



Consumer  
Technology  
Association™

DIGITALEUROPE 

ehi  
association of the  
European Heating Industry



Japan  
Business  
Council in  
Europe

KEA  
Korea Electronics Association

# Joint Industry Paper on the Proposed Material Efficiency Requirements in the Ecodesign Display Regulation

*Brussels, 1 September 2017*

---

## Executive Summary

Following detailed analysis of the Commission's proposal for a display energy labelling regulation as well as the Commission's revised approach presented during the Consultation Forum, the above signatories have identified the following key concerns as potentially affecting manufacturers and consumers.

We welcome the Commission's revised scope proposal, which now covers the full range of stand-alone displays and excludes displays integrated in other types of products. We reiterate that the original scope proposal lacked an impact assessment with a view to technical feasibility, costs, benefits and innovation, as required under the Ecodesign Directive. Moreover, we encourage a thorough assessment of the design aspects of integrated displays for the setting of resource/material efficiency requirements in the appropriate vertical regulations. While we encourage the introduction of such requirements to facilitate the transition to a Circular Economy, we support that better regulation principles must be respected at all times, together with an appropriate implementation process.

Additionally, our industries support the introduction of the requirements to facilitate End-of-Life dismantling. We also applaud the announced shift of focus from the initial gluing and welding restrictions to a technology-neutral requirement concentrating on the removability of components for selective treatment irrespective of the employed joining, fastening or sealing techniques. We believe that the revised wording emphasizes the original intention behind the requirement, i.e. to restrict joining techniques that prevent removability. While seconding the Commission's new approach, we propose a further adjustment of the wording of the requirement to also cater for products that must rely on non-removable joining techniques to ensure proper safety and functionality, durability and privacy.

Finally, we remain concerned that a requirement to disclose detailed information on dismantling operations could hamper the industry's competitiveness and reveal IPR-sensitive information. We are apprehensive of the liability issues, security and potential brand damage that may arise for manufacturers. Consequently, our industries advise against any obligation making product diagrams and repair/disassembly information available to third parties. We insist on ensuring a safe dismantling process of components and advocate that information should only be shared upon request from recyclers and market surveillance authorities. Lastly, on the identification and tracking of material/chemical presence in hardware products, we are concerned about the significant financial and administrative burden that would dominate any usefulness aspired by the Commission's proposal.

### DIGITALEUROPE

Rue de la Science, 14 - 1040 Brussels [Belgium]

T. +32 (0) 2 609 53 10 F. +32 (0) 2 431 04 89

[www.digitaleurope.org](http://www.digitaleurope.org) | [info@digitaleurope.org](mailto:info@digitaleurope.org) | [@DIGITALEUROPE](https://twitter.com/DIGITALEUROPE)

Transparency register member for the Commission: 64270747023-20



Consumer  
Technology  
Association™

DIGITALEUROPE 

ehi  
association of the  
European Heating Industry



Japan  
Business  
Council in  
Europe

KEA  
Korea Electronics Association

## 1. Scope Definition

The signatories of this paper welcome the Commission's revised approach to the scope of the Lot 5 regulations, which now covers the full range of stand-alone displays, and strongly support a thorough assessment of the particular design aspects of integrated displays, with a view of setting similar material efficiency requirements for them in the appropriate vertical regulations. The Commission's revised scope proposal is in line with the extensive feedback provided by numerous stakeholders during the better regulation consultation and the WTO notification process, avoids double regulation, and provides legal certainty for producers and market surveillance authorities.

In addition, we strongly support the transition towards a circular economy, and fully agree with the Commission's approach to facilitate the implementation of the WEEE Directive by introducing resource/material efficiency requirements in the Ecodesign implementing acts. At the same time, we have to insist that it is imperative that this process safeguards the principles of better regulation, and that such new types of requirements undergo appropriate implementation.

