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ECOPLIANT

European Ecodesign Compliance Project

Work Package 2: Overcoming Barriers and Establishing Best Practices

Task 1:

Identify and describe existing best practices for market surveillance and possible barriers to coordination

Subtask 1.1: Identifying EU wide product model numbers

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The responsibility for the content and the recommendations of this subtask report lie with the author. They do not necessarily reflect the opinion of the ECOPLIANT project partners. However, the “Best practice” guidelines for coordinated and effective ecodesign market surveillance are the agreed views of the project partners.

1. INTRODUCTION

The objective of ECOPLIANT - European Eco-design Compliance Project is to help deliver the intended economic and environmental benefits of the Ecodesign Directive 2009/125/EC by strengthening market surveillance and so increasing compliance with the provisions of the directive and the relevant implementing measures.

2. DESCRIPTION

The aim of WP2 is to describe and establish a resource efficient and successful way of carrying out coordinated market surveillance activities across the EU.

The main outcome of this work package will be:

- (i) drawing recommendations for overcoming barriers to coordinated market surveillance;
- (ii) the development and collection of the existing best practices that MSAs, with both limited and extensive experience and resources, are currently using when carrying out national market surveillance;
- (iii) the development of a set of guidelines to be used by MSAs for future coordinated and effective national market surveillance programme(s).

The guidance developed in this WP will be validated and improved through the field work activities in WP3 (Pilot Action for EU Coordinated Monitoring, Verification and Enforcement)

2.1. Task 1: Identify and describe existing best practices for market surveillance and possible barriers to coordination

This task is devoted to the review and analysis of a number of areas related to market surveillance:

- requirements of the ecodesign directive and related product specific requirements,
- national acts and enforcement systems
- existing strategies and practices in different Member States.

In each area, barriers for increased European coordination will be identified. In order to complement and confirm the data gathered throughout the studies, a comprehensive survey and a set of interviews is designed (in Task 2) to establish the situation in the partner countries.

Subtasks 1.1 and 1.2 are under the responsibility of FFII-LCOE (Foundation for the Promotion of Industrial Innovation)

2.1.1. Subtask 1.1: Identifying EU wide product model numbers

These are the main goals of this subtask:

- Establishing process for identifying EU wide product model numbers

The model numbers of certain products are inconsistent across the EU. For instance, the model number of a product in one MS may be different from the model number of the same product in a different MS. This is a major barrier for increased coordination of

market surveillance activities and therefore this is dealt with in a specific sub-task of WP2.

To provide consistency of the product model numbers, this WP plans to collect existing information on product model numbers and compare results with other partners' data. It will also collect information on product model numbers from trade organization members within the ECOPLIANT Advisory Group. Then, discussions with these members will occur to find the best methods of identifying products that have inconsistent model numbers in the EU. This will help prevent MSAs from unknowingly performing tests on products that have already been tested by other MSAs.

- Identify information and technical parameters necessary for a database for product model numbers

Analyze the information in the above tasks to determine how this information should be checked and included in an accessible and user friendly database. This information will feed into the information repository output of WP4. *(This refers to a database for recording of market surveillance data, to be operated solely by market surveillance authorities.)*

3. DESK STUDIES

3.1. Requirements of the Ecodesign directive (2009/125/EC).

The annex VI of this directive states that the EC declaration of conformity must contain the following elements:

- 1) the name and address of the manufacturer or of its authorised representative;
- 2) a description of the model sufficient for its unambiguous identification

3.2. Product specific ecodesign requirements

The Commission Regulation (EU) No 1015/2010 implementing Directive 2009/125/EC of the European Parliament with regard to ecodesign requirements for household washing machines in its Article 4 states the following:

2. For the purposes of conformity assessment pursuant to Article 8 of Directive 2009/125/EC, the technical documentation file shall contain a copy of the calculation set out in Annex II to this Regulation.

Where the information included in the technical documentation for a particular household washing machine model has been obtained by calculation on the basis of design, or extrapolation from other equivalent washing machine, or both, the technical documentation shall include details of such calculations or extrapolations, or both, and of tests undertaken by manufacturers to verify the accuracy of the calculations undertaken. In such cases, the technical documentation shall also include a list of all other equivalent household washing machine models where the information included in the technical documentation was obtained on the same basis

Similar articles are present in some other Regulations: 1016/2010 (dishwashers), 643/2009 (refrigerating appliances), etc.

3.3. Existing strategies and practices in different MS

3.3.1. Spain. IDAE database

IDAE, the Spanish energy agency, has created a database with the most efficient appliances (refrigerating appliances, ovens, washing machines, dishwashers, etc).

The participation in the database is voluntary for the manufacturers. They receive a protocol with the minimum content of the documentation that they shall provide.

One of the documents that they have to provide is the Identity Declaration (list of products with its model identification that are covered by the same technical file). The Identity Declaration contains the model really tested that appears in the test reports (basis model) and the equivalent models.

