

Frequently Asked Questions (FAQ) on the Ecodesign Directive 2009/125/EC establishing a framework for the setting of ecodesign requirements for energy-related products and its Implementing Regulations

This Frequently Asked Questions (FAQ) document summarises questions and answers of general interest regarding the Ecodesign Directive 2009/125/EC and its implementing Regulations.

The answers provided reflect a common understanding between Commission services and the Market Surveillance Authorities of Member States. The answers as such are not legally binding. A binding interpretation of Community law is the sole competence of the European Court of Justice.

These FAQ cannot go beyond or substitute for the requirements of the Ecodesign Directive or its implementing Regulations. The Ecodesign Directive is addressed to the Member States and must be transposed into national law according to Article 23. The Ecodesign Regulations (implementing measures) are binding in their entirety and directly applicable in all Member States.

Table of Contents

Ecodesign Directive 2009/125/EC of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products	3
The obligation to keep (and present upon request) the technical documentation lies with the economic operator which places a product on the market or that puts it into service, regardless of where the product is imported from.	9
Commission Regulation (EC) No 642/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for televisions	11
Commission Regulation (EC) No 641/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products.....	13
Commission Regulation (EU) No 622/2012 of 11 July 2012 amending Regulation (EC) No 641/2009 with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products (1).....	13
Commission Regulation (EC) No 640/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for electric motors	15
Commission Regulation (EC) No 643/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for household refrigerating appliances	17
Commission Regulation (EC) No 278/2009 of 06 April 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for no-load condition electric power consumption and average active efficiency of external power supplies.....	18

Frequently Asked Questions (FAQ) on the Ecodesign Directive and its Implementing Regulations

Commission Regulation (EC) No 244/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for non-directional household lamps20

Commission Regulation (EC) No 245/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps, and repealing Directive 2000/55/EC of the European Parliament and of the Council25

Commission Regulation (EC) No 107/2009 of 4 February 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for complex set-top boxes.27

Commission Regulation (EC) No 1275/2008 of 17 December 2008 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for standby and off mode electric power consumption of electrical and electronic household and office equipment28

Commission Regulation (EC) No 327/2011 of 30 March 2011 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for fans driven by motors with an electric input power between 125 W and 500 kW35

Commission Regulation (EC) No 1194/2012 of 12 December 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for directional lamps, for light emitting diode lamps and related equipment37

Ecodesign Directive 2009/125/EC of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products

(1) Question on placing on the market and/or putting into service:

Several stakeholders have inquired on the meaning of "be placed on the market and/or put into service", as used in Article 3 of the Ecodesign Directive and its implementing Regulations. Article 2 of the Directive defines 'placing on the market' as making a product available for the first time on the Community market with a view to its distribution or use within the Community, whether for reward or free of charge and irrespective of the selling technique and 'putting into service' as the first use of a product for its intended purpose by an end-user in the Community.

While the term 'placing on the market' seems clear, the term 'putting into service' has led to confusing interpretations.

(1) Answer on placing on the market and/or putting into service:

The term "putting into service" is used, as the EU legislation also needs to cover products, which are "physically" never placed on the market, but installed directly at the end-user's place. The sentence "be placed on the market and/or put into service", creates the impression that placing on the market and putting into service are cumulative, i.e. that there are two different moments from when on a product has to comply, which is wrong.

The way the concepts should be understood is that "placing on the market" (making a product available for the first time on the EU market) and "putting into service" (first use of a product for its intended purpose by an end-user in the EU) refer to two different 'moments' in the process of bringing a product to the market; compliance for the 'entry' into the market is required only once based either on the moment when the product is placed on the market or when it is put into service. Accordingly, the Article 3 of the Ecodesign Directive should be understood as "products covered by implementing measures may be placed on the market or put into service, or both, only if they comply with those measures and bear the CE marking in accordance with Article 5."

A product has to comply with the requirements for CE marking from the moment that it is placed on the market. Only where a product is "not placed on the market" in the literal meaning, the moment of compliance is the putting into service.

Furthermore, the EU legislation is not retroactive. Products legally placed on the market can stay on the market (i.e. in the distribution chain) and still be sold even if the legislation changes in the meantime; products legally placed on the market can be sold to the end-user and can also be put into service even if the legislation has changed in the meantime.

(2) Question on legal reference in EC declaration of conformity

During inspection of declarations of conformity from various products that have to comply with the standby regulation No 1275/2008 the market surveillance authorities found that several of the producers outside the EU only declared conformity with the Directive

2005/32/EC or the recent version Directive 2009/125/EC. But the standby regulation 1275/2008 is not mentioned.

Article 5 of Directive 2009/125/EC states:

1. Before a product covered by implementing measures is placed on the market/or put into service, a CE marking shall be affixed and an EC declaration of conformity issued whereby the manufacturer or its authorized representative ensures and declares that the product complies with all relevant provisions of the applicable implementing measure.
2. The EC declaration of conformity shall contain the elements specified in Annex VI and shall refer to the appropriate implementing measure.

Therefore the authority does not consider it sufficient just to declare that the product is in conformity with the Directive; the relevant implementing measures have to be specifically mentioned in the declaration.

(2) Answer on legal reference in EC declaration of conformity

The view is correct. Article 5 (3) of the Ecodesign Directive 2009/125/EC stipulates that the EC declaration of conformity shall refer to the appropriate implementing measure, in the present case to the Regulation No 1275/2008 on standby and off mode electric power consumption of electrical and electronic household and office equipment.

(3) Question on due date of EC declaration of conformity

From which point in time has the manufacturer the obligation to issue an EC declaration of conformity before placing a product on the market covered by an implementing measure? From the entry into force date or from the application date of the relevant implementing measure?

(3) Answer on due date of EC declaration of conformity

The manufacturer or his authorized representative has the obligation to issue an EC declaration of conformity (and providing the technical documentation and affixing a CE marking) before placing a product on the market and/or putting it into service from the first application date of the implementing measure that is relevant for the product.

NB: For certain products (a) requirement(s) may only be set from the second or later application date of an implementing measure. In this case, the first application date is that second or later application date.

NB: Other EU legislation may require EC declaration of conformity, technical documentation and affixing a CE marking for the same product. A common EC declaration of conformity and technical documentation is permissible.

(4) Question on importer versus brand owner

In the case where a manufacturer from the far east does not have a representative in the EU. If a Danish importer imports a product from this manufacturer to the EU and places it on market under his (the importer's) own brand/name and CE-number, the importer has the

responsibility as described in Article 4 of the Ecodesign Directive. If a different importer imports the technically identical product to the EU and places it on the EU market under a different name and CE-number, he also has the obligations of the importer in accordance with Article 4?

(4) Answer on importer versus brand owner

Article 4 of the Ecodesign Directive 2009/125/EC stipulates the responsibilities of the importer: Where the manufacturer is not established within the EEA and in the absence of an authorized representative, the importer has the obligation to ensure that the product from a third country placed on the single market and/or put into service complies with the Ecodesign Directive and the applicable implementing measure(s) and to keep and make available the EC declaration of conformity and the technical documentation. Thus, any importer (regardless if Danish or "different") should require formal assurance in writing from the manufacturer (in the "Far East") with regard to the compliance of the product, the EC declaration of conformity and the technical documentation. The EC declaration of conformity must contain the name of the manufacturer (from the "Far East") and a description of the product sufficient for its unambiguous identification (product name, type or model number, and any relevant supplementary information, such as lot, batch or serial number, sources and numbers of items).

However, placing on the market is considered not to take place where the product is transferred to a manufacturer for further measures (for example assembling, packaging, processing or labeling). Using own brands or different product names, type or model numbers should be considered as "labeling". In that case, the importer/brand owner (regardless if Danish or "different") will be considered to be the manufacturer, as the product will be made available on the market under his name or trademark. So he will have to fulfill all the obligations of the manufacturer, namely the responsibility for the conformity of the product to the applicable implementing measures, for affixing the CE marking and for issuing the EC declaration of conformity and technical documentation.

