

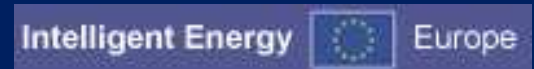
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ATLETE

Appliance Testing for Energy Label Evaluation

Intelligent Energy – Europe (IEE): Energy Efficiency (SAVE)

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DELIVERABLE 2.3

Recommendations for an EU conformity assessment methodology

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The survey results presented in Reports 1 and 2 led to identify challenges or weaknesses experienced either at a European level, or in some Member States according to their national features. They are synthesized below. Furthermore, suggestions for improvement can be drawn following each of these challenges and are here distinguished among perspectives related to retailers and manufacturers compliance. They reflect the authors' point of view, but were nourished by answers and proposals discussed with interviewed representatives. They should also be analysed in the framework of EU policies introduced by the Directives on energy labelling and Ecodesign, their respective evolution and by Regulation 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products (entering into force on 1 January 2010).

At a general level, difficulties related to the European regulations' content have been pointed out following the interviews with Member States:

- For instance, the fact that the energy classes on the labels are sometimes too narrow. When this is combined with the important tolerance margins allowed when measuring the energy consumption, some appliances can artificially be classified in a better class than they should be. This is not very good to build trust in the energy label as a whole.
- Another example is the lack of details in the European text on surveillance policies and specific actions to be undertaken. Even though this was motivated by the respect of the subsidiarity principle, it has led to a certain disparity in means and methodologies used among Member States. Energy labelling conformity assessment is thus not considered as an imperative topic in several EU Member States.

Improvements on these issues can only come from the revision of the Directive on Energy Labelling (adding for example concrete specifications on actions to be undertaken for market surveillance, a European coordination of information exchange between Member States) and the specific product regulations within the Ecodesign Directive process (defining tolerance margins, how the energy consumption is to be calculated to better reflect consumer use, better positioning of the label's scale).

Difficulties related to the coordination at national level among enforcement authorities on the one hand, and state institutions responsible for EU Directives' transposition on the other hand, were also noticed during this survey. In a few countries, enforcement authorities could not be contacted despite several attempts and the requested information about market surveillance activities was not available either to the institutions in charge of the EU Directives' transposition. A recommendation can be to further assess the efficiency of current institutional frameworks in these countries, as indicated in the Regulation 765/2008, Article 18 "Obligations of the Member States as regards organisation": *"Member States shall periodically review and assess the functioning of their surveillance activities. Such reviews shall be carried out at least every fourth year and the results thereof shall be communicated to the other Member States and the Commission and be made available to the public, by way of electronic communication and, where appropriate, by other means"*.

Retailers' conformity

Challenges

Suggestions for improvement

Labels' provision

Labels may be missing, partly provided or misplaced because of retailers' low awareness on energy labelling requirements.

Involve sellers through trainings/information campaigns on energy labelling purposes and requirements. Several conditions may improve the training impact:

- Training needs to be conducted on a regular basis, as the turnover in retail shops is often significant.
- It needs to involve shop sellers as well as their managers.
- It should focus on both shop and distant sellers.
- State institutions can finance it in order to guarantee a large participation of retail chains and shops.

Broadcast inspection results through press releases.

Experience on this topic: Sweden.

Introduce incentives through voluntary programmes. Rewarding compliant retailers through publicised awards of best practice can induce an enhanced involvement and a change in strategy from retailers.

Experience on this topic: Japan, Denmark.

Labels may be missing or only partly provided because retailers do not know who should provide the coloured backgrounds. They either have not sent requests at all to order the coloured background, or have sent requests to the wrong organisation.

Foster the opportunity for retailers to order their requested coloured backgrounds online. A dedicated website can be used to gather the existing coloured backgrounds for all household appliances concerned by the EU Directive on energy labelling. The manufacturers/importers themselves or their association would pay for the coloured backgrounds ordered by retailers.

Experience on this topic: The Netherlands.

Make coloured backgrounds available on dedicated websites for download and print by retailer chains. The dedicated website would here allow retailers to download the requested coloured background online. However, considering the

Challenges

Suggestions for improvement

	<p>specific format (colours for instance) provided by the implementing directives on energy labelling, the printing would necessarily be organised through a professional printing house (i.e. not by the retailers themselves).</p> <p>Experience on this topic: Finland, Germany, Latvia.</p>
<p>Labels may be missing or only partly provided because retailers have not received the coloured backgrounds from the manufacturer/importer. They have however sent requests to the appropriate organisation in charge.</p>	<p>Strengthen the surveillance activities and possible sanctions on the correct provision of energy labels (coloured background + data strip) by manufacturers/importers or their associations.</p> <p>Another option can be for manufacturers to provide the coloured background with each product. However, as few appliances are actually displayed in shops compared to the total number of products sold, and as products are sent all over Europe, in countries using different languages, i.e. different coloured backgrounds, this option seems less relevant.</p>
<p>Control capacities and enforcement</p> <p>Some enforcement authorities may face scarce human and financial resources to perform regular inspections in shops, and moreover, on catalogues and Internet offers.</p>	<p>Support enforcement authorities' financial and human capacities on energy labelling surveillance through further financial support for carrying out surveillance activities (by Member States, possibly by the EU). Considering that random shop/distant sellers inspections can bring satisfying results, this support does not necessarily involve large amounts of money.</p> <p><i>Regulation 765/2008, Article 18 "Obligations of the Member States as regards organisation": "Member States shall entrust market surveillance authorities with the powers, resources and knowledge necessary for the proper performance of their tasks".</i></p>
<p>The appropriate methodology to assess distant sellers' conformity has to be defined in most countries.</p>	<p>Organise information sharing on methodologies experienced in some Member States regarding distant sellers' controls (Internet and catalogues).</p> <p>Further detail Internet-retailers responsibilities regarding energy labelling, either at a European level or at national levels.</p>

Manufacturers' conformity

Challenges

In some Member States, qualified laboratories to conduct tests on household appliances' energy labelling are not available. Some Member States may have to refer to foreign laboratories: further information on accredited laboratories across Europe should be made available.

