

RFP #: 5-20

Post date: June 22, 2020

Due date: July 29, 2020

Topic: Study to evaluate online compliance in the EU and provide suggestions and recommendations

Region/Country: European Union

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## Introduction

CLASP serves as the leading international voice and resource for appliance efficiency policies and market acceleration initiatives. Since 1999, CLASP has worked in nearly 100 countries, collaborating with key stakeholders to design and implement high-impact policies and programs that catalyse markets for efficient on and off-grid products that deliver a higher global standard of living for everyone. From international collaborations to local markets, we draw on best practices and leading technical and policy expertise to help decision makers identify and implement the most appropriate and cost-effective policies and market interventions. CLASP is based in Washington DC, and has offices and teams in India, Kenya, Europe, and are establishing a permanent presence in Indonesia to serve our growing portfolio of projects and programs in Africa, Europe, Latin America, and South and Southeast Asia.

CLASP has been engaged in Europe since 2009, mostly at the European Union level, supporting the European Commission in establishing ambitious ecodesign and energy labelling regulations. CLASP has also been involved in projects related to various aspects of compliance in Europe.

CLASP is seeking a contractor to conduct an assessment of online compliance with the energy labelling general framework and product-specific regulation. The study should focus on a selection of the five products that are both currently regulated under Directive 2010/30 and covered by newly adopted energy labelling regulations.

## Background

While attention to compliance has been increasing in general, the specific issue of online compliance has remained largely unexplored despite evidence of particularly low levels. This study aims at understanding the current status and challenges of online compliance to facilitate the transition to the new requirements and help ensure a high compliance rate.

### Increased attention for compliance

The EU has one of the world's most comprehensive energy standards and labelling programs. Ecodesign and Energy Labelling are now widely recognised as efficiency

policies and critical tools to reach the European emission reduction target. A holistic implementation framework bolsters the credibility of government energy efficiency programs, protects consumers, and creates a fair playing field for suppliers of energy-efficient and quality products. The importance of ensuring a high level of compliance with these policies has been increasingly recognised and both the Member States and the European level have mobilised in recent years to improve the situation.

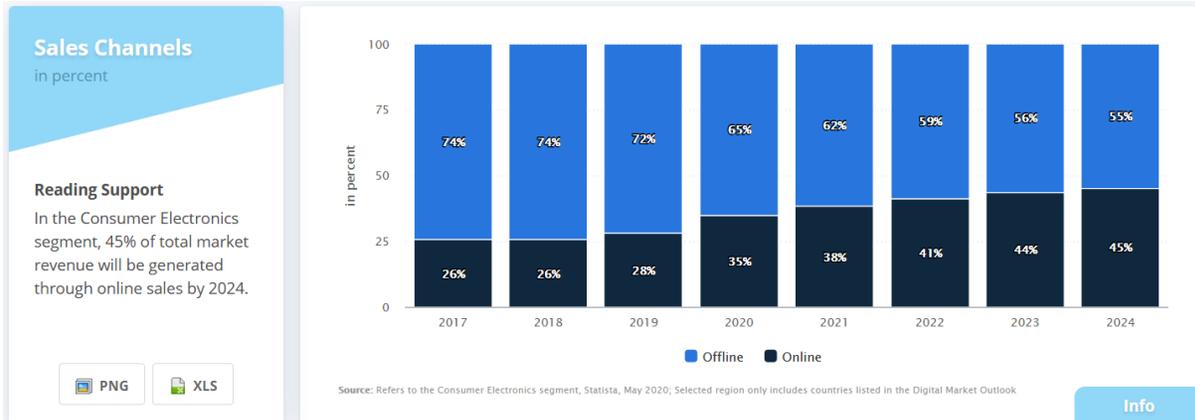
Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling sets requirements for applying the EU Energy Label to products sold in stores and online. The regulation attempts to strengthen compliance in the EU by improving cooperation between Member States and giving the European Commission a slightly more prominent role than in the past. Improving MV&E is for example the main objective of the new European Product Registration database for Energy Labelling (EPREL) introduced by Regulation (EU) 2017/1369.