The technical characteristics of the different models included in the Identity Declaration are compared to check if they are equal (or very similar) and the models can be considered equivalent.

3.3.2. Spain. Market surveillance

Very frequently the manufacturer/importer sends a technical documentation (e.g. a test report) where the inspected model does not appear. To accept this documentation, he is asked to provide a document declaring the equivalence between the inspected model and the one that appears in the documentation and justifying the differences between them

3.4. Conclusions

Identified problems

- There are different trademarks and model identifications for the same product.
- The same model (product) has different construction (volume, functions, accessories, etc) depending on the market where it is sold.

Examples: the same model of fridge can have the condenser unit visible or hidden. The same model of washing machine can have an electric anti overflow system depending on the country where it is sold

- There are different alternative components within the same model (motors, electronic controls, etc).

Example: The energy class of a certain model of fridge is A+. The manufacturer introduces a new motor as an alternative component. With the new motor the energy efficiency class of the fridge is now A++. If the manufacturer makes some changes in the energy label but not in the model number, the consumer could see in the shop the A++ fridge but receive at home the A+ one.

Conclusion

- The relevant information of the product variability needs to be provided to comply with the requirement of an unambiguous identification. This information must be included in the technical file (identity declaration).

The variability of the product must be analyzed by the manufacturer/importer and he must include this information in the documentation.

- In the ongoing document inspection exercise of WP3, the Spain's experience is that the identity declaration is necessary because most of the technical documentation provided by the manufacturers/importers do not refers to inspected model. The identity declaration can be a part of the technical file or a different document. If the technical file clarifies which models derive from the basic one, and for which reasons, there is no need of a different document.

4. ANALYSIS OF SURVEY

Within the ECOPLIANT project a survey is foreseen in order to get an overview of the market surveillance practices across Europe.

Question 6 deals with product model numbers

A specific product model might be sold under different product model numbers in different EU-stats, even if it is more or less exactly the same product.

Two or more products can be stated as "equivalent" by the manufacturer/importer if the products have only e.g. aesthetic differences, different trade marks, or different model references, but are equal regarding the requirements of the Ecodesign directive. In this case, this is stated in the technical documentation issued by the manufacturer/importer.

6.- Prior to selecting a specific product on the market for analysis/test and possible market surveillance action, does your organisation investigate how many products already on the market that can be considered equivalent to it according to the requirements following the Ecodesign regulation?

Answers: Yes / Yes, sometimes / No / No information available

20 MSAs answered the survey and very few of them (16%) state that they always or occasionally/frequently, prior to selecting a specific product on the market for analysis/testing and possible market surveillance action, investigate how many products already on the market that can be considered equivalent to the product according to the requirements following the Ecodesign regulation. Half of the respondents state that this is never done, and just over a third answer that they cannot provide any information about this.

If yes or Yes, sometimes,

- a) Does your organisation ask for an identity declaration, e.g. a document in which the manufacturer/importer states all the equivalent products covered by the same technical file?**

Answers: Yes / Yes, sometimes / No / No information available

If Yes or Yes, sometimes,

- i. Must that declaration show only the products sold in your country or must it show all the products sold across the EU? Comment: _____
- ii. If the products shown in the identity declaration are not identical, but equivalent regarding the characteristics to be checked, do you request that *the relevant differences* among the products listed are also included in the identity declaration? Comment: _____

☐ No information available

Those who respond that they investigate the market concerning equivalent products before selecting a specific product for analysis/testing and possible market surveillance action, state that they always or usually request an identity declaration.

That declaration shows only products sold in the respondent country. Only in some cases the relevant differences are requested.

5. PRELIMINARY CONCLUSIONS AND WAY FORWARD

How identify the equivalent models in a common EU market surveillance database?

- The equivalence shall be based only in the parameters of the applicable Ecodesign Regulation that cannot be the same for other directives and regulations.
- The identification system shall include those appliances that change over the time or new appliances equivalent to other previously recorded.

Elements necessary to identify the equivalent models

- *Identity declaration.* List of products with its model identification sold in any Member State that are covered by the same technical file. (It can be included in the technical file)
- *Basis model.* Trademark and model of the product which is referred in the technical file

Three basic documents to identify the equivalent models

- *Identity declaration*. To establish the appliances covered by the same technical file
- *Test reports*. To identify the basis model. It is assumed that all product covered by the same technical documentation shall have the same nominal values
- *Calculations*. To justify the changes, if any, in the nominal values of some models with respect to the test report model.

We will be able to collect existing information on product numbers and compare results with other partners' data through the document inspection exercise of WP3. The exercise has already started and we will have more information when it will be finished

In the next meetings with the EAG, they will be asked to propose best methods to identify products according the results of document inspection exercise of WP3

6. PRELIMINARY RECOMMENDATIONS ON BEST PRACTICE

It is essential to define which criteria are necessary to request to be able to identify equivalent products in all the MS. .

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