COMMENTS

ON THE REVIEW OF THE DRAFT ACT ON ENERGY LABELLING REQUIREMENTS FOR MOBILE PHONES, SMARTPHONES, CORDLESS PHONES AND TABLETS

Brussels, 28/09/2022

Following the release of the European Commission's draft proposals for a new energy labelling regulation on mobile phones, cordless phones and tablets on 31 August 2022, the environmental stakeholders hereby submit their views.

We support the following aspects of the proposed ecodesign regulation:

- General approach to measure and calculate a reparability index including spare part availability, software updates, tools, repair information and disassembly depth.
- Improved label icon design and inclusion of reparability index on the label
- No inclusion of protective covers in drop testing
- Improvements to EEI test setup
- Improvements to tool scoring

However, we observe that there has been a reduction in ambition in the regulatory requirements specified in this recent draft which is incompatible with the intentions of the European Green Deal and will translate to lost savings. Overall, the proposed measures are anticipated to deliver a 33% reduction in the life cycle primary energy consumption energy use from phones and tablets (including production). Given the EU has a climate target to reduce emission by 55% by 2030, the proposals should be more ambitious. Therefore, we propose the following changes:

- Display disassembly specification: Fastener definition and scoring approach: Revise fastener definitions to define three different types (reusable, resupplied and removable).
- Free fall classes & test points: Return granularity of free fall test intervals and classes to the approach of the previous draft.
- OS update impacts on EEI: A stipulation should be added to state that OS updates should not change EEI.
- Update of repair index to match level of ambition of ecodesign requirements on OS updates: Following demands made on the ecodesign requirements for Software Updates (duration), we suggest also raising the level of ambition of the repair index.
- Lack of inclusion of price of spare parts among the criteria in the repair index: as price is one of the major recurrent barriers between a product being potentially repairable and actually repaired.
- Repair information scoring on board diagrams: The highest information class should reward provision of board diagrams to unregistered repairers.
- Review clause: Improvements for greater consistency with the regulation and to include aspects to be considered in the reparability index in future.

- **SIM tray as a spare part**: include in the repair index as a spare part albeit with a very low weighting.
- **Population of EEI, drop test and reparability classes**: Prior to finalising the labelling classes ensure that the A classes for EEI, drop test and reparability index are unpopulated.
- **Visibility of the reparability index**: Improve the labels laid out in Annex VII and Annex VIII to include information on reparability.

The remainder of this document provides an explanation of our position and requested changes.

WE STRONGLY SUPPORT THE FOLLOWING PROVISIONS

GENERAL APPROACH TO MEASURE AND CALCULATE A REPARABILITY INDEX

We strongly support this index being included on the label and consider the inclusion of spare part availability, software updates, tools, repair information, fasteners and disassembly depth as appropriate [Annex IV.5.].

IMPROVED LABEL DESIGN AND INCLUSION OF REPARABILITY INDEX ON THE LABEL

We consider the proposed label design more intuitive and strongly support the inclusion of the reparability index on the label [Annex III.2.1].

EXCLUSION OF PROTECTIVE COVERS AND FOILS IN DROP TESTING

We strongly support fall tests without protective foils and separate protective covers [Annex IV.4].

IMPROVEMENTS TO EEI TEST SETUP

We support the more detailed specification of device settings and configuration although we consider additional guidance would still be beneficial on how exactly to measure screen brightness and audio volume [Annex IV.1.1].

IMPROVEMENTS TO TOOL SCORING

We support the more focused list of basic tools (compared to EN 45554:2020) and consider this more appropriate to smartphone repair. We also support the level of granularity in the current proposal which scores tools supplied with the spare part at 3 points, and tools supplied with the product at 2 points, because we consider this proportionate to the ease of repair [Annex I.(39) and Annex IV.5].

CHANGES NEEDED FOR A ROBUST LABEL

FASTENER DEFINITION AND SCORING APPROACH

Insufficient fastener differentiation: As explained in our position paper on the draft ecodesign regulation, there are several issues with the current fastener definitions. There is insufficient differentiation between the different fastener types and there is insufficient grading in the energy labelling classes.