NB: There is no CE number, only a CE marking according to Annex III of the Ecodesign Directive.

(5) Question on technical documentation

Most documents that a market surveillance authority receives from companies when asked for the "technical documentation" are no more than test rapport. Several market surveillance authorities have the same experience. However, the technical documentation should comprise more and the market surveillance authority has informed the companies that were visited about the requirements (as mentioned in the directive and regulations).

(5) Answer on technical documentation

A technical documentation should make possible an assessment of the conformity of the product with the requirements of the applicable implementing measure under the Ecodesign Directive 2009/125/EC and must be compiled by the manufacturer or his authorized

representative. The technical documentation cannot be a test report only but must contain, in particular:

- a general description of the product and of its intended use;
- the results of relevant environmental assessment studies carried out by the manufacturer, and/or references to environmental assessment literature or case studies, which are used by the manufacturer in evaluating, documenting and determining product design solutions; (NB: only relevant for generic requirements)
- the ecological profile, where required by the implementing measure; (NB: not required so far by any implementing measure)
- a list of the appropriate standards referred to in Article 10 of the Ecodesign Directive, applied in full or in part, and a description of the solutions adopted to meet the requirements of the applicable implementing measure where the standards referred to in Article 10 have not been applied or where those standards do not cover entirely the requirements of the applicable implementing measure;
- a copy of the product information concerning the environmental design aspects of the product set out in the applicable implementing measure; and
- the results of measurements on the ecodesign requirements carried out, including details of the conformity of these measurements as compared with the ecodesign requirements set out in the applicable implementing measure.

(6) Question on justification for inspection by market surveillance

Member States shall regard a product bearing the CE marking referred to in Article 5 as conforming to the relevant provisions of the applicable implementing measure.

Can be concluded that a documented suspicion is necessary to justify an inspection by market surveillance?

(6) Answer on justification for inspection by market surveillance

No. Article 9.1 applies to the free movement of goods and does not restrict CE-marked goods from entering the market. Member States shall take proportional action to ensure that products placed in the market are in conformity with applicable legislation. Random inspections are covered by this provision.

(7) Question on conformity with ecodesign and ecolabel criteria

Products which have been awarded such other ecolabels shall be presumed to comply with the ecodesign requirements of the applicable implementing measure, in so far as those requirements are met by that ecolabel.

Please give the exact difference of the procedures market surveillance authorities shall follow for selection and inspection of a product with ecolabels as opposed to a product with CE marking only. We would need this for our quality management handbook.

(7) Answer on conformity with ecodesign and ecolabel criteria

Product documentation could be used twice to declare compliance with either an ecolabel or an ecodesign requirement, if they are similar. In any case, generally speaking, conformity with ecolabel requirements does not presume conformity with ecodesign requirements more than the CE marking does

(8) Question on conformity in the case of sale of marketing rights of a trademark

Who is responsible for product conformity if a company sells the marketing rights of a trade mark?

(8) Answer on conformity in the case of sale of marketing rights of a trademark

The market surveillance authorities' opinion is that the obligations of the applicable ecodesign regulations have to be fulfilled by the first marketer – in this case the licensee.

(9) Question on compliance testing

What is to be done when the verification procedure for market surveillance checks can not be carried out due to the fact that required input parameters are not attained by the product? E.g. an external power supply is unable to deliver 100% nameplate output power. Thus, the average active efficiency can not be determined, which is the Ecodesign requirement to be checked.

(9) Answer on compliance testing

Manufacturers should ensure that its product is manufactured in compliance with the design specification described in the technical documentation file (products should be compliant with the technical documentation files and never the opposite).

If a product does not comply with the design specification described in the technical documentation, the market surveillance authority should apply provisions of the safeguard procedure specified in Article 7 of the Ecodesign Directive 2009/125/EC.

Please note that not in every case of the non-compliance, the market surveillance authorities should adopt the measure 'prohibition of the placing on the market'. The procedure stipulated in Article 7 of Directive 2009/125/EC should be followed.

(11) Question on renaming of a product

If the product is non-compliant and the supplier is told to make his product compliant and he instead chooses to give the product a new commercial code, is it then possible for us to take some kind of action?

(11) Answer on renaming of a product

Yes, the legislation says that the product has to be made compliant regardless of the existence of a new commercial code.

(12) Question on sanctions for non-submission of technical documentation

It is the Danish Energy Agency's interpretation that, if a supplier/manufacturer fails to make the technical documentation and declaration of conformity in case of ED available to the market surveillance authority upon request, as required under Article 5 (c) of the ELD, respectively Article 8 (3) of the ED, the market surveillance authority can, in accordance with Article 3 (2) of the ELD, respectively Article 7 (1) of the ED, taking into account the principle of proportionality, prohibit the placing on the market of further units of the product or make a decision to withdraw the product from the market, until the supplier/manufacturer submits the requested documentation. Can the Commission confirm this?

(12) Answer on sanctions for non submission of technical documentation

The Commission can confirm that this interpretation is correct.

(13) Question on dealing with test reports from accredited laboratories with different results

Article 19 (1) of Regulation (EC) No 765/2008 states:

Where economic operators present test reports or certificates attesting conformity issued by an accredited conformity assessment body, market surveillance authorities shall take due account of such reports or certificates. What lies in the obligation "take due account"?

The main rule should be that it is the test report produced by the market surveillance authority (MSA) for market surveillance purpose that prevails in case of non-correlation with another test report from a laboratory submitted by the supplier/manufacturer, if the lab of the market surveillance authority is accredited. Whether the lab used by the manufacturer is accredited or not should not alter this principle.

Can the Commission confirm, that the results from tests carried out by MSA at accredited labs as part of markets surveillance should as a main rule prevail over test results from laboratories chosen by the manufacturer?

Could an alternative be that the Commission administrate and publish an up-to-date list of accredited conformity assessment bodies which reports should automatically be accepted by the Member States surveillance authority? This option would of course, be less costly for the MS.

(13) Answer on dealing with test reports from accredited laboratories with different results

Article 19(1) indicates that a MSA should look into the evidence provided by economic operators issued by an accredited conformity assessment body. Taking into account these reports or certificates does not mean that in its final assessment the MSA could not reach a different conclusion. The economic operator will have the possibility to challenge the MSA decision once adopted (see also Article 21(2) of Regulation 765).

The Commission does not see the relevance of maintaining a list with accredited conformity assessment bodies as the latter anyway normally present themselves as accredited on the basis of a certificate granted by the national accreditation body (there is only one of them per Member State) and those accreditation bodies already have on their website a list of accredited conformity assessment bodies.

(14) Question on the obligations on technical documentation

Frequently Asked Questions (FAQ) on the Ecodesign Directive and its Implementing Regulations

According to the Ecodesign Directive the manufacturer or authorised representative is obligated to submit the technical documentation upon request (Article 8(3) of the Ecodesign Directive).

According to Regulation (EC) No 765/2008 of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (Regulation 765/2008), market surveillance also apply to products imported from countries within the Community market.

Article 19(1) of Regulation 765/2008 thus provides:

“Market surveillance authorities may require economic operators to make such documentation and information available as appear to them to be necessary for the purpose of carrying out their activities, and, where it is necessary and justified, enter the premises of economic operators and take the necessary samples of products. They may destroy or otherwise render inoperable products presenting a serious risk where they deem it necessary.”

The definition of economic operator is, see Article 2(7):

"economic operators" shall mean the manufacturer, the authorised representative, the importer and the distributor

The definition of distributor is, see Article 2(7):

"distributor" shall mean any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market

(14) Answer on the obligations on technical documentation

The obligation to keep (and present upon request) the technical documentation lies with the economic operator which places a product on the market or that puts it into service, regardless of where the product is imported from.