The new [Regulation \(EU\) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products](#) strengthens the powers of Market Surveillance Authorities (MSAs), with particular attention to the online market.

The European program Horizon 2020 (and its predecessor Intelligent Energy Europe - IEE) has placed significant emphasis on MV&E for many years, through projects like [ATLETE](#) and [ATLETE 2](#), [ECOPLIANT](#), [EEPLIANT2](#) and the newly launched [EEPLIANT 3](#), [MarketWatch](#) and [CompliantTV](#). Some projects like [Digi-Label](#) or [Label 2020](#) look into the digitalisation of the label and offer solutions to facilitate online compliance.

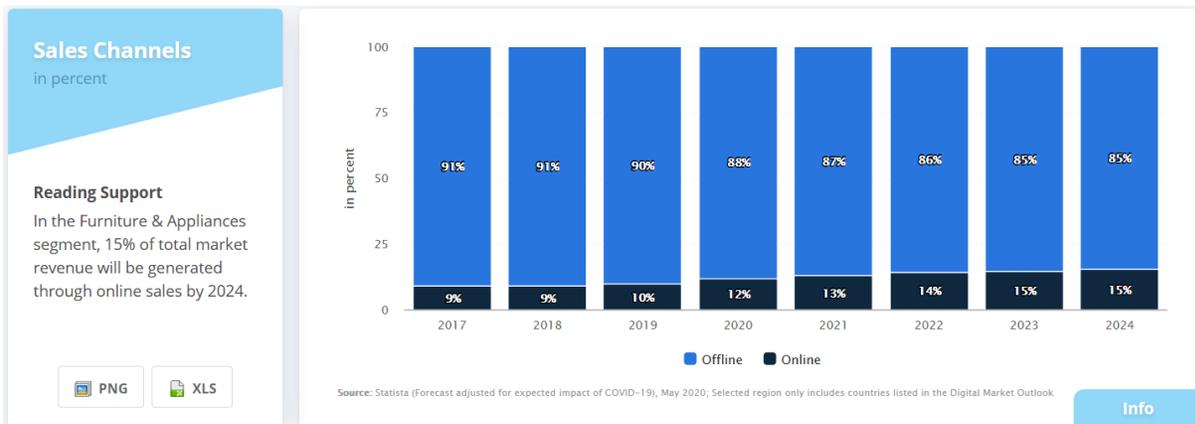
#### Importance of improving online compliance

Most of these projects and member states focus their compliance and enforcement efforts on products in brick and mortar stores. However, more and more consumers are moving online to research and/or purchase energy using products – some projects like EEPLIANT2 have reported particularly low compliance with the Ecodesign and Energy Labelling regulations on the online market (see Annex B-3 – Resources and existing sources). The extent, types and impact of non-compliance on the online market is currently not well known.



Source: <https://www.statista.com/outlook/245/102/electronics-media/europe#market-onlineRevenueShare>

Figure 1: Past and projected shares of Offline vs Online sales of Consumer Electronics, in % of total market revenue.



Source: <https://www.statista.com/outlook/247/102/furniture-appliances/europe#market-arp>

Figure 2: Past and projected shares of Offline vs Online sales of Furniture and Appliances, in % of total market revenue.

Some of the consumers who typically would have gone to a store to purchase an appliance were recently forced to select and purchase their product online because of the sanitary crisis. A part of them may adopt this new behaviour (or reinforce this behaviour) and increase the share of online sales – and online selection of products.

Ensuring a high level of online compliance is therefore becoming an even higher stake both on the consumer and on the supplier side.

### Current and upcoming requirements

This study will focus on the aspects of compliance that are specific to the online market. It will therefore mainly focus on the requirements defined under the legal framework for energy labelling. No testing will be done for this study, but the availability and consistency (e.g. consistency of the information between different online stores and with the manufacturer's website, consistency between the energy class and the product information) of the legally required information can be checked.

The current requirements concerning online compliance are outlined in Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products. The details for each product group are defined in the corresponding regulation.

A new version of the EU Energy Label will enter into force for six products in 2021: lighting, electronic displays, domestic refrigerators, commercial refrigeration equipment, washing machine and dishwashers. The European Commission is also introducing an online product registration database and facilitating cooperation between Member States, both of which should support compliance with the Ecodesign and Energy Labelling regulations, but it is unclear how these will be used to monitor online sales.

