DIGITALEUROPE

The digital industry's remaining concerns about a product database and a potential way forward

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DIGITALEUROPE maintains strong reservations against the introduction of a mandatory product energy label database as outlined in a previous paper. The key reasons are repeated below for information.

- The proposed form of "Energy Label Product registration" is mistakenly seen as a replacement and enhancement of the actual market surveillance. Market surveillance authorities already have limited resources and this proposal will divert those resources to validate data entries and chasing administrative non-compliance, rather than perform essential product testing.
- The provision of compliance information for surveillance activities is currently already adequately ensured by the legal obligation to provide technical documentation within 10 working days, upon request.
- There is a very real concern over data confidentiality and effective database management, along with the extensiveness of this proposal compared with other jurisdictions (see Annex).
- Significant administrative burden for manufacturers and duplication of existing requirements through additional request to provide online labels, fiches and technical documentation.

Another major concern with the database proposal is the potential for the scope to be extended to other product regulations, beyond the energy label, which would certainly make the energy label database unmanageable for manufacturers. Indeed, we can already see proposals for extension to this database and are concerned with how this will be controlled. Selling products in Europe would become a hugely bureaucratic process.

In light of these concerns, DIGITALEUROPE does not support mandatory uploading of documentation to a central database as a market access condition.

Conditions for an acceptable 'information system'

Whilst opposing the energy label database proposal, DIGITALEUROPE recognises the potential for some limited value from having a central website for consumers to compare products. We would refer to this as an energy labelling online information system. Essential conditions for this public information system would be:

Ensure confidentiality

- The scope of the energy label information system should be limited to non-sensitive, non-confidential information e.g. label fiche requirements falling under the energy labelling regulations.

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No double requirements

- This should be the single point for this information with no national divergence or duplicate efforts required from Member States.
  Manufacturers would be keen to realise a benefit from any energy label information system implemented. Therefore, manufacturers should not be subject to double requirements. If industry is still required to make electronic labels and fiches available on our own websites as well as the energy label database, there would be a clear duplication in effort. However, to rectify this would require amendments to regulations. It would also make redundant the significant efforts that manufacturers have made to internal systems in order to meet these requirements.
    - There should be no requirement to upload PDF fiches and labels since these are already effectively provided.

As efficient as possible

- In case manufacturers need to submit data prior to being able to place a product on the market, any potential downtimes or technical information system issues should never prevent products from legally being placed on the market. A process should be in place to ensure this does not impact market launch times.
- Ideally manufacturers simply insert a set of key parameters from the energy label and the product fiche into the system, which generates the fiche in any official EU language. The information would then be easily available and searchable by technical parameters. Any language requirements should be kept to one of the EU-24 official languages.
- The energy label information system needs to be effectively maintained by the European Commission, with periodic checks to ensure that all products sold in Europe are being captured and the data is accurate.

To summarise, DIGITALEUROPE requests that any proposal for a public information system should be carefully evaluated and analysed with relevant stakeholders to avoid Europe become an overly bureaucratic environment for selling products. A comprehensive impact assessment should be performed. An energy label information system that would be acceptable would be efficient and ensure confidentiality. The information system should only include products in scope of the energy label. It should be the sole location for key information regarding the energy label and limited information from the fiche.

Annex

The European Commission Proposal

The regulatory proposal suggests that the EU Commission shall establish a database for the following purposes:

(a) to facilitate the market surveillance authorities in carrying out their tasks under this Regulation;

(b) to provide the Commission with up-to-date energy efficiency information of products for reviews of energy labels;

(c) to provide the public with information about products placed on the market, their energy labels and product information sheets;

(d) to enable suppliers to comply with their obligations under Article 3(1a) points (a) and (b)

(e) to enable dealers to comply with their obligations under Article 3(2) point (b) (ii);

The five intentions for this energy label database from the Commission are widely diverging and it seems ambitious to achieve all the intentions successfully. We fear this will lead to a dysfunctional result which could negatively affect industry. Taking the example of how the existing EU ENERGY STAR database for imaging equipment is being managed, we are concerned as to how the Commission will have resources to set-up and maintain this more complex database. In addition we are concerned that once the database is established, it will be ever growing and increasingly unmanageable.

The European Commission proposal and global energy label databases

DIGITALEUROPE analysis of existing databases shows that the current proposal is unmatched and would make the EU the most stringent region for providing information. Manufacturers are already providing information required in the EU via their website. Consequently, we believe the existing obligations under the online labelling regulation 518/2014 adopted in June 2014, are sufficient. Companies have invested in their own online tools and automated processes in order to display the required information. An additional energy label databases would require a separate, manual process to manage this since manufacturers cannot automate information uploaded to external databases. Market surveillance authorities in the world typically rely on requesting information to verify compliance.

The following table demonstrates how the Commission's proposal goes far beyond what exists in other geographies and neglects the work that industry is already doing. The EU proposal stands out in terms of additional requirements and double effort, multi-lingual and the mandatory uploading of test reports.

Country	Is public access to efficiency information legally required?			Multi language requirement?		Evidence for compliance	
	Manufacturer website	public database	additional requirements?	yes/no	# official languages	Upon request?	mandatory uploading test report?
EU (Council proposal)	yes	Proposed	energy label + fiche on manufacturer website	Proposed	24	yes	Proposed
US (DoE)	no	yes	no	n.a.	1	yes	No
US California (CEC)	no	yes	no	n.a.	1	yes	No
Canada (NRCan)	no	yes	no	no	2	yes	No
Australia	no	yes	no	n.a.	1	No	yes, depending on product

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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

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