(15) Set of questions on enforcement actions against national economic operators

Article 3(2) of the Energy Labelling Directive provides:

“Where a Member State ascertains that a product does not comply with all the relevant requirements set out in this Directive and its delegated acts for the label and the fiche, the supplier shall be obliged to make the product compliant with those requirements under effective and proportionate conditions imposed by the Member State.

Where there is sufficient evidence that a product may be non-compliant, the Member State concerned shall take the necessary preventive measures and measures aimed at ensuring compliance within a precise time-frame, taking into account the damage caused.

Where non-compliance continues, the Member State concerned shall take a decision restricting or prohibiting the placing on the market and/or putting into service of the product in question or ensuring that it is withdrawn from the market. In cases of withdrawal of the product from the market or prohibition on placing the product on the market, the Commission and the other Member States shall be immediately informed.”

Article 7(1) of the Ecodesign Directive provides:

“Where a Member State ascertains that a product bearing the CE marking referred to in Article 5 and used in accordance with its intended use does not comply with all the relevant provisions of the applicable implementing measure, the manufacturer or its authorised representative shall be obliged to make the product comply with the provisions of the

applicable implementing measure and/or with the CE marking and to end the infringement under conditions imposed by the Member State.

Where there is sufficient evidence that a product might be non-compliant, the Member State shall take the necessary measures which, depending on the gravity of the non-compliance, can go as far as the prohibition of the placing on the market of the product until compliance is established.

Where non-compliance continues, the Member State shall take a decision restricting or prohibiting the placing on the market and/or putting into service of the product in question or ensure that it is withdrawn from the market.”

In cases of prohibition or withdrawal from the market, the Commission and the other Member States shall be immediately informed thereof.”

(a) The Nordic countries’ understanding of these provisions is that a decision to prohibit the placing of the market (here “prohibition of the placing on the market “also refer to later stages in the distribution chain) can be directed towards a national distributor or economic operator, even though the supplier/manufacturer/authorised representative or importer is situated in another Member State. This is also in line with what is stipulated in Regulation (EC) No 765/2008. Is this interpretation correct?

(b) Are MSAs obliged to, before issuing a national sales ban, to contact the responsible company in the other MS and inform of the result of verification procedure?

The spirit of the applicable Article 19(3) of Regulation 765/2008 is that information about restrictive measures should flow across the supply chain and therefore national market surveillance authorities should make an effort to keep manufacturers/importers in another Member State informed.

(c) When and how shall the Commission and the MS be informed of a decision of prohibition of withdrawal from the market?

(15) Answers on enforcement actions against national economic operators

(a) Decisions prohibiting or restricting the placing in the market of a product can indeed be directed towards a national distributor or economic operator, even though the importer/manufacturer is situated in another Member State.

(b) The spirit of the applicable Article 19(3) of Regulation 765/2008 is that information about restrictive measures should flow across the supply chain and therefore national market surveillance authorities should make an effort to keep manufacturers/importers in another Member State informed.

(c) Article 7 stipulates that the Member States shall inform the Commission and other Member States immediately of any decision pursuant to paragraph 1 (of Article 7).

Commission Regulation (EC) No 642/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for televisions

(1) Question on second tuners (and label regulation 1062/2010)

When does a TV have a second tuner? Do those have to be physically separate electronics or are they “two tuners” when one part of circuitry acts as a “double tuner” providing the same service (able to decode two streams of TV broadcast).

(1) Answer on second tuners (and label regulation 1062/2010)

Because of their functionality, double tuners should qualify for a higher basic power consumption of 24 Watts, as specified in the energy labelling Regulation 1062/2010.

(2) Question on criterion for auto power down

Annex I requires automatic power-down for all televisions and monitors since 20 August 2011. The power-down function on simple monitors seems to be senseless because there is no user interaction resetting the power-down time. (On televisions one can expect channel selection or volume change while the TV is in use.). Is the time after last user interaction the correct criterion for auto power down of TV monitors?

In the opinion of the market surveillance authorities, the text does specify this point for TV monitors. It could be an annoyance for TV monitors used in continuous display functions (TVs in fitness clubs, hotel lobbies, bars, restaurants...) where no user interaction is expected but the display function is nevertheless needed for long periods of time. Users in this field would simply deactivate APD, possibly keeping the monitor always on. The Commission should consider excluding monitors from this requirement or defining an appropriate requirement for monitors, e.g. APD after missing video signal for some time in the revision of the regulation.

(2) Answer on criterion for auto power down

The Commission is aware of the issue of Auto Power Down (APD). In the revision process a requirement will be considered that would allow APD to be deactivated by users in the case of monitors that need to operate for longer period of time than 4 hours (e.g. in the case of public displays).

(3a) Question on guidelines accompanying the revised Commission Regulation (EC) No 642/2009 Standby conditions and requirements (NL/LG)

Does Regulation EC/642/2009 apply to standby conditions other than what is provided as a default standby setting by the television when put on the market?

(3a) Answer on guidelines accompanying the revised Commission Regulation (EC) No 642/2009 Standby conditions and requirements (NL/LG)

No, the requirements from Commission Regulation (EC) No 642/2009 apply to the conditions in which the product is placed on the market. Therefore, as long as the product is placed on the market with a compliant default standby condition, the product should be considered

compliant. Other standby conditions offered by the product, which are disabled by default but can be enabled by the user according to his or her preference, are not covered by the standby requirement.

(3b) Question on reactivation function

Does a reactivation function by means other than Infrared or Radio-Frequency sensor or timer, providing additional functionalities such as voice recognition, presence sensing, qualify as a standby-mode condition?

(3b) Answer on reactivation function

No, these reactivation functions provide an extra functionality other than simple reactivation by allowing a direct interface between a user and a device to be reactivated without a separate intermediate device such as a remote control, thereby facilitating easier accessibility to the device. In addition, these functions rely on advanced internal sensors such as microphones, cameras, etc, which are different from infrared or Radio-Frequency sensors or timers in their technical configurations.

Commission Regulation (EC) No 641/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products

Commission Regulation (EU) No 622/2012 of 11 July 2012 amending Regulation (EC) No 641/2009 with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products (1)

(1) Question on standalone versus integrated circulator

A Market Surveillance Authority has been asked how to define a standalone circulator vis-à-vis an integrated circulator. In equipment installed in buildings for using district heating the difference between stand-alone and integrated circulators is not as obvious as it is in the case of boilers.

Taken the definition of a standalone circulator into consideration, the Market Surveillance Authority's opinion is that it is not the physical location of the circulator that determines whether it shall be treated as standalone; only if it can be operated independently of (the rest of) the product that generates or transfers heat in the building, is it to be considered as a standalone circulator. If the circulator and (the rest of) the system have a shared control, then the circulator is to be considered as integrated.

(1) Answer on standalone versus integrated circulator:

The Commission services and other Market Surveillance Authorities agree to this view.

(2) Question on circulator used with a different profile

A circulator is used in a completely different profile, but still meant to be connected to a heating system. Does it have to fulfill the requirements?

The product in question is technically similar to an integrated circulator but has a different usage pattern. It moves hot water from a heating system buffer tank through a heat exchanger for heating sanitary water. It can be in part load as low as 1% of rated flow for most of the time and has to react quickly to demand (water draw-off). This use pattern is incompatible to the one used for heating circuits, which defines the efficiency required in the regulation.

(2) Answer on circulator used with a different profile

According to Article 2.1, 'circulator' means an impeller pump which has the rated hydraulic output power between 1 W and 2 500 W and is designed for use in heating systems or in secondary circuits of cooling distribution systems.

