

Regulatory process

[FAQ n°2.1 - Is there any difference between a "Commission regulation" and a "Implementing measure" in the field of Ecodesign and Energy labelling directives?](#)

[FAQ n°2.2 - Amongst criteria for implementation of regulation, shall the product volume of sales and trade represent more than 200 000 units a year within the Community?](#)

[FAQ n°2.3 - Is there any difference between "exploratory study", "scoping study", "exploratory limited study"?](#)

[FAQ n°2.4 - Are the missions/role of the European Commission consultant different from those of the New Approach Consultant?](#)

[FAQ n°2.5 - Are transitional methods be considered as "reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art methods" as commonly required in Implementing Measures in the Annex titled "Measurements and calculations"?](#)

FAQ n°2.1 - Is there any difference between a "Commission regulation" and a "Implementing measure" in the field of Ecodesign and Energy labelling directives?

No, in the field of Ecodesign, there is no difference for a practical point of view.

Ecodesign Directive 2009/125/EC is implemented by "implementing measures" which can be implementing regulation or Voluntary agreement.

Energy labelling Directive 2010/30/EU is supplemented by 'supplementing measures" which are delegated regulations.

date : 2014-08-28

[back to the table of contents](#)

FAQ n°2.2 - Amongst criteria for implementation of regulation, shall the product volume of sales and trade represent more than 200 000 units a year within the Community?

No

The threshold, provided in Directive 2009/125 article 15, is indicative.

The decision to cover a product is taken case by case according to the findings from the preparatory study, discussions during the regulations process, etc.

date : 2014-04-08

[back to the table of contents](#)

FAQ n°2.3 - Is there any difference between "exploratory study", "scoping study", "exploratory limited study"?

Yes. These studies, carried out in the framework of Directive 2009/125/EC, meet individual needs.

1) Preparatory studies are carried out for each product group listed in the Ecodesign Working Plan. They are commissioned to define to what extent the product should be regulated (from an Ecodesign point of view), and to identify possible standardization gaps and needs.

Preparatory studies follow the agreed Methodology for the Ecodesign of Energy-related Products (MEErP). The MEErP approach covers the following tasks:

Task 1: Definition

Task 2: Economic and market data

Task 3: Consumer behaviour and local infrastructure

Task 4: Technical analysis of existing products

Task 5: Definition of base case

Task 6: Technical analysis of best-available-technology (BAT)

Task 7: Improvement potential

Task 8: Scenario-, policy-, impact- and sensitivity analysis

2) The aim of the exploratory study is to provide a view for the Commission to decide whether the conditions are met for the 2012-2014 Working Plan indicative list products (e.g. thermal building insulation materials) to answer the question if they should be moved from the conditional to the priority list.

In an exploratory study, only Task 0 (Quickscan), Task 1 (Scope) and Task 7 (Scenarios) MEErP are conducted.

3) A scoping study is an exploratory limited study to get market overview and scoping for possible future studies.

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[back to the table of contents](#)

FAQ n°2.4 - Are the missions/role of the European Commission consultant different from those of the New Approach Consultant?

Yes

The role of the New Approach Consultant is to provide advice to the Technical Committees (TC) and Working Groups (WG) preparing draft European Standards (prEN) in the context of New Approach Directives or Regulations, at the earliest possible stage.

That includes :

- to ensure the understanding of the Essential Requirements (ER) of the Directive concerned;
- to check the conformity of the prEN with these ERs;
- to check whether the Annex ZA (in CEN) and ZZ (in CENELEC) is accurate, and to deliver a formal assessment of it before the Formal Vote.

The task of the European Commission's consultants is to provide technical assistance to the Commission services during the European standards development process for the specific energy-related product groups covered by the Ecodesign and Energy Labelling Directives (Directives 2009/125/EC and 2010/30/EU).

That means :

- technical assistance for the drafting of technical updates for selected product groups;
- monitoring of the development of standards;
- reporting to the EC on the results of the ESOs Technical Committees meetings.

One has to understand that, while New Approach Consultants can have some influence on the progress of the standard (if he delivers a negative assessment before Formal Vote, the standard cannot go further and the TC has to address the Consultant's comments before resubmitting the standard to a new assessment), the EC's consultants cannot. They can deliver advice to the TC but the TC remains free to accept it or not and to continue developing the standard as it wishes.

Note : For the time being, no New Approach Consultants exist in the field of Ecodesign and Energy Labelling.

date : 2013-08-30

[back to the table of contents](#)

FAQ n°2.5 - Are transitional methods be considered as "reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art methods" as commonly required in Implementing Measures in the Annex titled "Measurements and calculations"?

Yes

Note: it is the responsibility of the European Commission to ensure that transitional methods are "reliable, accurate and reproducible that take into account the generally recognised state-of-the-art methods" prior to their publication, in order to facilitate market surveillance.

date : 2015-10-21

[back to the table of contents](#)