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DRAFT MINUTES of the

Consultation Forum on two implementing measures with regard to Ecodesign and Labelling for refrigerating appliances - 04/12/2008

Centre Albert Borschette (CCAB), Brussels

Participants: see Annex 1

The Chairman opened the meeting by recalling the aim of the proposed two implementing measures for refrigerating appliances (RF) which is to improve their energy efficiency, hence contribute to the 20% energy efficiency target set for 2020. The *working document on a possible Commission Regulation implementing Directive 2005/32/EC with regard to household refrigerating appliances* (Annex 2) proposes to set new minimum requirements phasing out the less efficient models from the market, while the proposed *working document on a possible Commission Directive implementing Directive 1992/75/EC with regard to household refrigerating appliances* (Annex 3) foresees the revision of the labelling scheme in order to drive the market towards more energy efficient models.

The Chairman highlighted that the two working documents tabled for discussion were presented in the format of a draft legislative proposal so as to give a clear view of those provisions meant to be included respectively in the Eco-design or in the Labelling measure. Although the EU labelling scheme does not fall under the competence of the Ecodesign Consultation Forum, it was considered appropriate to present both draft measures to MS representatives and other stakeholders to show the synergy between those provisions meant to be included respectively in the Eco-design or in the Labelling measures.

The layout of the label was not addressed during the meeting, since it is the object of a specific discussion and decision within the EELEP in its Labelling formation.

In general, there was a consensus among stakeholders that the combined approach between the ecodesign requirements and the labelling scheme, setting common definitions, measurement standards and algorithm for the calculation of the Energy Efficiency Index,

is a very positive approach which not only will simplify and facilitate the implementation of both measures but will also result in a more effective framework towards the energy efficiency improvement of the covered products.

The debate was mainly concentrated on three issues: the level of ambition of the ecodesign specific and generic requirements, the revision of the labelling energy efficiency classes and the inclusion of wine cooler appliances into the scope of both implementing measures.

Specific ecodesign requirements

The working document considers the following minimum energy efficiency requirements (hereafter also referred to as thresholds):

- First stage, one year after entry into force of the implementing measure: $EEI < 55$ for compression-type appliances, $EEI < 150$ for absorption-type appliances
- Second stage, three years after entry into force of the implementing measure: $EEI < 125$ for absorption-type appliances
- Third stage, six years after entry into force of the implementing measure: $EEI < 44$ for compression-type appliances, $EEI < 110$ for absorption-type appliances

TREN introduced the discussion by underlying that according to the preparatory study based on the appliance market in 2005, the impact of these specific requirements will be to remove at the first step 46% of the model, and at the third step, 80% of the models.

The majority of stakeholders confirmed that the first stage was a good step in the sense that it will secure the removing of all products below current class A. The second step for compressor-type could however be advanced from six years after entry into force of the implementing measure to 3 or 4 years (UK, DK, DE, environmental NGOs). This would be also in line with the recommended timing of the preparatory study. According to the NL, a front-runner approach should be followed for the setting of the specific ecodesign requirements: the most efficient appliances on the market today shall set the minimum energy efficiency thresholds in 6 years time. This level could be set at $EEI < 30$ or less for compressor type refrigerating appliances.

CECED confirmed that they advocated in their preceding position papers an earlier timing for the setting of minimum energy efficiency requirements but only at the condition that the labelling scheme is revised with energy efficiency classes being open-ended and providing room for getting return on investments.

Concerning the energy efficiency requirements proposed for absorption-type appliances, CECED underlined that the first step will remove 75% of the appliances of today's market while the second step would require energy improvement of 40% which represents 100% of the total energy improvement possible today applying the best available technologies. There is a need therefore to review the specific requirements for this type of appliance.

The chairman recalled that the ecodesign framework Directive 2005/32/EC sets criteria upon which specific ecodesign requirements should be set. Minimum energy efficiency requirements should be aiming at the point of least life cycle costs for the end user and assess the impact of the timing for the implementation of the requirements according to

the criteria listed in Article 15(5) (e.g. no negative impact on the functionality of the product, on health, safety and the environment, no negative impact on consumers, on industry's competitiveness etc.).

Generic requirements

Life-duration of refrigerating appliances: ANEC/BEUC stressed that it would be important to work on the possibility to repair RF for example by setting mandatory requirements on the availability of spare parts in order to extend their life duration. No-one could however confirm the existence of problems on this matter. TREN answered that the practical enforcement of such generic requirement would be very difficult, if not impossible, therefore putting a burden on compliant manufacturers and be ineffective on “free-riders”.

