

CONCERTED ACTION EEPLIANT3 NEWSLETTER



The fog
(of product non-compliance)
is rising

Issues in focus in this edition:

Poor preliminary results from inspections on energy labelling (EL) and documentary checks for ecodesign (ED) information

Innovation for harmonisation: classifying non-compliance in ecodesign in synergy with ED/EL ADCO

Mapping test facilities for energy testing in the EEA: bridge the gap

How can Market Surveillance Authorities (MSAs) step up the cooperation with Customs?

Exploring challenges and lessons learned to date



In June 2019, the EU-funded [EEPLIANT3 Concerted Action](#) pledged reinforced transnational compliance controls and a series of innovations to improve the market surveillance of energy-related products placed on the Single Market. We promised a transformational change to help fulfil part of the EU's climate commitments by 2050. After 30 months of collaborative work, how well are we delivering on our promises, and how much progress have we made to date?

Poor preliminary results from label, document and online inspections

The documentary and online checks to date reveal grim non-compliance rates for the products in focus.

For air-conditioners (A/C) and comfort fans, in [108 document inspections](#) (split A/C: 56, ducted: 31, comfort fans: 21), 23% of the labels were incorrect (e.g. wrong values), whilst 49% models had issues with the fiche (e.g. missing values, wrong order of info), 69% with the technical documentation declaration (e.g. missing data), and 78% with the CE Declaration (e.g. missing reference to standards and regulations). Regarding the web shop inspections (470 webpages), 237 out of 271 labels were displayed incorrectly, and the label was missing in 190 cases with no fiche found for 179 cases.

Similarly, checks on tumble dryers (104 document inspections) showed 18% non-compliance rate of labels. 53% of the 104 inspected units had no issues with the fiche, 43% with the CE declaration, and 28% with the technical documentation. Furthermore, for the 436 web shop pages checked, only 58 of 276 labels were displayed correctly, with 94 totally missing the label and no fiche found for 143 pages.

Checks on 96 ventilation units revealed that 27% of these products presented errors in their technical documentation or the fiche that may influence purchasing decisions. Inspections in 60 online shops showed that in total 75% of 111 products checked were found non-compliant.

For our water heaters and hot water storage campaign, the final consolidation of results from document inspections is still in progress as more products are being checked at the moment. So far, 13 out of 20 storage tanks failed on their documentation checks, 45 out of 54 electric water heaters and 22 out of 24 heat pump water heaters also failed based on the MSAs' assessment. The observed already indicates that most of the inspected products fail on several issues, primarily in relation to the CE declaration and the ecodesign information requirements.

For all these products, laboratory testing is underway.

Classifying non-compliance in ecodesign: from concept to in-field innovation

The implementation of Regulation (EU) 2019/1020 and the exercise of powers in its application should be proportionate and adequate to the nature and impact of the non-compliance. To enable MSAs to fulfil their obligations also in ecodesign checks, EEPLIANT3 contributes to the work of the EL/ECOD ADCOs for developing a novel risk classification methodology for non-compliance in ecodesign. The first draft of the stepwise procedure together with a bespoke evaluation tool are now ready to be trialled by the relevant EEPLIANT3 working groups.

Mapping test facilities for energy testing in EEA: bridge the gap

The organisation and commissioning of verification testing is a core activity for market surveillance. Access to accredited test facilities for energy related testing is challenging for many of them. In response, some are developing in-house testing capacity, whereas others continue to struggle to find suitably qualified commercial testing facilities that have also the necessary availability.

EEPLIANT3 administered two surveys to EU MSAs and commercial test bodies accredited for ED/EL in the EEA to map the test laboratory capacity. The survey results are in line with the Commission's Joint Research Centre's findings. It shows that very few MSAs own verification quality (EN17025 equivalent) test facilities, with some Member States having no or very few labs suitable for any type of ED/EL testing. Consequently, access to suitably qualified test facilities for all products covered by ecodesign and energy labelling, whether MSAs' owned or commercial, is a major barrier for many MSAs towards complete conformity verification.



Initial capital investment is not enough to bridge the gap between EU MSAs' needs and the reality as regards ED/EL testing capacity. Sustainable funding streams will be required to also secure continuing test experience and maintenance.

