

Texte zu EU-Regelungen zur umweltgerechten Produktgestaltung und zur Energieverbrauchskennzeichnung in der Beleuchtung – Zusammenstellung ^[1] des Umweltbundesamtes (UBA), Deutschland



Entwurf der EU-Kommission vom Februar 2023 (EPREL)

Konsultationsforum am 28. Februar 2023

– Protokoll (Entwurf der EU-Kommission) –

Hinweis: Bitte beachten Sie, daß der angehängte Text nur in Englisch verfaßt ist.

EN: Information on EU Lighting Regulations – Ecodesign and Energy Labelling – Compilation ^[1] of the Federal Environment Agency (UBA), Germany

The EU Commission's draft of February 2023 (EPREL)

Consultations Forum as of 28 February 2023

– Protocol (draft of the EU Commission) –

FR: Informations sur réglementations de l'UE concernant l'éclairage – l'écoconception et l'étiquetage énergétique – Compilation ^[1] de l'Agence Fédérale de l'Environnement (UBA), Allemagne

Le projet de la Commission Européenne du février 2023 (EPREL)

Forum consultatif du 28 février 2023

– Protocol (projet de la Commission de l'UE) –

Indication : Veuillez noter que le présent texte n'est disponible qu'en anglais.

^[1] <https://bscw.bund.de/pub/bscw.cgi/193290000/index.html>

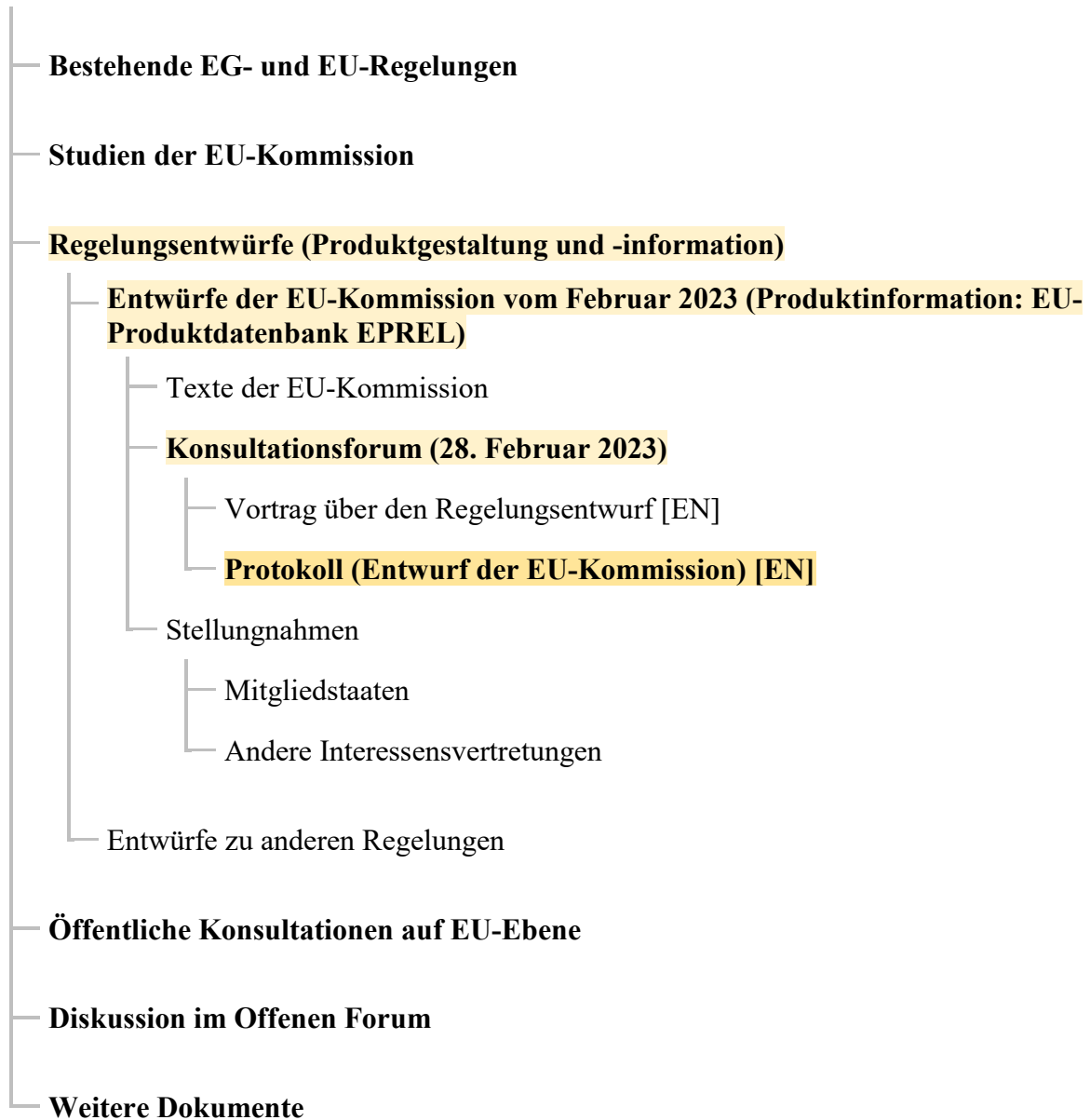
DE: ↓

EN: → page III

FR : → page IV

Texte im Offenen Forum

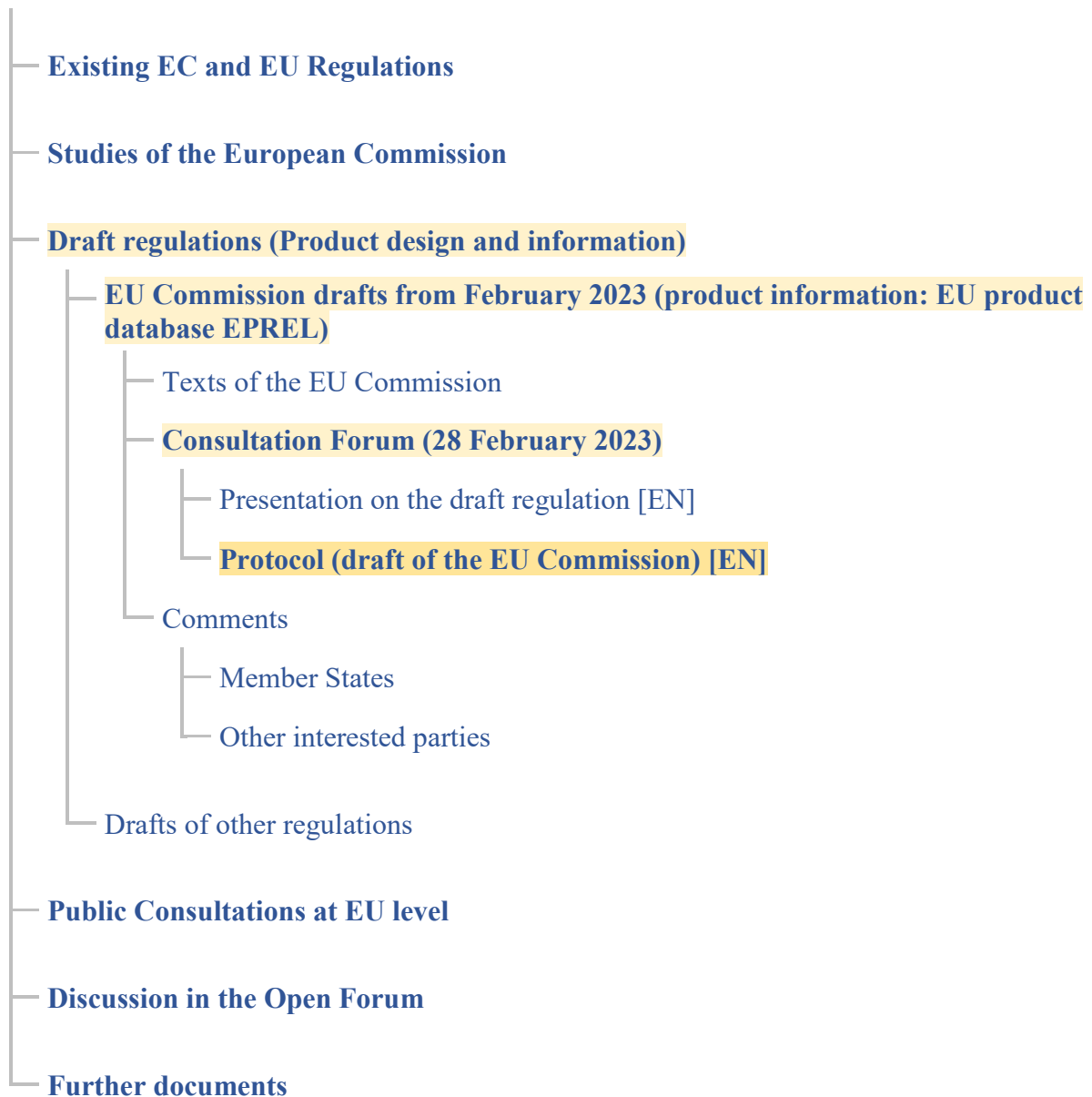
(**abc** = vorliegender Text)