As explained by multiple stakeholders after the WTO notification of the Lot 5 Ecodesign draft, the initial scope proposal of the Commission, which also covered displays integrated in other types of products (transforming the Lot 5 Ecodesign regulation in a de-facto horizontal regulation for material efficiency requirements), was not preceded by a detailed assessment of the expected impact with regards to technical feasibility, costs, benefits and innovation, as required by Art. 15 4b of the Ecodesign Directive. Many types of products with small sales volumes were unintentionally included, contradicting Art. 15 2a of the Ecodesign Directive which requires regulated products to represent a significant volume of sales and to demonstrate significant improvement potentials in terms of environmental impact. Additionally, the specific design aspects of the wide range of integrated display applications were not taken into account before the development of the draft, even though these are often designed as components of main products, and their features are often completely different than those of stand-alone displays. The horizontal approach itself was not practical as it is entirely necessary for the revision of each product specific implementing measure to address the removability of components of concern included in the product but not part of the integrated display.

Furthermore, the wording of the initial scope definition had a high degree of ambiguity and would have created uncertainty resulting from different possible interpretations. Products which did not belong to any of the predefined scope categories, like for example e-readers, mobile phones with displays larger than 1dm<sup>2</sup>, notebooks/tablets with screen diagonal below 9 inches, portable DVD players, GPS navigators, cooking equipment or refrigerators incorporating displays with functionality going beyond status display or control/function activation, would have created issues with regard to compliance assurance because they could have been interpreted by market surveillance authorities as being subject to both energy and non-energy requirements. This situation would have been very similar to the status of computer monitors under the currently applicable regulations 642/2009 and 1062/2010, which required first the development of Commission Guidelines and later on the decision of a German court (which actually overruled the interpretation provided in the guidelines) to fully clarify in what cases they are covered by these regulations.



Consumer  
Technology  
Association™

DIGITALEUROPE 

ehi  
association of the  
European Heating Industry



Japan  
Business  
Council in  
Europe

KEA  
Korea Electronics Association

Although the revised scope is more precise and clear, it still presents some shortcomings. For example, any new stand-alone display to be developed in the coming years, as well as any unique/special display that has not been brought up to the Commission's attention until now, will fall under the full scope of all energy and non-energy related requirements without any type of previous assessment of the appropriateness of the requirements, or consideration to the sales volumes and actual environmental improvement potential. Such inadequacy in the scope could be overcome by listing all the displays in-scope of the regulation, instead of the opposite.

Even when the revised approach presented by the Commission still has some weaknesses, it is certainly less ambiguous by proposing a clearer and less open scope definition. For this reason, we support its introduction into the final regulation.

## 2. Requirements for Dismantling at End-of-Life

Our industries support the introduction of requirements to facilitate the dismantling at end-of life, and welcome the Commission's decision to replace the proposed restriction on gluing and welding with a technology-neutral requirement that focuses on the removability of components for selective treatment regardless of the joining, fastening or sealing techniques used.

We also appreciate the clarification that the requirement is primarily aimed at increasing the recyclability of products and should not be interpreted as a disassembly requirement for the purpose of repair.

We want to reiterate that prohibition of certain fastening techniques as a market access condition is too prescriptive, lacks consideration for future product concepts and production technologies, and hampers future innovation, impeding manufacturers in their ability to design products with more functional capabilities, better connectivity, portability and rigidity to withstand normal use. The initially proposed gluing and welding restriction imposed a specific design trait rather than setting performance requirements, and was inappropriate especially given the lack of a thorough assessment of the properties of the glues used, replacement opportunities, technical feasibility, benefits, costs, impact on product safety, reliability and usability, and in the absence of evidence showing that welding and gluing inherently inhibit removability of particular components.

The revised wording is clearer on the intent of the requirement, which is the restriction of any joining techniques that prohibit removability, and allows manufacturers the liberty to decide which joining and fastening techniques to use, as long as they can prove that removability is possible. The replacement of the list of components with a reference to point 1 of Annex VII of the WEEE Directive is also beneficial as it provides a proper alignment between the two acts.

