

Opinion of the European Economic and Social Committee on the Proposal for a Directive of the European Parliament and of the Council on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products (recast)

COM(2008) 778 final/2 – 2008/0222(COD)

(2009/C 228/17)

On 30 January 2009 the Council decided to consult the European Economic and Social Committee, under Article 95 of the Treaty establishing the European Community, on the

'Proposal for a Directive of the European Parliament and of the Council on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products (recast)'

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 12 March 2009. The rapporteur was Mr PEZZINI.

At its 452nd plenary session, held on 24-25 March 2009 (meeting of 24 March), the European Economic and Social Committee adopted the following opinion by 180 votes with three abstentions.

1. Conclusions and recommendations

1.1 The Committee welcomes the Commission's initiative to update Directive 92/75/EEC on the mandatory energy labelling of household appliances, which is already familiar both to millions of consumers and to industry and distributors.

1.2 The Committee considers that the system has enabled:

- manufacturers to position their products on the market more effectively (in higher quality and energy efficiency categories);
- consumers to make informed choices, change their habits and compare manufacturers;
- society to improve the environment and use resources sustainably, whilst ensuring surveillance of the single market.

1.3 The Committee considers it important to underscore the key elements for a successful policy:

- simple, clear and understandable criteria;
- accurate, relevant and comparable information on specific energy consumption;
- effective cost-benefit analyses, agreed upon by all stakeholders;

— proven scientific results;

— minimal red tape and operating costs;

— compatibility and consistency between binding legislation and voluntary instruments;

— dynamic, flexible systems that leave room for innovation and technological progress;

— simple information that is easy for everyone to understand;

— the promotion of sustainability on the global market without creating hidden barriers to international trade.

1.4 The Committee considers that any initiative to revise the labelling scheme should hold on to the characteristics that made it a success: simplicity, transparency, trustworthiness and comparability; ensure that it is kept up to date through flexible, dynamic mechanisms to classify product performance; and provide for informed choices by consumers concerning more efficient, sustainable products and precise standards.

1.5 The Committee recommends, before any extension to new groups of 'energy-related products', that a clear, transparent sector-by-sector impact assessment and cost-benefit analysis be undertaken that is agreed upon by all stakeholders and based on scientific evidence.

1.6 Furthermore, the Committee considers that it would be helpful to preserve the efficacy of Directive 92/75/EEC ⁽¹⁾ whilst improving and perfecting its dynamic reclassification mechanisms ⁽²⁾.

1.7 The Committee supports the extension of the Energy Label scheme to other energy-consuming products, because the message is clear and transparent, can easily be compared in the marketplace, and has the potential to become a successful marketing tool.

1.8 The EESC believes that for other products or services that do not consume energy but are related to energy consumption other information and environmental tools may prove more appropriate.

1.9 In the Committee's view, overlaps between often competing and/or conflicting regulations must be avoided, as they often lead to increased costs and red tape, and that an integrated sector-by-sector approach combining the three pillars of sustainability should be maintained.

1.10 The Committee agrees that it is important to ensure that incentives can be given, without violating Community rules on state aid.

1.11 With respect to the provisions relating to public procurement, the Committee advises caution when imposing binding measures and considers it important to give Member States room for manoeuvre and ensure a proper balance, including voluntary Green Public Procurement schemes.

2. Introduction

2.1 Council Directive 92/75/EEC of 22 September 1992 on the indication by labelling of the consumption of energy and other resources by household appliances is a framework directive aimed at guiding the domestic appliance market towards more energy-efficient products by supplying useful and comparable information to consumers and the market.

2.2 The main plus points of the energy label are:

- its mandatory nature;
- its visibility;
- the simplicity of the message;
- the immediate comparability of products of the same family.

2.3 The Committee believes that the system, whilst limited to certain sectors and subject to thorough sectoral analyses and studies, has enabled:

- manufacturers to position their products on the market more effectively (in higher quality and energy efficiency categories) and reap the benefits on their investments for introducing better and more innovative products;
- consumers to make informed choices and to change their consumption habits;
- society to improve the environment and use resources sustainably by consuming fewer of them.

2.4 The Committee considers it important to emphasise that the current energy labelling directive is one of the most successful Community instruments, as it is based on:

- simple, clear and understandable criteria;
- accurate, relevant and comparable information on specific energy consumption;
- effective cost-benefit analyses, agreed upon by all stakeholders;
- proven scientific results;
- minimal red tape and operating costs;
- comparability, consistency and avoidance of duplication between Community legislation and equivalent voluntary instruments;
- dynamic rules and flexibility, leaving room for innovation and technological progress;
- simple information that is easy to understand for all stakeholders, in particular for consumers;
- the dissemination of the principles of sustainability on the global market.

