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*The Consumer Voice in Europe*

# ANEC-BEUC comments on the Ecodesign Working Plan 2012- 2014

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## Summary

In accordance with Article 16(1) of the Ecodesign Directive, the European Commission adopted on 21 October 2008 a Working Plan setting out, for the years 2009-2011, an indicative list of energy-using products which were considered in priority for the adoption of implementing measures. That first Working Plan built on the original list of products found in the 2005 Directive itself and referred to as the “Transitional Period” list. In 2011, a second study was conducted by consultants VHK<sup>1</sup> to prepare the adoption of an amended Ecodesign Working Plan for 2012-2014. On 19 December 2011, the European Commission presented its draft Working Plan for 2012-2014.

We welcome the Commission’s proposal to include such important product groups as windows and – potentially – heating and lighting controls in the next Ecodesign Working Plan for 2012.

In this paper, we make general comments on what the proposed Ecodesign Working Plan says about larger issues with the Ecodesign process, notably the lack of political support to the process.

We also comment on the product groups not yet selected for inclusion in the Working Plan, but which could nonetheless bring about huge savings potential should they be tackled under the Ecodesign Directive. These product groups are:

- water taps and showerheads;
- thermal insulation products.

We argue that water taps and showerheads should be included for three reasons: savings potential as identified in the preparatory study, support to be expected from consumer organisations and consistency with the proposal to include windows, another product group rated highly in the preparatory study.

Thermal insulation products should not only be included for reasons of consistency in the approach taken with other products (“product VS system” debate), but also because their other environmental aspects than energy (e.g. contents in hazardous substances) are a major concern for consumers’ health. Yet no existing EU legislation adequately targets that latter aspect of thermal insulation products.

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<sup>1</sup> “Study on the Amended Ecodesign Working Plan under the Ecodesign Directive”, VHK 2011. See documents on <http://www.ecodesign-wp2.eu/>

## General comments

The proposed Ecodesign Working Plan for the years 2012-2014 is symptomatic of current developments in the Ecodesign file on several accounts.

First, it is interesting to note that **the Working Plan proposed by the Commission has very limited contents: only 5 products are proposed for inclusion<sup>2</sup>**, although the preparatory study commissioned by DG ENTR had listed up to 43 candidate products. This very limited number of products eventually proposed for inclusion reflects the amount of **backlog** which has accumulated in the past years. The Commission admits that its current priority is to finalize open files before it moves on to new products. On the occasion of a meeting of the Ecodesign Consultation Forum on 20 January, the Commission announced its plan to adopt 14 pending Ecodesign and/or Energy Labelling Implementing Measures in 2012. We are very doubtful about this projection, considering that only 9 measures were adopted in the past 2 years. Even with better internal coordination in the Commission, **14 adoptions in 2012 would mean a threefold efficiency gain.**

The choice of the products proposed for inclusion by the Commission is also interesting. We regret that **only few consumer-relevant products have been proposed for inclusion.** Home audio equipment, toilets, small kitchen appliances, detergents and other products with an impact on the consumers' bills should have been studied in more detail in the preparatory study<sup>3</sup> and recommended for inclusion in the Working Plan thereafter.

The **link between the proposed Working Plan and the debate on the resources allocated to the EU Ecodesign policy** is very strong. It is a fact that in the EU, Ecodesign is not given sufficient means to reach its full potential. The draft final report of the evaluation of the Ecodesign Directive<sup>4</sup> shows that similar programmes in the US and in China receive about **10 times more funding than the EU version does.** More funding would allow for more products to be tackled, for more thorough preparatory studies and for quicker drafting of product-specific measures. However, **we argue that lack of resources does not single-handedly explain the appalling delays in the adoption of key product-specific measures.** Ecodesign and labelling measures for boilers and water heaters, the single biggest energy consumption offenders of all appliances, have been discussed for seven years already. So have potential measures for computers and displays. Yet the preparatory studies were released long ago and all stakeholders have had plenty of opportunities to table their arguments. **We contend that there is not only a lack of funding but also of political willingness at the highest level:** all discussions have already taken place and all the scientific evidence has been put on the table; all that is missing is a decision by the policy-makers.

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<sup>2</sup> With another 4 "tentative" products, depending on the outcome of current preparatory work for other product groups.

<sup>3</sup> Admittedly, the consultants have properly analysed only as many product groups as the budget and duration of the preparatory study allowed them to.

<sup>4</sup> Evaluation of the Ecodesign Directive, CSES 2012 (<http://www.cses.co.uk/survey/ecodesign/intro.htm>)

We are growing increasingly concerned that the European Institutions are tempted to respond to lack of resources in Ecodesign by cutting on the ambition of the scheme ambition<sup>5</sup>.

We argue on the contrary that it is long-term ambition that will put Ecodesign more at the centre of the climate and economy recovery policy map. In that regard, it is necessary that **as many products as possible be included in the next Working Plan**. It would send the signal that these products and aspects **will** be studied in the future, thus providing the industry and consumers with more certainty.

