Opinion of the Economic and Social Committee on the 'Proposal for a European Parliament and Council Directive on energy efficiency requirements for ballasts for fluorescent lighting'

(1999/C 368/04)

On 8 October 1999, the Council decided to consult the Economic and Social Committee, under Articles 175 and 262 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 5 October 1999. The rapporteur was Mr Bernabei.

At its 367th plenary session of 20 and 21 October 1999 (meeting of 20 October) the Economic and Social Committee adopted the following opinion, with 103 votes in favour and one abstention.

1. **Introduction**

1.1. The Commission proposal is part of the strategy to improve the efficiency of end-use electrical equipment, with a view to meeting the energy policy objectives of security of supply, competitiveness and protection of the environment.

1.2. The initiative follows the approach already used to establish minimum energy efficiency requirements using directives, for instance the directives on domestic boilers and refrigerators in 1992 and 1996 respectively, and negotiated agreements, such as those reached on television sets, video recorders and washing machines. The Committee published opinions [1] on these issues.

1.3. The Commission states that minimum requirements are essential to improve the efficiency of ballasts for fluorescent lighting, and it has explored every possible way of reaching a negotiated agreement with the industry to gradually eliminate low-efficiency ballasts. However, European manufacturers are fearful that the place they vacate on the market will be filled immediately by imported goods. For that reason, standard minimum requirements for all products on the European market would be a preferable option and would also prevent barriers to trade.

1.4. There is general agreement on the need to abide by the targets set by the Kyoto conference for reducing greenhouse gas emissions. For the EU this implies cutting emissions by 8 % between 1990 and 2010. The Commission has stated that applying the minimum efficiency requirements proposed for fluorescent lighting could have a significant impact, in spite of the fact that the 'impact of standards on electricity consumption will be relatively slow' (less than 5 % of the approximate 111 TWh/y total sector consumption forecast for 2010).

1.5. According to the Commission, low-loss ballasts, which correspond to categories A and B in the seven-class and four-category scheme devised by CELMA (the Committee of EEC Luminaires Manufacturers Associations), must be promoted, while category D ballasts should gradually be eliminated from the European market over an initial one-year period, with category C ballasts following during a second four-year transitional phase.

2. **General comments**

2.1. The Committee has underlined the importance of voluntary negotiated agreements and the need to 'adopt a positive approach and reward those manufacturers who promote low-consumption appliances with recyclable components' on several occasions [2], most recently in its opinion on the Communication on 'Energy Efficiency in the European Community: Towards a Strategy for the Rational Use of Energy'. Furthermore, in its opinion on the refrigerators directive, the Committee called on the Commission to encourage industry and consumers to take an active part in the process of assessing results and if necessary establishing a second set energy efficiency standards.

2.2. The Committee welcomes the spirit and aims of the draft directive, although in view of the complexity of the subject, it would have preferred the matter to have been addressed by voluntary agreements within the industry.

2.3. In view of the massive volume of imports, pointed out by the Commission, the fact that ballasts for export as individual parts or as parts of luminaires are to be excluded from the directive, and the possible use of the CE marking as

[1] OJ C 155, 21.6.1995, p. 18; OJ C 102, 18.4.1991, p. 46.

[2] COM(1998) 246 final. Opinion of the Economic and Social Committee on the 'Communication from the Commission: Energy efficiency in the European Community — Towards a strategy for the rational use of energy' OJ C 407, 28.12.1998. See also the own-initiative opinion of the Economic and Social Committee on 'Policies for the rational use of energy (RUE) in the European Union and in countries which are candidates for early membership' OJ C 407, 28.12.1998.

under other directives, the Committee strongly underscores the need for effective market controls and appropriate monitoring and quality guarantee systems in all Member States, with immediate effect and firm deadlines, in order to ensure that European manufacturers are not thwarted in their efforts by unfair competition and the presence on the market of ballasts that do not conform to standards.