Change needed: To clearly delineate the different types of fasteners based on reparability and environmental impact, avoid counterintuitive definitions and facilitate a more effective and granulated scoring approach we propose the following definitions:

- **Reusable fastener**: A fastener that can be completely reused in the reassembly for the same purpose. Screws and other connectors such as, but not limited to, snap-fits and clips shall be classified as reusable fasteners, unless they cause damage either to the product or to the fastener itself during the disassembly or reassembly process in a way that makes their reuse impossible. (labelling score = 5)
- **Resupplied fastener**: A fastener that cannot be completely reused, but that is supplied at no additional cost with the spare part which it is intended to connect or fix. Adhesives shall be considered resupplied fasteners if they are supplied with the spare part in a quantity that is sufficient for the reassembly at no additional cost, unless the removal process for the original adhesive, using commercially available tools with a reasonable level of effort, does not allow the full removal of the residues and risks precluding the reassembly of the product. (labelling score = 3)
- **Removable fastener**: A fastener that is not reusable or resupplied but can be removed without causing damage or leaving residue which precludes reassembly. Adhesives that are not reusable or resupplied fasteners shall be considered removable fasteners unless their removal process, using commercially available tools with a reasonable level of effort, does not allow the full removal of the residues and risks precluding the reassembly of the product. (labelling score = 1)

FREE FALL CLASSES & TEST POINTS

Problematic reduction in free fall classes and test points [Annex II.B]: The reduced number of free fall classes and defect checking intervals have impacted the robustness and ease of comprehension of the label. Previously classes of A to G were defined, although F and G were only applicable to tablets as smartphones were subject to a minimum performance requirement of 100 drops. However, in the current revision only classes of A to E are defined, with E only being applicable to tablets. This means that for smartphones, the worst performing products will be in the D class, which is very misleading for the consumer as the label shows an E class for drop tests. Also, surprisingly, there are no minimum drop test requirements for tablets in the regulation. Therefore, aligning with the intention that the bottom class represents the minimum regulatory requirement, we propose the regulation specifies minimum falls without defect for tablets at the G level of 50 drops.

Change needed: In order to clearly delineate classes, the free fall test intervals and classes should be returned to the approach of the previous draft.

Repeated free fall reliability class	*Revert to previous draft* Falls without defect	Current draft Falls without defect
A	n > 350	n > 300

B	$300 < n \leq 350$	$200 < n \leq 300$
C	$250 < n \leq 300$	$100 < n \leq 200$
D	$200 < n \leq 250$	$50 < n \leq 100$
E	$100 < n \leq 200$	$n \leq 50$
F	$50 < n \leq 100$	No class
G	$n \leq 50$	No class

- Smartphones: Minimum regulatory requirement of 100 drops should be reflected in class F (as defined in previous draft).
- Tablets: Minimum regulatory requirement of 50 drops should be reflected in class G (as defined in previous draft).

Test intervals should be specified as follows:

Falls per unit	Slate tablet checks for defects	Smartphone checks for defects
50	1st	
100	2nd	1st
150	3rd	2nd
200	4th	3rd
250	5th	4th
300	6th	5th
350	7th	6th

OPERATING SYSTEM UPDATE IMPACTS ON ENERGY EFFICIENCY INDEX (EEI)

Lack of clarity on the impact of OS updates on labelling parameters: Annex IV.1.1 specifies that for the EEI measurement, system OS and software updates shall be deferred until after testing. This means that a product could be shipped with a light OS version which allows the most favourable test result, but as soon as the product is configured by a real user an update is downloaded which results in a worsening of the EEI class. Whilst some wording in Annex IV.1.3 cross referencing to regulation 2017/1369 addresses changes in the EEI with operating systems versions, it only covers the situation with a change in OS before placement on the market.

Change needed: Include the following text in relation to operating system updates:

- Pre-sale: specification that the EEI test should be run twice, once with deferred OS and software, and once with any updates installed, and if there is a difference in classes, the lowest class should be used.
- Post-sale: specification that the EEI should remain the same or be better after an OS update, e.g.:

After purchase, the EEI of the product shall not deteriorate after a software or firmware update when measured with the same test standard originally used for the declaration of conformity.

UPDATE OF REPAIR INDEX TO MATCH LEVEL OF AMBITION ON ECODESIGN

Following demands made on the ecodesign requirements for Software Updates (duration) to raise the availability of 'conformity updates' (which, we suggest, should replace the term 'security updates') to 7 years and the functionality updates to 5 years, we suggest also raising the level of ambition of the repair index.

