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JOINT CECED EUNITED CLEANING POSITION PAPER

Industry statement

Implementing Motor durability requirements contained in Commission Regulation 666/2013/EC implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for vacuum cleaners

The purpose of this document is to provide background information and potential alternatives on the verification of motor durability requirements of vacuum cleaners set in Annex II.8 of Regulation 666/2013 to contribute to a transparent and effective regulatory environment which includes the possibility of proper Market Surveillance.

Annex II.8 of regulation 666/2013/EC with regard to ecodesign requirements for vacuum cleaners reads as follows:

Operational motor life-time

The vacuum cleaner shall run with a half-loaded dust receptacle intermittently with periods of 14 minutes and 30 seconds on and 30 seconds off. Dust receptacle and filters shall be replaced at appropriate time intervals. The test may be discontinued after 500 hours and shall be discontinued after 600 hours. The total run-time shall be recorded and included in the technical documentation. Air flow, vacuum and input power shall be determined at appropriate intervals and values shall, along with the operational motor lifetime, be included in the technical documentation.

In 2015, a special review study was launched to reassess the appropriateness of the durability requirements set for motors (and hoses). The study concluded that the existing durability requirements for motors are appropriate in principle. Nevertheless, the consultant for this study (VHK) concluded that:

- *“Makes the motor durability test expensive (requires special equipment, manual intervention every X hours and special test dust DM 8 ca. 5000 EUR/test reported);*
- *Makes the motor test less reproducible (deviations in test loading, definition problems for bagless VCs, etc.);*
- *Is opposed by all consulted stakeholders that have to test: industry, consumer associations, and market surveillance authorities (MSAs);*
- *Makes spot-checks by consumer associations and MSAs very unlikely;*
- *Uses implicitly a clause in the EN test standard that was not designed to test motor durability, but to test suction maintenance over life;*
- *Better, simpler and ‘proven’ alternative is available: testing with empty receptacle. (e.g. used by Stiftung Warentest and others)”¹.*

¹ VHK Presentation of the Special Review study made during the stakeholder meeting of 25th April 2016

During the Commission stakeholder meeting of 25 April, 2016, participants recognized the need to determine a way forward. They proposed to the EU Commission the publication of a transitional method clarifying that testing motors for 550 hours with an empty receptacle is equivalent to a test carried out for 500 hours with a partly loaded receptacle. The current testing method would lead to arbitrary findings and could, therefore, not be the basis for verification and enforcement actions.

This equivalence is also recognised in the EN 60312-1:2017 section 6.Z3 Operational motor life-time test.

On 27 March, 2017, the EU Commission organised a Consultation Forum to discuss the outcome of the above-mentioned special review study. Participants invited the Commission to elaborate a pragmatic solution. They suggested to follow the recommendation proposed by VHK during the stakeholder meeting of 2016.

For motor lifetime, various Member States (AT, BE, DE, FR, IT, NL, PT, SE, UK) indicated that the test method as described in the verification annex to the Regulation (i.e. testing for 500 hours with a half-full dust receptacle) is poorly repeatable and reproducible and that in consequence the Member States, in breach of Article 15(7) of the ecodesign Directive 2009/125/EC. These Member States, supported by CECED [and EUnited Cleaning], consider that the current situation is resulting in legal uncertainty that has to be addressed before the requirement enters into force in September 2017.

IT, considering that the adopted test method results from a collective mistake, suggested the possibility to prepare a 'Corrigendum' to the Regulation.

NL suggested that the Commission services would inform the Standing Committee set up under Directive 98/34/EC (standardisation) and get its opinion on this specific issue related to the lack of repeatability/reproducibility of the test method included in the Regulation versus the availability of an alternative repeatable/reproducible test method which is not covered by the legal text of the Regulation but is included in the revised European test standard.²

Despite the calls on the Commission to act, the Commission decided it would not publish the proposed transitional method referring to a testing for 550 hours with an empty receptacle.

The Chair [the EU Commission] proposed not to make any changes to the current Regulation. He suggested investigating possible ways forward, including a 'Corrigendum' to the Regulation and the publication in the Official Journal of the reference of the amended standard with the alternative testing method (i.e. testing for 550 hours with an empty receptacle). He stated that the Standing Committee will be informed on this issue and that its opinion will be reported back to the ADCO Group. However, he indicated that it would not be possible to publish a transitional method that would contradict the text of the Regulation.³

The issue was raised during the ADCO meeting of 26 April, 2017. CECED presented the following Q&A to solve the concern raised on 27 March, 2017 by the participants to the above-mentioned Consultation Forum.

Question:

How should the conformity of vacuum cleaners to the requirement set in Annex I, 1.(b) eight indent of Regulation 666/2013, referring to the operational motor lifetime, be assessed by manufacturers and verified by MSA?

² Official Commission Minutes of Consultation Forum of 27 March 2017

³ *Ibid*

Proposed answer:

The choice of the method to assess the conformity of a product is left to each manufacturer. Manufacturers can choose among the two following options:

- test the durability of the operational motor lifetime of their appliance for 550 hours using the test method with an empty receptacle described in EN 60312-1:2017, Clause 6.Z3*
- test the durability of the operational motor lifetime of their appliance for 500 hours using a test method with a half-loaded receptacle, describing in the technical documentation how 'half-loaded' was interpreted and how the test was conducted in order for MSAs to be able to verify the claim made by manufacturers by applying the same test conditions*

Rationale:

ANNEX II - Measurement and calculation methods of Regulation 666/2013 states at point 1: "For the purposes of compliance and verification of compliance with the requirements of this Regulation, measurements and calculations shall be made using a reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurement and calculation methods, including harmonised standards the reference numbers of which have been published for the purpose in the Official Journal of the European Union. They shall meet the technical definitions, conditions, equations and parameters set out in this Annex".

The proposal was generally supported by the ADCO members. Nevertheless, the EU Commission did not agree to proceed with the publication of the Q&A.

Considering the EU Commission's position and to avoid the legal uncertainty related to the motor durability requirement, CECED and EUnited Cleaning investigated various options which industry could consider to address the issue set forth above. Following these discussions, it was decided that CECED and EUnited Cleaning would issue a joint statement in which manufacturers would describe and refer to public acknowledgement of the inadequacy of the testing method and an alternative testing method which could be considered so as to maximize effective compliance with the objectives of the regulation and has also been considered as such by all relevant stakeholders.

This statement would be made public in an effort of transparency. This statement is however without prejudice to the individual practice and assessment to be made by each manufacturer.

As a long-term solution the responsible standardisation working group (CLC TC 59X WG 6) is asked to investigate on a reproducible test method for operational motor life-time with a half loaded receptacle. The new test method would be applicable for the revision of the current Regulation.

Conclusion:

- *Following various stakeholders sessions and objective third party expert assessments, it has been recognized that the test imposed in the Regulation 666/2013 fails and is therefore unenforceable.*
- *For formal reasons, the Commission refuses to amend the current Regulation or to publish Transitional Methods to remediate or correct the failed testing method.*
- *Allowing testing with an empty receptacle for 550 hours instead of 500 hours is an alternative testing method recognized in Standard EN 60312-1:2017, Clause 6.z3, which does not have the deficiencies of the test set forth in the Regulation and is considered to satisfy the general regulatory objectives and allow for a consistent and objective verification.*