Notice published pursuant to Article 19(3) of Council Regulation No 17
Case COMP.F.1/37.894 — CECED Dishwashers
(2001/C 250/02)
(Text with EEA relevance)

1. INTRODUCTION

1. On 20 June 2000, the Conseil européen de la construction d'appareils domestiques (CECED), notified an agreement ('the agreement') dated 19 November 1999 committing some of its members to improve the energy efficiency of household dishwashers. CECED is applying for an exemption under Article 81(3) of the EC Treaty and Article 53 (3) of the EEA Agreement.

2. THE PARTIES

2. CECED is an association based in Brussels comprising manufacturers of domestic appliances and trade associations. CECED members and other participants who have signed the agreement include Antonio Merloni SpA, Arçelik AT, Bosch Siemens Hausgeräte GmbH, Brandt SA, Candy Elettrodomestici SRL, Electrolux Holdings Ltd, Fagor Electrodomésticos S.Coop, Gorenje d.d., Merloni Elettrodomestici SpA, Miele & Cie GmbH & Co., SMEG SpA and Whirlpool Europe SRL. All of them manufacture and sell a wide range of domestic appliances under various brands in various Member States.

3. RELEVANT MARKET AND POSITION OF THE PARTIES

3. The agreement relates to household dishwashers used to wash crockery, cutlery and cooking utensils in private homes. CECED argues that there are no other product substitutes to household dishwashers, which as a distinct product market, allegedly cannot be broken down into narrower product markets according to specific characteristics of dishwashers. According to CECED, no competitors with significant sales volumes or market shares who produce for and sell into the EC are excluded from the agreement and imports into the EC account for a negligible proportion of final sales. CECED argues that there are indications that the relevant geographic dimension of the market covers western Europe (1). The parties' combined market share in the EC is allegedly close to 100 %.

4. THE AGREEMENT

4. Pursuant to Commission Directive 97/17/EC (2), household dishwashers sold in the EU are classified and labelled according to their energy efficiency. There are seven categories of energy efficiency ranging from A to G. The agreement basically covers three sets of objectives concerning: (i) production and imports of domestic dishwashers; (ii) monitoring and reporting; and (iii) promotion of technological development as well as consumer awareness. It is open to new participants and remains valid until 31 December 2004.

5. The parties have mainly agreed the following:

Production and imports: pursuant to the agreement's main objective of reducing the overall European production weighted average energy consumption of dishwashers by 20 % by the year 2002, the participants have agreed to cease producing for and importing into the EC the following categories of dishwashers:

— by 31 December 2000 — (the first step), dishwashers belonging to the energy efficiency classes E, F and G (for dishwashers with more than 10 or just 10 place settings) and F and G for dishwashers with less than 10 place settings,

— by 31 December 2003 — (the second step), dishwashers belonging to the energy efficiency class D (for dishwashers with 10 or more place settings) or E (for dishwashers with less than 10 place settings).

Monitoring and reporting: CECED will set up and maintain a database containing an analysis of all models of dishwashers placed on the EC market by all participants. It will be available to the European Commission and national authorities. The results will be monitored by a notary who will report annually to CECED and to the Commission. CECED itself will submit an annual report to the Commission including the following aggregate information and data collated by the notary: (i) the overall production weighted energy consumption of dishwashers based on the notary's report; and (ii) the proportion of dishwashers according to the number of place settings, a chart showing the distribution of energy efficiency classes and a histogram of the proportion of each cleaning/drying performance efficiency classes. Individual data will not be disclosed to other parties, including CECED members.


Consumer awareness and technological advancement: the participants have agreed to educate consumers on the environmentally conscious use of dishwashers and to give more information in operating manuals about ways to save energy and water. The participants have also agreed to cooperate with national energy authorities on common programmes to promote the efficient use of dishwashers. Furthermore, the participants have agreed to promote technological advancement with a view to reducing the energy consumption of dishwashers by introducing enzymatic detergent programmes where those detergents are available, by switching from 65 °C to 50/55 °C for one-temperature dishwashers and by participating in research for low temperature rinsing.

5. ARGUMENTS FROM CECED

6. According to CECED, even though the agreement may restrict competition within the meaning of Article 81(1), the agreement will contribute to technological progress since more efficient dishwashers, which provide the same service with less energy consumption, are likely to replace those no longer allowed. According to CECED, the agreement would improve the efficiency of dishwashers sold in the EC by more than 20 %, when fully implemented. Electricity consumption stemming from the operation of dishwashers in the EC could thus allegedly be reduced by 3,2 TWh per year in the long run compared with a business-as-usual scenario. As individual purchasers, consumers will allegedly obtain savings through reduced electricity bills, which allow for recouping higher purchase costs.

7. CECED stresses that the agreement leaves manufacturers free to use whatever methods they choose in order to meet their obligations on improving the energy efficiency of their dishwashers. Various technical alternatives are readily available to the manufacturers concerned, according to CECED. More generally, the various provisions in the agreement are allegedly necessary to obtain the benefits highlighted above. According to CECED, the agreement will not directly restrict the parties as to other competitive factors such as price, brand image and technical performance. Such aspects have more weight in purchase decisions than energy efficiency, in a market which is dynamic and growing, where saturation is not apparent, according to CECED.

6. INTENTION OF THE COMMISSION

8. Pursuant to its ‘Guidelines on the applicability of Article 81 of the EC Treaty to horizontal cooperation agreements’ (1), the Commission intends to take a favourable view towards the notified agreement. Before doing so, it invites all interested third parties to submit their observations within 30 days of the publication of this notice, quoting reference COMP.F.1/37.894 — CECED Dishwashers, to:

European Commission
Directorate-General for Competition
Directorate F — Consumer goods and capital goods industries
Rue de la Loi/Wetstraat 200
B-1049 Brussels.