Suggestions for improvement

Promote a better knowledge regarding the accredited bodies on the topic of energy consumption tests for household appliances. The European cooperation for Accreditation (EA) can:

- Monitor and coordinate the various accreditation schemes implemented in EU Member States on energy labelling tests.
- Inform Member States of testing facilities across Europe.

Support the creation of transnational laboratories to support countries with low levels of resources. This can be an option in Central Europe, where a transnational laboratory could be cofinanced by the interested countries with the support of the EU.

Regulation 765/2008, Article 25 "Sharing of resources": "Market surveillance initiatives designed to share resources and expertise between the competent authorities of the Member States may be set up by the Commission or the Member States concerned. Such initiatives shall be coordinated by the Commission".

Make energy surveillance actions through appliance energy consumption tests mandatory. This obligation may lead to further investments on testing facilities, either on a public or on a private level, with the perspective of long-term and regular tests (laboratories would not fear investing if expensive testing facilities). This obligation would have to be framed regarding the number of tests implemented at European level, resource sharing and information sharing, etc.

Testing facilities

Testing laboratories are usually not able to test all types of appliances concerned by the EU directives on energy labelling.

Enhance the cooperation among European laboratories and with enforcement authorities in order to further rationalise tests (for instance by types of appliances) and improve each laboratory's capacity on a few appliances. This is currently an ongoing process in Europe. It can be coordinated at a European level in order to improve the Member States' access to qualified testing facilities within their own borders or within neighbouring countries.

Challenges

Suggestions for improvement

	<u>Challenges</u>	<u>Suggestions for improvement</u>
Testing procedure	Tests are time consuming and, in case of non compliance, as several samples of the same model have to be tested, it often happens that the model has since been withdrawn from the market.	<p>Foster the development of new testing facilities in Europe, in order to shorten the delay experienced by enforcement authorities when launching new tests. <i>See above.</i></p> <p>Identify the issues faced by laboratories on the most time-consuming tests and define relevant methodologies to shorten the results' delivery period.</p> <p>Encourage the prompt testing of new commercial references introduced on the European market.</p>
Control capacities and enforcement	Monitoring and testing costs are dissuasive in several countries that in addition do not benefit from test results found in other Member States as there is currently no organised comparison at a European level.	<p>Create a European database in which all household appliance covered would be registered. Thus countries not performing tests or performing low numbers of tests would have access to the tests' results available in other EU Member States. This would require the cooperation of industry, especially as commercial references vary according to countries.</p> <p><i>Regulation 765/2008, Article 23 "General information support system": "The Commission shall develop and maintain a general archiving and exchange of information system, using electronic means, on issues relating to market surveillance activities, programmes and related information on non-compliance with Community harmonisation legislation".</i></p> <p>Experience on this topic: on safety issues, the Europe-wide ICSMS database aims at exchanging information about products that have been assessed unsafe and products that have been tested and found compliant to the General Product Safety Directive or any other relevant Directive.</p> <p>Define the appropriate methodology to compare test results, in order to make sure that:</p> <ul style="list-style-type: none">- Products bearing the same commercial reference in different countries are exactly similar;- Products with different commercial references but with same technical characteristics

Challenges

Suggestions for improvement

	<p>can be tested once for the whole of Europe.</p> <p>Under these conditions, double testing of appliances would be avoided and information sharing would make market surveillance more effective in all European Member States.</p> <p>Organise information sharing among enforcement authorities in order to compare tests' results and draw conclusions on further actions or necessary improvements related to manufacturers' conformity assessment. These exchanges should focus on the enforcement authorities and the detailed results (note that the Ministries involved in the transposition of EU Directives already participate to several working groups at a European level).</p> <p><i>Regulation 765/2008, Article 18 "Obligations of the Member States as regards organisation": "Member States shall establish appropriate communication and coordination mechanisms between their market surveillance activities".</i></p>
<p>Sanctions</p> <p>In some countries sanctions may not be dissuasive enough, due to:</p> <ul style="list-style-type: none">- The low level of fines applied to large companies for instance.- The low risk of being sanctioned when a heavy court procedure has to be conducted first.	<p>Encourage or make mandatory the publication of tests' results at a European level, in order to generate a greater impact on manufacturers. The broadcast of tests results seems an efficient tool to improve compliance rates without carrying out tests on a large scale. Results can be broadcast to consumers, consumers' associations as well as to retailer chains.</p> <p>Adapt the sanction level according to :</p> <ul style="list-style-type: none">- The number of products sold from the non-compliant reference.- The extent and frequency of non-compliance. <p>Simplify the sanctioning procedures by introducing administrative sanctions (easier to enforce) rather than court prosecutions.</p> <p>Stipulate that manufacturers should be charged with the cost of the testing procedure in case of non-compliance, in addition to the sanction applied. This can be another dissuasive factor as well as a mean of slightly reducing national monitoring costs.</p>

Challenges

Importers are not always legally responsible for non-compliant appliances. This can bring difficulties in sanctioning and inducing corrective actions on non-compliant appliances related to non-CECED manufacturers.

Suggestions for improvement

Make importers legally responsible for energy labels' accuracy in national legislations, or at least make them responsible for the presentation of the technical documentation proving the energy consumption declaration of the product they import.