According to the description provided, the circuit where the circulator is being used is cannot be considered as a "heating system" and in consequence the product used is not covered by Regulation 641/2009.

(3) Question on circulators integrated in other products

In accordance with Article 1, Point 2, the Regulation shall not apply to circulators integrated in products, placed on the market no later than 1 January 2020 as replacement for identical circulators integrated in products placed on the market on later than 1 August 2015

The issue is how to prove specification of these products for replacement as integrated for market surveillance. The Czech supplier, which is responsible to keep stored circulators for replacement suggests to deliver such products to stores determined as integrated replacement into the products supplied before. This would be check pursuant to the invoice for previous supply assembled product.

(3) Answer on circulator integrated in other products

According to Article 1 2(b), for circulators integrated in products and placed on the market as replacement for other circulators integrated in products, the replacement product or its packaging must clearly indicate the product(s) for which it is intended.

In consequence, after 1 August 2015 all circulators placed on the market must meet the efficiency levels or must indicate on the products or on the packaging that it is a replacement circulator and the product(s) for which it is intended. The indication of the intended product can normally already be expected to give (approximate) information on when that product was placed on the market.

Commission Regulation (EC) No 640/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for electric motors

(1) Question on motors used in means of transport:

Article 1 (3) of the Ecodesign Directive states that the Directive does not apply for means for transport for persons or goods. The Commission has in the early stage of the ecodesign process informed Member States that it considers lifts, conveyor belts and other stationary transport machinery to be included in the scope of the Directive.

A Market Surveillance Authority has been asked whether the motor regulation applies for motors onboard ships. Apart from those circumstances where special safety regulations (e.g. IMO-regulations or regulations related to a hazardous (e.g. explosive) environment) are applicable, electrical motors are often used in the same way on a ship as on shore, i.e. lifts, compressed air equipment, conveyor belts etc. In these cases the electrical motor does not contribute to the movement of the ship and is therefore not a means of transport.

(1) Answer on motors used in means of transport:

Article 1 (3) of the Ecodesign Directive stipulates that the Directive does not apply to means of transport for persons or goods. It follows that an implementing Regulation should not apply to products that are designed only for use in a means of transport for persons or goods (for example, electric motors designed only for use on a ship). However, if the same product is designed for use in a means of transport for persons or goods and for a non-transport use, it should comply with all relevant requirements of the applicable implementing measure (for example, standard electric motors designed for use in conveyor belts on ships and for use in conveyor belts in manufacturing assembly lines).

On the other hand, the question if the product itself contributes to the movement of the means of transport for persons or goods is not relevant (for example, car tyres, car radios or car seats could not be covered by an Ecodesign implementing measure as designed only for use in a means of transport for persons or goods).

(2) Question on motors out of scope by using a slight different temperature or elevation range

What if a manufacturer claims his motor is not in scope by using a slightly broader temperature or elevation range? Example: A standard motor that would normally be in scope would be marketed for temperatures up to 45°C or elevations up to 1500 m. The Product is not different in any way. This issue has been brought up by manufacturers who see it being used by their competitors.

(2) Answer on motors out of scope by using a slight different temperature or elevation range

Indeed, only motors that are specifically designed to operate beyond these temperatures are excluded, otherwise the regulation would not make sense.

(3) Question on the obligation to check the veracity of a supplier's CE-marking

If I purchase a CE marked product from a supplier to integrate into my own product where the product from the supplier is not directly an energy-related product, but it could contain one (for example a compressor might include a motor in scope of 2005/32/EC). Do I have any obligation to check the veracity of the supplier's CE-marking, particularly with regard to ErP implementing measures? And would I have any responsibility for implementing measure criteria?

(3) Answer on the obligation to check the veracity of a supplier's CE-marking

A company incorporating a CE marked appliance (e.g. a motor) into its product (e.g. a chiller) may rely on the CE marking of that product (in combination with its declaration of conformity) to represent that the manufacturer, importer or authorised representative of the appliance (motor) has fulfilled all relevant CE marking obligations.

(4) Question on motors completely integrated into another product

Clarification is requested from the Commission on what is the meaning of "Motors completely integrated into a product (for example gear, pump, fan or compressor) of which the energy performance cannot be tested independently from the product" and does the Commission plan to publish guidance in relation to this regulation?

(4) Answer on motors completely integrated into another product

Indeed, Article 1 foresees that the Regulation shall not apply to motors that are built into another product of which the energy performance cannot be tested independently from that of the larger product (e.g. a motor integrated in a compressor). There are no plans for the Commission to publish guidance in relation to this regulation. CEMEP has produced a publicly guide on Regulation 640/2009.

(5) Question on replacement of integrated electric motors

From 16.June 2011 electric motors (EM) placed on the market shall not be less efficient than the IE2 efficiency level in accordance with Annex 1 point 1.

Czech EM manufacturer supplying saw machine producer with EM 75 kW specially designed with reduced frame (chassis), compared with standard size EM, and due to lack of space in last 20 years produced saws.

Saw machine producer is designing new machine size suitable for standard IE2 EM. The issue is replacement in old equipments where standard IE2 EM can't be integrated due to space reasons. The EM manufacturer is not able to produce special reduced frame EM in IE2. The question: Can EM manufacturer place on the marked EM in IE1 efficiency level with reduced frame only for replacement in old saw machines after 16. June 2011, in low number of pieces?

(5) Answer on replacement of integrated electric motors

Indeed, the Commission Regulation (EC) No 640/2009 do not allow the placing on the market or putting into service of motors less efficient than IE2 after 16 June 2011.

Commission Regulation (EC) No 643/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for household refrigerating appliances

(1) Question on information requirements in manuals

For refrigerators and a few other products its demand for information in the booklet provided by manufacturers. For example in 643/2009, Annex II, the booklet should provide information regarding “how to minimise the energy consumption of the household refrigerating appliance in the use-phase”. When performing market surveillance, how should this be measured? Is it sufficient if the manual just states that the back of the fridge should be vacuum cleaned once a year or is there some kind of list to be fulfilled?

(1) Answer on information requirements in manuals

Manuals should provide relevant guidance in their documentation on minimising the energy consumption of a given product. It would be useful to ask CECED to produce guidance for users.

Commission Regulation (EC) No 278/2009 of 06 April 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for no-load condition electric power consumption and average active efficiency of external power supplies

(1) Question on trade-offs between no-load condition power consumption and average active efficiency

In some cases a device is almost always on (telecommunications, alarm systems etc.) and its power supply therefore has to be as efficient as possible. Some manufacturers have the choice between a power supply that does just about reach the values in the regulation and another one that is significantly more efficient (94 v. 84%) but has more than 0.5W no-load power consumption. These manufacturers claim that their solution does in fact save energy as the no-load case seldom appears and the higher on-mode efficiency over-compensates any no-load losses.

(1) Answer on trade-offs between no-load condition power consumption and average active efficiency

The regulation considers no-load condition power consumption and average active efficiency without the possibility of having trade-offs between them. If justified, future revisions of the Regulation could address this point.

(2) Question on power supplies sold as accessories of products not in scope

2.1 Are universal power supplies within scope, if sold as accessory to products not in scope of commission regulation (EC) No 1275/2008?

2.2 In case a product is sold together with the power supply only (one set, one price), the power supply will be out of scope if the product is not listed in Annex I of commission regulation (EC) No 1275/2008.

(2) Answer on power supplies sold as accessories of products not in scope

2.1 No. The market surveillance authority's opinion is that power supplies with standard connectors are within the scope only if they can be bought and used by the end-user independently of the product and all the elements of the 'external power supply' definition are met. Power supplies intended only for use with a product not in scope of 1275/2008 are not in scope of 278/2009, even if sold separately, but the intended use must be clearly stated.