Abkürzungen: • EG = Europäische Gemeinschaft • EPREL = European Product Registry for Energy Labelling (EU-Produktdatenbank für die Energieverbrauchskennzeichnung) • EU = Europäische Union

Documents in the Open Forum

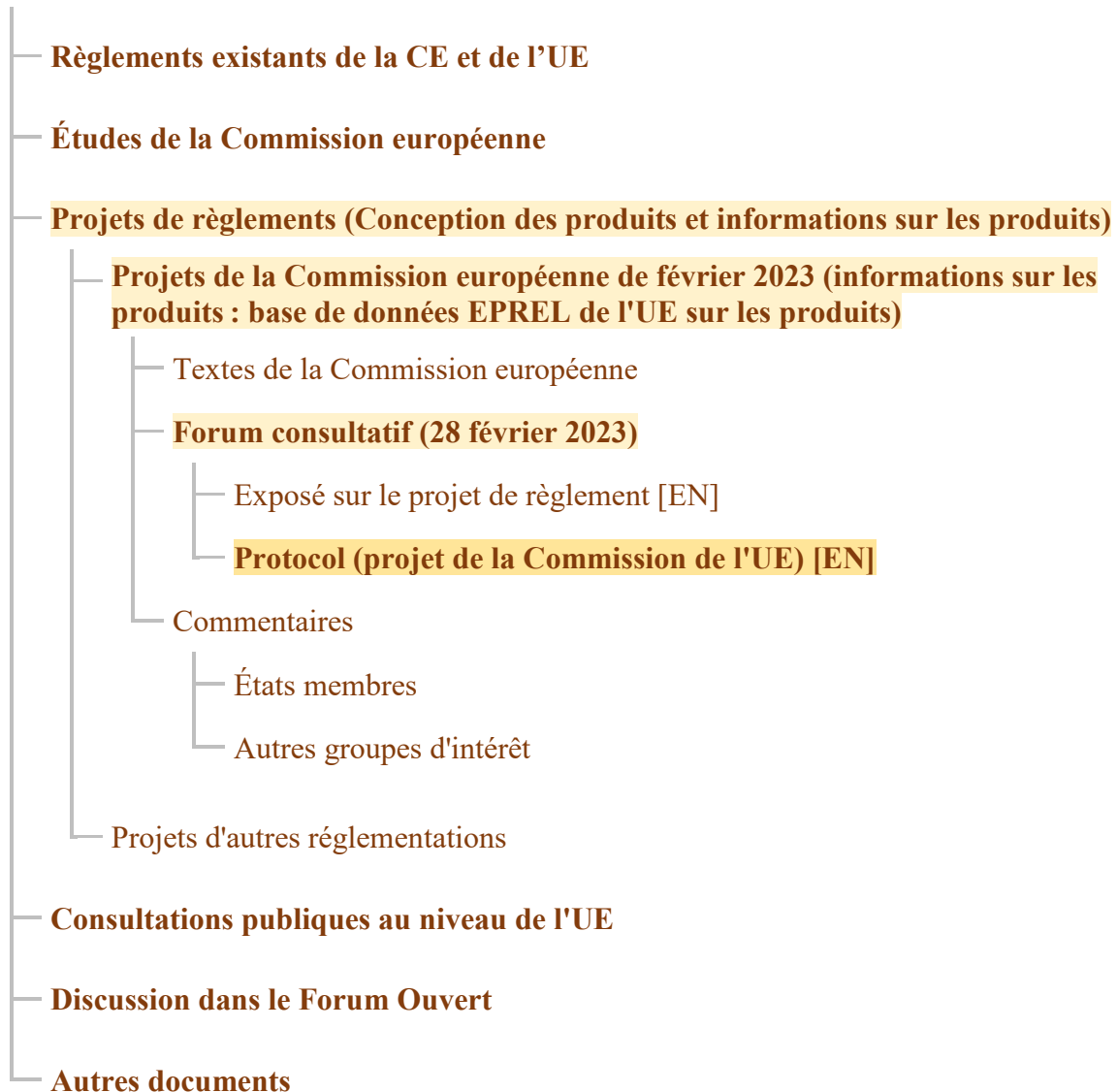
(**abc** = text at hand)