Table 1: Current and future requirements relating to the (online) supply of information

Requirements relating to the (online) supply of information	
Current	Upcoming
2010/30 <sup>1</sup>	2017/1369 <sup>2</sup>
<p><i>Article 4</i></p> <p><i>Information requirements</i></p> <p><i>Member States shall ensure that:</i></p> <p><i>(a) information relating to the consumption of electric energy, other forms of energy and where relevant other essential resources during use, and supplementary information is, in accordance with delegated acts under this Directive, brought to the attention of end-users by means of a fiche and a label related to products offered for sale, hire, hire-purchase or displayed to end-users directly or</i></p>	<p><i>Article 5</i></p> <p><i>Obligations of dealers</i></p> <p><i>1. The dealer shall:</i></p> <p><i>(a) display, in a visible manner, including for online distance selling, the label provided by the supplier or made available in accordance with paragraph 2 for units of a model covered by the relevant delegated act; and</i></p> <p><i>(b) make available to customers the product information sheet, including, upon request, in physical form at the point of sale.</i></p>

<sup>1</sup> [Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products](#)

<sup>2</sup> [Regulation \(EU\) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling](#)

<p><i>indirectly by any means of distance selling, including the Internet;</i></p> <p><i>(c) any advertisement for a specific model of energy-related products covered by a delegated act under this Directive includes, where energy-related or price information is disclosed, a reference to the energy efficiency class of the product;</i></p> <p><i>(d) any technical promotional material concerning energy-related products which describes the specific technical parameters of a product, namely, technical manuals and manufacturers' brochures, whether printed or online, is provided to end-users with the necessary information regarding energy consumption or shall include a reference to the energy efficiency class of the product.</i></p> <p style="text-align: center;"><b>Article 7</b></p> <p style="text-align: center;"><i>Distance selling and other forms of selling</i></p> <p><i>Where products are offered for sale, hire or hire-purchase by mail order, by catalogue, through the Internet, telemarketing or by any other means which imply that the potential end-user cannot be expected to see the product displayed, delegated acts shall make provision to ensure that potential end-users are provided with the information specified on the label for the product and in the fiche before buying the product. Delegated acts shall, where appropriate, specify the way in which the label or the fiche or the information specified on the label or in the fiche shall be displayed or provided to the potential end-user.</i></p>	<p style="text-align: center;"><b>Article 11</b></p> <p style="text-align: center;"><i>Procedure for the introduction and rescaling of labels</i></p> <p><i>(...)</i></p> <p><i>13. Where, pursuant to paragraph 1 or 3, a label is rescaled:</i></p> <p><i>(...)</i></p> <p><i>c) the dealer shall replace the existing labels on products on display, both in shops and online, with the rescaled labels within 14 working days after the date specified in the relevant delegated act for starting the display of the rescaled label. The dealer shall not display the rescaled labels before that date.</i></p>
<b>1060/2010<sup>3</sup></b>	<b>2019/2016<sup>4</sup></b>
ANNEX V	<p><i>Article 4</i></p> <p><i>Obligations of dealers</i></p>

<sup>3</sup> [Commission Delegated Regulation \(EU\) No 1060/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household refrigerating appliances](#)

<sup>4</sup> [Commission Delegated Regulation \(EU\) 2019/2016 of 11 March 2019 supplementing Regulation \(EU\) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of refrigerating appliances](#)