2.2 Regulation 278/2009 applies to appliances which meet the definition of 'external power supply' provided in Article 2(1) of the Regulation and in particular:

- are intended to be used with a separate device (that constitutes a primary load),
- are contained in a physical enclosure separate from that device,
- are intended for use with the equipment as referred to in Article 2(1) of Regulation (EC) No 1275/2008.

If no intended use is declared and the power supply meets the technical definition, it is considered to be in scope.

(3) Question regarding rechargeable battery powered devices with detachable rechargeable battery (DE 9)

Market surveillance authorities have found household equipment with a rechargeable battery that can either be charged while inside the device or when detached from the device. The device can be mains-operated too. An external power supply is used for charging and/or operating the device. The external power supply is connected directly to the rechargeable battery, even if the device is mains-operated.

Commission Regulation (EC) No 278/2009 excludes battery chargers from the scope, if they are directly connected to detachable batteries. Are such devices within scope of the regulation?

(3) Question regarding rechargeable battery powered devices with detachable rechargeable battery (DE 9)

It is not entirely clear to what kind of device the question refers to. In any case, it is clear that all operating conditions need to be specified in the technical documentation and that those parts of the devices that are regulated should also meet the requirements of the regulation 1275/2008. The household equipment that is charged through an external power supply should meet the 1275/2008 requirements (unless it is a low voltage-power supply). The batteries would be taken out for the measurements. The function of the battery charger does not imply that the other functions are not subject to the regulations.

Commission Regulation (EC) No 244/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for non-directional household lamps

(1) Question on tolerances:

A Market Surveillance Authority has tested different brands of compact fluorescent lamps (CFLs) through an accredited lab for a number of the functionality requirements laid out in the Regulation's table 4, Annex II. Results show that the number of switching cycles is seemingly a weak point in many of the cheaper models. Combining the requirements for number of switching cycles with the Regulation's tolerance level of 10% (Annex III), gives rise to the following considerations:

The Regulation differentiates between whether a lamp's starting time is below or above 0.3 seconds. If the starting time is below, the lamp is allowed to fulfill only half the number of the switching cycles generally required otherwise. Applying this requires a clear definition of the term 'starting time' (see below). Does the 10% margin apply here too? If it does, then there is given a double tolerance margin; once for the starting time value, and once for the measured number of switching cycles. Is this correct and the intention of the Regulation?

Similar matters of distinction between requirement values are found both in table 3 and in table 4, and similar questions can be asked here:

In table 4:

- Starting time (Stage 5)
- Lamp power factor

In table 3 the following requirements are listed:

- non-clear lamp with colour rendering index • 90 and $P \bullet 0,5 * (0,88 \bullet +0,049 \bullet)$
- discharge lamp with colour rendering index • 90 and $T_c \bullet 5\ 000\ K$

In the matter of colour rendering index (minimum requirement of 80) it is also suggestive to ask whether it is reasonable to allow for such a high tolerance level as 10%, as this for some lamps can result in only having to fulfil a colour rendering index of merely 72.

How should the lamp start time be measured? According to the text, the lamp has to achieve a stable light emission; what would be the precise definition of a stable light emission? In the definition (Annex I) it is stated that lamp start time is the time needed after the supply voltage is switched on, for the lamp to start fully and remain alight, but this is an imprecise definition.

(1) Answer on tolerances:

The Regulation is drafted in such a way that the 10% tolerance is applicable to all parameters. Manufacturers should avoid placing on the market products that approach the lower limits of the tolerance on a given parameter, as some laboratories might have equipment that will show them as non-compliant. The purpose of the tolerance is to avoid such situations, not to provide a means to escape compliance with the actual requirements. In any case, if the tolerance value proves to cause problems in forthcoming years, it can be the topic for the revision of the Regulation.

As for the precise definition of a lamp that has "started fully and remains alight", the applicable definition in the Regulation replicates the wording of existing EN standards for fluorescent lamps. If it is necessary to define more precisely what "starting fully" and "remaining alight" mean for the measurement of the lamp start time, such a request could be included in the draft mandate to be given to the European Standardisation Organisations.

(2) Question on lamps marketed for different purposes (heating)

Would a lamp that is marketed for a different purpose (heating) but is technically an incandescent lamp be in scope? See enforcement case and safeguard clause against "Heatballs". The same lamp can be marketed as a special lamp (shock resistant) with correct information displayed.

We see such lamp as still being a lamp and it should be called a special lamp if it is needed on the market. In that case, even if the purpose "heating" is debatable it still has to be marked as not suitable for room illumination and has to carry the product information required for a lamp.

(2) Answer on lamps marketed for different purposes (heating)

This view is correct. Just because it is labelled to provide a different service, the same non-compliant product does not become compliant (e.g. a fridge is not exempted from minimum requirements for fridges if it is marketed as an "illuminated cupboard" with cooling as an unintended side-effect). So "heatballs" have to comply with Regulation 244/2009, as they are the same products as incandescent bulbs: the manufacturer himself recommends to use them in existing lampholders. However, in compliance with the Regulation, "heatballs" would still be allowed on the market if they displayed on the packaging that they are not suitable for room illumination, as it is the case for the other special purpose incandescent bulbs such as oven lamps or rough service lamps.

(3) Question on flame bulbs with impact-resistant glass and spotlight bulbs

Special purpose bulbs are exempt from the lighting regulation. However, under this heading "flame bulbs" with impact-resistant glass and "spotlight bulbs" of 100W are still sold in The Netherlands. Regulation 2009/244/EC defines special purpose lamp in Article 1, under 4 as follows: 'special purpose lamp' means a lamp not intended for household room illumination because of its technical parameters or because the related product information indicates that it is unsuitable for household room illumination. And in Article 3 under 3 the technical documentation file drawn up for the purposes of conformity assessment pursuant to Article 8 of Directive 2005/32/EC shall list the technical parameters (if any) that make the lamp design specific for the special purpose indicated on the packaging.

So the combination of these articles requires that the manufacturer provides a technical "explanation" if any why the lamp is a special purpose lamp. The words if any imply that even if there is no technical explanation, 100W lamps can still be sold, as long as it is indicated that they are special purpose lamps.

Question: do the various MSAs interpret this in the same manner?

(3) Answer on flame bulbs with impact-resistant glass and spotlight bulbs

Indeed, a “flame bulb” with impact-resistant glass has a technical parameter (impact-resistance of the glass) which makes the lamp design specific for the special purpose indicated on the packaging. Therefore the technical documentation file has to list that parameter, otherwise the bulb is not compliant with the Regulation.

Spotlight bulbs are directional lamps, and as such are entirely excluded from the scope of the non-directional lamps regulation by Article 1(b) and Article 2(5) (even the “special purpose claim” is not required, as it would not be justified for these lamps that are general lighting lamps). An upcoming ecodesign regulation will set requirements on directional lamps.

(4) Question on make your own lamp kit

In Sweden there is a halogen “energy saving” lamp sold along with a G9 adaptor. Let’s say it’s compliant with the ecodesign regulations. It’s even sold an “adaptor Cover” to make the halogen lamp look like a frosted light bulb. Would this be compliant, and if not, who is responsible, is it the consumer that actually has put the product on the market by mounting the two parts together?



Pictures for question SE2

Question: do the various MSAs interpret this in the same manner?

(4) Answer on make your own lamp kit

The following items are placed on the market separately by the manufacturer or importer. Of the three, only the halogen capsule falls within the scope of Ecodesign Regulation 244/2009. The user who puts into service the halogen capsule does not alter its performance parameters by modifying the product itself, so continued compliance is ensured at the stage of putting into service. The requirements of the Regulation do not cover the obstacles altering the light of the capsule where it is installed (it could be a luminaries optical system or the outer “adaptor cover” depicted above). Therefore, when sold separately, neither of the kit's elements are deemed to be in contradiction with the requirements of Regulation 244/2009.