Abbreviations: ● EC = European Communities ● EPREL = European Product Registry for Energy Labelling
● EU = European Union

Documents dans le forum ouvert

(**abc** = présent document)



Abréviations : ● CE = Communauté européenne ● EPREL = European Product Registry for Energy Labelling (Données européenne sur l'étiquetage énergétique) ● UE = Union européenne

Es folgt ein unveränderter Originaltext.

EN: The following is an unmodified original text.

FR: Ce qui suit est un texte original.



Brussels, 28 February 2023

MINUTES

MEETING OF THE ECODESIGN AND ENERGY LABELLING CONSULTATION FORUM (X03609) ON OPERATIONAL DETAILS FOR FUNCTIONING OF EPREL

**ROOM 2C, CENTRE A. BORSCHETTE, RUE FROISSART 36, 1040 BRUSSELS
& VIRTUAL WEBEX MEETING**

28 FEBRUARY 2023, 09:15 – 17:15 (BRUSSELS TIME)

Participants: See “Attendance List” in Annex

1. Welcome and introduction

The Chair opens the meeting, welcomes participants and recalls house rules.

2. Adoption of the Agenda + draft minutes from earlier meetings

The agenda is approved without comments.

Draft minutes of the meeting on the review of Regulations (EU) 66/2014 and (EU) 65/2014 regarding cooking appliances of 29 November 2022 received written comments from **IT** and **APPLIA**. The chair presents the comments, they are all accepted. The minutes are approved.

3. Presentation of the objectives, outline and provisional timeline for adoption and implementation of the implementing act setting rules

Commission Services introduce special guests of the meeting, i.e. representatives of qualified trust service providers and provide a summary of the milestones of EPREL developments up to now and the legal basis for this implementing act (Art 12.12 of the Framework Regulation (EU) 2017/1369), before presenting the outline of the draft act.

IT agrees with the outline and asks to focus on Article 11, 12.b, 14 and 15.

Commission Services propose to go article by article of the draft text.

Article 1 & 2

IT asks whether the consultation forum can vote something that includes tyres. **Commission Services** clarify that the Tyre Labelling Regulation 2020/740 amended Article 12.2.(a) of Regulation (EU) 2017/1369, to include tyres.

IT suggest that, in Article 2, two definitions are missing “Date of placement in the market of the first model” and “date of placement in the market of the last model”, which are quoted twice in the text. It suggests including a definition of “end of placement” as in the delegated act on smartphones.

4. Presentation of electronic verification processes for suppliers

Article 3

Commission Services present the rationale behind the need to introduce an electronic verification process for suppliers, including the existence of the entity, its establishment in the Union and entitlement of supplier staff to act. **Commission Services** also illustrate the technical details on how legal persons register now in EPREL and the proposal for their automatic verification using electronic seals, that are possible in any Member State, and include “establishment” information.

- i) **legal persons: requirements timeline and consequences for unverified legal persons**

Article 4

LT asks if national experts on ecodesign and labelling are involved in the supplier verification process, because, as energy efficiency experts they have no knowledge on electronic verification and implementation of eIDAS.

APPLIA thanks the European Services for this draft proposal. On Article 4, APPLIA sees a certain risk on putting technical details in the legal text, as something may change and suggest to include dynamic references to eIDAS and ETSI standards. **Commission Services** explain that format details in Article 4 do not refer to eIDAS, that does not provide that level of detail, but to the ETSI standard, but acknowledges the need to revise the text in order to include dynamic elements.

- ii) **natural persons: requirements, timeline and consequences for unverified natural persons.**

Article 5

Commission Services present the challenge of a different solution for the automatic verification of natural persons because electronic seals cannot be used. Suppliers who are

natural person are a small minority, but some national legislations allow natural persons to perform an economic activity.

