EUROPEAN LAMP COMPANIES FEDERATION

CB(1) 1750/06-07(09)

13th September 2006

Policy Officer
DG Energy and Transport,
Directorate D, Unit D3
Rue de Mot 24
Brussels
B-1040

RE: *WTO Notification G/TBT/N/HLG/26 – Proposed Mandatory Energy Efficiency Labelling Scheme in Hong Kong, China*

Dear Mr. Toth,

Thank you for your email dated 5th September 2006. We welcome the opportunity to comment on the WTO Notification G/TBT/N/HLG/26 – *Proposed Mandatory Energy Efficiency Labelling Scheme in Hong Kong, China.*

The ELC greets the Energy Efficiency Labelling Scheme, proposed by Hong Kong, China to increase the awareness and supply of energy efficient technologies, especially as far as 'Energy Savers' are concerned. 'Energy Savers' placed on the European market achieve an Energy Label category A or B. We commend the proposal by Hong Kong China, to proliferate these ratings into more detailed categories. We understand the notification refers to two lamp types, the:

- Compact fluorescent lamp integrated with built in control gear (**CFLi**); and
- Compact fluorescent lamp without built in control gear (**CFLni**).

To ensure our response addresses the documents attached in your email, we provide a technical response (referring to the *Code of Practice on Compact Fluorescent Lamps*); followed by a request for further guidance.

Testing and Performance Criteria

- **Design** – Section 6.2 on Energy Efficiency Grading, refers to a lumen maintenance parameter of '*2,000 hours shall not be less than 78%*'[1]. The referenced parameter in the International IEC 60969 Standard for lumen maintenance, states compliance with published data, such as a rate of 80% - 85%. We would suggest that this design parameter is aligned with the referenced standard.
- **Lifetimes** – Section 6.2 on the Energy Efficiency Grading, refers - '*average lamp life shall not be less than 6,000 hours*'[1], and does not delineate between the CFLi and CFLni lamp types. We propose that the lifetime for a CFLi lamp is aligned with this criterion; however, we would like to request the criteria to state 10,000 hours for CFLni for ECG operation, and 8,000 hours for conventional control gear. We propose these lifetimes could satisfy the Grading criteria 1 through 4; and lamps with lower lifetimes, to be placed in Grade 5.
- **Luminous Efficacy** - We believe the minimum allowable luminous efficacy (lumen/W), listed in Table 1 and Table 2, is more stringent than current industry standards. We propose that our comments (listed in the Appendix to this letter) are included, in the Code of Practice.

[1] Code of Practice on Compact Fluorescent Lamps under the Mandatory Energy Efficiency Labelling Scheme – Annex C of WTO Notification Document (Draft)

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Guidance

We seek further clarification and guidance on the following issues listed below.

- **Non-standardised lamps** – This Notification indicates allowance of CFLi and CFLni lamps to be placed on the market in Hong Kong China, which conform to the international standards in the *Code of Practice on Compact Fluorescent Lamps*. We seek clarification for lamps that are not referred to in any standards, such as the integral or high wattage 2D lamp. Will this notification restrict the sale or placing on the market of these lamp types in Hong Kong China?
- **Technical parameters** – We are keen to know what light colour is used to measure lumens (performance differs per colour temperature, this being 2700K)? What power factor is used for this analysis?
- **Testing** – With regard to the number of lamp types to be tested and the high costs for 3rd party verification incurred, we request use of manufacturer's self declaration.
- **Labelling** – The lamp market in Hong Kong China is relatively small compared to other markets, in which ELC member companies currently conduct their business. We seek approval to place the Energy Efficiency Label, as a self-adhesive sticker on the lamp packaging.

Currently, 40 countries use different labeling schemes, to rate the energy-efficiency of a product. We request to be notified, if this Notification or similar Notifications, is extended into future markets.

I trust the information we have provided is clear. Please do not hesitate to contact me, should you have any further queries.