Exemptions from the dismantling requirement are essential for products that have to rely on non-removable joining techniques to ensure proper safety and functionality, especially if it also covers displays integrated in industrial, medical or laboratory equipment. Such equipment is designed to function in conditions of extreme temperatures, vibrations, humidity, exposure to dust, and has to rely on strong bonding solutions in order to ensure durability and avoid safety hazards. Appliances with moving parts that are often exposed to higher



Consumer  
Technology  
Association™

DIGITALEUROPE 



temperatures and vibrations have to be thoroughly assessed to determine whether they can comply with such requirements. In the case of medical displays, absolute hygienic conditions must be kept at all times, for which

complete bonding of the outer components is necessary, avoiding slots and openings where body fluids and other substances could accumulate to contaminate the display. For stand-alone displays, special considerations have to be given to those intended for outdoor usage, which will require proper sealing techniques to protect against humidity. Displays using bezel-less design require firm sealing techniques to ensure safe use and prevent panel damage that would shorten the product’s life. User privacy and security is another important aspect that has to be accounted for, especially in the case of video conferencing systems incorporating displays, who have to be properly sealed to prevent installation of hidden recording devices.

While agreeing with the new approach proposed by the Commission, we suggest the wording of the requirement is further improved as seen below:

*Manufacturers shall ensure that joining or sealing techniques do not prevent the removal of the components listed in point 1 of Annex VII of Directive 2012/19/EU, when present.*

*Exemptions apply where non-removable joining and sealing techniques may be used to ensure either user safety necessary to comply with safety-related EU legislation or product quality necessary to avoid wear and tear that would otherwise shorten the product’s useful life. For batteries, exemptions in the Battery Directive 2006/66/EC amended by Directive 2013/EC/EU apply.*

*Accessing components shall be enabled by documenting the dismantling operations needed to access the targeted components, including for each of these operations: type of operation, type of fastening technique(s) to be undone, and tool(s) required.*

### 3. Repair and End-of-Life Information Requirements

Promoting circular economy, reparability, life time extension and material efficiency in general should not be done through means that would facilitate unauthorized repair activities by unqualified 3rd parties, which have a significant potential to endanger consumer safety and to decrease the durability of products, contributing to the generation of more electronic waste.

Our industries strongly believe that requiring the disclosure of detailed information on dismantling operations, including product diagrams, to non-affiliated third parties can hamper industry’s competitiveness by revealing IPR-sensitive information and can create significant liability issues for manufacturers and damage their brand image if the information is incorrectly used by non-affiliated third party repair/reuse organizations. For such reasons, it is crucial that no obligation is set to make product diagrams and extensive repair/disassembly information available to third parties.



Consumer  
Technology  
Association™

DIGITALEUROPE 

ehi  
association of the  
European Heating Industry



Japan  
Business  
Council in  
Europe

KEA  
Korea Electronics Association

Since repair is part of brands after-sales strategies and a way for companies to compete to offer appropriate services to consumers, it should always be undertaken by properly qualified repair service personnel.

Manufacturers provide repair documentation to recognized repair service centres that are qualified to ensure quality of repair, liability and confidentiality. In order to provide cost efficient repair and remanufacturing services, members of our associations have established central repair and remanufacturing facilities both inside and outside of the EU. In addition, industry has recognized the increasing secondary electronics market by introducing partner programmes. Manufacturers encourage interested parties to engage in these programmes. However, obliging producers to share confidential information with non-contractually bound entities is unacceptable because non-authorized repair can often result in low quality repair or safety issues for which the company would still be liable. By requiring certification and providing extensive qualification, this risk can be managed.

We believe that the most relevant information to provide may be about safe dismantling of components of concern. This information should be made available only upon request to recyclers and market surveillance authorities, in order to ensure that it reaches the right audience, to prevent loss of sensitive information and most importantly to ensure consumer safety. We therefore call on the Commission to protect the IP rights associated with the innovative nature of our sectors even in the aftersales, maintenance and repair market, and to avoid direct commercial harm to manufacturers and their certified partners, who invest significantly in training skills to ensure quality of the repair service.