TrustPro states that in Italy there is a “fiscal code” for Italian citizens but that something similar does not exist in other EU countries, so there is a need to implement another method.

TrustPro and **Intesi Group** ask how strongly this identification needs to be and what is the definition of a natural person in the context of EPREL.

Commission Services answer that, in the context here discussed, natural persons represent a residual category: a natural person who develop an economic activity for being an importer, a manufacturer or an authorize representative. Generally natural persons need to register their professional activity in national registers.

Intesi Group suggest the possibility of matching the identity registered in these national registries with the one introduced in EPREL and point out the need to balance the trade-off between what is useful in the EPREL context and what already exists and is useful in other contexts.

Commission Services confirm of having previously considered the tax identification number (TIN), finally concluding that it is a proof of existence but not of “establishment”. What needed is number of a business entry register.

NL insist that the natural person should not become a security loophole and warns that procedures of the companies who provide e-seals work very well for those who are willing to cooperate, but a procedure for those who tried to circumvent should be put in place. **NL** also agrees with the idea of having a business registration for natural persons, because it would be a way not to focus on residence, but on the business establishment.

TrustPro asks that, if natural persons represent a very small percentage of EPREL, they could be forced to become a company for registering in EPREL. **Commission Services** answer that it is not possible to rule in this secondary legislation a ban on natural persons as suppliers.

Commission Services illustrate what proposed in article 5, last paragraph: accepting the qualified digital signature and asking for an additional document, from the register that issues identity registration for the professional activity, as proposed.

TrustPro explains that it may be a big issue for a QSTP to verify the registration for professional activity and that, currently, such an information is a voluntary claim by the customer that the QSTP does not verify. Some Member States have a chamber of commerce that issues this digitally signed document, but not all of them.

Intesi Group states that both in the case of legal persons and of natural persons, it is a matter of a digital certificate with a given structure. The difference is the type of data. An idea could be to include in the digital certificate of a natural person an “organization identifier” as is done for seals and legal persons.

Commission Services explain that the solution should ideally be easy to check against the possibility of creating loopholes, not requiring amendments to eIDAS or to ETSI standards and creating a level playing field, so that it is not easier in some MS than in others. Market Surveillance Authorities (MSA) are invited to comment on this.

5. Presentation of other operational details (I):

Article 6

Commission Services present Article 6 on the timeline to complete verification. They suggest to make the verification mandatory as soon as possible, considering that in the beginning any ETSI-compliant seal format would be accepted and that extra time, e.g. 3 or 6 months would be allowed before only the seal containing the National Trade register (NTR) would be required, thus giving sufficient time to all QSTPs, not ready yet, to develop a product as required.

TrustPro states that they are ready for any verification, that they have already issued seals, so those should last longer.

EVIA exposes that in practice some suppliers have already passed this verification process and hopes that those companies will be not asked to do it twice.

Commission Services clarify that the proposal has been designed to reward “early birds” that have already voluntarily undergone the process. However, a minority of QSTPs is able to provide the seals with the ETSI option that the European Commission requires, i.e. including the NTR. During an informal consultation of some QSTP organizations, some have declared that, although supporting the idea, they would need months to adapt their software and working methods before they can provide the seal in the required format but would perform the investment only if the same format would be used in other transaction types or by other Commission services. During the pilot phase, Commission Services designed EPREL to accept any ETSI-compliant format, but in the guidelines document it was indicated that the preferred format includes the NTR. The idea is to reward those suppliers who voluntarily already passed the verification by giving extra time before the NTR only is required.

APPLIA agrees that every supplier shall be correctly verified but asks whether there is any possibility to reduce the burden for SMEs because the verification may be a challenge not be underestimated.

Commission Services recall that it is difficult to make differences between companies according to size. Those who have already voluntarily passed the verification, but without providing a seal with the NTR, will be rewarded with large time before the appropriate seal will be required. Those that already provided a suitable seal with the NTR will be not required any additional action.

APPLIA asks which frequency is foreseen for the renewals, that constitute a relevant burden.

Commission Services show openness to discuss the possibility of including a renewal every 4 or 5 years or ask the empowerment for the European Commission for an automatic check of the seal validity if, in the light of parallel legislation being discussed¹, an automatic query of the BRIS system can be implemented, thus avoiding any burden on suppliers, unless their situation changes.

