and its contribution? (e.g. metal recycling provides energy saving 60-70% compared to primary processing). It is important that the design of the product is taken into account so it maximises the energy saving capability.	Given that we are asked to look into more specific products it would be useful to know to which product this applies. It is not clear to what extent this can bring significant environmental improvements.
Filip De Jaeger; CEI-Bois aisbl	The suggested list of products to be covered in an extension of the Directive included furniture. Is there a reason why this suggestion was included. It would be useful to have a case study to back up this suggestion because there are a wide variety of furniture products.	No, we did not do a case study on furniture. It is important to remember the nature of the methodology adopted. On the basis of the criteria used to create the five case studies we ended up with these conclusions. We had to extrapolate from the lessons learned from the five case studies.
Peter Nielsen; Danish Energy Agency	Think CSES did a good job on the evaluation on the Directive in real life; a very practical approach was adopted. One of the first PowerPoint conclusions was that expanding the scope of the Directive can be considered to be premature. Why was the word 'can' included in this sentence, wouldn't it be better to say 'we consider it'. 'Can' is too cautious given the information included in the report.	CSES has been slightly cautious in presenting a position prior to the final report. The wording of the actual report, as opposed to the slide presentation is more direct.
Martijn Van Elburg; VHK	The international context of extending the directive to non-energy related products is missing. Certain issues relate to trade rules, have you considered the impacts on international trade and will you do so?	In the analysis of specific products we make reference to such issues. CSES believes there would be an impact on the global supply chains of specific products. In the case studies impacts on international trade were not used as specific criteria. However CSES appreciates that this is an important consideration. This issue was addressed depending on the product or where specific feedback was provided by stakeholders.

Session 4 – Concluding session

Name and Organisation	Stakeholders comments	CSES answers
Hans Paul Siderius; Netherlands Agency	Noticed that CSES managed to carefully avoid the words top runner. The dynamic aspects of the Ecodesign Implementing Measure are missing. The impact of the Directive should be an on-going process and the study gives little indication on whether this can be improved or strengthened.	CSES will take this point on board.
Heinz-Jochen Poremki, Federal Ministry for the Environment, Nature Conservation and Nuclear Safety	In the field of energy management there is a global standard in place ISO50000 which is replacing SEN. There is an important principle incorporated called continual improvement. This requires that an energy declaration must be made by the organisation involved including a time frame and target. After that time the quality certification runs out unless the next stage of improvements are made. Perhaps this could be adopted in a similar way?	
Niels Boutroue Bekkhus NHO, Confederation of Norwegian Enterprise	Astonished not to see coherence with Flagship 2020 objectives. The roadmap to 2050 include broad electrification and increase in renewables. The report does not highlight the challenge of renewables.	CSES agrees that Europe 2020 is an important for the context of the report and it is already implicit in what is said. CSES will look into making more explicit reference to this policy context.
Edouard Toulouse European ECOS on behalf of environmental NGOs	Share the view that it is better to set longer term targets for the market. One argument that is sometimes used to oppose this is the fact that in the European market there are differences among Member States and in some Member States the markets are much more advanced than in others. For instance in Germany you will find more energy efficient products than in let's say some Eastern European countries and so it makes it difficult to request all the 27 Member States to reach the same level/benchmark and so on. This is not assessed in the report, do you think this is not a valid argument.	Need to think about the question and discuss how it might fit into the report.

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Edouard Toulouse European ECOS on behalf of environmental NGOs	Concern about market monitoring and the fact the statement made in the report that today it is difficult to make a proper assessment because of the lack of recent data but this will still apply in the recent future so we may run the risk that each time we review one measure we will be two or three years behind schedule in terms of market transformation.	CSES discussed the importance of having up to date data and the importance of having a mechanism to collect the data so that the reviews reflect all the actual realities in the market so that would be a base for having more appropriate requirements. The other thing is the role we see of the review process introducing this dynamic approach. CSES appreciates that this is not the only way to introduce a dynamic approach in the regulation, CSES supposes the question is to what extent the regulation can provide a dynamic approach before one introduces new elements into the way the Directive is implemented. We will have to consider the options and present them if we cannot come up with a specific recommendation.
Ian Bromsen; Belgian Federal Government	It would useful to clarify whether the conclusion of the report is some sort of suggested road map for the Commission. Has there been any reference to the Consultation on footprints – I can see a link here Voluntary Agreements – in Belgium we have cases of detergents and wood products where the sale levels in supermarkets are being maintained; this could be looked at.	In the context of the SIC review, which is the 2008 plan and an impact assessment in which there are a number of options. As regards the footprint, methodology, there are two pilots going on, one is footprint methodology and the other is for companies. These are in an early stage of development; we are currently piloting with industry and it is possible that in future these methodologies could be useful for other product policy areas such as Ecodesign.
Kentaro Niwano; Canon	Emphasised that there are no major problems, Member States are working hard and welcome the continuous approach.	
AISE	In the case study where detergents are mentioned CSES hides the key role of consumers in using the products adequately, so I found personally	We appreciate the point but we believe that, if it comes to examining the possibilities of an IM for

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	the conclusion of the case study in your report a little bit more nuanced given the importance of the role of the consumer and hence wondered whether Ecodesign would be so pertinent.	detergents this should be considered in detail in a Preparatory Study
Matteo Rambaldi; CECED	The Eco-label for coffee machines: there was a proposal to regulate the consumables, to set some limits that took into account the consumables namely the coffee. Can the Ecodesign Directive expand its scope to allow the setting of requirements on consumables? Does CSES have a view on regulating non-energy related products such as consumables through the Ecodesign Directive?	No clear view at this point.
		Conclusion: Specific points and inputs are welcome and much appreciated. They should be submitted in written form by 27 January 2012; Notes to be produced by 3 rd February.