



Experience of Implementing the EU Legislation on Energy Efficiency Requirements of Households Electrical Refrigerators



Frank Klinckenberg
Klinckenberg Consultants

Topics in this presentation

- Relevant legislation
- Implementation in theory
- Implementation in practice
- More information: CEECAP project

NB All information presented is based on personal observations, and does not represent any formal position by a government or institution

Relevant legislation: Directive 96/57/EC

- Establishing energy efficiency requirements for household refrigerators, freezers and combinations thereof
- Based on European Community Treaty
- To prevent barriers to trade
 - Background: some MS wanted national regulations
- To provide environmental and consumer protection
 - Banning inefficient appliances

Relevant legislation:

Directives 92/75/EC & 94/2/EC

- Dir 96/57/EC is related to Energy labelling, governed by Framework directive 92/75/EC and Implementing directive 94/2/EC
- Common goals: improve energy efficiency of products
- Common means: energy performance measurement & calculation, verification procedure
- Energy labels also for other products

Relevant legislation: Test standard EN 153

- European Norm adopted by Cenelec for the measurement of energy demand
- EN adopted as harmonised standard
- To assess conformity with legislation, test must follow this norm
- Requirements regarding test procedure (cycle, temperatures, load, etc)
- No requirements on test laboratory

Implementation in Theory: Manufacturers ensure conformity

- Manufacturer (or importer into EU) must assess the energy performance of refrigerators and ensure that these comply with directive
- No requirement on assessment
- Manufacturers must provide technical documentation:
 - Technical specifications / drawings
 - Results of electricity consumption measurements
 - Details of conformity (calculation)

Implementation in Theory:

Market surveillance by governments

- National or regional government responsibility
- Products are allowed on the market unless there is evidence of non-conformity
 - Government must prove non-compliance
- No requirement on MS to check compliance
- Verification procedure specified in directive
 - First test one product: if energy consumption exceeds limit by $> 15\%$, then
 - Test three products: if average energy consumption exceeds limit by $> 10\%$: non-compliance established

Implementation in practice: Declaring energy performance

- Manufacturers declare energy performance
- Based on test of some products, and technical assessment of many similar products
 - Manufacturers market dozens of products with different type number, but same or very similar technical design
- No-one knows which products are on the market in a country
- No information on energy consumption of products

Implementation in practice: Checking compliance

- Obligation on Member States to ensure proper functioning of markets, but not specifically to check compliance with directive
- Responsibility usually with trade inspectorate, consumer protection agency, etc
- Compliance checking combined with 94/2/EC
- Some checks by MS on product documentation, some measurements conducted
 - Majority of MS have never checked compliance of a single refrigerator

Implementation in practice: Checking compliance - 2

- It is not easy:
 - High level of technical expertise required
 - Good lab facilities needed
 - Tests take much time (up to 2 weeks for a single test, months for a complete procedure)
- Enforcement is difficult
- Manufacturers have developed own verification procedure: testing each other's products
 - No published results of these tests

Implementation in practice: NL experience

- Ministry of Housing, Spatial Planning and the Environment in charge of legislation
- Day-to-day work by Ministry of Economic Affairs and SenterNovem (agency)
- Trade inspectorate (Economische Controle Dienst) in charge of compliance checking
- Public Prosecution Service (Openbaar Ministerie) in charge of enforcement

Implementation in practice: NL experience - activities

- Regular shop inspections
 - Presence of (correct) energy labels (Dir 94/2/EC)
 - Selling of banned products (Dir 96/57/EC), especially when directive was introduced
- Guidelines for inspectors developed
 - for labels and energy efficiency requirements
- Regular testing of products
 - Approx 20-30 products tested each year
 - Priorities: major appliances, A-rated products etc

Implementation in practice: NL experience - enforcement

- Non-compliance established in shops
 - Mainly incorrect labels
 - Steps: information, formal warning, fine
- Non-compliance on products:
 - Incorrect energy declaration (A-class declared)
 - Steps: discussion with importer / manufacturer to change label or withdraw product from market
 - One court case: government lost, no appeal
 - ‘Not a priority for the Public Prosecution Service’

Implementation in practice: NL experience – court case

- Why did the government loose?
 - Government test revealed non-compliance (after 1 + 3 tests)
 - Importer charged with non-compliance
 - Importer showed test report by (foreign, but EU based) manufacturer; product complied according to this test
 - Ruling:
 - Importer is allowed to trust test report of manufacturer
 - Manufacturer not based in Netherlands, so cannot be charged
 - European Commission refused to review case
 - Lesson: Internal market is not without pitfalls