¹ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13055-Upgrading-digital-company-law_en

APPLIA also asks why only the NTR option of the five foreseen by the ETSI standard is accepted, how long the seal should last and why, for example, the VAT option is not. Moreover they asked, what happens if anything in the situation of a company changes.

TrustPro confirms that a company may have not a VAT and they already provide a seal with the NTR and add that normally the validity of the seal is 1 or 2 years.

Intesi Group states that there is no constrain that the seal has to have any specific validity time. Once the verification process is passed, there is no specific need that the seal needs to be still valid.

Commission Services answer that NTR is the only one that proves both the existence and the establishment in the EU. Not all suppliers have a VAT number and, anyhow, it is only for tax purposes and does not proof establishment in the EU/EEA. According to the colleagues involved in the co-decision for the review of the eIDAS legislation, is acceptable to require a specific ETSI-compliant format. About lasting of the seal validity, **Commission Services** clarify that as, in any manual verification of identity documents, what relevant is that the certificate is not expired before the day in which the company is verified.

Article 7

Commission Services explain that the GTIN has been requested by Google and dealer representatives as an additional search tool and to increase certainty on the matching between GTIN and EPREL identifiers to improve compliance in online sales.

IT recalls that it is already possible to register GTIN numbers in EPREL on a voluntary basis but they are not used anywhere.

BE considers GTIN interesting to increase certainty on the matching, when searching on-line". Suppliers are supposed to have an interest in making the product better accessible.

Lighting Europe asks that the GTIN does not become compulsory. **APPLIA** as well advocates for leaving the GTIN voluntary, for both practical and legal reasons. **IT** agrees that the real univocal identifier is the model identifier, the combination of brand and model.

ECOS suggests that the GTIN would be a way to know the countries where the products are available and asks what ratio of the suppliers fills in EPREL the GTIN.

Commission Services have no statistics at hand but mention that suppliers have little motivation to fill the field, as it is not used, so far. Two EPREL registrations may eventually refer to the same GTIN, as any modification in the value of a parameter part of the label or product information sheet implies a mandatory new registration.

Commission Services finally confirm that GTIN will not be mandatory but searchable, when entered.

Article 8

The **Commission Services** present articles 8 and 9 and their context.

APPLIA asks whether the European Commission is working on a tool to automatically transfer registered models when a merge or split of supplier organisations is decided.

Commission Services confirm that the facility is being developed and will be released shortly.

Article 9 and 10

APPLIA asks for strong security, and closing accounts not to have an indefinite authorization provision to MSAs and to prevent a data leak. **APPLIA** suggests that there is a need to clarify the terms “maintaining its validity”.

BE asks about suppliers who close their business because the registrations need to remain available for MSA (compliant part) and consumers (public part)”.

Commission Services agree on the need of avoiding any leakage but have doubts on the legal basis to close a suspended account.

APPLIA points out that if an organization has several users, those who leave or that are not active for a while need to be blocked. Registrations need to stay there and the supplier as well.

Commission Services answer that a supplier closing business is supposed to communicate it to the Commission. From the day of closing business, any model is marked as not placed on the market by that supplier anymore (unless a prior date was set by the supplier itself) and any registration remains available in EPREL. The account of those who are not active from 1 year is blocked, after alerting the user. Similarly, the supplier organization where no user is active is blocked but its models remain in the system. Both Market Surveillance Authorities and the public can see them.

Article 11

Commission Services explain the background for Article 11: they have tasked the Joint Research Center to draft a code of conduct for smart white appliances and heat pumps and invite the audience to attend the second stakeholder meeting in March. Product smart or smart-readiness compliance could be additional information in a specific section of EPREL data. Date of placing and date of end of placing are not explicitly listed in delegated acts, however they are crucial for the correct display of models over time. GTIN was a code initially proposed by some supplier organizations and the country of placing on the market was proposed by the Commission to help MSAs spot relevant products to control and all can be already entered in EPREL by suppliers.