<p><i>Information to be provided in the cases where end-users cannot be expected to see the product displayed</i></p> <p>1. The information referred to in Article 4(b) shall be provided in the following order:</p> <p>(a) the energy efficiency class of the model as defined in Annex IX;</p> <p>(b) the annual energy consumption in kWh per year, rounded up to the nearest integer and calculated in accordance with point 3(2) of Annex VIII;</p> <p>(c) the storage volume of each compartment and applicable star rating in accordance with point 1(1)VI of Annex II, if any;</p> <p>(d) the 'climate class' in accordance with point 1, Table 3 of Annex VIII;</p> <p>(e) airborne acoustical noise emissions expressed in dB(A) re 1 pW, rounded to the nearest integer;</p> <p>(f) if the model is intended to be built-in, an indication to this effect;</p> <p>(g) for wine storage appliances the following information: 'This appliance is intended to be used exclusively for the storage of wine'. This point shall not apply to household refrigerating appliances that are not specifically designed for wine storage but may nevertheless be used for this purpose, nor to household refrigerating appliances that have a wine storage compartment combined with any other compartment type.</p> <p>2. Where other information contained in the product fiche is also provided, it shall be in the form and order specified in Annex III.</p> <p>3. The size and font in which all the information referred in this Annex is printed or shown shall be legible.</p>	<p><i>Dealers shall ensure that:</i></p> <p>(a) each refrigerating appliance, at the point of sale, including at trade fairs, bears the label provided by suppliers in accordance with point 1(a) of Article 3, with the label being displayed for built-in appliances in such a way as to be clearly visible, and for all other refrigerating appliances in such a way as to be clearly visible on the outside of the front or top of the refrigerating appliance;</p> <p>(b) in the event of distance selling, the label and product information sheet are provided in accordance with Annexes VII and VIII;</p> <p>(c) any visual advertisement for a specific model of refrigerating appliance, including on the internet, contains the energy efficiency class and the range of energy efficiency classes available on the label, in accordance with Annex VII;</p> <p>(d) any technical promotional material concerning a specific model of refrigerating appliance, including technical promotional material on the internet, which describes its specific technical parameters includes the energy efficiency class of that model and the range of energy efficiency classes available on the label, in accordance with Annex VII.</p> <p>Article 5</p> <p>Obligations of internet hosting platforms</p> <p>Where a hosting service provider as referred to in Article 14 of Directive 2000/31/EC allows the direct selling of refrigerating appliances through its internet site, the service provider shall enable the showing of the electronic label and electronic product information sheet provided by the dealer on the display mechanism in accordance with the provisions of Annex VIII and shall inform the dealer of the obligation to display them.</p>
<p><b>2009/125<sup>5</sup></b></p>	

<sup>5</sup> Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products

<p>Only for conformity assessment</p> <p><i>Article 8 - The relevant documents shall be made available within 10 days of receipt of a request by the competent authority of a Member State</i></p> <p><i>Annex I Part 2 - Information should be given on the product itself wherever possible.</i></p>	
<b>643/2009<sup>6</sup></b>	<b>2019/2019<sup>7</sup></b>
<p>Only for conformity assessment</p> <p style="text-align: center;"><i>Article 4</i></p> <p style="text-align: center;"><i>Conformity assessment</i></p> <p><i>1. The conformity assessment procedure referred to in Article 8 of Directive 2005/32/EC shall be the internal design control system set out in Annex IV to that Directive or the management system set out in Annex V to that Directive.</i></p> <p><i>2. For the purposes of conformity assessment pursuant to Article 8 of Directive 2005/32/EC, the technical documentation file shall contain a copy of the product information provided in accordance with Annex III, point 2, and the results of the calculations set out in Annex IV to this Regulation.</i></p>	<p>Annex II – Ecodesign Requirements</p> <p><i>From 1 March 2021, instruction manuals for installers and end-users, and free access website of manufacturers, importers or authorised representatives shall include the following information:</i></p> <ul style="list-style-type: none"> <li>- (...)</li> <li>- instruction on how to find the model information in the product database, as defined in Regulation (EU) 2019/2016 by means of a weblink that links to the model information as stored in the product database or a link to the product database and information on how to find the model identifier on the product.</li> </ul>

### Objectives of this study

Although some studies have reported particularly low compliance levels on the online market; few have focused on improving the situation in this sector. CLASP intends to address this gap and maximise the impact of the new Energy Label in 2021. CLASP is seeking a contractor to conduct an assessment of online compliance with the energy labelling general framework and product-specific regulation. The study should focus on a selection of the five products that are both currently regulated under Directive 2010/30 and covered by newly adopted energy labelling regulations. The contractor will:

- assess the level of non-compliance on the online market for these products;
- assess the impacts of non-compliance for these products;
- identify the main types of non-compliance;

<sup>6</sup> [Commission Regulation \(EC\) No 643/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for household refrigerating appliances](#)

<sup>7</sup> [Commission Regulation \(EU\) 2019/2019 of 1 October 2019 laying down ecodesign requirements for refrigerating appliances pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulation \(EC\) No 643/2009](#)

- identify the reasons for non-compliance; and
- propose recommendations to optimise compliance on the online market that take into account the new labelling framework regulation (including the product registration database and cooperation between Member States) and the transition to the new label.

