

Att.: DG ENERGY – to the attention of Ms. Orsola Mautone and Mr. Robert Nuij, UNIT C3.001 Energy efficiency of products

From: EFIC – the European Furniture Industries Confederation

Date: 26th January 2018

Object: EFIC written comments on draft proposals: **a)** Commission delegated regulation (EU).../... supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to **energy labelling of light sources**; **b)** Commission regulation (EU).../... of XXX implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to **eco-design requirements for light sources and separate control gears**, repealing Regulation (EC) No 244/2009 with regard to eco-design requirements for non-directional household lamps, Regulation (EC) No 245/2009 with regard to eco-design requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps, and, Regulation (EU) No 1194/2012 with regard to eco-design requirements for directional lamps, light emitting diode lamps and related equipment.

EFIC – the European Furniture Industries Confederation – represents the voice of the jointly united European furniture industries and its registered representative towards the European Institutions. EFIC members are the National federations of European furniture producers in 12-member States and associated European furniture companies. EFIC represents more than the 70% of the total turnover of the furniture industries in Europe.

Recognizing the objectives of the written stakeholders' consultation and the possibility to submit observations by 26th January 2018, EFIC welcomes the possibility to comment on the draft proposals.

Background:

The European Commission is in the process of reviewing the legislation on lighting products, namely Commission Regulation (EC) n. 244/2009, Commission Regulation (EC) No 245/2009 and Commission Regulation (EU) No 1194/2012 on eco-design requirements and Commission Regulation (EU) No 874/2012 on energy labelling requirements.

The European Commission has presented and discussed two draft proposals (in object) within the Eco-design Consultation Forum. The last meeting of the Eco-Design Consultation Forum took place on Thursday 7 December 2017. EFIC has asked for, and was agreed for, having a seat in the Forum as the draft proposals in the formulation presented may extend a number of obligations to furniture manufacturers.

With this document EFIC would like to share its preliminary views on the proposed texts. Some more detailed comments may follow in the next steps of the procedure. There are a number of issue that deserve a deeper reflection and discussion among EFIC members.

Legal framework:

a) Draft Commission delegated regulation with regard to energy labelling of light sources

The following articles are of primary concern for the furniture industry:

- **Article 1 – Subject matter and scope.** It extends requirements set by the draft proposal to light sources placed on the market in a “containing product”.
- **Article 2 – Definitions, section 1,** it includes “containing products” and it states that they should be disassembled by removing the “readily removable” parts without permanently damaging the product. And that the smallest physical unit (fulfilling the definition of “light source”) should be evaluated according to the regulation.
- **Article 2 – Definitions, section 3,** makes reference to ANNEX VI.
- **Article 3 – Obligations of suppliers section 1 (a)** is requesting each light source to be supplied with a printed label.
- **Article 9 – Entry into force and application, section 4,** state that products already placed on the market should be reworked with the new label 30 days after the date of entry into force.
- **ANNEX II (44) lifetime for LED and OLED** makes reference to M70F50.
- **ANNEX V, section 3(1)** states that item (d), electrical interface details, shall be displayed on the packaging on the side facing the prospective buyer.
- **ANNEX V – Product Information, section 3.2 (a)** states that the technical documentation of the supplier should clearly identify the included light source including its energy class. **Product Information, section 3.2 (b)** states that the following text should be on the packaging and in all advertisement, formal price quote or tender offer disclosing energy related or price information on the containing product and in any technical promotional material for the containing product (such as a LED luminaire):
“This product contains a light source of energy efficiency class <X> according to <replace by final indication of this Regulation>”
- **ANNEX V – Section 4.1**

b) Draft Commission regulation with regard to ecodesign requirements for light sources and separate control gears

- **Article 1 – subject matter and scope.** The scope of the draft proposal includes light sources and separate control gear placed on the market in a containing product.

- **Article 2 – Definitions, section 4 “containing product”**
- **Article 3 – Ecodesign requirements.** Any product in the scope of the legislation shall meet the requirements specified in Annex 3 of the Regulation, unless excepted. **Annex 3** in its draft version present the label and the information which should be included. It also establishes a number of application rules.
- **Article 4 – Removal of light sources and separate control gears.** It regulates that light sources and separate control gears can be easily removed by end users or qualified professionals from containing products. It also requires that containing products shall be accompanied by instructions on how light sources and separate control gears can be easily removed.