Rafael Guirado (FFII-LCOE-Spain), WP Leader



Stepping up cooperation with Customs

Recent data show that in 2019, 28,6% of Customs controls discovered unsafe or non-compliant products, with 98% of them being stopped at the borders of ten EU Member States.

From early peer-to-peer platforms to the booming online second-hand market, the growth of e-commerce and the high volumes of products entering the EU from third countries make border controls essential in detecting and preventing non-compliant and dangerous products from entering the EU.

For this, **MSAs' cooperation with Customs can be a game changer**. EEPLIANT3 conducted an **online survey and a series of follow-up interviews with EU Customs authorities** on EL/ED legislation.

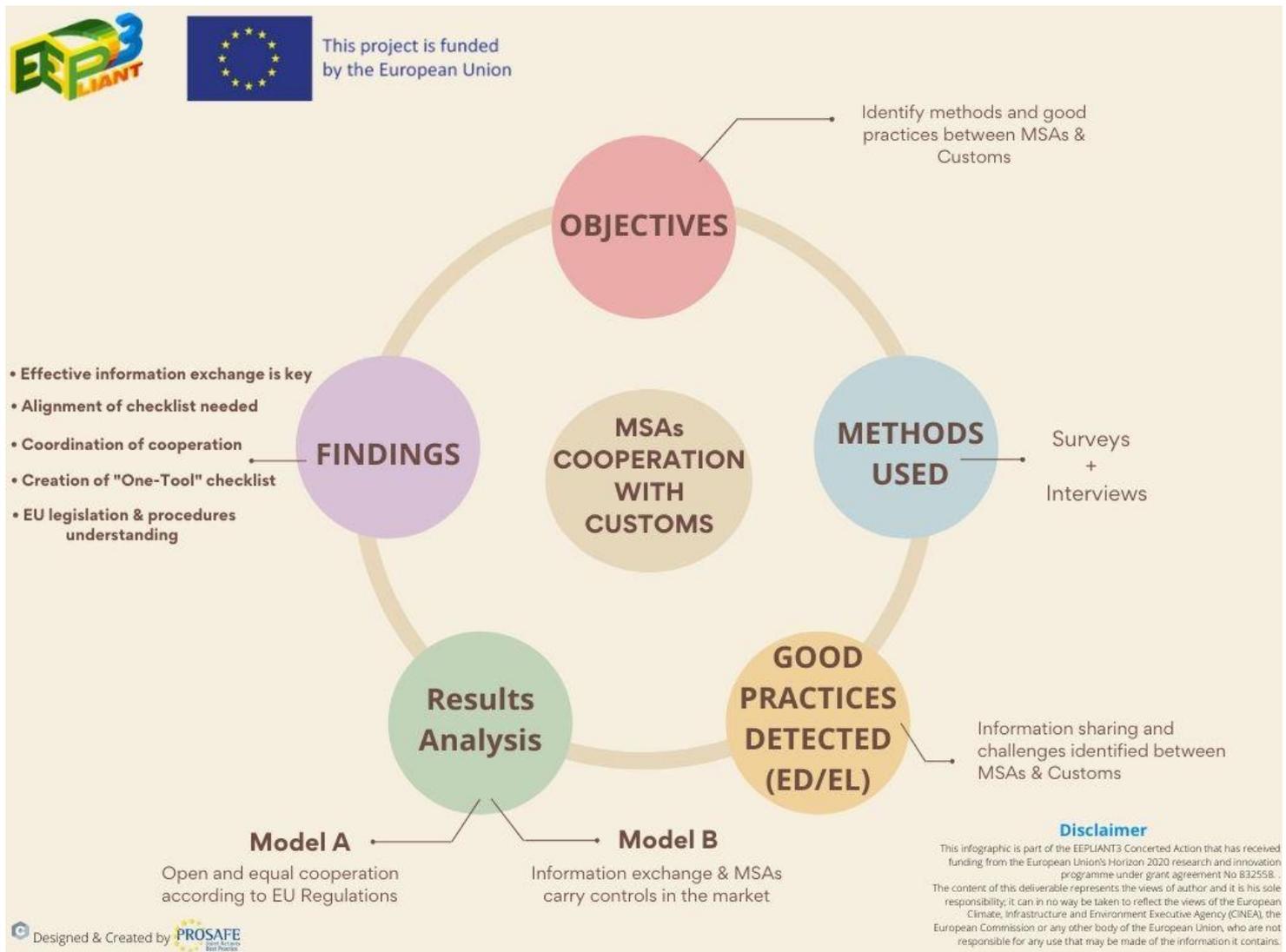
The goal was to capture current good practices in Customs controls and issue recommendations on how to set up a more systematic cooperation to increase the level of controls on energy related products.