Implementation in practice: Three more experiences

- Sweden
- Denmark
- United Kingdom

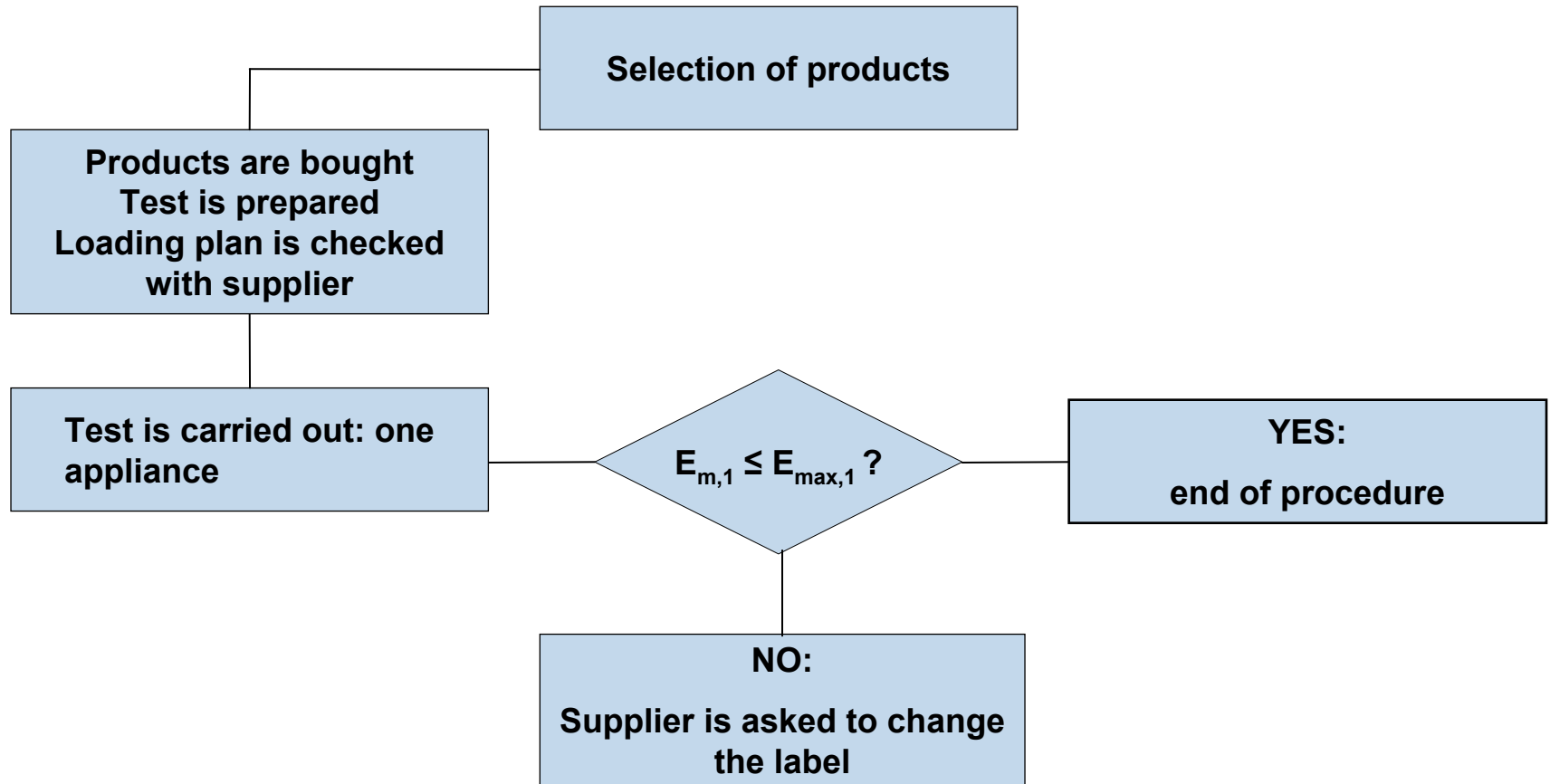
Implementation in practice: Sweden: 10 years of testing energy labels

- Approx 25% of all tested appliances did not comply (on one test)
- Testing is time consuming and costly, but necessary
- Largest deviations in the beginning
- Difficulties with enforcing legislation