(5) Question on measuring the lifetime of a lamp model for conformity assessment

How is the lifetime of a lamp model measured for conformity assessment with this regulation (also relevant for labelling directive 98/11)?

The measurement standard defines the following method:

a) Lamp lifetime is the time after which half of the lamps in a sample (10 of 20 lamps) have failed. The test is finished at that time.

The wording “average results of the batch” in the second paragraph of annex III has led some manufacturers to assume that a different method can be used:

b) Testing the lamps until the whole batch has failed and taking the average of the time each of the lamps lasted as lifetime of the lamp model.

Methods a and b can give different results, also b is more time-consuming because it has to be done until the last lamp has failed.

The opinion of the market surveillance authority is that method a is correct for the following reasons:

- It is described in the standard.
- The term “average” is not applicable to the lifetime test, because the sample size (20 lamps) already leads to averaging of the lifetimes of individual lamps.
- The test therefore is done once on “one batch of 20 lamps” with one result, not 20 times on one individual lamp each.
- Method b could result in consumer disappointment because for a batch of 19 lamps failing very early and one very robust specimen one would still be able to claim a reasonable lifetime, this is not possible with method a.

(5) Answer on measuring the lifetime of a lamp model for conformity assessment

The assumption made is right and the method described in a) is the correct one. Furthermore, the lamp survival factor of X per cent would not make sense with method b) where an average time is calculated.

While the lamp survival factor is used directly for compact fluorescent lamp lifetime requirements, for other lamps (e.g. halogens) the requirement is expressed differently (as rated lamp lifetime in hours). Fortunately, the lamp lifetime definition in Annex I.d also builds on the lamp survival factor, so the same argument can be made also for other lamps.

Further, the same Annex III recommends the use of measurement methods set out in European standards, which, as pointed out use method a).

(7a) Question on product information on the packaging – luminous flux value

Market surveillance has found product packaging with nominal luminous flux differing about 10% from the rated value printed in the technical product documentation. Consumers are therefore being misled. Market surveillance has to accept the products due to the 10% range. This can be considered as a loophole in the regulation, as the nominal value luminous should not be higher than the rated luminous flux. The nominal life time information requirement is already implemented this way (Annex II, 3.1. b).

(7a) Answer on product information on the packaging – luminous flux value

The idea in the regulation was that standardized categories of nominal luminous fluxes would spontaneously emerge in the process, the same way as it happened with wattages (25W, 40W, 60W etc). For this, some flexibility is obviously needed between rated and nominal luminous

fluxes. However, the spontaneous standardization does not seem to have happened. If the 10% tolerance is used only to claim higher fluxes than the reality, which in addition do not correspond to any user-friendly categorisation, the abuse has to be stopped. It needs to be considered in any case that a 10% difference in luminous flux is hardly perceptible to the users.

(7b) Question on product information on the packaging – font sizes

Market surveillance has found products with lamp power shown in prominent sizes outside the energy label on e.g. three visible package sides. The luminous flux instead was shown only at the back or bottom side in double size compared to the very small lamp power information on the back side of the packaging. Consumers are being misled. This can be considered as a loophole, because the requirements are not defined clearly enough.

(7b) Answer on product information on the packaging – font sizes

The requirements are formulated clearly enough. The luminous flux has to be displayed in double the size of the power display outside the label. The requirement applies to the packaging as a whole and thus the fact that there are power displays larger than the flux display make the packaging non-compliant.

Commission Regulation (EC) No 245/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps, and repealing Directive 2000/55/EC of the European Parliament and of the Council

(1) Question on LED-fluorescent in regular armatures

We know that it may not be sufficient to rebuild an armature to fit other kinds of fluorescents. The armature is compliant only with a regular fluorescent.

The question is however if it would be compliant to put an LED-fluorescent in an armature where the origin ballast still is used to light the LED-fluorescent. The armature isn't rebuilt in any way, it's just another kind of fluorescent.

(1) Answer on LED-fluorescent in regular armatures

The issue of retro-fitting is being discussed as part of the future regulation on directional lamps.

(2) Question on compliance when changing a product

Who is responsible for the compliance when changing a product?

Some companies are selling lamps, especially LED to be fitted into an armature that is suited for a fluorescent lamp. The armature is compliant with the CE-regulation with the fluorescent lamp. Who is responsible for that the armature isn't compliant anymore with the use of another lamp? And who should give the proper information about the risk of, so to speak, build a new product?

(2) Answer on compliance when changing a product

The luminaire has to comply with the requirements of Commission Regulation 245/2009 on the ecodesign of (among others) fluorescent luminaires when it is placed on the market. The scope of Ecodesign does not extend beyond that point. Safety-related issues are to be addressed within the LVD ADCO, who already deal with LED tubes. Page 15 of the blue guide also provides relevant information.

(3) Question on compatibility with magnetic ballasts

Page 36 of the regulation states:

B. Second stage requirements

Three years after this Regulation comes into force:

Luminaires for fluorescent lamps without integrated ballast and for high intensity discharge lamps shall be compatible with ballasts complying with the third stage requirements, except luminaires with ingress protection grade at least IP4X.

The question is mainly about the word compatible. Does this mean that luminaire, which can be used with magnetic ballasts but also with ballasts complying with the third stage requirements, are ok?

Finnish manufacturer is making luminaires for TC-S-lamps (they have internal starter/charger), and the lamps require magnetic ballasts. However, the luminaires can be used with other ballasts too, but then the lamp also needs to be different. Some of their models have ingress protection grade IP4X or above, but some of them don't. Manufacturer want's to be sure that they can still make the luminaires that are below IP4X.

(3) Answer on compatibility with magnetic ballasts

Indeed, this is the meaning of the Regulation. Luminaires are allowed on the market if they are compatible with both magnetic and electronic ballasts, even if they are not IP4X or more.

Commission Regulation (EC) No 107/2009 of 4 February 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for complex set-top boxes.

(1) Question on set-top boxes and USB memory sticks

Is a Set Top Box that offers recording to an integrated disc but also to a USB memory stick in the scope of the regulation?

(1) Answer on set-top boxes and USB memory sticks

Regulation 107/2009 does not apply to devices which offer 'recording based on removable media in a standard library format'. USB sticks are considered to be removable media.

Commission Regulation (EC) No 1275/2008 of 17 December 2008 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for standby and off mode electric power consumption of electrical and electronic household and office equipment

(1) Question on audio products used in networks:

Since the standby requirements went into force a Market Surveillance Authority has experienced several attempts from manufacturers to define the standby mode of their audio product to be either network standby or at least some kind of non-standalone-standby.

Below are two examples:

1. A product which is designed and equipped to be part of a network is placed on the market as a single product, i.e. not as a part of a network. The particular product can be used together with audio products from other manufacturers without forming a network. The standby power consumption of this product exceeds 1 W, the network facility is always on and cannot be switched off neither by the end user nor by the dealer/installer. Should this product be considered to lie beyond the scope of regulation 1275/2008, even when it is sold as a standalone product and not as an element of a network?

2. An I-Pod docking station/loudspeaker has a power consumption exceeding 1W. The manufacturer claims that the product is not in a standby mode since it is searching for the item.

How should the products in the examples above be viewed in terms of the Regulation?

(1) Answer on audio products used in networks:

1. A product is in the scope of Regulation 1275/2008 when the criteria set out in its Article 2(1) are met, regardless of the marketing channel. As the product appears to be used together with consumer electronics products, it is likely that it falls into the scope of Regulation 1275/2008 too. Judging from the information given, there appears to be no reason why standby and/or off-mode would be inappropriate for the intended use of that product.

2. Judging from the information given, there appears to be no technical justification that standby/off-mode is inappropriate for the intended use of an iPod docking station. However, the "final judgement" should be based on the technical justification provided by the manufacturer.