## Scope of Work

The objective of the study is to improve compliance of the online market with *Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling* and with the labelling regulation specific to each product group. The findings and recommendations from the study will facilitate the transition to the new energy labels adopted in October 2019, particularly to how they will be applied for the growing online market.

The contractor will:

- focus on a selection of the five products that are both currently regulated under Directive 2010/30 and covered by newly adopted energy labelling regulations
- propose a selection of focus countries, including:
  - o countries with high shares of e-commerce
  - o countries that represent different sizes of markets,
  - o countries with different track-records in terms of general compliance with ecodesign and labelling, and
  - o countries that are representative of the diverse European market.
- Describe the type of online suppliers, as well as potential proposed focusses on certain categories.

## Tasks description

The following tasks will be undertaken:

1. Refine and finalise, in collaboration with CLASP, the scope of the research in terms of products, countries and types of online platform;
2. Describe the rules that apply for all products and platform included in the scope, and the compliance criteria (specific to online compliance, currently and under the upcoming revised labelling rules) that will be considered in this study;
3. Carry-out a first-hand assessment of online compliance for the selected scope, potentially completed by second-hand research (no testing will be done for this study, but the availability and consistency (e.g. consistency of the information between different online stores and with the manufacturer's website, consistency between the energy class and the product information) of the legally required information can be checked);

4. Assess the impact of the non-compliance identified
5. Identify the main types of non-compliance
6. Identify the main reasons for online non-compliance / barriers to online compliance, and assess whether they would apply to the new version of the label. This could be done through a survey of the relevant market participants, to understand the challenges that they face and the concerns they have regarding online labelling;
7. Provide recommendations to improve compliance in online markets, including how the new EU tools (product registration database EPREL), rules (under regulations 2017/1369 and 2019/1020), and the upcoming entry into force of the revised labelling regulations can be applied to support online compliance.

CLASP will present the findings and recommendations of the study to European MV&E practitioners and policymakers in order to advance the dialogue on strengthening their national MV&E programs and minimize non-compliance on their online markets. CLASP will also communicate the findings and recommendations of this study to our partner NGOs as well as to the retail sector.

### Key Milestones and Deliverables

Rather than independent reports, the deliverables should be seen as each building on the previous one, leading to the final complete report

- **Inception report**, detailing the approach and methodology, and literature review sources identified;
- **First Interim report** would consist of an annotated outline of the final report structure; detailed results of the assessment of the online compliance levels. The first interim report should also provide a brief general update on progress, sources of information and contact details;
- **Second Interim report** building on the first interim report and including the findings of the research concerning the main reasons for non-compliance and a preliminary draft of the recommendations.
- **Draft final report** including drafts of all sections complete;
- **Final comprehensive report**, responding to the comments provided by CLASP on the draft final report. The final report would include the raw data, list of contacts and sources and access to any tools used by the contractor.

### Timeline

The project is expected to commence in August 2020 and be concluded by the end of November 2020.

## Evaluation Procedure

A committee appointed by CLASP will evaluate proposals received from respondents. Selection of qualified companies or organizations will be based upon the following criteria:

- Technical Evaluation Factors
- Cost Evaluation Factors

All bids will be evaluated and ranked using Quality and Cost Based Selection (QCBS), with 80 percent of the score accorded to the technical proposal, and 20 percent to the financial proposal. The detailed evaluation criteria can be found in Annex A.