Good practices in the collaboration with Customs

Results indicate that presently there is limited systematic cooperation between MSAs and Customs in the EL/ED area. Despite national variations, common threads of good practices were identified:

- Open communication channels and the appointment of key contact points at Customs are success factors;
- There is a mutual need for capacity-building and understanding of legislation and procedures;
- MSAs should prioritise educating Customs staff on the legal requirements of EL/ED and the specific requirements for each product area in focus;
- Creating an “one-tool” checklist for all formal requirements can ease the work;
- The single liaison offices in Member States can play a key role in coordinating joint activities.

EEPLIANT3 will seek to trial the fitness of the identified good practices in the work on lighting products.



Taking up challenges and building new knowledge and skills

The first phase of the action implementation involved analysing various challenges and lessons learned in the process. Whenever deployed, **smart digital tools** have a transformational effect on market surveillance but efforts are fragmented subject to MSAs' resources and prioritisation. EEPLIANT3 comes to close the gap by developing a **4 element portfolio of IT tools** that includes:

- 1) An upload to ICSMS tool (based on past work under MSTyr15 and EEPLIANT2 projects);
- 2) A WebCrawler;
- 3) An innovative AI/Robotics project; and
- 4) "Quick wins" (i.e. 'quick win' mini projects).

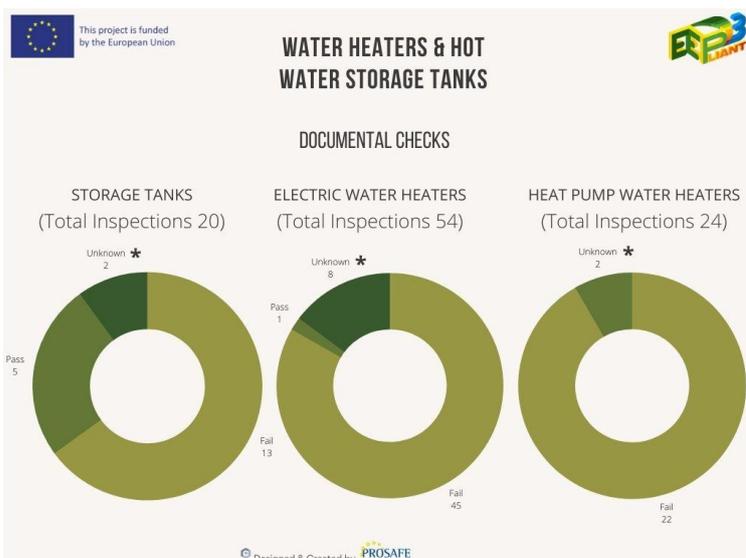
Investing, however, in developing such tools without securing sustainability through long-term hosting and maintenance after the project closure is - put simply - a waste of effort, money, and resources. Currently, EEPLIANT3 seeks to diagnose and explore all available options and feasible solutions to this issue in synergy with the European Commission and EU Product Compliance Network.

Gaps in the knowledge and experience needed for conducting compliance checks on formal EL/ED requirements are known to affect the efficiency of market surveillance.

EEPLIANT3 comes into play with various **online trainings and peer-to-peer joint activities**, including an innovative **staff exchange scheme comprising eight tailored programmes**, designed in cooperation with the ED/EL ADCOs.

