

A horizontal implementing measure (IM) on standby – some issues to be resolved

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Introduction

The discussions in the Consultation Forum meeting of 17 October 2007 showed that several unresolved issues exist. The main issues to be resolved concern scope and definitions.

Scope

The IM should clearly define a scope, i.e. the energy-using products (EuP) that are covered by the IM (Annex VII, under 1).

In principle, since the IM is supposed to be a horizontal measure, the scope could be defined by the product categories in the WEEE directive. However, this needs a specific listing of the categories that are included and an explicit mentioning of the exemptions within these categories if necessary.

Furthermore, it is important to include the “catch all” statements, e.g. the wordings under category 4 (Consumer electronics): “And other products or equipment for the purpose of recording or reproducing sound or images, including signals or other technologies for the distribution of sound and image than by telecommunications.”

Since the IM will¹ be a Regulation (or Decision) there is no national implementation needed (nor it is allowed). However, still questions can arise whether a certain EuP would fall under the IM or not. Most probably these questions will arise when enforcement authorities will challenge a manufacturer in court. Is this then a prejudicial issue that has to be brought to the European Court of Justice, or is a (faster) procedure possible where the Commission takes a decision whether a certain EuP falls under the IM or not?

Definitions of modes

As already indicated in earlier comments the definitions of the modes should be as close to the revised IEC62301 as possible.

Since it is not the intention of the IM to cover networked standby, the definition of this mode is important.

First it should be clear that, since the IM covers EuP as put on the market, for products delivered with a remote control, e.g. a television or an audio set, the remote control is part of the EuP (and not of a network; see below). So the reactivation function directly applies to the remote control (as being part of the EuP).

The IM itself does not contain a definition of “network”. A network in IEC62301 is defined as only two way communication between two or more EuPs. However, this would mean that e.g. a USB connection between a PC and a printer would also count as a network; as a consequence the printer would not be covered by the IM regarding standby.

The following description of a network is suggested: a network is a channel for two way communication between – in principle – several (more than two) EuPs. (Note: this need to be checked with definitions in standards) In this description communication between two EuPs, e.g. PC and printer, does not count as a network.

Which EuP have to comply with which requirements?

So far issues have been addressed in isolation. However other issues arise when looking at the total flow of decisions. This flow is as follows:

1. Does the EuP fall in the scope of the IM?
 - a. If NO, no requirements to comply with.
 - b. If YES, proceed with 2, 3 and 4.
2. Does the EuP have any off mode condition?

¹ In the unfortunate case that the IM will be a Directive, it must be feared that various interpretations by Member States create different implementations regarding the scope; cf. the current implementation of the WEEE Directive.

- a. If NO, no off mode requirements to comply with.
 - b. If YES, comply with off mode requirements in any off mode condition.
3. Does the EuP have any standby condition?
 - a. If NO, no standby requirements to comply with.
 - b. If YES, comply with standby requirements in any standby mode condition.
4. The EuP should comply with the generic requirement for power management.

The following issues arise. For 2. and 3. the definitions in the IM are referenced. These definitions specify the conditions that are called “off mode” or “standby”. This means that if the conditions under “off mode” or “standby” are not fulfilled, the EuP does not have such a mode (as defined) and thereby does not have to comply with the requirements. E.g. if an EuP does not only provide a reactivation function and an information display but also a maintenance function, it does not fulfill the “standby” definition and therefore does not have to meet standby requirements. Note that complying with less conditions is not a problem because the requirements speak of ‘any condition’. Further note that adding ‘at least’ (e.g. “Standby” means a condition with at least the following characteristics: ...) does not solve the problem because then any condition with at least the given characteristics, including the on mode, would qualify as “standby”.

Regarding the off mode, a manufacturer might claim that the EuP always offers a memory function, e.g. of user settings, and therefore does not have an off mode.

Of course this creates potential (very large) loopholes in the IM. Or in other words: these are not favourable conditions for a level playing field.

More general, the IM does not require an EuP to have an off mode and/or a standby mode. This makes the claim of a manufacturer that the EuP has neither of these modes an easy opt out of this part of the IM. Because how do you prove that the EuP has an off mode and/or standby mode according to the definitions?

A third issue is networked standby; even if networked standby is excluded the following situation can arise. What to do with an EuP that has a network connection that can be disconnected or switched off (in case of wireless network)? On one hand one could argue that this EuP does not fulfill the standby definition because it can provide more functionality than defined. On the other hand when the EuP is not connected to the network (and suppose the EuP does not provide other functions), the EuP could be considered complying with the definition. If the first interpretation would be chosen then any television with an HDMI interface would not need to fulfill the standby requirements.

Solution

Therefore it is recommended that all EuPs covered by the scope of the IM should have at least an off mode or a standby mode with at minimum the characteristics as defined by the IM. For this mode the EuP should comply with the requirements.

What to do with always on products? Exclude of scope? But this must be done very carefully.

If an EuP has both off mode and standby mode and both comply with the definitions in the IM, then both should comply with the requirements.

If an EuP has a network connection that can be disconnected, and the disconnected EuP complies with the standby and/or off mode definitions, then the EuP should comply with the standby and/or off mode requirements.

Regarding the measurement/verification procedure it is important to state that the product is tested as delivered to the consumer, i.e. with the manufacturer defaults. This prevents manufacturers “hiding” an “eco” mode that complies with the requirements but will be never used.

In this case it is no problem if the EuP provides more functions in off mode and/or standby mode, provided it complies with the requirements.

It is still possible for manufacturers to design around or leave out one mode, but there is at least a more stable basis.