2.4. It is the Committee's opinion that these transitional periods must provide the basic minimum time required to adapt and reorganise production lines and spread the burden of the new technologies, research and staff training that will prove necessary. In the absence of appropriate Community support for finance, training and information, this and all other sectors involved in minimum energy efficiency requirement improvement schemes may find their competitive capacity eroded.

2.5. The Committee totally agrees that the energy efficiency requirements must be sufficiently precise to become legally binding obligations that can be enforced in national legislation, in accordance with the 'new approach' to standardisation policy. It also supports the use of a conformity assessment procedure based on self-assessment, avoiding compulsory type-conformity tests by external 'notified bodies'.

2.6. The Committee takes the view that the major effort required of the industries concerned to guarantee high safety and quality standards and apply increasingly sophisticated technology, without eliminating specific technological processes, should be mirrored by more substantive and high-profile measures — along the lines of the US Green Lights Programme — to increase awareness, disseminate information, back the demonstration of innovative technologies (BAT), run information and training campaigns, and step up practical measures, for instance under the key actions of the Community's fifth RTDD framework programme. The principal objectives of this standardisation measure should be incorporated into other demand-related policies for instance regarding construction standards, public contracts, and authorisations that are subject to compliance with environmental impact regulations. This must also apply to actions to enhance the EU's position on the world market and should include a bold policy to promote the adoption of EU standards internationally.

3. **The issue as it affects third countries and applicant countries**

3.1. In the United States, the rules for minimum energy efficiency requirements for fluorescent lighting are laid down in the national Energy Policy Act of 24 October 1992. This act provided for the elimination within a three-year period of three types of lighting (F40, F96 and F96/HO) that did not comply with federal standards for LPW (Lumens per Watt) and CRI (Colour Rendering Index) levels.

3.1.1. Since November 1995, US manufacturers have been banned from producing, importing or selling fluorescent lamps that do not conform to federal standards. They are also encouraged to promote the adoption of such standards on foreign markets, particularly in Latin America and Asia.

3.1.2. At the end of 1990, meanwhile, the federal Environmental Protection Agency (EPA) launched the Green Lights Programme, whereby major electricity consumers, electricity companies, electricity management companies, and lighting producers and distributors are encouraged on a voluntary basis to commit themselves to a timetable for improving lighting energy efficiency. The programme also offers them support in awareness-raising and promotion. As the market mushroomed, the cost of the various parts fell sharply and the price of electronic ballasts more than halved within five years.

3.1.3. Lastly, on 28 June 1999, the EPA launched a new scheme to protect public health and the environment more effectively from mercury contamination, encouraging consumers to recycle fluorescent lights and other common products containing toxic substances voluntarily, so as to ensure that they do not end up in landfill or incinerators.

3.1.4. In the Committee's view, the European version of the EPA Green Lights Programme, which is still on the drawing board at the JRC, must be adopted as swiftly as possible. There is a need to look at the wider picture, and thus support measures to improve environmental safety in the recycling of toxic substances in fluorescent lighting, especially mercury, while also promoting energy efficiency and environmental protection, and shoring up the competitiveness of the European industry.

3.2. The Committee would argue that the directive's external dimension merits equal consideration, especially regarding the applicant countries, which are preparing to apply the technical standards of the internal market, and whose lighting industry is well-developed, though to rather lower standards of efficiency. This will involve promoting standardisation by using technology transfer, the pre-accession funds and Phare, and extending the SAVE II programme, in order to build up management skills and raise awareness of the proposed energy efficiency measures.

3.3. Similar support measures should be implemented under the aid and cooperation programmes involving the Euro-Mediterranean area, Mercosur and Latin America, and also through cooperation with the ACP and initiatives in Asia.

4. **Specific comments**

4.1. *Scope*

4.1.1. As ballasts do not operate separately but in conjunction with light fittings, it is essential to clarify whether, and if so to what extent, the restrictions and obligations imposed on the ballast and its producer will be transferred to the luminaire to which it is attached. This will be necessary in order to ensure proper market supervision, for luminaires imported from outside the EU for instance.

