

Updated Position Paper on EPREL - the energy labelling database

Introduction

This position paper addresses the Energy Labelling database (EPREL) provisions included in the draft Energy Labelling Delegated act for light sources¹ and is a follow-up to a LightingEurope's position paper on the EPREL database, published on LightingEurope's website last February 2018.

Around 1 million light sources to be uploaded in the EPREL 2.0

LightingEurope has calculated that in 2021 and if the scope proposed by the Commission remains unchanged, around **1 million models** of light sources will have to be registered every year in the EPREL database, at a total cost of around **29 million euro** every year after 2021.²

The Commission's Impact Assessment on EPREL, made in 2015, grossly underestimated the impact of the proposed database, by assuming only 5,000 lamps models and a total cost of 1,500,000 euro for the entire industry for all product groups together.

The reason for this enormous number of product models is that the scope of the new Delegated Act for the energy labelling of light sources will include all light sources, whether these are sold separately or are found in home appliances, in furniture and of course in luminaires.

There is now an urgent need to address this situation under the current legislative review, in order to ensure EPREL obligations for lighting products remain proportionate and feasible.

LightingEurope proposes to:

- Limit the scope to light sources that are intended to be removed by the end-user or sold separately to the end user (in line with the scope of current regulations)

¹ As circulated by the European Commission on July 2018

² This is a conservative estimate, the true impact depends on the final definition of what constitutes a 'light source'.

- Upload all EPREL information once and not two times
- Postpone the EPREL registration obligations to the entry into force of the new delegated act for the energy labelling of light sources
- Reduce the information required
- Clarify the database managers' liability in case of crash
- Specify the responsibility of online platforms

Recommendations

1. Reduce the Scope of EPREL

We propose that the Labelling Delegated Act and, by consequence, EPREL 2.0, shall not apply to light sources (lamps and LED modules) marketed as part of a contained product and not intended to be removed by the end-user. Light sources offered for sale, hire or hire purchase or displayed separately to the end user (e.g. as spare parts), should be instead labelled and be registered in the EPREL 2.0.

This amendment to reduce the scope of EPREL should be introduced in the draft labelling rules that are currently being discussed or, failing that, in the EPREL implementing act that is expected for November 2018.

2. One stage only between EPREL 1.0 and EPREL 2.0

The current proposals mean that data for the same product will be uploaded twice: data uploaded in line with the current labelling requirements will have to be reviewed and revised in line with the new Delegated Act in a short period of time.

To avoid this situation, the obligation to upload data in EPREL should be fulfilled only once and only according to the new Delegated Act.

The time between the launch of the database and the indicative entry-into-force of the new Delegated Act is too short (and even shorter to fix the mismatch of requirements for luminaires highlighted in par. 1) and will create a considerable burden for the industry and confusion for consumers.

3. Improve the timeline

The upcoming delegated act for the energy labelling of light sources clearly states that the current luminaire label should not be uploaded in the EPREL database at all, a clarification that LightingEurope very much welcomes and supports.

Unfortunately, the new Delegated Act will not enter into force before April 2019. This creates a minimum of 4 months minimum of legal uncertainty for suppliers that do not know whether they have to register their products.

LightingEurope requests the Commission to resolve the temporary mismatch by postponing the registration of light sources in EPREL to the entry into force of the new Delegated Act (April 2019 or later according to the legislative process for new products, and September/October 2019 for products placed on the market after 1 August 2017).

4. Reduce the information required to what's necessary

The information required is far too much and far too complicated. LightingEurope does not see a reasonable added value of all the information required and is concerned that this will only generate an enormous administrative burden for suppliers without helping the market surveillance authorities (MSAs). This goes against the aim of having simple and easily enforceable regulations in place.

In general, for all light sources, information requirements should be strongly reduced to a minimum, for example not requiring information related to the date of production or mass in grams or chromaticity coordinates.

In addition, LightingEurope considers that not all Product Information Data required in Annex V (in the current Draft delegated act for light sources) are relevant for custom-built B2B light sources, as these products are not available on the general market. This would have impact on administrative burden (with no added value), and also disclose commercially sensitive information of custom designs. LightingEurope therefore proposes to limit the information for custom-built B2B light sources to Annex V.1 (technical information for verification purposes).

5. Liability in case of crash of the system

LightingEurope members are particularly concerned about how to address the scenario where EPREL stops functioning due to a technical failure. This is not a very remote scenario, since this database would be a very new tool (it is not yet operative in August 2018) and is expected to receive huge amounts of data already in November 2018.

Such a failure can have a significant impact on suppliers, due to a possible partial or total loss of data or delays in placement on the market due to a temporary unavailability of EPREL.

We request the European Commission:

- to notify all suppliers as soon as a technical failure of the system occurs
- to support suppliers to retrieve data and to provide certification to market surveillance authorities that a failure took place
- to clarify their liability for damages in the case of a technical failure and that they will therefore compensate suppliers for economic losses (e.g. in case of delay in placement on the market or definitive loss of data).

6. EPREL and liability of online platforms

While the EPREL database may contribute to a reinforced market surveillance, more needs to be done to ensure the compliance of products sold via online platforms and the ability of authorities to pursue non-compliant suppliers.

We recommend that online sale platforms are allocated clear responsibility regarding EPREL and compliance with other EU rules, to ensure safety and quality for consumers and a level playing field for suppliers and retailers.

Compliance comes at a significant cost, and reputable companies that strive to provide quality and safe products should not be placed at a competitive disadvantage. The aim of the EPREL database should be to strengthen the role of the market surveillance authorities and their capacity to regularly enforce the rules and swiftly address non-compliance and not to create new burdensome requirements for manufacturers.

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.