



Raising standards for consumers



The Consumer Voice in Europe

Consumer organisations comments on online labelling of Energy-related Products

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Summary

This paper focuses on consumer-relevant proposals by the European Commission regarding horizontal requirements on the online labelling of appliances. The European Commission's proposal was detailed in a working document issued in June 2012, following a first discussion on the subject in April 2012.

ANEC and BEUC very strongly support the Commission's goal to harmonize labelling in the online environment on the model of the "offline" Energy Label. We agree in particular with the Commission's rationale for acting on the online environment and with the Commission's assessment that a horizontal regulation is best fitted to address the challenges of online labelling.

In this paper, we highlight three areas where the Commission's proposal could be improved:

- To avoid loopholes, we recommend that all websites through which new products are put on the market be covered, including auction websites;
- In the wake of the importance taken by price-comparison websites in recent years, we suggest that all websites offering "transaction facilities" be covered by the regulation;
- We recommend that the definition of web accessibility is clarified to include all disabled people who need assistive technology to access the Internet, that the regulation refers to guidelines 2.0 level AA (WCAG 2.0 AA) and that the Commission ensures an effective mechanism is put in place to update this reference in future.

Introduction

The Energy Labelling Directive 2010/30/EU sets general rules on communicating information on energy consumption and other environmental impacts of products to consumers. The exact content of the Energy Label for each product is in turn described in the product-specific regulations (referred to as *Delegated Acts*).

It is also left to the Delegated Acts to specify how the information should be provided when consumers cannot see the product displayed. Online selling through Internet falls under that latter category. The European Commission's working document on *Online Labelling* issued in June 2012 consequently proposes to specify uniform requirements as to the display of labels and product environmental fiches online. Should the regulation be adopted, a new horizontal Delegated Act would complement the vertical, product-specific Delegated Acts¹.

General comments

ANEC and BEUC strongly support the Commission's goal to harmonize labelling in the online environment on the model of the "offline" Energy Label.

In particular, we very much agree with the Commission's rationale for acting on the online environment:

*"The online market is rapidly growing and online information is increasingly used by end-users as the digital literacy of the European consumers improves together with the expansion of the mobile internet device market, therefore it is important to level the online and offline playing field by removing any barriers and disparities."*²

We also share the opinion of the Commission that a horizontal regulation is a relevant and well-adapted instrument to reach the goals of the Directive:

*"A horizontal delegated act specifying uniform requirements as to the display of labels and fiches online would ensure consistent and successful application of the Directive to the online environment implementing its provisions in a proportionate, technologically neutral and future proof way."*²

From our members' experience, online market players have often failed to comply with the requirements set in labelling Delegated Acts. Following the entry into force of the advertisement and online purchasing provisions of Regulation 1062/2010 on

¹ The notion of a horizontal regulation is not completely new in the field of Ecodesign and Energy Labelling: Regulation 1275/2008, also called the "Standby Regulation", sets transversal rules on the energy consumption of products when on standby.

² Explanatory notes for the working document on online labelling, European Commission.

the labelling of TVs³ on 30 March 2012, the German consumer association Verbraucherzentrale Nordrhein-Westfalen (VZ NRW) checked whether the provisions had been implemented by online dealers. The timing of this monitoring exercise was critical, as the market sales of TVs have traditionally been high before major sports events. Even though the German football team did not confirm the high hopes put in it by German sports fans, the latter were still expected to follow the Euro 2012, the Wimbledon tennis tournament, the Tour de France and the Olympic Games. The results of VZ NRW's monitoring exercise were appalling: 12 websites were warned that they did not comply with the Delegated Act, 5 injunctions were issued and a legal suit was launched against one website. 4 price-comparison websites were also contacted and consequently made arrangements to allow dealers to display the energy efficiency class of the products for sale.

Scope: include auction websites

The Commission's proposal:

The Commission's current working document would exempt auction websites from the obligation to display the Energy Label online.

ANEC/BEUC position:

ANEC and BEUC strongly recommend targeting in the regulation all websites through which new products are offered for sale, including auction websites. Targeting auction websites is important, because professional sellers nowadays use auction websites as a sell channel for Energy-related products. This trend does not appear to concern only ICT products anymore, but a wider range of products including large white goods such as fridges. For example, a search for "Siemens réfrigérateur" on ebay.fr carried out at the beginning of June yielded 44 results, 41 of which being new products sold by professional sellers. It is therefore of the utmost importance that the online Energy Label be mandatory for all products newly put on the market, irrespective of the sell channel.

→ Recommendation: cover all websites through which new products are put on the market.

Scope: include online price comparison tools

The Commission's proposal:

The current working document only covers websites from which appliances can be purchased directly. The definition would leave price comparison websites out of the scope the regulation.

ANEC/BEUC position:

³ Especially articles 4b (televisions offered for sale, hire or hire-purchase, where the end-user cannot be expected to see the television displayed) and 4c (any advertisement for a specific television model contains the energy efficiency class, if the advertisement discloses energy-related or price information).

We argue that all websites offering “transaction facilities” (i.e. an opportunity to purchase) should be covered by the regulation. Price comparison websites fall under that category. It is important to cover such websites too, as more and more consumers use them as gateways to the purchase of appliances.

A key advantage of the wording “transaction facilities” is that it differentiates pure market players such as price comparison websites from independent, objective and authoritative online resources such as the online publications of consumer organizations or the TopTen network. The latter category of online actors have limited resources and no access to the suppliers standardized product fiches, contrary to traditional market players. Moreover, it can objectively be observed that online consumer magazines and TopTen have a long track-record of already informing their readers about the claimed and/or real energy consumption of the products they compare.

→ Recommendation: cover all websites offering “transaction facilities”.

Web accessibility: disabled consumers who use assistive technology to access the Internet, including people with sight loss, are entitled to information

The Commission’s proposal:

The Commission’s working document would impose on suppliers and dealers of appliances to respect legislation on web accessibility for the sight-impaired:

“Suppliers shall ensure for the purposes of distance selling that [...] Web accessibility is provided for the sight impaired as governed by relevant EU legislation.”

“Dealers shall ensure for the purposes of distance selling that [...] Web accessibility is provided for the sight impaired as governed by relevant EU legislation.”

ANEC/BEUC position:

Through its “Design for All” Working Group, ANEC has the privilege of representing the interests of some of the most prominent advocacy groups of blind and partially sighted people. While we salute the thought given by the Commission to the welfare of visually-impaired consumers, we point out that web accessibility is also an issue for consumers with other disabilities, who also need to use assistive technology (software and/or hardware) to access the Internet so this should be taken into account. In addition, there is currently **no such thing as “relevant EU legislation”** on web accessibility. For this reason, we recommend that the definition of web accessibility given in Chapter 2 of the working document be clarified so as to include all disabled people who need assistive technology to access the Internet and refer explicitly to web content accessibility guidelines 2.0 level AA (WCAG 2.0 AA). Lastly, we would like to see the Commission include a provision to ensure swift revision of the reference to



this standard to ensure that the instrument is 'future proof' in a world where technology is developing apace.

→ Recommendation: clarify the definition of web accessibility to include all disabled people who need assistive technology to access the Internet, refer to guidelines 2.0 level AA (WCAG 2.0 AA) and ensure an effective mechanism is put in place to update this reference in future.

END.