Yours sincerely,

Gerald Strickland
Secretary General

Copy to: A. Brisaer (DG TREN), M. Kestner (DG TREN), I. Gronroos-Saikkala (DG TREN) and S. Mittelham (CELMA)

Appendix – Proposed Amendments

WTO Notification G/TBT/N/HLG/26 – Proposed Mandatory Energy Efficiency Labelling Scheme in Hong Kong, China

Code of Practice on Compact Fluorescent lamps

- **2.1 (b)** We believe there should be no limits.
- **Page 3** – The reference ballast should simply refer to relevant standards. The paper needs not state further points.
    - An extra point is needed to discuss the ECG Ballast/CCG Ballast.
- **4.1 (a)** Acknowledgement is required that there are normal stick type lamps; decorative candle and GLS shaped lamps.
- **4.1 (b)** Acknowledgement is required that these lamps come with and without Amalgam, which affects testing procedures. Some decorative lamps are now also appearing on the market.
- **5.3.3**
    - The ballast used shall comply with the requirements of IEC 921 or EN60921. It shall be rated as specified on the relevant lamp data sheet.
- **5.4.2** The supply voltage shall be equal to the rated voltage of the reference ballast. During periods of stabilisation, the supply voltage shall be stable within $\pm$0,5% - this tolerance being reduced to $\pm$0,2% during measurement.
- **5.4.3 (b)** Test lamps will be tested as described in the relevant lamp standard.
- **5.6** Reference should be for IEC 60901 **and** IEC 60969.
- **5.7** For all types of CFLi's….IEC 60969. For all CFLni's without integrated control gear refer to IEC 60901.
- **6.2**
    - We believe the lumen levels and the watt steps are wrongly placed and propose the following.

Built in Control Gear Stick with 2700K(non Decorative – for decorative types lower levels must be accepted,)

Rated Lamp Wattage	Minimum Allowable Luminous Efficacy (Lumen/W)				
	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
	Note (2a)				Note (2b)
≤ 12W	49,5	44,55			
13W-24W	55	49,5			
≥ 25W	60,5	54,45			

Without Built in Control Gear Stick with 2700K (non Decorative – for decorative types lower levels must be accepted)

Rated Lamp Wattage	Minimum Allowable Luminous Efficacy (Lumen/W)				
	Grade 1	Grade 2	Grade 3	Grade 4	Grade 5
	Note (2a)				Note (2b)
≤ 10W	≥55	55,0>X≥50,0	50,0>X≥45,0	<45,0	
11W-50W	≥71,5	71,5>X≥65,0	65,0>X≥58,5	<58,5	
≥ 51W	≥82,5	82,5>X≥75,0	75,0>X≥67,5	<67,5	

- **7.1** We propose this should read 100% +5%, instead of 115%.

Responses of the Electrical and Mechanical Services Department (EMSD), Government of the Hong Kong Special Administrative Region, Hong Kong, China to Comments from the European Communities
Relating to Notification G/TBT/N/HKG/26 - Proposed Mandatory Energy Efficiency Labelling Scheme in Hong Kong, China and the draft Codes of Practice for Room Air Conditioners, Refrigerating Appliances and Compact Fluorescent Lamps

Comments from the European Communities	Responses of the Electrical and Mechanical Services Department (EMSD)
1. <u>Non-standardised lamps</u> The European Communities notes that the above-mentioned notification indicates that CFLi and CFLni lamps which conform to the international standards in the draft Code of Practice on Compact Fluorescent Lamps (Annex C of the notified text) are permitted to be placed on the market in Hong Kong China,. The European Communities would like to know if lamps that are not referred to in any standards, such as the integral or high wattage 2D lamps would be restricted from sale or placing on the market in Hong Kong China.	The proposed mandatory energy efficiency labelling scheme (EELS) will not impose any minimum energy performance requirements on the products covered by the scheme. The compact fluorescent lamps, which fall under the scope of regulated product in the mandatory EELS, are required to be tested, assigned an energy efficiency grade and affixed with an energy label in accordance with the requirements (sections 5 to 9) as laid down in the draft Code of Practice on Compact Fluorescent Lamps before they can be supplied in the Hong Kong market. Other lamps, which do not fall under the scope of regulated product in the mandatory EELS, can be supplied on the market without the energy label. In the cases of lamps, if any, that are not referred to in the international testing standards stipulated in the draft Code of Practice (i.e. IEC 60969, IEC 60901, CIE84), EMSD will also consider accepting other equivalent international testing standards. The manufacturers may provide more details of the applicable testing standards for EMSDôs consideration in such cases.
2. <u>Technical parameters</u> The European Communities would like to know what light colour is used in Hong Kong to measure lumens (performance differs per colour temperature, this being 2700K) and what	CFLs with different colour temperatures have to be tested individually for measurement of lumen because the performance will be different for different colour temperatures. It is not required to measure the power factor of the lamp under the proposed mandatory EELS and the power factor is not considered for determination of energy efficiency