Comments and proposals:

a) Draft Commission delegated regulation with regard to energy labelling of light sources

Article 1 – subject matter and scope.

a) The definition of “containing products” is broad and unclear. It may include any product in which a light source is used (e.g. refrigerators, domestic appliances, furniture). It is crucial to clarify the definition of “containing products”.

b) Such definition and legislative text is able to extend products’ labelling requirement to furniture producers, when intended as producers of the “containing product” e.g. kitchen, bathroom furniture products etc. This would result in an increase in administrative and economic burdens for furniture producers.¹

Proposal 1	For a correct indication of the products covered, to refer to definitions already in use and/or standardised terms ² (also in line with the actual intentions of the legislator). Better clarify the subject matter and scope of the legislation.
Proposal 2	To better clarify that “containing products” and in particular furniture products are not in the scope of the regulation, e.g. by adding a third paragraph between the first and the second that states “The containing products themselves are not in scope of this Regulation.”
Proposal 3	In any case, to grant an adequate transitional period (e.g. 24 months from the entry into force) so that companies in the sector can adapt to the new requirements.

¹ Additionally, according to Regulation EU 2017/1369 suppliers of energy appliances are requested to contribute to a 3-level database, which includes one session accessible to consumers, one for producers and one for Market Surveillance authorities. The potential extension of the scope of the draft proposal to furniture producers would lead to an additional burden for European furniture manufacturers, which are for mostly SMEs (85% of the EU market);

² Such as luminaires, household appliances etc.

Article 2 – Definitions, section 1 “light source”

Definitions, section 1, talks about “containing products” and that they should be disassembled by removing the “readily removable” parts without permanently damaging the product. And that the smallest physical unit (fulfilling the definition of “light source”) should be evaluated according to the regulation. As many designs of LED luminaires and other consumer products today use non-replaceable LED-modules, this is not possible. The construction is often selected due to the integration of the heat sink, protect against access to live parts and also aesthetic reasons (light source behind transparent covers/mirrors etc).

EFIC understands that the scope of the regulation is to promote the use of more sustainable products that benefit the environment and to set effective eco-design requirements, including on disassembly. For “containing products” this can be done if the supplier uses LED-modules and other components that fulfil the functional and performance requirements of Eco-design.

EFIC invites the European Commission to pay particular attention to this issue and to specific applications which could be more problematic.

It was suggested from one of our members that there should be a differentiation when the main purpose is not general lighting application but instead a more decorative or festive purpose, and with a differentiation between limits in lumen.

Article 2 – Definitions, section 3 “containing product”

Article 2 – section 3 state that surveillance authority should use Annex VI. But this annex is for information to be provided in case of distance selling etc. Should be ANNEX VIII. Moreover, the definition of containing product needs to be defined more precisely, as already expressed in proposal 1.

Article 3 – Obligations of suppliers, section 1 (a)

Article 3 is requesting each light source to be supplied with a printed label.

EFIC suggests to evaluate the opportunity to substitute a printed label with an electronic one, in order to save resources. For what furniture consumers are concerned, it is of interest to have the energy related information visibly available at the point of sale where the decision whether buying a product or not is finally taken, including distance and online selling. Making available an electronic label as requested in Article 3 section 1 (c) could be sufficient.

Proposal 4	Add sub clause that Article 3 section 1 (a) reads, e.g. “each light source is supplied with a printed label in the format as set out in Annex III, unless energy related information has been given visibly available at the point of sale including distance selling and online selling;”
------------	--

Article 9 – Entry into force and application, section 4

The date of entry into force is not defined but the database providing dealers with labels are not made mandatory until 30th of June 2019 (for some light sources). There is a need for a transition period for all dealers to comply without too much rework of

existing stock. In most cases e.g. ecolabel a transitional period of 1 year is granted if changes occur. Moreover, EFIC would like to bring the attention on the fact that in some cases it might be non-possible to recall furniture already placed on the market, e.g. furniture already in distribution shops.

Proposal 5	<p>To change date in Article 9 to read:</p> <ol style="list-style-type: none"> 1. This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Union. New models of light sources, placed on the market after this Regulation has entered into force, fulfilling Article 3(1)(a) through (e), Article 3(1)(g) through (j) and Article 4(1)(a) through (e), shall be seen as fulfilling the regulation it is repealing. 2. It shall apply from [...] 3. The obligations in Article 3(1)(a) and (b) shall apply from [...]. Fulfilment 4. The obligation in Article 4(1)(e) shall apply [...]. <p>This Regulation shall be binding in its entirety and directly applicable in all Member States</p>
------------	---

ANNEX II (44) lifetime for LED and OLED the reference to M70F50 is not consistent with IEC nomenclature (ref IEC62612:2013).

Proposal 6	<p>To change ANNEX II (44) to read: “.. This is also referred to as the L₇₀F₅₀.”</p> <p>To change ANNEX V 3.1(e) to read: “.. the L₇₀F₅₀ lifetime...”</p>
------------	---

ANNEX III Label for light sources – section (1)

There are cases where such information can't be given. EFIC has received the example on “kWh/1000h”.³ A possibility could be to refer to the existing solution of 874/2012.

