

Draft Guidelines accompanying Commission Regulation 1275/2008

Comments on the working document

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The Netherlands welcome the draft Guidelines accompanying Commission Regulation 1275/2008 (Standby and off-mode).

However, the Regulation still has a large potential for different interpretations, especially regarding the “appropriateness for intended use”. We therefore ask the Commission to set up and maintain a procedure regarding interpretation issues raised at Member State level, e.g. questions asked to authorities and issues during compliance checking.

Furthermore, we have the following concerns regarding the guidelines on:

- Definitions for standby and off mode (section 2.4)
- Ecodesign requirements, appropriateness for the intended use (section 2.7)

In general we think that the guidelines might lead to an interpretation of the Regulation that in practice will result in an exemption from the Regulation for many products.

The working document provides on pages 6/7 several examples of functions that imply that the conditions where such a function is present is not the off mode or standby mode. In our opinion however it should be stressed that these functions as such do not constitute a technical justification why the product can not have an off mode and/or a standby mode (as defined in the Regulation). This would make the Regulation meaningless for many CE and ICT products.

A specific comment is that a network reactivation function (an example for conditions not being “standby” on page 7) does not lead beyond standby because of the reactivation (this is explicitly included in the standby definition) but because of the network functions that need to be active to realise the reactivation through a network.

Related to this we would argue that (network) connections that are not used and/or can be switched off (during the test of the product) do not count in establishing whether the product has an off mode or standby mode. Again, otherwise the Regulation would be meaningless for e.g. videorecorders with RF signal throughput or TVs with HDMI connection.

Regarding Annex II we have the following more specific comment: wireless TV is *not* an example of network communication. Assuming the wireless TV is a product (as defined in the Directive, meaning that it is put on the market as a single functional unit albeit in various physical boxes), the signal transfer, waking up of parts of the product etc. has nothing to do with the connections of the product with the “outside world”. However, the wireless connection between parts of the TV could establish a *technical* justification that the requirements to have a standby mode (complying with the targets) are inappropriate for the intended use.

The “inappropriateness for intended use” in the Regulation refers to the justification of the product not having a off or standby mode and to the justification of not implementing power management.

First we note that the Regulation requires a *technical* justification. In our opinion an economic justification (putting an off switch on the product is too expensive) or reference to consumer behaviour (consumers will never use the off switch on this product) is not a technical justification and therefore can not be used by the manufacturers.

Furthermore, in practice we do not see any technical justification that a product should not at least have off mode and therefor all products can comply with the Regulation on this point. Also products that are normally left on 24 hrs/day (e.g. ADSL/VoIP end user equipment) or are always at least in a network mode (e.g. complex set-top boxes) might be switched off by the user when they are not used for longer periods, e.g. during holidays.

Note that the example above of the wireless TV could be a technical justification for a product not having a standby mode (complying with the targets), but also this product can have an off mode.

The situation is different for implementing power management requirements, especially for products that have a network mode. Implementing power management would mean that the network mode is no longer available (unless the network mode can be made available within the power limits of the Regulation; which of course is a preferred situation). The difference with the off mode is that power management (by definition) puts the product in the required mode (standby or off) *without* (direct) user action. However, products with a network mode could also be put in a mode where the network connection is still available and the power consumption is lower than in the on-mode (but not meeting the power limits of the Regulation).

In our opinion a long reactivation time is not a technical justification; otherwise all products with a long start up (reactivation) time would also not need to have an off mode or a standby mode.

In any case we suggest that these remarks are taken into account in the preparatory studies for sound and imaging equipment and networked standby.