

Position Paper on the energy labelling database

Introduction

Regulation (EU) 2017/1369 sets a framework for energy labelling and repeals Directive 2010/30/EU. It requires the European Commission to establish a product database in which all new products (including second-hand imported products), covered by a Delegated Act on energy labelling, have to be registered before they are placed on the European market for the first time. This is realised with the introduction of the European Product Registry for Energy Labelling (EPREL), which according to the planning of Regulation 2017/1369 should be completely functioning from 1 January 2019 onwards.

Concerns and suggestions

LightingEurope would like to put forward a number of suggestions to actively contribute to the definition of the technical and operative details of EPREL.

1. A fair timeline

Uploading product information related to hundreds of thousands of light source models, including lamps and modules sold between 1 August 2017 and 1 January 2019, is unfeasible within the current timeline and may result in involuntary non-compliance. On average one-third of the catalogue of lighting product manufacturers is renewed on an annual basis. We estimate that between 1 and 3 million luminaire models will have to be registered in EPREL initially. For lamps, we estimate that between 200,000 and 500,000 product models will have to be registered in EPREL. All these models are not only released by large companies, but also by SMEs. By way of example, a small luminaire producer with a total product catalogue of 1,700 models, releases about 400 new product models (both lamps and luminaires) every year.

This situation becomes much more complicated now that containing products are being taken into consideration in the proposed Delegated Act. Containing products include several types of appliances with a light source, such as luminaires, furniture, household appliances etc. Due to the wide scope of the term and the complexity of the various of actors involved, the total amount of containing product models cannot be calculated.

The simplification of EPREL starts with a fairer timeline. We propose a new timeline for the pilot phase of testing and de-bugging the database:

1. **Testing phase**¹ of the database for light sources in the scope should start, on a voluntary basis, in May 2018 at the latest, instead of September 2018; and
2. **Upload of products** should start on 1 August 2018, instead of 1 November 2018 as proposed by the Commission.

2. Reduce EPREL stages to just one

The timeline for lighting products becomes even more complicated, since EPREL will start on the basis of the current Delegated Act on energy labelling, Regulation (EU) No 874/2012, and then its rules will change when the new Delegated Act will enter into force (September 2020, tbc). This implies that data uploaded in line with the current requirements will require a review according to the new Delegated Act. In order to avoid this situation, the obligation to upload data in EPREL should be fulfilled only once and only according to the new Delegated Act, instead of twice, i.e. the first time based on the current Delegated Act and the second time based on the coming Delegated Act that will become applicable a few months later.

The time between the launch of the database and the indicative entry-into-force of the new Delegated Act is too short and will create an unmanageable burden for industry and confusion for consumers. To create more clarity for consumers, industry should be allowed to make a references to old energy classes when uploading products with the new label.

3. Limit the scope of EPREL to end-user replaceable light sources

LightingEurope proposes the following for the first two stages of EPREL.

First stage of EPREL – 1 January 2019 until the entry-into-force of the new Delegated Act in September 2020 (tbc)

If the previous point is accepted by the Commission (see *supra* 2: upload of data should be required only once in 2020), then no lighting products shall be uploaded in the database in this first stage until the next Delegated Act enters into force.

In case the previous point is not accepted by the Commission, then at least luminaires and light sources contained in luminaires shall be excluded from the scope of EPREL as of 1 January 2019. According to the present Regulation (EU) No 874/2012 on the energy labelling for lighting, luminaires have a separate energy label, which is going to be discontinued in the newly proposed Delegated Act. There is no point in uploading products that a few months later will not be included anymore in the scope of the database itself. This exclusion would benefit in particular SMEs, which constitute around 90 % of Europe's luminaire manufacturing market, by significantly reducing costs.

Second stage of EPREL – from September 2020 onwards

LightingEurope proposes that, in line with what has been proposed for the new Delegated Act on labelling, the scope of EPREL should be limited to end-user replaceable light sources. This includes lamps with socket and LED modules that can be replaced by end-users.

¹ Testing phase can be run with 'dummy' input information to test the functionality and the safety of the database.