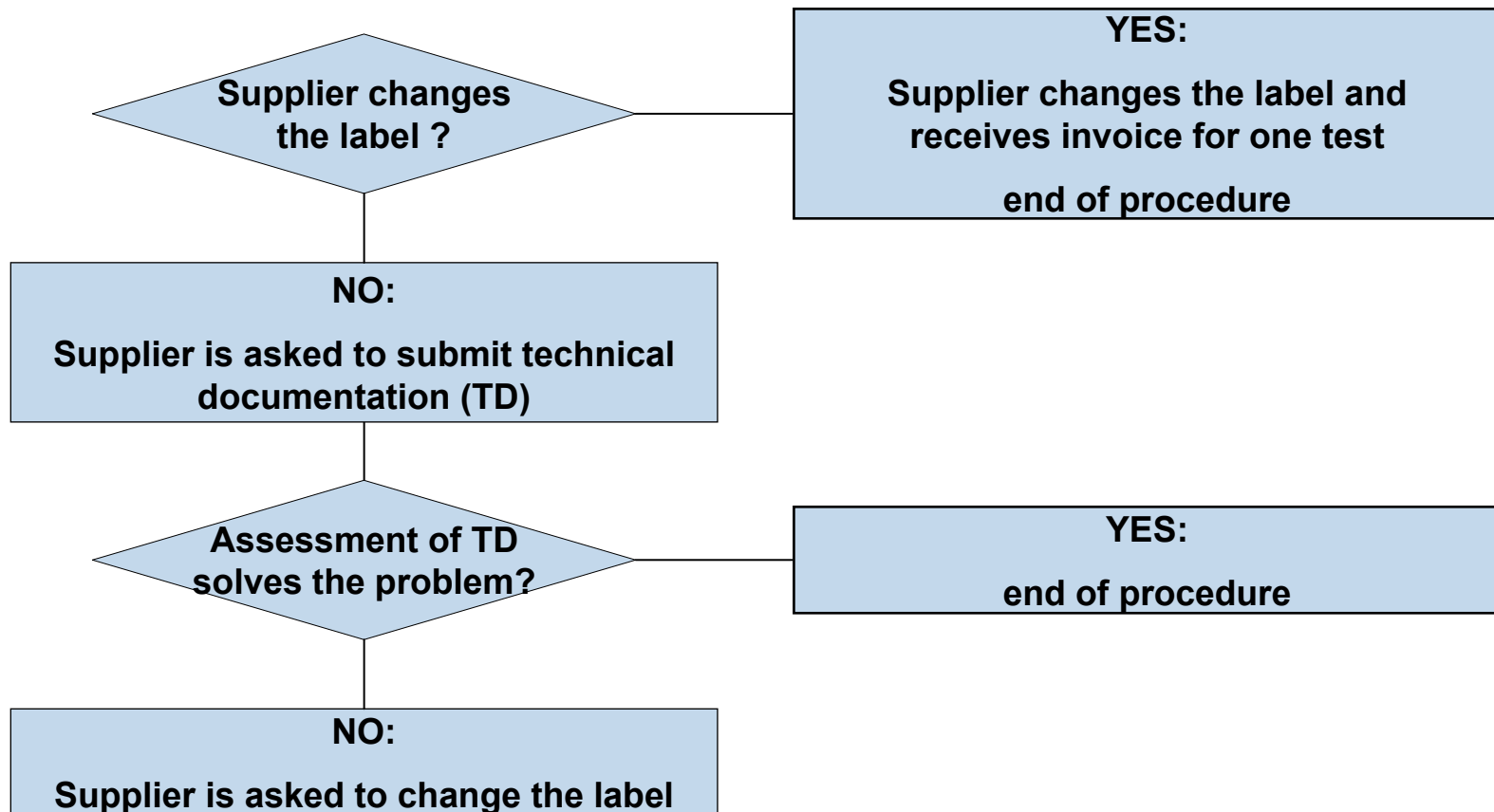
Implementation in practice: Denmark: Integrated V&E

- Stepwise approach to check compliance
- Gradual increase in cost of compliance checking and in severity of punishment for non-compliance