(2) Question on appropriateness of off/standby mode:

Equipment that has a normal operation intended to be only plugged in during operation (such as an electric iron). Does an electric iron have to have an off switch or would Annex II (1.c) (inappropriate for intended use) be reasonable to apply to an iron?

Our view is as described below. Would this be a reasonable approach?

“Some products are intended to be plugged in, used and unplugged after use. The normal operational intent is for the equipment to be stored unplugged when not in use. Items such as steam irons have been historically manufactured typically without an off switch.

Regulation 1275/2008 states in annex II (1.c) "except where this is inappropriate for intended use". It would therefore be reasonable to suggest that under normal use an iron is plugged in for use and unplugged when not in use.

Therefore it would seem reasonable to apply the exception in Annex II (1c) to irons.

However, other household items such as sandwich makers, deep fat fryers, rice cookers, hair curlers and straighteners and steam cleaning products may be more of a challenge to apply the same argument where these products are concerned. Reviews of the market suggest a significant proportion of these items are manufactured with off switches and therefore there is an expectation at least for a proportion of the users for them to be plugged in and dormant.

Annex II (2d) sets power management requirements from 2013. This requires equipment to have a standby/power off mode or equivalent after an elapsed time of inactivity. Although the same "except where this is inappropriate for intended use" exists, it could be difficult to argue that if an iron is left on and not in use for an extended period it should not switch off. The same could apply to the other suggested items.

Therefore any application of Annex II (1.c) as an exclusion for steam irons is only short term because of the future more stringent requirements.”

(2) Answer on appropriateness of off/standby mode:

The appropriateness/inappropriateness of off/standby mode should be considered on a product-by-product basis on the basis of the technical justification for "inappropriateness for the intended use", if that "design option" is chosen. In order to come to a common view in ADCO anecdotal market data and examples of concrete technical justifications for "inappropriateness" could indeed be useful, in particular with a view to the review of the regulation, although a "market review" appears to be somewhat disproportionate. At this stage, however, the decision on the appropriateness/inappropriateness is to be taken by the manufacturer.

(3) Question on products with small power consumption:

Some simple products such as kettles have a clear mains disconnect by design. Annex II 3 suggests power consumption MUST be measured and reported with uncertainties. A Market Surveillance Authority has had an industry request enquiring whether they must pay for very simple items to be tested. The suggestion is that this may be in some situations an unnecessary burden adding little or no value. The Market Surveillance Authority has tested some sample items and recognised that these simple items have zero or close to zero off power.

The Market Surveillance Authority's view is as described below. Would this be a reasonable approach?

“Commission Regulation (EC) No 1275/2008 on Standby and off mode requires under Annex II 3 that the power consumption is measured and sets limits of the uncertainty of that

measurement. Annex II 4 requires the data and measurement method is included in the technical documentation file.

Some pieces of equipment have off switches that physically break the mains input (usually the live rail). Where the design is such that the equipment is isolated from live, has no residual operational function and the nature of the equipment is that any power loss would be undetectable when considering the uncertainties identified in Annex II 3. In these situations the risk of off power use would be very low and it would be appropriate not to test the equipment for off power but to declare a measurement based on design assessment.”

(3) Answer on products with small power consumption:

Annex II applies to any product falling under the Regulation, including kettles ("Other appliances for cooking and other processing of food", water is considered to be food.) That means also the power consumption of kettles has to be established according to Annex II, point 3, and the information has to be provided in the technical documentation file according to Annex II, point 4. The Regulation does not provide an exemption of Annex II for "simple" products or products with small power consumption.

However, according to preliminary results on standardisation mandate M/439, it may be appropriate to review the uncertainties set out in point 3 of Annex II.

(4) Question on electricity consumption of stereo players with digital clocks

In case there is a digital clock on a stereo player which is visible in the standby mode of that stereo player, may electricity consumption in standby mode exceed 1W?

A clock is considered to be information, so the energy consumption in standby mode may exceed 1W but shall not exceed 2W.

(4) Answer on electricity consumption of stereo players with digital clocks

This is an acceptable reading of the ecodesign requirements established in Regulation 1275/2008.

(5) Question on various products covered by Annex I

5.1 Are treadmills, cross-trainers and vibration platforms within scope?

5.2 Are sewing machines within the scope?

5.3 Are high-pressure cleaners within the scope?

5.4 Is a state of the device preparing active mode to be considered as standby? – An Example would be a washing machine prepared for running the programme but the start button has not been pressed.

(5) Answer on various products covered by Annex I

5.1 Such products are within the scope of the regulation even though they are medical devices according to council directive 93/42/EEC. The reason is that these products are used also in households and fitness studios. They are sold directly to end-users and can be found in Annex

I No 4 “Sports equipment with electric or electronic components”. If there were equipment with an additional special medical functionality that would make it impossible to send the equipment into standby/off, it might qualify for "inappropriate for the intended use".

5.2 Sewing machines are within the scope of the regulation. Annex I No 1 mentions “Other appliances for ... maintenance of clothes”. Sewing machines can be used for production and maintenance (repair, alteration) of clothes.

5.3 It would depend on whether they are non-household equipment; in that case they would be outside the scope. Further guidance is necessary whether this product group falls under the scope of the standby regulation, not referring to the categories in the ROHS and the WEEE Directives.

(6) Question on state preparing active mode

Is a state of the device preparing active mode to be considered as standby? – An Example would be a washing machine prepared for running the programme but the start button has not been pressed.

(6) Answer on state preparing active mode

No, this state does not correspond to a reactivation function in the sense of the regulation. It only occurs if consumers have forgotten to launch the active mode.

(7) Question on ecodesign requirements for household washing machines and standby

From the two Regulations (washing machines and standby), which requirements are applicable after 1st of December 2011? Specific ecodesign requirements are listed in Annex I point 2 paragraph (1) of Regulation 1015/2010 (standby).

(7) Answer on ecodesign requirements for household washing machines and standby

Both commission regulations, (EC) No 1275/2008 and (EU) No 1015/2010, are applicable. The declaration of conformity shall list both regulations.

(8) Question on whether electronic mixer taps are within scope

Are electronic mixer taps within the scope?

(8) Answer on whether electronic mixer taps are within scope

As water is not being mixed for food processing purposes (but for cleaning), mixer taps should not be considered within scope, as they do not fall under “other appliances for cooking and other processing of food”.

(9) Question on glandless standalone circulators

Are glandless standalone circulators (DE: “Umwälzpumpen”) for drinking water within the scope of regulation 1275?

(9) Answer on glandless standalone circulators

The primary purpose of glandless circulators is not the preparation/processing of food even if drinking water is used as a carrier. They are therefore outside the scope, regardless of whether they incorporate a time function or not.

(10) Question on video recorders for professional purposes

Are video recorders for professional purposes (security services) within the scope?

(10) Answer on video recorders for professional purposes

Video recorders belong to category 3 (consumer equipment). There are two possible cases:

a) There is technically a real difference vis-à-vis the consumer product and it is marketed as professional equipment: The video recorder for professional use would still be in the scope of regulation 1275/2008 but the manufacturer might have more right to claim that standby/off and the power management are "inappropriate for the intended use".

b) The product is technically identical but the users are different: The default setting would need to be compliant with 1275/2008. However, the (professional) users are able to change the settings.

(11) Question on Annex I and types of scales in scope

Regarding the scope of Annex I, are all types of scales covered by the regulation?

(11) Answer on Annex I and types of scales in scope

No, postal scales and precision scales are professional use and not typically used in a domestic environment. Therefore household scales such as bathroom scales are in scope but non-household scales are out of scope.

(11) Question on main function definition and CD players

Should a CD player automatically power-down if CD playing finished or if the CD is loaded into the device but playing is not started by the user?