Additionally, the mandatory information to be registered in the product information sheet, in a few cases, does not include information that is crucial for consumers, including in public tendering, to distinguish between the desired product types in a product group. The example of refrigeration products, is mentioned, where the product type in scope (fridge, freezer, wine storage, blast cabinet, chest freezer, minibar, etc.) is not indicated are parameter value to enter in the product sheet, although all types are in the definitions. Similarly, for C3 tyres, no information on the tread type for the axle (drive, traction, trail, etc.) is required as part of the product sheet: as result some tyres models are excluded from public tenders, simply because the assessment of which is the highest significantly populated class cannot be performed correctly. In the case of refrigeration, industry experts in Applia have long worked to draft a possible algorithm to “guess” the appliance type from entered data. Commission Services, although grateful for the effort in completing that algorithm, express their doubts on the acceptability of having the Commission introducing information coming from an algorithm: who would

be responsible for the information entered? Should the supplier have to verify it, anyhow, for correctness? Moreover, an algorithm would be not a universal solution, as, in the example of tyres, there is no parameter to be used for a possible “guess”. Commissions services conclude that a formal empowerment to require or to offer suppliers to enter the mentioned types of parameter values is needed without the burden of specific implementing acts.

IT agrees with the principle explained by the Commission Services, but argues that the current formulation says something different. IT suggest to reformulate the article, to give a legal basis to the status quo: the code of conduct for smart appliances may be added as well but on a voluntary basis. IT suggests that also the product information on ecodesign may be included in EPREL on a voluntary basis. About refrigeration, it should be possible to retrieve any information included in the self-declared parameters of the product information sheet and of the label and in the overall definitions of the delegated act. IT warns, however about the risk to give incentives to less energy efficient products that have a clear alternative and states that if there are real cases where an extra parameter should be included (on a mandatory basis) then the Commission Services should propose specific implementing acts.

Commission Services argue that additional systematic implementing acts would be a relevant burden and understand that all the extra parameters must be voluntary and not involving additional burden on MSAs.

NL agrees that the wording in the draft act should be different and any additional parameter should be voluntary and not “required”. Regarding the code of conduct, this information should be complete. NL is against adding artificial intelligence in EPREL to guess additional parameter values. Data input must be the solely responsibility of the supplier and not of EPREL analysts or programmers or Commission staff.

Commission Services state that there are a few cases where an existing parameter value clearly helps with a selection criteria (e.g. if a number is entered for “*the number of standard wine bottles that can be stored in the wine storage appliance*” it is clearly a wine storage appliance or if a tyre has the snow certification, it is a winter tyre and if also the ice certification, it is a nordic tyre): in those cases the manufacturer does not need to introduce extra information nor the Commission add extra fields and values in them. But these are specific situations: the legislative process may fail on aspects not related to compliance control that become evident only at the time of coding in EPREL the software.

SE states that if information that would makes the database more usable is missing, the European Commission would need a legal basis.

APPLIA confirms that an algorithm would not provide certainty or the necessary information that a consumer would look for. The combination of a fridge and freezer, for example, is not included in the regulation and impossible to guess with certainty from existing required information.

IT invites the Commission Services to think whether there is a legal basis for requiring additional information. IT proposes that these parameters on refrigeration need to be included in the product information sheet, so the only way to require them is to amend the delegated act, under MSA monitoring and under the scrutiny of the European Parliament and the Council. Otherwise, it would be only acceptable if voluntarily entered.

Article 12

Commission Services clarify that, according to article 4.4 of the framework Regulation, “the supplier shall indicate in the database when it no longer places on the market units of a model” but no deadline is set.

IT asks clarifications about the reference to CET and what happens if CET or CEST are dropped. The **Commission Services** explain that this wording is to improve legal certainty and, dropping of CEST or CET should not require an amendment.

DE states that it is not clear what it refers to the “date of end of placement on the market” and invite to formulate it in a more precise way and asks whether EPREL helps the supplier in entering it, for example sending a reminder.

SE recalls that there is an incentive for suppliers to enter the “date of end of placement on the market” as it is linked to obligations on replacements and availability of spare parts, for example.

APPLIA argues that this obligation in the act would be useful and suggest the wording “the date of end of placement on the market cannot be older than the calendar date”.

NL recalls that suppliers have an incentive to provide an accurate date of end of placement on the market because of spare parts, so the only necessary provision is that they cannot go backwards.

Commission Services recall that not in all product groups there is such an incentive, related to spare parts or software updates. A deadline is to ensure reliability of EPREL data and statistics (e.g. population share of each class should be not polluted with products not produced or imported since long).

IT recalls that after the end of placement on the market compliance cannot be checked.

Article 13

Commission Services explain that the same product may be placed on the EU market by different suppliers and therefore, appear several times in the database. Each supplier would remain responsible for its own declaration, but the registration would be redundant and appear multiple times in a public search, disorienting the user. Other databases avoid this, such as the Australian “Energy Rating”, where only one registration is allowed for each model.

