Industry Comments on Germany Product Database Pilot Project

Brussels, 04 August 2016

DIGITALEUROPE has been asked to provide data on television models placed on the market in order to contribute to an energy label database pilot project undertaken in Germany. We would like to take this opportunity to also make some general comments on the project.

Overall, DIGITALEUROPE does not support the introduction of a confidential database, since in our view it would be disproportionate in terms of costs and burden on manufacturers. There is a risk of losing confidential business data, know-how and IPR. In addition there are uncertainties concerning liability and potential negative consequences on businesses in case of technical or similar failures of the database.

It is not clear how this pilot project will feed into the EU policy making process. However, industry would like to reiterate the importance of a thorough and representative stakeholder consultation on the development of any potential database. Given the short timeframes for implementation of this pilot project, it is understood that the stakeholder consultation will be limited in scope and it is important that conclusions from this are not automatically transferred and assumed to apply in the broader context of products and equipment. There is a concern that details of the database are being discussed prematurely and without time for detailed input from manufacturers (for some the data is managed outside of Europe).

Some more specific points are outlined below.

Complexity of data management must not be underestimated. Manufacturers have varying ways in which data is managed and will be impacted by a database in different ways.

- Details of a database shall be defined after proper consultation of the relevant stakeholders, and practicalities of a database shall be detailed in a delegated act.

- The database should limit any required submission of technical and supporting documentation only to those records that are essential to its scope. In any case the availability of supporting documentation should be restricted to the authorities and adequately protected from unwanted access. This documentation can contain confidential information and this should not be required before the product launch / announcement.

  - Any confidential information from the technical documentation should continue to be managed only bilaterally between Market Surveillance Authority and individual supplier.

- In order to maintain a level playing field for industry and to avoid free riders benefiting from not submitting data or submitting incorrect data, completeness and correctness of data in a database should be ensured through database and product checks.

- Product registrations/QR codes are not seen as an appropriate solution to free riders due to the complexity of linking individual product codes to each label and the many potential model code variations.
    - It can be envisaged that this will also become particularly complex when considering importers that need to register products and the possibility of consequent multiple entries. Data on the label will need to be determined early on in the product launch process which may not be in line with manufacturer procedures.
    - It should not be necessary to register all model code variations in the database as this will change how competitor information regarding European markets is made available.

- Providing data on manufacturers' servers shall only be optional. External, third-party, access rights to internal company servers is not possible in many cases.

- DIGITALEUROPE agrees with the principal of inputting data which then leads to generation of a fiche and label. Data requirements should be limited to that which is required by energy labelling regulations and should not be required before products are placed on the market.

    - DIGITALEUROPE is open to piloting the suggestion to use the PI template.

- Any mandatory submission of data into a database shall not result in any delay of product market introduction, e.g. due to technical default of a database.

- Information on how many products and where products are sold should not be included as this is not legally required and is beyond manufacturer control.

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DIGITALEUROPE ensures industry participation in the development and implementation of EU policies. DIGITALEUROPE's members include 62 corporate members and 37 national trade associations from across Europe. Our website provides further information on our recent news and activities: http://www.digitaleurope.org

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