## SUBMITTAL

Interested parties must:

- Register as a CLASP Implementing Partner ([click here to register](#)).
- Complete the [Pre-Qualification Questionnaire](#) using the online form. Note: Organizations that have already completed the PQQ do not need to complete it again

Interested parties should submit separate technical and financial proposals as electronic files (preferably in PDF format). The file should be named as per the following example:

- [CONTRACTOR\_NAME]\_TechnicalProposal\_RFPXX-20
- [CONTRACTOR\_NAME]\_FinancialProposal\_RFPXX-20

The deadline for application is **July 29, 2020**. Proposals must be submitted [online via the CLASP website](#), filling out all the requested information and attaching both a technical and financial proposal.

**The proposal length should not exceed 20 pages.**

The technical proposal should include:

- Detailed approach and methodology for the design, implementation, and management of the study.
- Detailed timeline for all project activities, tasks, milestones, and deliverables for the project within the timeframe indicated above.
- Detailed work plan and methodology, considering the outcomes required and including the proposed process for quality assurance of the final deliverable.
- Background and experience of conducting similar activities.

- Identification of the team that will execute the project, including an organizational chart and accompanying brief description of key team members and their qualifications and relevant work experience.
  - CVs and related summaries of experience and qualifications of proposed project team staff should be included in an Annex. (Annex is exempt from the 20-page limitation)
  - Writing sample(s) from the member(s) of the team who will be in charge of writing the report.

The financial proposal (in USD) should include:

- Detailed budget that includes all direct and indirect cost estimates for executing the project, including a breakdown (in days) of the level of effort and costs associated with each team member that will be engaged in the project.

All questions may be addressed to **[mbaton@clasp.ngo](mailto:mbaton@clasp.ngo)**. The last date for submission of questions related to this RFP is July 9, 2020. We request all inquiries be made by e-mail and not by phone.

## ANNEX A: EVALUATION CRITERIA

**1. Technical Approach (35 points):** The technical approach described in the proposals will be evaluated on:

- The demonstrated understanding of the overall project context (15).
- The detailed work plan and approach clearly defining the target objectives and the strategy to achieve the objectives as outlined in the scope of work (20).

**2. Management Structure and Staff Qualification (25 points):** The proposed management structure and staff will be evaluated on:

- The professional qualifications and the extent to which the requisite expertise and experience of the key personnel will directly contribute to the completion of the tasks (25).

**3. Past Performance and Corporate Experience (20 points):** The experience and capacities of the contractor will be evaluated based on:

- The past performance, familiarity, and experience in understanding policies and program related to standards and labelling (10).
- Extent of local expertise including experience, qualifications, and track record in implementation of similar programs (10).

**4. Cost Evaluation Factors (20 points):** While the overall Technical Evaluation is the key factor in reviewing the proposal, the cost evaluation will be an essential factor in determining the final contract award and ability to remain in the competitive range and will be evaluated for feasibility, completeness, and practicality.

## ANNEX B: BACKGROUND INFORMATION

### Annex B-1

*Extracts of Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (Text with EEA relevance)*

<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1585514504458&uri=CELEX:32017R1369>

#### 1. The dealer shall:

(a) display, in a visible manner, **including for online distance selling**, the label provided by the supplier or made available in accordance with paragraph 2 for units of a model covered by the relevant delegated act; and

(b) make available to customers the product information sheet, including, upon request, in physical form at the point of sale.

#### 2. The delegated acts referred to in paragraph 1 shall specify product groups which satisfy the following criteria:

(...)

(e) the locations where the label shall be displayed, such as attached to the product unit where no damage is caused to it, printed on the packaging, provided in electronic format or displayed online, taking into account the requirements of Article 3(1), and the implications for customers, suppliers and dealers;

(f) where appropriate, electronic means for labelling products;

(g) the manner in which the label and product information sheet are to be provided in the case of distance selling;

(...)

(m) the format of any additional references on the label allowing customers to access through electronic means more detailed information on the product performance included in the product information sheet. The format of those references may

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take the form of a website address, a dynamic quickresponse code (QR code), a link on online labels or any other appropriate consumer-oriented means;

(...)

