

# Position Paper on Circular Economy requirements in Ecodesign Regulation on light sources and control gear

## Introduction

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The Commission's draft Regulation on ecodesign of light sources, that will replace the existing ecodesign rules for light sources, has been circulated among stakeholders in November 2017.

A "Circular Economy" requirement is proposed in art.4 of this draft proposal. According to the draft text *"manufacturers and importers shall ensure that light sources and separate control gears in scope of this Regulation can be readily removed without permanent mechanical damage by the end-user from any product containing them that is placed on the market. Where light sources and separate control gears in scope of this Regulation cannot be readily removed by the end-user, manufacturers and importers shall ensure that the containing product is designed in such a way that light sources and separate control gears in scope of this Regulation can be readily removed by qualified professionals. Containing products shall be accompanied by instructions on how light sources and separate control gears can be readily removed by either the end-user or by qualified professionals"*.<sup>1</sup>

This implies that manufacturers and importers shall ensure that light sources and separate control gears can be readily removed without permanent mechanical damage from any product containing them.

This new requirement would be applicable from the 1<sup>st</sup> of September 2020.

## Our position in a nutshell

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The proposed Circular Economy requirements, if adopted, entail that design of luminaires have to take these requirements into account, allowing companies little time to understand the new rules, redesign products and adapt business models. This will have a negative impact on the competitiveness of the European lighting industry.

Some aspects of removability are possible today, but others take more time to be developed. Therefore, in a first instance, we propose to refocus Circular Economy requirements for light sources and separate control gear on information requirements for removability to address the needs of market surveillance authorities and recycling facilities. Manufacturers should be required to make available only information on the removability

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<sup>1</sup> Commission's text – Ecodesign Review Working Document draft (13 November 2017)

or non-removability of light sources and control gear both by qualified professionals and by end-users.

In the longer term, any further Circular Economy aspects shall be subject to review in 2022, after a thorough impact assessment, taking current legislation into account.

## Concerns and suggestions

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LightingEurope would like to put forward a number of suggestions to actively contribute to the definition of Circular Economy requirements in the Ecodesign Regulation on light sources and control gear.

### 1. Removability in luminaires is already possible today

LightingEurope proposes the introduction of Circular Economy requirements that are in line with those developed in CEN/CENELEC JTC10.

Therefore, we propose a revised art. 4 (see Annex) aimed at:

- requiring removability of light source and control gear for verification by market surveillance authorities
- requiring removability of a light source and control gear for recycling at the end-of-life
- requiring manufacturers to make available information on the removability of light sources and control gear both by qualified professionals and, if applicable, by end-users
- conducting a detailed impact assessment by the end of 2022, as suggested in par.2 of this position paper, of further circular economy requirements, in view of possible requirements in the review of ecodesign rules.

The European Commission has already sent a clear message<sup>2</sup> to the lighting industry to move towards removable light sources and control gear, with the introduction of performance requirements for light sources and control gear. A light source is defined as the smallest removable component. Where the light source cannot be removed from a containing product, the larger or entire containing product will have to comply with these performance requirements. These products are therefore already at a disadvantage compared to products with removable light sources.

In light of the little market surveillance activities to enforce ecodesign rules that we have witnessed across Europe and the lack of effective mechanisms to prevent and address online sales, LightingEurope is concerned that the introduction of further mandatory removability requirements across all applications will place reputable companies at a competitive disadvantage and will distort a level playing field.

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<sup>2</sup> In its – Ecodesign Review Working Document draft (13 November 2017)

## 2. A detailed impact assessment before further requirements

Circular economy requirements were first introduced in the draft text circulated to the members of the Ecodesign Consultation Forum by the European Commission in November 2017. These requirements were not evaluated by the consultants as part of the preliminary study on ENER Lot 8/9/19 and they were not included in early drafts rules presented by the consultants to stakeholders in 2015 and in 2017.

We therefore call on the Commission to undertake a Preliminary Study and a detailed Impact Assessment that also address the following points, before introducing any further Circular Economy requirements:

- a) **Time required to redesign a product:** we estimate that a major part of the market are SMEs. The Commission should evaluate the impact of new requirements on these companies, in terms of their capacity to redesign products to comply with the new requirements already in 2020. The Impact Assessment should address the time required for manufacturers across the world to:
  - a. understand the new requirements
  - b. design and commercialize new product platforms for serviceability
  - c. set up of new business models to facilitate for instance after sales service (i.e. spare parts, service and repair workshops etc)
  - d. carry out preliminary electrical tests, photometric validation and thermal analysis
  - e. verify their safety and performance against regulatory and other requirements on final products.

The design of new products usually takes 36 months.