DE asks whether EPREL recognizes multiple registrations. **Lighing Europe** states that by no means one can identify a product just by the public parameters declared in EPREL.

The **Commission Services** propose the possibility that when registering a product with a trademark and model identifier that already exists in EPREL, the supplier is required to register the model “sharing” the public information, if deemed correct (the technical information not being accessible). In that way, the public interface would list the product once, with all suppliers associated.

Article 14

Commission Services explain the rationale behind the draft article. Empirical evidence in traditional brick&mortar shops has shown that some dealers do not simply put the

label in display, but include it in “pochettes” with complementary information where the QR code become unreadable. Labels where also spotted that do not correspond to the label in EPREL.

APPLIA likes the requirement but expresses the doubt that can be considered an operational aspect of the database and seems rather an additional obligation on suppliers and dealers. **IT** likes in principle the proposed requirement but agrees that the European Commission does not have the legal basis for a new requirement, so the “shall” should possibly be “may”.

The **Commission Services** agree that the “may” would have little value, and show openness to a different wording but insist on the opportunity of a requirement for not hindering the access to the database by the consumer, both for online and for traditional sales.

Article 15 and 16

Commission Services explain that these articles endorse a proposal of **APPLIA** to improve legal certainty on the timing for releases, necessary developments on their side and non compliance due to system unavailability.

APPLIA thanks the Commission Services for these helpful articles, and asks to extend the reference of the data model to include also the transfer protocol.

Article 17

The **Commission Services** explain that the proposed action on unlawful use of EPREL is just encoding a current practice in order to have a legal basis.

Final provision

The **Commission Services** ask for written comments and arguments on a reasonable time to start blocking new registrations from non-verified users.

The meeting is closed at 16:31 The chair thanks attendees for their participation and reminds them that written comments shall be sent within four weeks.

ANNEX 1 – Attendance list for 28 February 2023

	X03609 - Ecodesign and Energy labelling Consultation Forum (EELCF) – Meeting of 28 February 2023
	EPREL (hybrid meeting)
	European Commission
COM	DG ENER B3
COM	DG ENV B4
	Member States
BE	FPS Health, Food Chain Safety and Environment
BE	Ministry of Economy
BG	Ministry of Economy and Energy
CZ	Ministry of Industry and Trade
DK	Ministry of Climate, Energy and Utilities
DK	Danish Energy Agency
DE	Federal Ministry for Economic Affairs and Climate Action
DE	Bavarian State Ministry for Environment and Consumer Protection
DE	Federal Institute for Materials Research and Testing (BAM)
DE	UBA
EE	Consumer Protection and Technical Regulatory Authority
EE	Ministry of Economic Affairs and Communications for Estonia
IE	Enterprise Ireland
IE	Sustainable Energy Authority of Ireland
EL	Ministry of Economy & Development
FR	Ministère de de l'Économie, des Finances et de la Souveraineté industrielle et numérique
IT	Ministry of Economic Development / ENEA
CY	Ministry of Energy, Commerce and Industry
LV	Consumer Rights Protection Centre
LT	Ministry of Energy of the Republic of Lithuania
LT	Ministry of the Economy and Innovation of the Republic of Lithuania
HU	Ministry of Innovation and Technology
NL	Netherlands Enterprise Agency
PL	Ministry of Climate
PT	Directorate General for Energy and Geology
RO	Ministry of Energy
SI	Slovenian Ministry
SK	MHSR
FI	Energy Authority Finland
FI	Finnish Ministry of Environment
SE	Swedish Energy Agency
NO	NVE
NO	The Norwegian Water Resources and Energy Directorate
CH	Swiss Federal Office of Energy
	Associations
	APPLiA

BSEF (International Bromine Council)
CLASP
DIGITALEUROPE
D-Trust
ECOS
EEB
EHl
EHPA
EPEE
ETRMA (European Tyre & Rubber Manufacturers Association)
EuroCommerce
EUROVENT
EVI A
Global Sign
HKI
Intesi Group IT
JBCE (Japan Business Council in Europe)
Lighting Europe
Palazzetti
Panasonic
Siemens
SK ID Solutions
Stiebel Eltron
TrustPro
Vestel
Zehnder Group Nederland