## Water taps and showerheads

We see four arguments for including water taps and showerheads in the Ecodesign Working Plan:

- The **savings potential is huge**. The preparatory study<sup>6</sup> reports a savings potential of about 246 TWh per year, i.e. more than twice the annual national residential electricity consumption in the UK;
- **Consumer organisations in Europe would strongly support the Ecodesign process for water taps and showerheads**. Our members have published several articles encouraging consumers to switch to efficient water taps and showerheads<sup>7</sup>. The Commission mentioned "*political frictions*" as the reason for not including water taps and showerheads in the Working Plan. The German Ministry of Economics warned the members of the Consultation Forum that a potential Ecodesign process for water taps and showerheads might trigger similar reactions in parts of the media as the phase-out of incandescent lightbulbs has. We do not necessarily share these views; our contribution to the public debate would go in the direction that efficient water taps and showerheads can greatly benefit consumers. Especially so as water taps and showerheads are made more efficient mostly by applying mechanical changes in their design, not costly electronic components as LEDs do in the field of lamps; efficient models do not represent a shift in technology. It is thus very likely that the shift to efficient water taps and showerheads would come at no extra upfront cost or aesthetic discomfort for consumers. Flow rate limits could be set in such a way that there is no reduction in comfort. Inclusion of this product group in the Working Plan would allow for a preparatory study to look into these aspects;

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<sup>5</sup> This was observed very recently on 16 December 2011 at the occasion of a meeting of the Ecodesign Consultation Forum to discuss a draft Ecodesign measure for coffee machines: the Commission proposed that resources thus far allocated to work on coffee machines be redirected to other files, even though an expensive preparatory study had just concluded and provided fresh data suggesting significant savings potential on coffee machines.

<sup>6</sup> Study on Amended Ecodesign Working Plan under the Ecodesign Directive, VHK 2011 (<http://www.ecodesign-wp2.eu>).

<sup>7</sup> An example is attached to this paper, from BEUC's Belgian member *Test-Achats*.

- Including windows in the Working Plan but not water taps and showerheads would be **inconsistent**, as both product groups top the ranking of the preparatory study. Justifying this difference of treatment would be resource-consuming for the Commission.
- ANEC and BEUC thus recommend including water taps and showerheads into the Ecodesign Working Plan 2012-2014.

## Thermal insulation products

### System VS product approach:

One of the arguments used for not including them into the Work Plan was that they are only part of a building system and that hence ErP could not sufficiently guarantee that e.g. a good thermal insulation product would be used properly in construction activities. Even though this may be right, it is an argument that would also apply to windows - which are included - and to many other products already regulated under ErP (e.g. lamps can also be used very inefficiently). The working documents on Boilers and Water Heaters sent in Inter-Service Consultation support the product approach.

### Other environmental aspects:

The VHK study comes to the conclusion that from an energy point of view thermal insulation products should be ranked as a top priority product, as their energy saving potential is very high. Nevertheless, after consideration of "*other environmental impacts*", this product group is finally ranked as number 21 in the VHK study.

We cannot support the grounds on which this final ranking has been made. Rather, our conclusion is that the other environmental aspects related to thermal insulation products (i.e. issues related to the use of hazardous substances) play such an important role that they should definitely be tackled as a high priority. Attention should be paid not to double-regulate with regard to existing legislation, but leaving thermal insulation products out of ErP would need a proper regulation of the substance-related issues of thermal insulation products in another regulatory context, which is unlikely to take place any time sooner than an Ecodesign Implementing Measure.

### Other existing regulation:

No regulation tackling thermal insulation products includes specific requirements on the content of hazardous substances.

The Construction Products Regulation (CPR) sets requirements on labelling, not on energy performance or hazardous substance content. CPR sets no restrictions with regard to marketing of thermal insulation products with low energy saving potential.

The Energy Performance of Buildings Directive (EPBD) sets minimum requirements with regard to energy performance of buildings, thus covering thermal insulation products only indirectly. The EPBD sets no limit values with regard to hazardous substance content.

Other policy instruments not implemented yet include the Sustainable Buildings Directive and material-specific requirements in legislation and standards (fire protection, use characteristics, construction materials).

#### Possibilities for integration into ErP:

The preparatory study's Final Report Task 4, page 57, describes that Thermal Insulation have more environmental impacts than just energy consumption:

*"Apart from the impacts identified in the EIP study, also ecolabelling schemes have made environmental assessments of thermal insulation. [...]  
A European ecolabelling award scheme has established criteria for the award of an ecolabel to insulation products. Most of the criteria relate to use of substances, as indicated below:*

1. *use of hazardous substances (with reference to Regulation 1272/2008 and Directive 76/769/EEC and its amendments);*
2. *use of halogenated compounds (as blowing agent, binders, flame retardant, dirt-repellent finish);*
3. *use of phthalates (as plasticiser);*
4. *use of biocides.*

*Therefore the areas of particular environmental relevance for thermal insulation products for buildings are:*

- *R-value (since this is a major aspect in relation to the potential to save energy when applied in buildings);*
- *Emissions of hazardous substances during manufacturing and use;*
- *End-of-life treatment".*

The Ecodesign Directive would thus present an opportunity to set minimum requirements on the energy-related performance of thermal insulation products (resulting in products which could then meet the requirements of EPBD) as well as on their hazardous substances content. In addition, Ecodesign could then be complemented by existing ecolabelling schemes with regard to energy-related aspects.

→ ANEC and BEUC would thus recommend including thermal insulation products into the Ecodesign Working Plan 2012-2014.

END.