2.5 The sectors currently concerned, which have a significant environmental impact, include: refrigerators, freezers and their combinations; washing machines, driers and their combinations, dishwashers; ovens; water heaters and hot-water storage appliances; lighting sources; and air-conditioning appliances. For these sectors, the plan is to update the energy labels during 2009 and 2010.

⁽¹⁾ The subject of this revision.

⁽²⁾ See Action Plan for Energy Efficiency COM(2006) 545.

2.6 Preliminary studies carried out on behalf of the Commission on energy-consuming products have demonstrated that the use phase of those products is responsible for more than 80 % of their environmental impact.

2.7 Extending the scope of Directive 92/75/EEC to other household appliances and all 'energy-related products', except for transport, which is already subject to separate regulations, represents a major change and a considerable undertaking. Similar efforts are under way in the revision of Directive 2005/32/EC on eco-design.

2.8 Seeking to apply energy savings to 'any good having an impact on energy consumption during use, which is placed on the market and/or put into service in the Community, including parts intended to be incorporated into energy-related products' means not being limited to products that consume energy themselves, but including those that, when used, have a direct or indirect impact on energy consumption, such as doors and windows, construction materials and coatings.

2.9 Including these new products and sectors in the scope of an amended directive could bring about a change in the parameters to be taken into consideration for energy labelling and a change in the label itself, with the addition of different parameters depending on the sector and the product.

2.10 The recast of the Energy Labelling Directive was announced as a priority of the Energy Efficiency Action Plan ⁽¹⁾ and of the Sustainable Consumption and Production and Sustainable Industrial Policy (SCP/SIP) Action Plan ⁽²⁾, on which the Committee issued a separate opinion ⁽³⁾. This includes not only energy labelling, but also eco-labelling, the Energy Star mark, the technical characteristics of eco-design, the Building Efficiency Standards, the EMAS standard of excellence and other environmental information such as Environmental Product Declarations and various sector-specific labels such as those applying to the food sector ⁽⁴⁾.

2.11 Similarly, on the issue of Green Public Procurement (GPP), the Committee recommended 'promoting the devel-

opment of ... GPP by: defining the technical characteristics of "green" products', starting with those with the best environmental impact, and suggested:

- including the cost of the product or service's lifecycle in its specifications;
- making a dedicated database available on line;
- bringing EC directives on public procurement up to date by including references to common standards;
- the extension of EMAS certification;
- Ecolabels;
- eco-design ⁽⁵⁾.

3. Gist of the Commission proposal

3.1 The purpose of the proposal is to extend the scope of the Community legislation in force ⁽⁶⁾, which is currently restricted to household appliances, to allow for the labelling of all energy-related products including the household, commercial and industrial sectors and some non-energy using products, such as windows, that have a significant potential to save energy once in use or installed.

3.2 The general aim of the proposal is to ensure the free movement of products and improve their energy efficiency.

3.3 The proposed framework directive on labelling resulting from the recast of Directive 92/75/EEC also includes provisions relating to public procurement and incentives and will, according to the Commission, be an essential building block for an integrated sustainable environmental product policy, promoting and stimulating the demand for better products and helping consumers to make better choices.

⁽¹⁾ COM(2006) 545 final.

⁽²⁾ COM(2008) 397 final.

⁽³⁾ Opinion CESE 337/2009 of 25.2.2009 on *Sustainable Consumption and Production*, rapporteur: Mr Espuny Moyano.

⁽⁴⁾ See research by the National Consumer Council (UK, 2003) *Green Choice, What Choice?*, which noted that consumers can be confused by the current system of environmental information

⁽⁵⁾ See opinion CESE on Eco-friendly production, rapporteur: Ms Darmanin, OJ C 224, 30.8.2008, p. 1.

⁽⁶⁾ Council Directive 92/75/EEC of 22 September 1992 on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances. OJ L 297, 13.10.1992, p. 16.

3.4 The Commission states that the proposed framework directive is complementary to existing Community instruments, such as the Ecodesign Directive ⁽¹⁾, the Energy Star Regulation ⁽²⁾ and the Eco-label Regulation ⁽³⁾.

4. General comments

4.1 The Committee welcomes the Commission's initiative to update Directive 92/75/EEC on mandatory energy labelling of household appliances, which is already familiar to consumers, industry and distributors.