Automatic switch-off of the fast freezing facility: On the question whether the proposed generic requirement to automatically switch-off the fast-freezing facility after 72 hours could be reduced to 48h, TREN replied that this was not advisable for two reasons: there is a danger in the case of over-load of the freezer that 48 hours might not be sufficient to freeze all food-stuff loaded by consumers, and the energy saved from moving from 72 hours to 48 hours (i.e. from 3 days to 2 days) would result in 1 or 2 kWh per year, which is marginal compared to the energy potentially lost with discarded food due to its lower quality resulting from a suboptimal freezing.

Winter setting switch: For appliances which can be used with an ambient temperature below 16°C, the working documents foresee the mandatory fitting of automatic control of the heating function according to the ambient temperature for refrigerator-freezer with one compressor and one thermostat having also the fast-freezing facility. TREN confirmed that electromechanical refrigerator-freezers with one compressor and one thermostat but with no fast freezing capacity were not concerned by this requirement. The reason is that it would cost more energy to install electronic control on this type of appliances than the energy saved from switching off the winter switch facility when it is not needed. CECED expressed doubts about the cost-effectiveness of this measure, since its assumed benefits are directly dependant of consumer behaviours (i.e. the extent where consumers would have forgotten to switch off manually both the winter-switch and the fast freezing button in the absence of an automatic operation of the winter setting/fast freezing facility).

Automatic switch off of RF<10 litres when they are empty: CECED highlighted that this measure may have a negative health impact (growth of mould in the absence of ventilation) if consumers forget to leave open the door of such appliances. TREN replied that since these very small appliances are essentially used for cooling cans and bottles, the possible mould growth will have only a very marginal impact on consumers, if any.

Labelling scheme

Formula of the energy efficiency index: ECOS in the name of environmental NGOs¹ expressed concern over the increase in net volume of refrigerating appliances and proposed to adapt the energy efficiency calculation methodology to penalize bigger

¹ Including INFORSE (International Network for Sustainable Energy), EEB (European Environmental Bureau), CAN (Climate Action Network Europe), Greenpeace European Unit, WWF-Europe.

appliances. TREN replied that in the preparatory study the technical database of the last 10 years were analysed; the results of this analysis, presented during the meeting, demonstrated that for two out of the four major refrigerating appliance categories (refrigerators, refrigerator-freezers, upright and chest freezers) the net volume is either stable (in refrigerator-freezers) or decreasing (chest freezers), while for refrigerators and chest freezers it increased of 25 litres. So all in all the concern over the volume increase is not technically justified. The perception of a larger volume increase is very likely due to the fact that larger appliances (i.e. American style side-by-side models) are more frequently displayed in the shops due to their higher prices (and therefore higher margin for the retailers).

The UK, NL and DK, supported by ECOS and ANEC/BEUC, also called for a review of the correction factors, especially the climate class factors, on the ground that they do not convey transparent information to consumers (a refrigerator for instance with the no-frost function will consume more than one without but may still have the same energy class). TREN replied that some of the factors are technically justified in order to make the comparison of the different appliance configurations and compartment composition possible without the creation of an excessive number of Categories. In other major worldwide markets, namely USA and Australia, there are, for instance, a lower number of correction factors but a higher number of categories. Nevertheless the number and value of the proposed factors could be assessed.

Inclusion of the absorption-type appliances into the energy efficiency classes: ECOS contested the inclusion of absorption-type refrigerator in the A-G energy efficiency scale: the large difference in energy consumption between absorption type and compressor type refrigerating appliances leads to a scale where there is not enough space left for differentiation between compressor-type RF. This would leave de facto consumers with a choice between only two classes while absorption-type RFs mainly concern the tertiary sector. ECOS therefore asked for the design of two different labelling schemes for each type of appliance. ANEC/BEUC and CECED on the other side supported the inclusion of absorption-type in a unique energy efficiency scale on the ground that there is a danger to pave the way for unfair competition between both products. In a situation where more and more households have open kitchen, consumers may be more interested in buying low noise RF. There is a need therefore to clearly indicate to consumers that low-noise appliances, i.e. absorption-type RF, are much more energy consuming than compressor-type RF.

3 months transitory period

The working document foresees a three months transitory period where the circulation of models with the old label will be allowed for 3 months after the end of its validity at the same time as the introduction of the new label. CECED and BE underlined that the current formulation of this provision needs clarification, especially concerning the reference to the "free circulation of labels". TREN replied that an improved and clearer formulation of the provision will be drafted.

Wine appliances

For wine storage appliances the working documents propose to set a generic requirement on the provision of information to consumers in booklets of instructions saying that "*this appliance is intended to be used exclusively for the long term storage and the aging of*

wine". (There is no need to warn consumers on the models displayed in shops as it is obvious by construction that wine coolers are not to be confused with standard RFs.)

