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## Position on material efficiency standardisation activities (M/543) to support Ecodesign

### Overview

*CEN-CENELEC Joint Technical Committee JTC10 is responding to European Commission M/543 to create standards to address 'Energy-related products - Material Efficiency Aspects for Ecodesign'. ECOS is an active member of several JTC10 working groups (WGs) and plays an instrumental role in the process as we contribute to work items, provide comments on draft standards, and develop position papers. Specific areas of involvement include: durability, reparability, recyclability, information provision, recycled content assessment, and definitions. Detailed comments by ECOS submitted to all standards of project M/543 under Secretarial Enquiry are available upon request.*

ECOS' position on the material efficiency standardisation activities under (M/543) is that:

1. Postponing regulatory measures that address material efficiency aspects until after the M/543 standards are made available is neither necessary nor justified.
2. The focus of standardisation activities must remain on technical assessment methods that are objective and independent.
3. Acknowledging the project's goal of contributing to a circular economy is crucial to ensure effective deliverables.
4. A toolbox approach is necessary to achieve a comprehensive collection of assessment methods.
5. Facilitating repair is a key element of the circular economy and must be recognised as such.
6. Information provision and access is currently insufficiently addressed in the standards.

## Detailed comments

### 1. Postponing regulatory measures that address material efficiency aspects until after the M/543 standards are made available is neither necessary nor justified.

It is important that regulatory measures that address material efficiency aspects proceed prior to the M/543 standards becoming available as:

- **Most standards will not be directly applicable to products**  
 These standards are generic/horizontal, and the majority are not intended to be applied by regulators directly at product-specific level. Rather, the standards should provide a consistent foundation or toolbox from which to develop product-specific/“harmonised” standards to support compliance to Ecodesign regulatory measures. In some cases, they may also provide useful approaches for manufacturers looking to assess material efficiency aspects of their products, but this is not their core focus.
- **The standards will not cover all aspects that regulation needs to address**  
 The coverage of the standards should not be interpreted as reflecting the scope of material efficiency aspects that can be addressed in Ecodesign legislation. Some aspects of material efficiency that are relevant to address via regulation will not require standards, or would not be considered under such overarching standards, for example the recent proposals addressing fees for access to washing machine repair and maintenance information.
- **Delaying regulation until standards are available is not the established process**  
 Where there are no harmonised standards to support compliance to regulations, requirements can currently be specified in regulation supported by transitional (less formal) methods. A mandate can be raised at this time, so the regulatory process is not delayed by that of standardisation.
- **A sequential approach results in unworkable delays and substantial loss of savings**  
 Once these generic/horizontal standards are available, further processes are needed to create harmonised product-specific standards, which in turn take around three years or more. This would need to be added to the multiple years necessary for the specification of a regulation. If the start of the regulatory process is postponed until the horizontal standards are available, nothing would begin until March 2019 (without counting for any possible delays). It therefore seems possible that if regulatory processes are postponed to follow those of standardisation, regulatory measures addressing material efficiency could be delayed for at least a decade. This is simply not practical, and would result in a huge loss in material efficiency savings.
- **Regulations on material efficiency can provide a very useful input to the standardisation processes**  
 Material efficiency is an emerging area. Through initiating research and developing new means of addressing material efficiency of products in the regulatory process (which includes defined technical and impact assessment procedures) the Commission can contribute knowledge to the standardisation process to ensure that the standards being developed will in the long run more closely match regulatory needs.

### 2. The focus of these standardisation activities must remain on technical assessment methods that are objective and independent.

As is often the case in standardisation, discussions which are far from the scope of the project and of standardisation in general, take place in the various WGs. This causes significant delays and places

barriers on the efficient development of independent and objective assessment methods. This is reflected in the documents themselves and in the comments from some industry representatives, who propose to limit methodological options based on arguments irrelevant to a technical assessment:

- *Example 1: Safety has been used as an argument to block criteria that would reward products which can be disassembled with common tools over designs that require a specific tool for each individual product in order to provide consumers 'the level of safety they have rightly come to expect'.*
- *Example 2: References to making repair manuals available to an audience wider than just manufacturer authorised repairers have been resisted on arguments of protection of intellectual property or brand reputation.*

Such non-technical arguments are irrelevant and have no place in standardisation fora.

### **3. Acknowledging the project's goal of contributing to a circular economy is crucial to ensure effective deliverables.**

Despite the fact that the standards should describe the means to objectively and technically assess a product's characteristics, the end goals of the project and subsequent use of these methods should not be ignored. As an integral part of the *Circular Economy Package Action Plan*<sup>1</sup>, the methods, mandated by M/543, are clearly expected to contribute to achieving environmental goals by making products longer-lasting, easier to repair, reuse and recycle. This on top of providing all the necessary consumer information and support required to make informed purchasing decisions.