4.1.2. There are certain divergences between the various language versions of the proposed text. The translations of the second paragraph of Article 1 must be brought into line with the English version: the term 'to be exported' corresponds exactly to the requirements of the luminaire production chain. For the sake of consistency, the same term should also be used in Article 3(3)(c).

4.1.3. The Committee believes that the directive should exclude both ballasts for direct export and those sold to luminaire producers with a view to being exported.

4.1.4. The exclusion from the scope of application provided for under the second paragraph of Article 1 must be without prejudice to the Article 3(3)(c) provision (indication of goods for export).

4.2. *CE marking and conformity assessments*

4.2.1. The procedures for applying the CE marking mentioned under Articles 3, 5 and 6 must be clarified with regard to:

— compliance with the 'new approach' directives applicable to ballasts or lighting containing ballasts;

— alignment of declaration of conformity procedures already applied under the other directives regarding ballasts (electromagnetic compatibility directives 89/336/EEC and 93/68/EEC) and luminaires (low voltage directives 73/23/EEC and 93/68/EEC and electromagnetic compatibility directives 89/336/EEC and 93/68/EEC).

4.3. *Implementation deadlines*

4.3.1. In the light of market experience of applying the previous 'new approach' directives, it is of the utmost importance to ensure that the transition from the old to the new regime is conducted as harmoniously as possible, throughout the EU, and in manageable stages.

4.3.2. In particular, the Committee would recommend:

— extending the deadline for transposition by the Member States from 12 to 18 months [Article 8(1)];

— adjusting the deadline for banning the placing on the market of ballasts accordingly [Article 8(1) second para.];

— introducing a further 12-month deadline for the ban on putting into service [Article 2(1)], so that distributors and producers can sell off stocks of luminaires incorporating the ballasts covered by the directive;

— introducing a similar 12-month deadline to give time to sell off stocks prior to the entry into force of the second phase of the directive [Article 9(1)].

4.4. *Monitoring and adjustment*

4.4.1. The Committee would highlight the concerns of consumers and producers, who need proper guarantees that EU-wide market supervision will be set up swiftly and effectively when the directive is transposed into national legislation.

4.4.2. In the absence of sufficient market control mechanisms, the industry could be heavily penalised in terms of production and jobs within a matter of months.

4.5. *Support measures*

4.5.1. The Committee thinks that the directive's recitals should include a 20th point to state specifically the need for support and incentive schemes, in addition to assistance from the Structural Funds, the EIB, and the relevant RTD and energy-related programmes, to help all sectors involved in innovation and technological restructuring to adapt to the new Community energy-efficiency requirements.

5. **Concluding remarks**

5.1. To conclude, the Committee would make the following recommendations to the Commission, the Parliament and the Council:

— while agreeing with the purpose and spirit of the proposed directive, the Committee considers that the voluntary agreement approach would have been preferable, in view of the complex interplay between the various measures proposed and the 'new approach' directives applicable to the industry;

— in view of the massive volume of ballasts exported as individual parts or as part of luminaires, the right balance must be struck between the objectives of energy efficiency, employment, international competitiveness and environmental protection;

— it is essential to establish a coherent framework for the development of an integrated product policy (IPP: energy efficiency, 'end of life' management, use of potentially hazardous substances, consumer protection), especially with a view to a possible third stage in the drive for greater energy efficiency;

— it is vital that the definitions contained in the articles clarify the scope of application by stating which of the obligations regarding ballasts also apply to the luminaires they are attached to; furthermore, the relevant directives mentioning use of the CE marking must be coordinated and the transposition and implementation deadlines redefined to ensure consistency and a manageable time frame;

— the major efforts demanded of the industries concerned must be mirrored by coherent and clear measures to increase awareness, disseminate information and incorporate the relevant energy efficiency objectives into various internal (procurement, construction, etc.) and external (enlargement negotiations, cooperation and aid to the Mediterranean, Mercosur, Latin America, ACP and Asia) policies.

Brussels, 20 October 1999.

The President

of the Economic and Social Committee

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