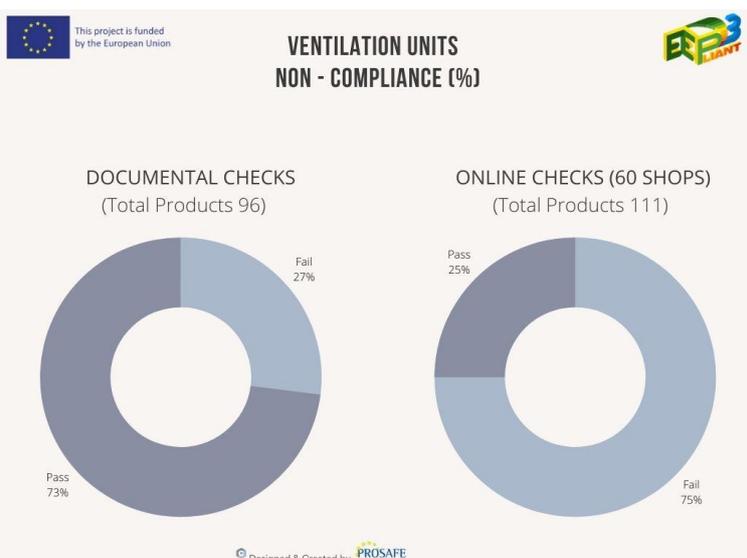
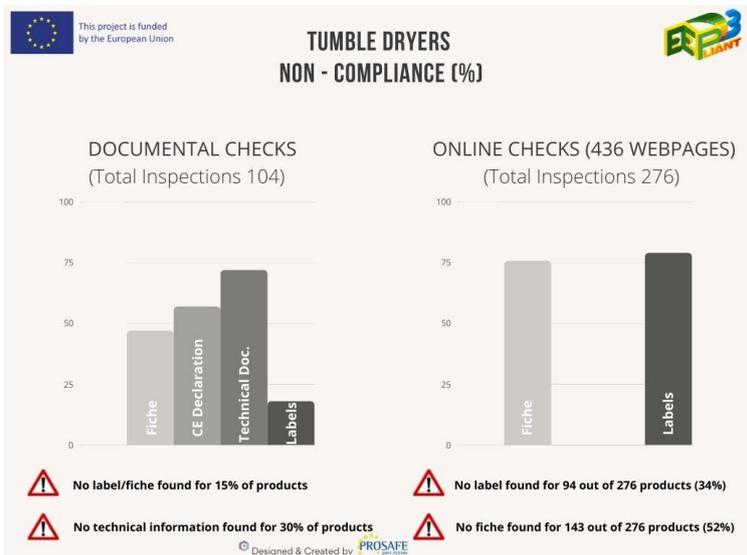
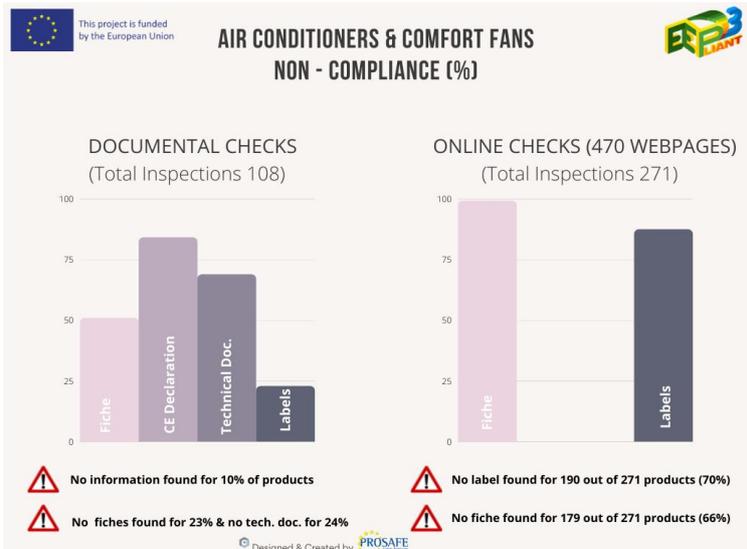
Preliminary results in a nutshell (#1)

not statistically representative



Preliminary results in a nutshell (#2)

not statistically representative



*'unknown' means that currently MSAs cannot form an opinion about the product's compliance - subject to the provision of clarifications or additional information by the respective economic operators upon MSAs' request (in progress)

Disclaimer

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