

## WORKING DOCUMENT 1

### on a possible Commission Regulation amending Commission Regulation (EC) No 245/2009 of 18 March 2009 with regard to ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps

#### EXPLANATORY NOTE

The European Lamp Companies' Federation (ELC) and the Federation of National Manufacturers' Associations for Luminaires and Electrotechnical Components for Luminaires in the EU (CELMA), after informal contacts with the Commission services, submitted a joint request on 9 July 2009 for amending Regulation 245/2009. They are proposing an amendment in order to:

1. disambiguate some of the provisions of the Regulation;
2. readjust the scope of the exemptions to avoid exempting some lamps that were meant to be covered, and to avoid phasing out products that should be exempted;
3. correct some requirements to avoid phasing out some lamp families that were not intended to be phased out;
4. increase the consistency of the Regulation with the more recently adopted Ecodesign implementing measures, in particular with Regulation 244/2009 on non-directional household lamps.

Most importantly, emergency ballasts and explosion proof lamps were not exempted in Annex I on exemptions and would have to be included as a matter of urgency, in order to prevent a disruption of the supply on the date of application of the first stage requirements (13 April 2010), which could lead to serious security risks in the installations where the products in question are used. One of the main goals of the regulation is to phase out halophosphate fluorescent lamps, however, many of these lamps are unintentionally exempted by one of the technical exemptions in Annex I. Another important change is that the exceptions given for specific lamp types on the energy efficiency requirements sometimes need to be extended to the lifetime (lamp lumen maintenance and lamp survival) requirements too, otherwise the lamps in question would be phased out. This would force the premature or completely unintended disappearance of lamp types such as the retrofit high-pressure sodium lamps or the entire family of circular fluorescent lamps, at high costs to the users who would have to change their luminaires.

The Commission services have studied the request for amendment submitted by ELC / CELMA, and have come up with **Working document 2** showing proposed changes to the Regulation in the text by track changes, including each time the rationale behind the change. **Working document 3** lists other requests for amendment from ELC / CELMA, on which the views of the members of the Consultation Forum are also sought.

ELC and CELMA are invited to provide more information (e.g. detailed designation of the lamp types affected and relevant market data) to the Consultation Forum so that the members can better judge the importance of implementing the different changes in the Regulation.

In relation to the changes proposed to tackle the phase-out related problems mentioned under points 2 and 3 above, the members of the Consultation Forum are invited to reflect on the following questions when preparing their comments on the Working Documents:

- Do we know of lamps available on the market that fulfil the problematic requirements?
- If not, can we expect users to switch to slightly different other lamps that fulfil the requirements and fit into the same luminaires?
- If not, can we expect users to replace the luminaires to accommodate the replacement lamps that fulfil the requirements?
- If not, should we change the requirements in the regulation as proposed?

**Annexes:**

- Working document 2: Amendments proposed in the regulation
- Working document 3: Further amendments proposed by ELC/CELMA
- The original ELC/CELMA request to amend Regulation 245/2009