Wine storage appliance shall be understood as refrigerating appliance having only one or more wine storage compartment with:

- the capability of maintaining continuously a nominal temperature in the range from +9 °C to +15 °C with cooling as well as heating;
- the capability of maintaining the storage temperature within a variation over time of less than 0,5 K
- the capability to actively or passively control of the compartment humidity in the range 50-80%
- a construction to reduce the transmission of vibration to the compartment, whether from the refrigerator compressor or from external source.

Other wine appliances with a wider temperature range (from 5 to 20°C), usually used for the cooling of wine, should respect the proposed level of energy efficiency requirements. This poses a major challenge for wine appliances with transparent doors which will hardly be able to comply with the new energy efficiency requirements. This may de facto lead to banning all wine appliances with glass doors out of the market (AT).

A question was raised by Malta as to the proportionality of including wine storage appliance inside the scope of the two implementing measures on RF for only one general information requirement taking into account that their inclusion will require as a consequence to have all models EC marked.

On the grounds raised above, CECED requested, instead of exempting wine storage appliances from the scope of the energy efficiency requirements and the labelling scheme, to draft ecodesign measures specifically devoted to all wine appliances and to include them in the current labelling scheme with no specific treatment. The current proposal would have the impact to distort significantly the market. According to CECED data, out of the 250 000 units sold between September 2007 and August 2008, 20% of the appliances were multi-temperature devices and 80 % single temperature devices (between 2 and 20°C). The likely outcome of the proposal presented in the working document will be the phasing out of the multi-temperature devices so as to benefit from the exemption from the energy efficiency requirements given to wine storage appliances. The question is therefore the following: do we want to allow the further commercialisation of wine coolers on the market or do we want to remove them at the benefit of appliance with a single temperature device between 9 and 15°C?

In addition, the exclusion of wine storage appliances from the scope of the specific ecodesign requirements will require a measurement standard to certify that the appliance is indeed a wine storage appliance but no such standard is yet available.

Scope

UK also stressed that there is a need to avoid that the exemption provided for refrigerating appliances in which the removal of refrigerated items is automatically transmitted through a network connection to an accounting system, also includes domestic refrigerating appliances with electronic networking. TREN replied that this is not the intention. Only refrigerating appliances acting as “vending machines” will be

exempted from these implementing measures because they are designed and intended for commercial use.

Verification procedure

The working document proposes to reduce the measurement uncertainty from 15% to 10% on the ground that production variability should be left to the responsibility of producers. Several stakeholders (UK, SE, NL, ANEC/BEUC) believe that it could be possible to reduce further the measurement uncertainty from 10% to 3 or 4% which is the current level of accuracy of e.g. UK accredited laboratories. TREN highlighted however that the measurement accuracy will be further defined on the basis of a round robin test within the mandate delivered to ESOs by the European Commission for the preparation of the EN harmonised standard. After the vote on the measures within the EELEP this mandate will be prepared and discussed with MS before the transmission to ESOs.

The UK asked to enshrine in the implementing measure the possibility for Member States to apply a narrower measurement uncertainty if their laboratories make it possible. AT underlined however that the more accurate the testing methods, the more costly the verification procedure for Member States, with a possible contra-productive effect that in the end, less products will be tested due to costs constraints. Romania also underlined that 50 to 60% of the Member States currently have no laboratories to test the products. This problem and costs of testing need to be addressed.

Finally, CECED mentioned their project to test products' compliance with the labelling scheme and assess the variability of testing laboratories within the last Call of Intelligent Energy Europe Programme. If the project was selected for founding, it could give hard results about the level of accuracy achievable. According to CECED, there is a need to improve the quality of a great number of testing laboratories in order to ensure an effective verification procedure by Member States based on reliable test results.

Annex 1: List of participants

Last name	First name	Member States or company/organisation's name
Fagerlund	Kirsti Hind	Norway
Bogner	Thomas	Austria
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Gerhard	Ludwar	Austria
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Van Der Linden	Inge	Belgium
Crevecoeur	Guibert	Belgium
Bontchev	Bontcho	Bulgaria
Hyksa	Vlastimil	Czech Republic
Nielsen	Anne	Denmark
Peled	Michelle	Denmark
Kulbas	Heikki	Estonia
Bisson	Evelyne	France
Lefebvre	Herve	France
Blickwedel	Peter	Germany
Dietrich	Sasha	Germany
Halatsch	Andreas	Germany
Akkerman	Floris	Germany
Drachenberg	Tino	Germany
Cserti	Istvánné	Hungary
Sweeney	Mark	Ireland
Moneta	Roberto	Italy
Gargantini	Fabio	Italy
PRESUTTO	MILENA	Italy
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