For more detailed information including the location of certain components and the use of hazardous substances, the Commission should recognize that the WEEE Directive already sets an information requirement under Article 15. Under the framework of the WEEE Directive, industry already has a voluntary agreement aiming to provide necessary information to recyclers in a harmonized way and is in the process of updating the agreement to ensure that recyclers get the most relevant information quickly (e.g. through a centralized on-line tool). In various stakeholder meetings, recyclers have repeatedly confirmed that they do not have time to check model-by-model, component-by-component information (other than clear marking) as part of actual recycling processes and would only appreciate generic information at the product group level or aggregated information at the industry level. As the fractions of plastics with a certain but differing composition in the end of life feedstock will vary continuously, the detailed information on plastic and flame retardant types and weight, as well as on hazardous and rare substance usage will not result in reliable data relative to the concentration of such substances in the final material streams. Due to the mixed WEEE stream, requesting producers additional information beyond what is already provided for today (see e.g. IEC 62474 Database and WEEE Art. 15), will not help recyclers to better determine the composition of the recycled materials.

Tracking material or chemical presence in hardware products requires significant supply chain and IT resources to gather the information at a product level. Our sectors have extensive experience with substance restriction tracking for EU RoHS purposes, as it helps to determine the compliance status of a given product. It should be noted that substance restriction tracking, which means ensuring the absence, does not require the same level of resources of presence tracking which needs to determine what, where and how much. The amount of the mentioned substances is not always available from suppliers, and very often the information is considered

#### DIGITALEUROPE

Rue de la Science, 14 - 1040 Brussels [Belgium]

T. +32 (0) 2 609 53 10 F. +32 (0) 2 431 04 89

[www.digitaleurope.org](http://www.digitaleurope.org) | [info@digitaleurope.org](mailto:info@digitaleurope.org) | [@DIGITALEUROPE](https://twitter.com/DIGITALEUROPE)

Transparency register member for the Commission: 64270747023-20



Consumer  
Technology  
Association

DIGITALEUROPE 

ehi  
association of the  
European Heating Industry



Japan  
Business  
Council in  
Europe

KEA  
Korea Electronics Association

confidential. Experience shows that when data is available, it is not always correct due to measurement errors and it is hardly verifiable. As a result, manufacturers will face tremendous administrative burdens as they will have to manage the accuracy of weight data of each plastic component and trace very small quantities of hazardous/rare/precious substances in the products for correct declarations. This will add significant cost to the

existing infrastructure without delivering any value for recyclers, an imbalance that has to be avoided according to the Ecodesign Directive.

Because of the limited usefulness and disproportionately high cost involved with quantifying the presence of flame retardants, Cadmium, Lead, Arsenic, Mercury and Indium in components within display products, we recommend that such requirements are removed from the Lot 5 Ecodesign regulation. Instead, the emphasis must be placed on doing high level analysis of the waste streams to determine what they contain and how to develop techniques for their correct treatment.

For the reasons stated above, our industries consider that Annex IV point 3 of the Lot 5 Ecodesign regulation should be reworded as follows:

### *3. End-of-Life documentation and information*

*For each product family, suppliers shall provide information relevant for dismantling, recycling and recovery at end-of-life including at least the following:*

- (a) instructions on the sequence of operations needed to remove the components listed in point 1 of Annex VII of Directive 2012/19/EU, when present, including type and number of fastening techniques to be unlocked and tool(s) required;*
- (b) special notices for safety and efficient dismantling, if any*
- (c) the reason why certain, if any, plastic parts are not marked as per the exemption set out in section 2.1 of Annex III;*
- (d) Information on how to delete personal data*
- (e) Options available (if any) to upgrade the performance of the display*



## ABOUT CECED

CECED represents the home appliance industry in Europe. The total annual turnover of the industry in Europe is €50bn. Total employment as a result of the presence of the sector is approximately 1 million jobs. The sector contributes €1.4bn to research and development activities in Europe. Direct Members are Arçelik, Ariston Thermo Group, BSH Hausgeräte GmbH, Candy Group, Daikin Europe, De’Longhi, Dyson, AB Electrolux, Gorenje, Indesit Company, LG Electronics Europe, Liebherr Hausgeräte, Miele & Cie. KG, Panasonic, Philips, Samsung, Groupe SEB, Vestel, Vorwerk and Whirlpool Europe. CECED’s member Associations cover the following countries: Austria, Baltic countries, Belgium, Bulgaria, Czech Republic, Denmark, France, Germany, Greece, Hungary, Italy, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland, Turkey and the United Kingdom. [www.ceed.eu](http://www.ceed.eu)