## Annex B-2

*Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (Text with EEA relevance.)*

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32019R1020>

Regulation (EU) 2019/1020 on market surveillance and compliance of products was published on June 25, 2019. It applies to a number of EU product regulations, including Ecodesign and Energy Labelling. The aim is to improve market surveillance and compliance with product regulations.

The regulation sets the following requirements:

### Online sales:

- Sales online are subject to surveillance when an economic operator directs its activities to a Member State market by any means
- Non-EU vendors are required to have a representative in the EU
- The fulfillment service provider becomes responsible when there is no representative in the EU (a fulfillment service provider is a person or company offering at least two of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products involved; courier and postal companies are specifically excluded).

### Economic operator in the EU:

- An economic operator must be established in the EU in order to:
  - Ensure the availability of the conformity documentation
  - Cooperate with market surveillance authorities
  - Inform authorities when they have reasons to believe that a product presents a risk

Such an economic operator can be a manufacturer established in the EU, an importer, an authorized representative or a fulfillment service provider.

### Market surveillance:

- Market surveillance national authorities are granted strengthened powers
- The tasks of market surveillance are defined and powers like taking samples and imposing penalties are harmonized

- 
- Market surveillance authorities may reclaim all cost of their activities in case of non-compliant products
  - Harmonized approach for surveillance at EU borders by customs and surveillance authorities
  - A Union Product Compliance Network (UPCN) to be set up by January 1, 2021

The regulation will apply from July 16, 2021, except for the setting up of the Union Product Compliance Network, which has to be established by January 1, 2021.

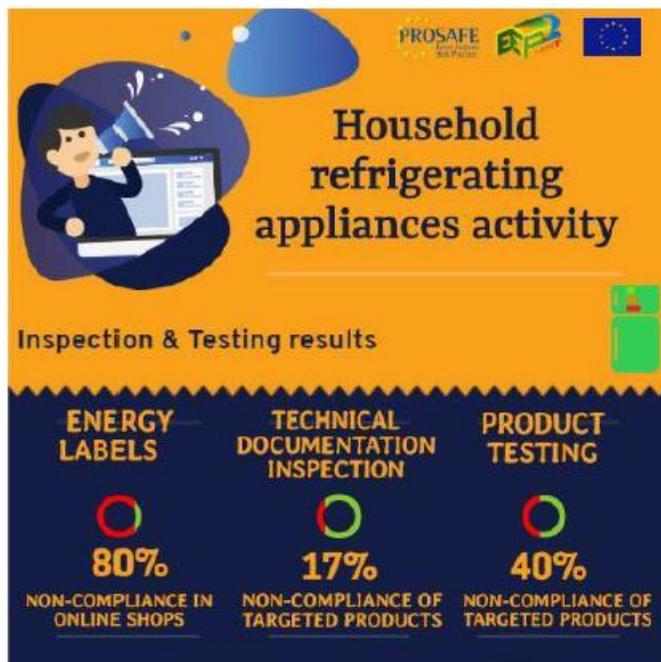
Annex B-3 – Resources and existing sources

[EEPLIANT2 PRESS RELEASE](#)

Final Results of the EEPLIANT2 Joint Market Surveillance Action on ecodesign and energy labelling

Results for Household Refrigerating Appliances:

“89 online shops were reviewed for proper label display in 10 EU countries combined. 80% of them were regarded as noncompliant, with 34% showing no energy labels at all.”



### CompliantTV

<http://www.complianttv.eu/download-library/complianttv-final-report>

“Round 2 saw a further 1,982 TVs checked online, following the change in legislation from January 2015 requiring online retailers to display the energy label and product fiche in listings for new products placed on the market. As the date of which the products entered the market could not always be ascertained, application of the appropriate form of the Regulation was not always possible, but the project team was able to assess whether a product did not comply against either iteration of the regulation.

Across the five countries, 26% of products checked were assessed as compliant. The compliance rate varied by country; none of the TVs checked in the Czech Republic achieved full compliance whereas German online retailers scored the highest rate of compliance at 60%.”

[...]