Consequently, light sources that are non-replaceable by end-users in containing products should be excluded from the second stage of EPREL. This is proposed for the following reasons:

1. Labelling information on light sources in containing products has no benefit for consumers, as it does not provide any relevant information when evaluating a luminaire and it is not relevant when buying a different type of containing product (e.g. furniture or home appliance);
2. A vast number of containing products is placed daily on the European market and registering this huge number of products will create an unsustainable burden for companies, in particular for SMEs, which constitute most of Europe's luminaire manufacturing market; and
3. Containing products are often specially adapted and designed for the needs of a specific lighting design and manufactured in small quantities for a single project. Such containing products normally never come into contact with the regular consumer distribution channels.

4. Minimise the administrative burden

A database that is too burdensome will not work properly, because it will become an incomplete and unreliable database. The huge amount of data requested by the proposed Delegated Act contradicts the objectives stated in Article 12(7)(a) of Regulation 2017/1369. The burden of the database needs to be limited to a minimum. Therefore, LightingEurope suggests to:

1. Add the automatic creation of a label as an option, provided that the label layout is correctly set by the European Commission and the manufacturers will not have to review them one-by-one to check they are correct;
2. Limit the parameters of the product information to be uploaded in EPREL to the vital few that are required for the energy efficiency label. In order to enable generating the energy efficiency label, both for the public and the compliance sections of EPREL, input should be limited to the measured criteria lm/W and factor F_{TM} ;
3. Ensure that the uploading of information can never lead to a delay in the placement on the market of (new) products;
4. Allow minor changes to be made under the same identifier without implying a new placement on the market: small mistakes (e.g. to correct a typo) should not imply that the product suddenly is considered noncompliant;
5. Ensure that suppliers, according to Regulation 2017/1369, shall not be obliged to upload test reports. Test reports must in any case be made available by producers to the enforcement authorities upon request;
6. Enter all data in a standardised format without empty fields (open questions);
7. Ensure a minimal burden when rescaling from one label to the following;
8. Ensure that lighting products that will be phased out in 2018 will not be subject to the requirements of the database. The same shall apply for lighting products that will be phased out in 2020.

5. Data security and protection of Intellectual Property

In order to ensure protection of data and Intellectual Property, the information on new products that are not yet available on the market shall be uploaded **only at the moment of placement** on the market.

The procedure for obtaining a product registration code, generating the energy efficiency label and product information sheet, must be carefully detailed and verified during the test phase of the database. The proposed approach of user registration by invitation only is a starting point but will not be enough. A two-step verification process should be enabled for

users, e.g. by a username and password login and then a follow-up text message or e-mail to provide another login code.

6. Maximum language neutrality for suppliers

As required by Regulation 2017/1369, EPREL shall generate a language-neutral label and product information sheets (with translations) from the data elements in the database. This will avoid translation errors and will limit the efforts imposed on suppliers, amongst other burdens.

The data format and required data entries to be uploaded by the supplier also need to be language neutral. In addition, the product information sheet should reflect eco-design requirements in the various EU languages.

7. Level playing field

LightingEurope calls on Member States to verify that all economic operators in the EU, acting as suppliers according to Regulation 2017/1369, are indeed registered with their products in the database. The database itself should offer functionalities that support the detection of non-registered products or suppliers.

LightingEurope calls for a high level of enforcement by market surveillance authorities, also for online sales channels, and stresses that EPREL should be designed in such a way that it is easily enforceable amongst all suppliers of electronics on the European market.

LightingEurope invites the Commission not to enable the system to allow massive download of data and to limit the use of EPREL as a search engine for comparison of products.

8. Terms and Conditions to be known in advance

In order to ensure appropriate data security as well as a level playing field amongst economic operators, the database terms and conditions need to be standardised and applicable in an equal manner to all suppliers that need to upload the required information in the database. Such terms and conditions need to be agreed upon in advance between the European Commission and the associations representing the various industries, so that full clarity is provided to the economic operators on the terms and conditions that will have to be fulfilled when uploading the required data.

Contact

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LightingEurope is the industry association that represents the lighting industry in Europe. We are the voice of more than 1,000 lighting companies that employ more than 100,000 Europeans and create an annual European turnover of over € 20 billion. Our daily mission is to advocate and defend the lighting industry in Brussels, while reconciling it with ongoing EU policy aims. In doing so, we are dedicated to promoting efficient lighting practices for the benefit of the global environment, human comfort, and the health and safety of consumers. More information is available on: www.lightingeurope.org.