ANNEX III - Label for light sources – section (3)

The Commission should take into consideration that the labelling size should also depend on the size of the packaging. To avoid unintentional additional costs, new labels should respect as much as possible standardised sizes.

³ If for example a light strip (same type, cuttable to length) is used for furniture that are commonly produced in different grid dimension, e.g. with some factor multiplied with the initial wide or length, giving this data would require e.g. for 3 different lights of the same light source 6 labels which now are 1 or 2. This could create unnecessary burdens. Furthermore, it is quite common that these 2 parts of different lengths are connected and power by the same power supply. For that it is technically not possible to give this information for each of the three lengths. It is also not possible to determine other parameters as requested e.g. in Annex V.

ANNEX V – section 3(1)

It states that item (d), electrical interface details, shall be displayed on the packaging on the side facing the prospective buyer. This is not relevant in the perspective of energy saving or product quality

Proposal 7	To change ANNEX V to read: “Items (a) shall be displayed on the packaging in the direction meant to face prospective buyers; for other items this is also recommended, if space permits.”
------------	--

ANNEX V - section 3.2 (a)

Product Information, section 3.2 (a) states that the technical documentation of the supplier should clearly identify the included light source including its energy class. This is not relevant and only remove flexibility for the supplier as it limits the alternative (with same energy class) light sources possible to use without having to update the technical documentation. Additionally, as stated in the comment to Annex III, giving the kWh/1000h is not feasible.

Proposal 8	Remove ANNEX V section 3.2
Proposal 9	Alternatively, rephrase to the technical documentation for the containing product shall identify the contained light source(s), whereas it is possible to give the information regarding to a type of light source

ANNEX V - section 3.2 (b)

The containing product (such as a LED luminaire) can be sold in many EU and non-EU countries thus requiring the sentence to be written in 20 to 30 languages (or more). This will be too cumbersome for the supplier and would take away the possibility to have other critical sales information on the packaging. Also in sales channels, printed and online, where multiple containing products are displayed/marketed together the sentence will not enable the consumer to make clear comparison (due to information overload and cluttering).

Moreover, the information on the efficiency class would not provide any information on the products’ light emission and the consumers’ understanding of the information is doubtful.

Proposal 10	To remove ANNEX V section 3.2 (a). If removal is not possible: To add to the end of ANNEX V, section 3.2 (b) the following alternative compliance pictogram method: ‘The sentence above can be replaced with the substance of the following:
-------------	--

	<p>“Incl.  </p> <p>Where the light source symbol represents the shape of the included light source and the energy class is shown according to ANNEX VI.</p>
--	---

In case the product contains more than one light source, the sentence can be in plural, or repeated per light source, as suitable. In case of use of the pictogram the light source symbol can be preceded by the appropriate numeral, or the pictogram repeated per light source, as suitable.

Annex V – Section 4.1

The requirement to upload information on light sources in containing products will constitute an unreasonable burden for the furniture industry due to the huge number of models available.

Proposal 11	<p>To remove the reference to containing products:</p> <p>4.1 If a light source is placed on the market, including when it is a part in a containing product, the following information shall be entered in the public part of the product database:</p>
-------------	---

a) Draft Commission regulation with regard to ecodesign requirements for light sources and separate control gears

Article 1– subject matter and scope.

The definition of “containing products” is broad and unclear. It may include any product in which a light source is used (e.g. refrigerators, domestic appliances, furniture).

Proposal 9	<p>For a correct indication of the products covered, to refer to definitions already in use and/or standardised terms (also in line with the actual intentions of the legislator).</p>
------------	--

Article 2 – Definitions, section 4 “containing product”,

The definition of containing product must be more precise. See comments presented above.

Article 3 – Eco-design Requirements

EFIC proposes to better clarify that the requirements are addressed to producers, not directly to producers of containing products, such as furniture.

EFIC invites the European Commission to evaluate, together with stakeholders, the specific need for exceptions.

Proposal 12	Change to “Any light source in scope of this Regulation shall meet the eco-design requirements ...”
-------------	--

Article 4 – Removal of light sources and separate control gears.

It is unclear whether the absence of “permanent mechanical damage” is referred to the lighting source and/or to the “containing product” in which the lighting source is included. Moreover, it is not clear the *ratio* for such obligation: whether for end-of-life purposes and separate collection; or the need to remove such parts for inspections and controls or other reasons. It should be also clarified whether the legislator sees the need for the capability of the end-user to remove light sources or that of a qualified professional.