(11) Answer on main function definition and CD players

Yes, the CD player should automatically power down.

(12) Question on audio amplifiers and automatic power down

Should an audio amplifier automatically power-down after appropriate time when there is no input signal any more?

(12) Answer on audio amplifiers and automatic power down

Yes, it should. (We know that at least oneIf a manufacturer might claim that an additional circuit can harm the audio quality for the more sophisticated devices, t. They would then need to prove that the power management is "inappropriate for the intended use")

(13) Question on coffee machines and automatic power down

Should a coffee machine automatically power-down after an appropriate time when brewing coffee is finished and warming the beverage timed out?

(13) Answer on coffee machines and automatic power down

It would seem to make sense to include such requirement through a forthcoming amendment on 1275/2008. Manufacturers of coffee machines are advised to start preparing already for this case.

(14) Question regarding Annex II and power management

The wording “When equipment is not providing the main function, or when other energy-using product(s) are not dependent on its functions, equipment shall, unless inappropriate for the intended use, offer a power management function [...]” can be interpreted ambiguous. If the “or” is meant logically, the equipment needs to switch off even the main function(s) (if appropriate, after reasonable time) in case no other energy-using-products depend on its function. E.g. coffee machines need to switch off the warming function after a certain time. (Still possible to define this is not appropriate, because coffee needs to be warmed forever?!) Other interpretation is that power management is required for two listed cases: a) main function is off or b) no other ErP rely on the product.

(14) Answer regarding Annex II and power management

It would seem to make sense the change the "or" by "and when", so that both conditions need to be fulfilled. This would be done through a forthcoming amendment of the networked standby regulation.

(15) Question regarding charging stations of tooth brushes

Is an inductive charging station of an electric tooth brush in state “off” or “standby” while the brush is removed from the charging station?

(15) Answer regarding charging stations of tooth brushes

The brush and the charging station form a functional unit. When the brush is removed from the charger there is no main function (no charge) provided by the charger for an infinite time. When the tooth brush is not being charged, the device must therefore meet the “standby/off”-mode requirements.

(16) Question on coffee machines

Are coffee machines within the scope for Standby, step 2? In that case, should they have a power down function after a specified time? There seems to be a problem with the percolator brewers due to high temperature.

(16) Answer on coffee machines

Yes, they are in the scope. A regulation amending the standby regulation that is in the planning for adoption in 2013 could specify the power management requirements for coffee

Frequently Asked Questions (FAQ) on the Ecodesign Directive and its Implementing Regulations

machines. In particular, it could introduce (besides ecodesign requirements for networked standby) specifications for the application of the power management requirements for coffee machines, i.e. specifying the delay time after which the coffee machines need to switch into standby/off.

Commission Regulation (EC) No 327/2011 of 30 March 2011 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for fans driven by motors with an electric input power between 125 W and 500 kW

(1) Set of questions on the relation between components and final assembly

The fan regulation has two calculation schemes, one for the complete fan (with motor and drive) and one for the rotor only (non-final-assembly). Also, a fan integrated in another product is affected by the regulation. This raises a number of questions in practice, regarding responsibility for the product.

The following scenarios are possible:

1. The complete fan with motor is placed on the market. In our view there has to be a DOC for regulation 327, and if applicable with regulation 640 for the integrated motor. The complete fan has to meet the requirements.
2. The rotor is placed on the market separately. This is also clear, it has to have a DOC for regulation 327, and meet the requirements calculated as non-final assembly.
3. The rotor is made by one manufacturer and is sold (strictly B2B) to another company that adds the motor and drive. There are several possibilities:
 - a) The manufacturer of the complete fan issues the DOC according to regulation 327 for a final assembly. Is this correct? Do the rotor and the fan then have to comply separately with the requirements or are these just valid for the complete fan?
 - b) What happens, if the rotor itself does not meet the requirements, but the final assembly does when built with a more efficient motor or other improvements? Can the final assembly then be placed on the market? How can the rotor manufacturer make sure he does not violate the regulation in this case?
4. The rotor is placed on the market, meeting the requirements for regulation 327 as non-final assembly, complete with DOC. Another company buys it and creates a complete fan, which is then placed on the market. Does the second company have to issue a second DOC and comply again with the requirements for a complete fan?
5. A complex product (machine tool, Air handling unit, large boiler...) includes many fans, motors, pumps, circulators etc.. Who is responsible for all the DOCs, does the manufacturer of the complex product collect them or does he have to issue a consolidated document?

(1) Answers on the relation between components and final assembly

1. Interpretation is correct.
2. Interpretation is correct.

3a. Yes, the manufacturer of the complete fan issues the DOC. The final assembly (motor + impeller) has to comply with Regulation 327/2011.

3b. Yes it can as the complete fan complies with the Regulation. The rotor manufacturer is not placing a product on the market and thus is not legally concerned with the regulation.

4. The company placing the final fan on the market will need to issue a DOC and need to ensure that the requirements of Regulation 327/2011 are met.

5. The company placing on the market the final product is responsible for all the DOCs of the fans integrated into its energy related product.

The basic principle for addressing all scenarios is that the company placing the fan on the market (as independent product or integrated on an energy related product) is responsible for the compliance of the fan with Regulation 327/2011.

(2) Question on motors containing an integrated fan

Most electric motors have a cooling fan mounted on the drive shaft, which is part of the motor. The energy consumption of this fan is included in the measurement for regulation 640/2009 for electric motors. Regulation 327 only exempts fans in a product with a single motor (valid here) with a power of less than 3 kW (not always valid) mounted on the same shaft as the main function (valid here).

Is the motor's own fan supposed to fulfil the requirements when the motor has a higher power rating than 3 kW? The opinion of the market surveillance authorities is that the exemption was meant to cover additional fans, like the example of a chain saw, but the motor's fan would be considered part of the motor.

(2) Answer on motors containing an integrated fan

The rotor integrated in the motor, used for cooling and placed inside the casing of the motor, is considered to be a part of the motor. It cannot be considered as a fan integrated into a product because it will never have an independent motor, this rotor is a part of the motor and not a fan by itself.

If the rotor is outside the casing of the motor, it cannot be considered to be part of the motor, in consequence, if the power output of the motor is above 3 kW, the rotor will be within the scope of the Regulation.

**Commission Regulation (EC) No 1194/2012 of 12 December 2012
implementing Directive 2009/125/EC of the European Parliament and of
the Council with regard to ecodesign requirements for directional lamps,
for light emitting diode lamps and related equipment**

(1) Question on directional lamps and special purpose products

For special purpose products, the product information requirements in point 2 of Annex I require that "the intended purpose shall be stated in all forms of product information, together with the warning that they are not intended for use in other applications. [...] If the product is placed on the market in a packaging containing information to be visibly displayed to the end-user prior to purchase, the following information shall be clearly and prominently indicated on the packaging and in all other forms of product information:

- (a) the intended purpose; and
- (b) that it is not suitable for household room illumination

According to Article 2(4)(c) special purpose products also include "products incorporating lighting products, where the primary purpose is not lighting and the product is dependent on energy input in fulfilling its primary purpose during use (such as refrigerators, sewing machines, endoscopes, blood analysers).

Is it necessary for products such as refrigerators to indicate in addition to their name specifically the intended purpose and that they are not suitable for household room illumination?

(2) Answer on directional lamps and special purpose products

If and only if products become special purpose products solely based on the definition in Article 2(4)(c), it is sufficient to state the name, type, or description of the product, such as being a "remote control" or "refrigerator", which already indicate clearly that they are not suitable for household room illumination. This information is sufficient to specify the intended purpose of the product itself, and explain what makes the product specific for its intended purpose. Note that this answer applies only to this regulation as other lamp regulations use different definitions.

12 June 2013

Contact: entr-ecodesign@ec.europa.eu