4.2 The Committee considers that any initiative concerning the labelling scheme must preserve the basic characteristics that have made it a success: simplicity, transparency, trustworthiness and comparability; but must, at the same time, ensure that it is kept up to date through flexible, dynamic mechanisms that reclassify products as time goes on, so as to assure industry that these mechanisms are geared to technical and scientific progress and to provide consumers with the choice of the most efficient and sustainable products, in terms of energy consumption and performance, on the basis of ever more precise standards.

4.3 The Committee would suggest, prior to the extension to new groups of 'energy-related products', that a sector-by-sector impact assessment and cost-benefit analysis be carried out that is clear, transparent, agreed upon by all stakeholders and based on scientific evidence.

4.4 It might perhaps be helpful to avoid any overlap of often competing regulations, which generate increased costs and red tape, instead placing the emphasis on an 'integrated sectoral approach [...]': this should incorporate the three [...] pillars of sustainability. Environmental requirements should be factored in from the product design phase with an eye to the whole lifecycle, continually raising the bar in terms of quality, innovation and customer satisfaction targets' ⁽⁴⁾.

4.5 Cost-benefit analyses and impact assessments should, in the Committee's view, be accompanied by analyses of the capacity of the European economy and businesses to support additional costs without having to cut production, reduce headcount, or relocate production outside Europe. The

Committee has, on several occasions, highlighted the need to ensure the sustainability of sectors affected by industrial change.

4.6 The Committee also emphasises the need for clarity and transparency as to the nature of the Energy Label:

- a label that clearly and simply identifies the energy consumption of products during use, based on uniform parameters, thus ensuring full compatibility and dynamic reclassification, as should the updated Energy Label (rolling standards/open-ended labelling scale + phasing out of the worst-performing products);

- a label that, along with energy consumption, assesses performance thresholds in terms of energy efficiency, water consumption, noise, adherence, etc. This makes it difficult to make an objective comparison when choosing between one labelled product and another, and would not make the reclassification process easy either. Such a label might be better included in an eco-design label for products, as part of the revision of Directive 2005/32/EC;

- or an ad hoc sectoral directive could be passed, as the Commission did when it issued a proposal for a directive on the labelling of tyres with respect to fuel efficiency ⁽⁵⁾.

4.7 The Committee considers that it would be more helpful to maintain the efficacy of Directive 92/75/EC whilst improving and perfecting its dynamic reclassification mechanisms, perhaps in the form of more refined test standards, but leaving its defining characteristics intact.

4.8 The Committee supports the extension of the Energy Label scheme to other energy-consuming products, where its clear and transparent message can easily be compared on the market and has the potential to become a successful marketing tool. For other products or services that do not consume energy but are related to energy consumption, other information tools, such as the voluntary schemes that already apply at EU level for certain products, would seem more appropriate.

4.9 The Committee has already expressed support for proposals to allow incentives without breaching the rules on state aid ⁽⁶⁾.

⁽¹⁾ Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council. OJ L 191, 22.7.2005, p. 29.

⁽²⁾ Regulation (EC) No 106/2008 of the European Parliament and of the Council of 15 January 2008 on a Community energy-efficiency labelling programme for office equipment (recast version). OJ L 39, 13.2.2008, p. 1.

⁽³⁾ Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000, on a revised Community eco-label award scheme. OJ L 237, 21.9.2000, p. 1.

⁽⁴⁾ See point 1.3 of opinion CESE on Eco-friendly production, rapporteur: Ms Darmanin, OJ C 224, 30.8.2008, p. 1.

⁽⁵⁾ See COM(2008) 779 final and opinion CESE 620/2009 of 25.3.2009 of *Labelling of tyres with respect to fuel efficiency*, rapporteur: Mr Ranocchiari.

⁽⁶⁾ See opinion CESE 337/2009 on *Sustainable Consumption and Production*, rapporteur: Mr Espuny Morano - Point 3.5: 'The EESC welcomes the Commission's proposal ...'.

4.10 With regard to the proposed provisions relating to public procurement, the Committee considers that the binding rules that have been proposed should be evaluated more carefully so as to avoid excessively high implementing costs.

4.10.1 On this matter, the Committee believes that Member States should be given appropriate room for manoeuvre by introducing indicative performance standards for products and a proper balance between voluntary schemes – in accordance with the Green Public Procurement recommendations – and binding rules, making best use of the scope for including environmental criteria in public tenders already provided under Directive 2004/18/EC.

Brussels, 24 March 2009.

The President
of the European Economic and Social Committee
Mario SEPI