Comments from the European Communities	Responses of the Electrical and Mechanical Services Department (EMSD)
power factor is used for this analysis.	grade.
3. <u>Climate classes of refrigerators</u> The European Communities notes that in the draft Code of Practice on Refrigerating Appliances (Annex B of the notified text), the footnote under Section 4.2, table 3, states that ñAll appliances are designed to operate under 'ST' climatic classò. The European Communities would like to be informed about the implications of this requirement for the sale of refrigerators and freezers in other climate classes ónormalô or ósubnormalô. It is to be clarified whether they can be registered under this scheme and if not, if they can be sold.	As stipulated in the draft Code of Practice on Refrigerating Appliances, the test of refrigerating appliances shall be carried out in accordance with ISO5155, ISO7371, ISO8187 and ISO8561 standards. The refrigerating appliances covered under the mandatory EELS (no matter which climate class they are designed for) shall be tested under the required ambient condition for class ñSTò appliance as laid down in the ISO standards and meet the performance requirements (section 7) as specified in the draft Code of Practice. Our proposed scheme **will not** prohibit the supply of refrigerators designed to operate under climate classes other than "ST".
As far as the testing - third party laboratory involvement is concerned, the proposed Hong Kong Regulation requires the use of third party laboratories which may be accredited by the Hong Kong Accreditation Service. The requirement of mandatory third party involvement would significantly increase costs and complicate the administrative procedures to enter the Hong Kong market. This approach differs significantly from the Chinese Energy Labelling Law, which also permits the use of internal laboratories of manufacturers. The Chinese law encourages the acquisition of an accreditation of the internal laboratory by national accreditation, but does not require third party involvement. The Hong Kong approach which follows neither the European nor the Chinese approach of not requiring third party certification could therefore contravene the provisions of Article 5.1.2 of the TBT Agreement which provides that conformity assessment procedures should not be prepared, adopted or applied with a view to	In our proposed mandatory EELS, the test reports submitted by the importers or local manufacturers can be issued by a laboratory which is accredited either under the Hong Kong Laboratory Accreditation Scheme operated by the Hong Kong Accreditation Service (HKAS) <u>or</u> under a scheme in other economies which have entered into a mutual recognition agreement with the HKAS. We understand that there are a number of such schemes being operated in Europe, such as the United Kingdom Accreditation Service (UKAS), Dutch Accreditation Council (RvA), Danish Accreditation (DANAK) etc. In fact, in our proposed scheme, it is not a mandate to have a third-party laboratory involvement in our proposed mandatory EELS. Test reports issued by an internal laboratory of a manufacturer can be accepted as long as the laboratory is accredited under the above-mentioned schemes.

Comments from the European Communities	Responses of the Electrical and Mechanical Services Department (EMSD)
or with the effect of creating unnecessary obstacles to international trade. In the ECôs view, use of manufacturerôs self declaration should be sufficient.	We understand that Energy Efficiency Labelling schemes in Canada and South Korea also impose requirements on the certification organization.
Concerning labelling, the European Communities would like to suggest that the placement of the Energy Efficiency Label, as a self-adhesive sticker on the lamp packaging should be sufficient in order to comply with the provisions of Article 2.2 of the TBT Agreement.	Options for attaching the energy labels on the packaging of compact fluorescent lamps are provided in the draft Code of Practice on Compact Fluorescent Lamps. The applicant can choose either printing or affixing the energy labels on the packaging according to his/her preference. As such, affixing the energy label as a self-adhesive sticker on the lamp packaging is also acceptable.