- b) **Structure of the lighting market:** the majority of lighting products in Europe are sold to professionals and used in non-residential applications. Serviceability may add value to the products and will contribute adding more value to the lighting industry as professional lighting operators may be able to set up new business models. These new business models will take time to be developed; 2020 is considered a too ambitious timing.
- c) **Lighting products are used in many, often very different, applications and Circular Economy requirements will have a different impact and potential value per application:** for certain applications, lighting products are subject to additional specific performance and safety requirements that go beyond those stated in EU rules. Challenges to be addressed include: electrical safety, ingress protection, costs for interfaces and housing and interdependencies between components. These application requirements are set out in industry standards or application-specific regulations and procurement guidelines.<sup>3</sup>

An Impact Assessment in particular for certain applications and product groups is required to demonstrate that any additional removability requirement would

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<sup>3</sup> A clear example is given by luminaires that must stand rough conditions and function for their intended period of time even though they are exposed to dirt, dust and humidity. Ingress of liquid and/or solid particles into lighting equipment may not only be harmful to the equipment, it can be dangerous to the operator. Therefore, industrial lighting fixtures have a special degree of "ingress protection" also called IP class. IP protection classes define how and where the lights can be used without any safety risk. High IP rated luminaires e.g. IP > 65 need to fulfil very strict requirements in order to be safe and performant.

provide value for the product and for the end-user, and that value should be evaluated against the re-design cost and any potential impact on safety and performance.

- d) **Evaluate the environmental impact of durable products and removable components.** The introduction of LED technology implies longer-life products. The impact assessment should also evaluate the benefits of durable products and their possible additional material and energy needs.

### 3. A realistic timeline

The publication of the final regulatory text, expected in the 4<sup>th</sup> quarter of 2018 at the earliest, will be the first official call on the global lighting industry to redesign products and work towards compliance before 1<sup>st</sup> September 2020.

Taking into account the process steps that companies must implement to redesign, manufacture and validate new products (see par. 2 a), we believe that the proposed timeline of 2020 is unfeasible for both SMEs and large companies. The present proposals have only been made available to Europe's industry and in particular to companies and national associations that are members of LightingEurope. The first official notice to the global industry of the Commission's proposed requirements will take place in the second quarter of 2018 with the WTO notification, followed by the publication of the final legislation in the Official Journal some months later.

Given the above, LightingEurope proposes to postpone further requirements to a later stage after conducting a detailed impact assessment.

### 4. Our follow-up and engagement

LightingEurope members are actively engaged in taking into account Circular Economy when designing luminaires and components. We are available to further discuss how to address the needs of the EU Circular Economy Action Plan in EU legislation.

In 2017 LightingEurope published a White Paper on Serviceable Luminaires in a Circular Economy. This paper focuses on the serviceability of luminaires and explores the business models and growth opportunities around reparability, maintenance, replaceability and upgradability. A voluntary scheme to provide information about the serviceability of luminaires according to their design characteristics is discussed in order to provide the market with information on the additional capabilities of luminaires.

LightingEurope is now working on a new publication to explore and provide guidance on the technical, economic and legal parameters that need to be in place in order to support the higher penetration of serviceable luminaires.

## Contact

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For further information on this topic, please contact Elena Scaroni, Policy Director, [elena.scaroni@lightingeurope.org](mailto:elena.scaroni@lightingeurope.org).

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](http://www.lightingeurope.org).

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## **ANNEX – LightingEurope proposal for art. 4 of legislative review of Ecodesign of light sources**

### ***Article 4: Removal of light sources and separate control gears***

#### **4.1 Requirements on light sources and separate control gears related to verification for market surveillance purposes**

Manufacturers and importers shall ensure that light sources and separate control gears in scope of this Regulation can be removed without being permanently damaged for verification purposes. For containing products, instructions should be available on request on how light sources and separate control gears can be removed for verification without these being permanently damaged.

#### **4.2 Requirements on light sources and separate control gears at end of life**

Manufacturers and importers of containing products shall ensure that light sources and separate control gears in scope of this Regulation can be dismantled from containing products. Instructions shall be available on request.

#### **4.3. Requirements on light sources and separate control gears for replaceability**

Manufacturers and importers of containing products shall provide information about the replaceability **without permanent damage to the containing product<sup>4</sup>** or non-replaceability of light sources and control gears in scope of this Regulation by end-users or qualified persons. Such information shall be available on free-access websites. For products sold directly to end-users, this information shall be on the packaging, at least in the form of a pictogram.

Any further Circular Economy aspects shall be subject to review in 2022, after a thorough impact assessment, taking current legislation into account.

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<sup>4</sup> Text highlighted in yellow is a new wording compared to the one previously circulated by LightingEurope at the end of January 2018.