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Committee on Technical Barriers to Trade

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EUROPEAN UNION - DRAFT COMMISSION REGULATION LAYING DOWN ECO-DESIGN REQUIREMENTS FOR ELECTRONIC DISPLAYS PURSUANT TO DIRECTIVE 2009/125/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, AMENDING COMMISSION REGULATION (EC) NO 1275/2008 AND REPEALING COMMISSION REGULATION (EC) 642/2009 (AND ITS ACCOMPANYING ANNEXES)"

STATEMENT BY THE UNITED STATES TO THE COMMITTEE ON TECHNICAL BARRIERS TO TRADE
6 AND 7 MARCH 2019

The following communication, dated 21 March 2019, is being circulated at the request of the delegation of the United States.

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1. The United States requested the European Union re-notify Draft Commission Regulation supplementing EU Regulation 2017/1369 of the European Parliament and of the Council as regarding energy labeling of electronic displays on 11 January 2019.
 2. The numerous changes made in the text of the regulation on Electronic Displays in mid-December 2018 materially altered the scope and requirements from the text notified to the WTO in October 2018. The European Union did not provide WTO Members an opportunity to comment on these significant changes.
 3. The US ICT and flame retardant industries have significant concerns with the draft regulation and the ICT industry is concerned about being locked out of an approximately USD 25 billion annual market.¹
 4. In addition to the need to provide an opportunity for WTO Members to comment on the new provisions in the revised version, we are concerned whether comments submitted to the original notification were taken into account in adopting the revised December version.
 5. For instance, the Consumer Technology Association (CTA) and Information Technology Industry (ITI) submitted comments via the WTO TBT Inquiry Point just before the mid-December meeting at which the EU adopted the revised version.
 6. The short time between the close of the comment period and the adoption of the revision at the mid-December meeting raise questions regarding the EU's WTO TBT commitments to the principle of transparency.
 7. The notified draft regulation allowed for the use of halogenated flame-retardants as long as the technical file accounted for them. The final version of this regulation bans halogenated flame-retardants from frames around televisions and from stands of displays. The EU provided no comment period on these new provisions.

¹ From Consumer Technology Association.

8. Besides affecting both the flame retardant and television industries, this measure circumvents the REACH Regulation and RoHS Directive. The potentially conflicting regulatory requirements between those measures and the Eco-design Directive raise questions about transparency in regulating these products.

9. Manufacturers of industrial monitors are also impacted by a late change made in the scope of the regulation. They had understood the notified draft to exclude industrial monitors from the scope of this measure. The EU provided no comment period on new provisions that lead industry to believe some industrial monitors may be included within the scope.

10. Industrial monitors often operate in harsh environments such as nuclear power stations, manufacturing plants, and oil refineries, and their inclusion within the scope and applicability of the requirements of the revised measure could result in safety problems for users of these products.

11. The strict energy requirements for televisions will prevent import or domestic sale of a disproportionate percentage of new high-resolution display technologies to the EU market and will deprive EU consumers of the latest innovations in picture quality.

12. We urge the EU to re-notify the revised measure in draft for a sixty-day comment period, so that comments can be received on the aforementioned significant changes.