Changes needed [Annex IV.4]:
– Minimum guaranteed availability of ~~security~~ conformity updates for at least ~~7~~ 10 years, and of operating system functionality updates for at least ~~6~~ 7 years = 5 pt.
– Minimum guaranteed availability of security conformity updates for ~~6~~ 9 years, and of operating system functionality updates for ~~5~~ 6 years = 4 pt.
– Minimum guaranteed availability of security conformity updates for ~~5~~ 8 years, and of operating system functionality updates for ~~5~~ 6 years = 3 pt.
– Minimum guaranteed availability of security conformity updates for ~~5~~ 8 years, and of operating system functionality updates for ~~4~~ 5 years = 2 pt.
– Minimum guaranteed availability of security conformity updates for ~~5~~ 7 years, and of operating system functionality updates for ~~3~~ 5 years =1 pt.
– The above durations refer to years after the date of end of placement on the market of the product model.

LACK OF INCLUSION OF PRICE

The price of spare parts is a key criterion in determining users' choices whether to repair or replace a smartphone. The price criterion is one of the most important features of the French repairability score index. Omitting it from a European repair index can make it less relevant for consumers and encourage the proliferation of parallel national-level indexes taking price into account.

REPAIR INFORMATION SCORING ON BOARD DIAGRAMS

Repair information score should include board diagrams for non-professional repairers [Annex IV.5 - Repair Information (SRI)]: We support the specific reference to provision of board diagrams to professional repairers in the repair information score. However, as highlighted in our paper on the draft ecodesign regulation, the burden of proof on professional repairers currently inhibits many of them from being able to register with OEMs for access to repair information. These repairers have the technical capacity to carry out complex repairs such as board repairs that OEM's own repair services seldom undertake. For example, in-store repair options offered at one smartphone OEM were limited to the repair of only four key parts. Consumers may be told by OEMs that other repairs are simply not feasible which may drive them to purchase a new product in preference to repair. The repair scoring presents an opportunity to nudge manufacturers towards making information more widely available and enabling wider repair scenarios. Nevertheless, the best class on repair information currently restricts access to board repair information to registered professional repairers.

Change needed: The scoring should be revised for greater granularity and enable greater access to board diagrams by adding an additionnal class:

- Full public availability at no cost to both end users and professional repairers of repair and maintenance information including circuit diagrams (schematic representations of the components and their functional interrelations) and circuit board layout drawings (graphic representations of the physical location on the circuit board of components and connections) as required for failure analysis = 5 pt.
- Public availability of repair and maintenance information, except circuit diagram and circuit board layout drawings, at no cost for end users and availability of repair and maintenance information, including electronic board diagrams, at no cost for professional repairers = 4 pt.
- Availability of repair and maintenance information at no cost for professional repairers = 3 pt.
- Availability of repair and maintenance information with a reasonable and proportionate fee for professional repairers = 1 pt.

REVIEW CLAUSE

Review clause misses important future considerations: A number of considerations are missing from the review clause, including i) revision considerations mirroring those of the Ecodesign regulation ii) parameters to consider including in the label in future [Article 7].

Change needed: The following considerations should be added to the review clause:

- Expanding the label to address smart wearables,
- Expanding the reparability index for additions to the list of spare parts,
- Revisions to the reparability index to include durability aspects,
- Additions to the repair scoring for parameters on shorter part delivery time, price of spare parts in relation to product RRP, ease of repair with used and third-party spare parts, extended availability time of spare parts, and availability of a wider range of components for board-level repairs.

SIM TRAY AS A SPARE PART

The SIM tray is not included in the repair index [Annex IV.5 -Spare Parts (Ssp)]: The SIM tray has been added to the list of parts in the new revision of the ecodesign regulation but is not included in the reparability index.

Change needed: For consistency with the ecodesign regulation, the SIM tray should be included in the repair index as a spare part albeit with a very low weighting.

POPULATION OF EEI, DROP TEST AND REPARABILITY CLASSES

Need to calibrate labelling classes based on market distribution [Annex II]: No data has been provided on the distribution of products between the labelling classes for EEI, drop test and reparability. In accordance with clause 18 of the Energy Labelling regulation, the top A class should be unpopulated to *"encourage technological progress, provide for regulatory stability, limit the frequency of rescaling and enable ever more efficient products to be developed and recognised."*

Change needed: Prior to finalising the labelling classes ensure that the A classes for EEI, drop test and reparability index are unpopulated.

VISIBILITY OF THE REPARABILITY INDEX

The reparability index is not immediately visible in the case of visual advertisements, technical promotion material and distance selling, including sale over the internet [Article 4]: Given the importance of sales over the internet and the impact of advertisement on consumption decisions, this will lower the impact of including the reparability index in the energy label.

Change needed: Improve the labels laid out in Annex VII and Annex VIII to include information on reparability.