## ABOUT COCIR

COCIR is the European Trade Association representing the medical imaging, radiotherapy, health ICT and electromedical industries. Founded in 1959, COCIR is a non-profit association headquartered in Brussels (Belgium) with a China Desk based in Beijing since 2007. COCIR is unique as it brings together the healthcare, IT and telecommunications industries. Our focus is to open markets for COCIR members in Europe and beyond. We provide a wide range of services on regulatory, technical, market intelligence, environmental, standardisation, international and legal affairs. COCIR is also a founding member of DITTA, the Global Diagnostic Imaging, Healthcare IT and Radiation Therapy Trade Association ([globalditta.org](http://globalditta.org)).

## ABOUT Consumer Technology Association

Consumer Technology Association (CTA)<sup>™</sup> is the trade association representing the \$321 billion U.S. consumer technology industry, which supports more than 15 million U.S. jobs. More than 2,200 companies - 80 percent are small businesses and startups; others are among the world's best known brands - enjoy the benefits of CTA membership including policy advocacy, market research, technical education, industry promotion, standards development and the fostering of business and strategic relationships. CTA also owns and produces CES<sup>®</sup> - the world's gathering place for all who thrive on the business of consumer technologies. Profits from CES are reinvested into CTA's industry services.

## ABOUT DIGITALEUROPE

DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies. DIGITALEUROPE ensures industry participation in the development and implementation of EU policies. DIGITALEUROPE’s members include 61 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>

### DIGITALEUROPE

Rue de la Science, 14 - 1040 Brussels [Belgium]

T. +32 (0) 2 609 53 10 F. +32 (0) 2 431 04 89

[www.digitaleurope.org](http://www.digitaleurope.org) | [info@digitaleurope.org](mailto:info@digitaleurope.org) | [@DIGITALEUROPE](https://twitter.com/DIGITALEUROPE)

Transparency register member for the Commission: 64270747023-20



Consumer  
Technology  
Association™

DIGITALEUROPE 



## ABOUT European Heating Industry (EHI)

EHI, the association of the European Heating Industry, represents 90% of the European market for heat and hot water generation, heating controls and heat emitters, 80% of biomass central heating, as well as more than 70% of the hydronic heat pump and solar thermal markets. Our Members are the market leaders in the production of energy efficient and renewable energy technologies to affordably heat buildings. In doing so, they employ directly more than 120.000 people in Europe and invest more than 700 million euros a year in research and innovation. For further information, please visit [www.ehi.eu](http://www.ehi.eu)

## ABOUT ITI

ITI is the global voice of the tech sector. We advocate for public policies that advance innovation, open markets, and enable the transformational economic, societal, and commercial opportunities that our companies are creating. Our members represent the entire spectrum of technology: from internet companies, to hardware and networking equipment manufacturers, to software developers. ITI's diverse membership and expert staff provide a broad perspective and intelligent insight in confronting the implications and opportunities of policy activities around the world. Visit <http://www.itic.org/> to learn more. Follow us on Twitter for the latest ITI news@ITI\_TechTweets.

## ABOUT JBCE

Founded in 1999, the Japan Business Council in Europe (JBCE) is a leading European organisation representing the interests of almost 80 multinational companies of Japanese parentage active in Europe. Our members operate across a wide range of sectors, including information and communication technology, electronics, chemicals, automotive, machinery, wholesale trade, precision instruments, pharmaceutical, railway, textiles and glass products.

In 2013, our member companies together represented global sales of € 1.4 trillion.

Building a new era of cooperation between the European Union (EU) and Japan is the core of our activities, which we pursue in the framework of several committees focused on: Trade Policy, Environment, Corporate Social Responsibility (CSR), Standards and Conformity, Corporate Policy, and Digital Innovation.

Website: <http://www.jbce.org>

E-mail: [info@jbce.org](mailto:info@jbce.org)