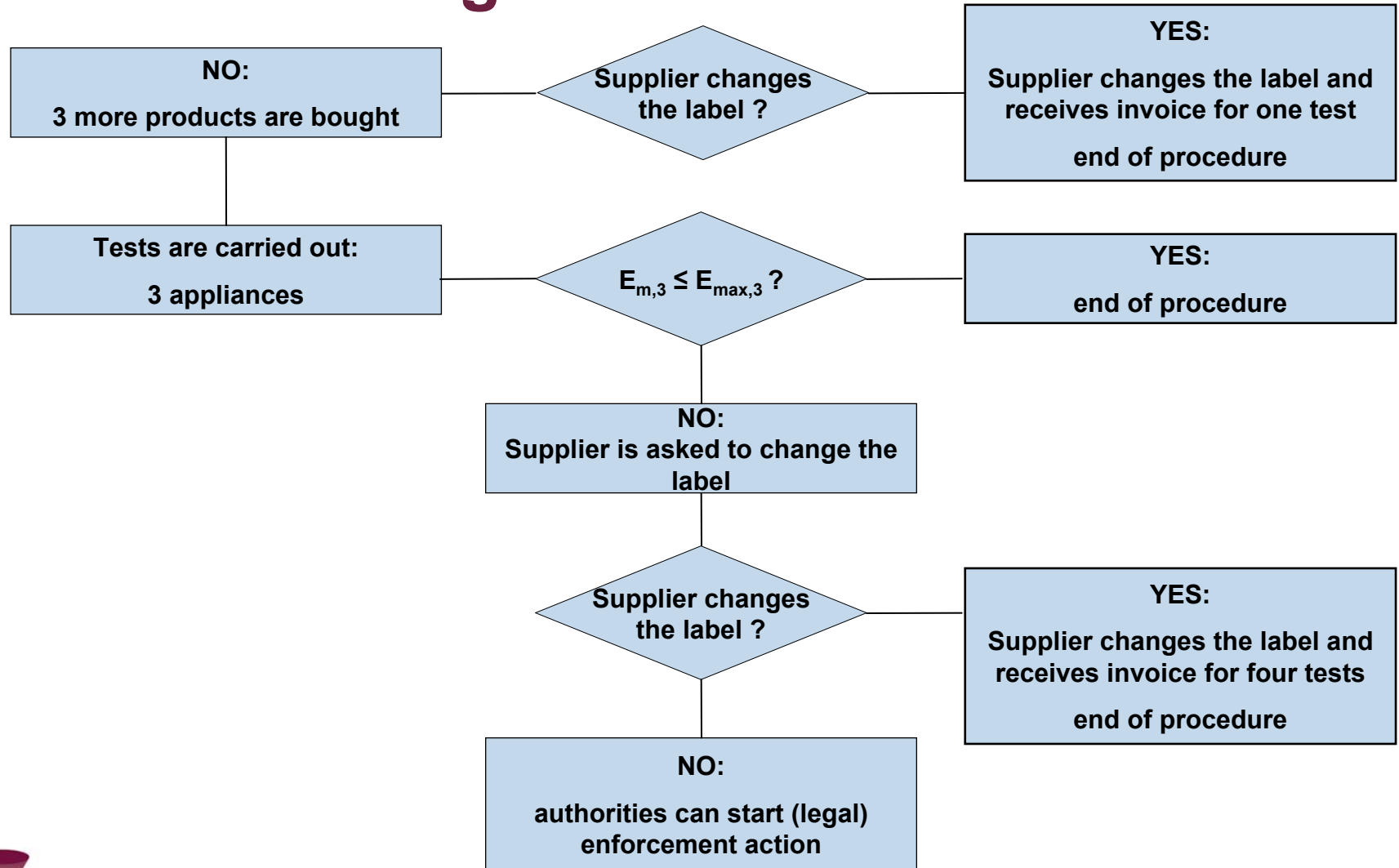
Implementation in practice: Denmark: Integrated V&E - 2



Implementation in practice: Denmark: Integrated V&E - 3



Implementation in practice: Denmark: Integrated V&E - 4



Implementation in practice:

United Kingdom: Informal testing

- United Kingdom tests 100+ products each year
 - Around 100 products for endorsement scheme
 - Approx 20-30 products to follow the market
- Low level of non-compliance (now)
 - More non-compliance in earlier years
 - Main manufacturers are within allowed margins
 - Few exceptions
- Regional trade officers in charge of enforcement
 - Lack of capacity, expertise and attention
 - No enforcement action taken (at all)

Concluding Remarks

- Directive 96/57/EC is complicated to implement
 - Interaction with other directives
 - Shared responsibilities of EU, MS and market parties
 - Compliance checking procedures largely undefined
- Requirements have changed the market
 - Even in the absence of compliance checking, manufacturers have largely complied with requirements
- New legislation in preparation, for these and many more products: ‘Ecodesign directive’

More information: CEECAP Project, www.ceecap.org

- Central and Eastern European Appliance Policy project
 - To assist New Member States in implementing EU appliance energy efficiency legislation
- Initiated in 2002 by IEA, SenterNovem and Klinckenberg consultants, now IEE project
- Provides information and tools



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Thank you for your attention

more info:

www.ceecap.org

info@klinckenberg.net



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