Unfortunately, significant and consistent opposition by some industry representatives to references in the standards about the end goals has been observed. They go as far as to reject the notion that facilitating repair is positive and that the standards should consider the assessment and communication of product lifetimes. There is insufficient recognition within standardisation discussions of the role the standards can play in moving closer to a circular economy, and the need to prioritise approaches in line with the waste hierarchy (for example in terms of recycling and recoverability). Further, there is a reluctance to look to existing regulatory proposals for inspiration on which aspects the standards can usefully address.

While methods should still be technical and objective, it is clearly not possible to define thresholds or minimum limits related to environmental goals at this overarching level. However, the intended use of these methods should be taken into account while developing them to ensure that options are not inherently limited.

### **4. A toolbox approach is necessary to achieve a comprehensive collection of assessment methods.**

Relating to the point above, it is important to recognise that the generic/horizontal standards are intended for use in regulatory discussions and as basis to develop product-specific methodologies and standards. In some groups, useful content has been shifted to the annexes or deleted completely because it is considered inappropriate within a standardisation context to provide the reader of the

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<sup>1</sup> [http://eur-lex.europa.eu/resource.html?uri=cellar:8a8ef5e8-99a0-11e5-b3b7-01aa75ed71a1.0012.02/DOC\\_2&format=PDF](http://eur-lex.europa.eu/resource.html?uri=cellar:8a8ef5e8-99a0-11e5-b3b7-01aa75ed71a1.0012.02/DOC_2&format=PDF)

standard with too many options. On the contrary, because of their horizontal nature it is essential that the standards take as inclusive an approach as possible and act as a toolbox of possible options for the wide range of energy related products addressed under the Ecodesign Directive.

Further, it is regrettable to observe an often unjustified aversion by industry representatives to any kind of (semi-)quantitative methodologies, indexes and product-specific examples, even if such are specifically referenced in M/543. Provided that they are robust and well-described, such options should not be excluded from a toolbox approach, as they can link relevant assessment criteria to scoring/ranking systems and, in line with Ecodesign framework principles, facilitate *product differentiation*. Frequently the need to differentiate products on the basis of their material efficiency aspects is disputed in the WGs on the grounds that the Ecodesign directive only defines minimum entry to market requirements. However, if assessment is binary with no degree of differentiation, it will clearly present a barrier to the assessment of the different levels of performance in the market place. This is necessary within the regulatory process in order to make requirements more stringent over time.

#### **5. Facilitating repair is a key element of the circular economy and must be recognised as such.**

Placed at the higher levels of the waste hierarchy, ***repair and reuse of products*** are fundamental elements in a circular economy. It is of crucial importance that the assessment of repairability of products sufficiently addresses the following aspects:

- At product level, it is important to make clear that repairability is fundamentally influenced by the ease of product disassembly in order to access priority parts for repair.
- The current draft of the repair standard references competencies and access to information dependent upon a “professional status”. Depending upon the interpretation of “professional status” such assumptions may present a barrier to repair by more diverse repair actors such as not-for-profit repair operators.
- Economic factors, including the price of spare parts relative to the price of a new product, are decisive. Those wanting to purchase spare parts should be informed of the price, and assessment methods could be developed to evaluate the relative affordability of priority parts compared to the purchase of a new product.
- The speed of repair in service terms can have a considerable bearing on whether a product is repaired or not, and could be considered via generic criteria addressing the time for spare parts delivery, the time it takes for the consumer to obtain a repair appointment, and/or the total time the consumer is left without a working product.

#### **6. Information provision and access is currently insufficiently addressed in the standards.**

Consumer decisions are significantly influenced by the level of access they have to information on product characteristics. Regarding data and documentation confidentiality, the current draft of the standard indicates that it is the manufacturer who decides the level of confidentiality. Discussions on confidentiality of information are better placed in regulatory fora, and limits should not be placed at standardisation level. Such approaches risk the access and availability of repair/maintenance manuals and pose barriers to repairing and reusing products.

In addition, the current draft of the standard addressing durability neglects to address the need to measure and communicate information on technical product lifetimes as referenced in the European Environment Agency communication on circular design published in 06/2017<sup>2</sup>, which stated that:

*“Apart from some very specific products, such as light bulbs, it is hard to get reliable data for comparing the technical lifetimes of similar products, although this could be useful for consumers. If there were legislative requirements for stating the technical lifetime of products, determined under standardised conditions, this would increase the transparency and availability of data, and empower consumers to contribute to a circular economy. It could also provide a basis for policymakers to establish product criteria, such as minimum guaranteed lifetime. Producers of products that last longer would also benefit from more transparency on technical lifetimes, as it would give them a competitive advantage.”*

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<sup>2</sup> <http://docplayer.net/64875707-Circular-by-design-products-in-the-circular-economy-issn-s-u-e.html>