- “Guidelines for Conducting In-store and Online Shop Inspections:

<http://www.complianttv.eu/download-library/guidelines-on-in-storeand-online-shops-label-display-surveys> ;

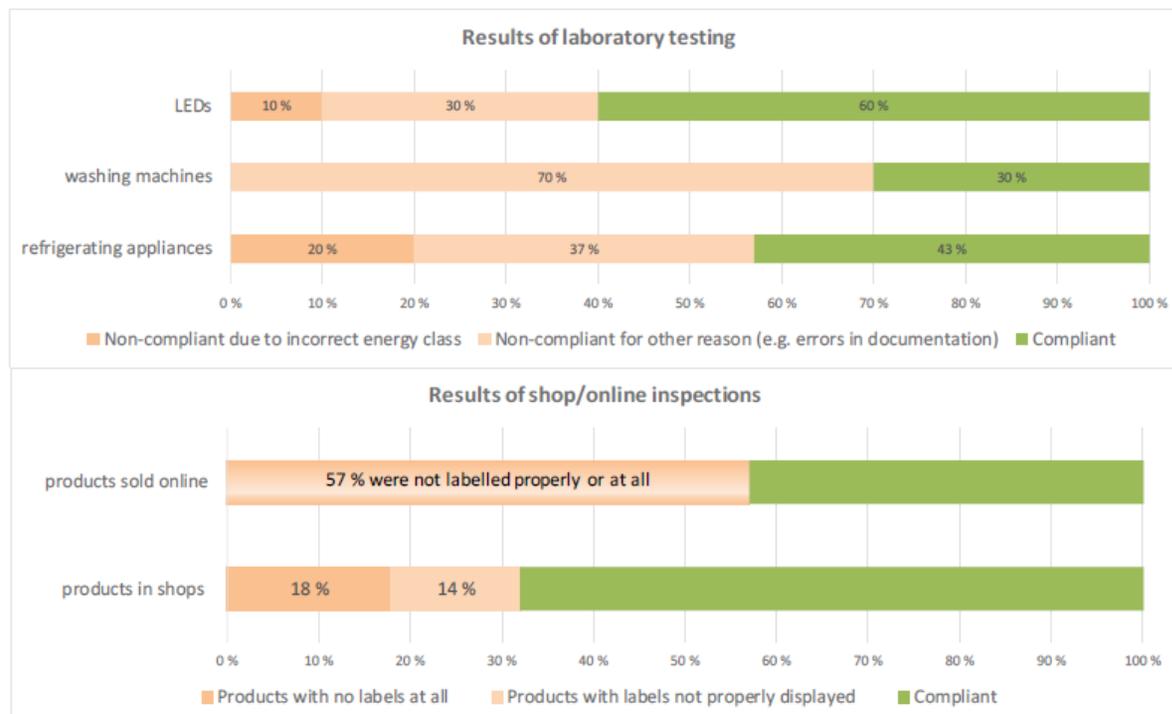
- Brochures on How to Display Energy Labels in Store and Online:  
<http://www.complianttv.eu/download-library/guidance-on-how-the-tv-labelsshould-be-made-available-to-the-consumers-at-the-point-of-sale> ”

<http://www.complianttv.eu/eu/energy-label-display/guidelines>

- Guidelines on in-store shops and online shops surveys;
- Guidance on how the TV labels should be made available to the consumers at the point of sale

**“57** Since 2009, EU-funded market surveillance projects have financed shop inspections and laboratory tests to check whether products comply with Ecodesign and Energy Labelling requirements and that their energy class is correct. The projects showed that non-compliance with the legislation is a significant issue. The nature and level of non-compliance varies according to the type of product checked and the inspection method used (projects’ findings are shown in **Figure 10**). Because these projects often targeted product models that were more likely to be non-compliant, the non-compliance rates presented below cannot be extrapolated to all product groups, or the EU market as a whole.

**Figure 10 – Findings of EU-funded projects**



Source: ECA, based on the relevant EU-funded projects’ final reports.

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**1. How important is it to be exhaustive in the analysis of all countries, products and platforms?**

As stated in the RFP, we are not expecting an exhaustive analysis, but rather an assessment across a selection of product groups, countries and types of suppliers. The final goal is to develop recommendations that improve compliance practices, so rather than being exhaustive, we expect a methodology that identifies the main issues and causes and produces meaningful recommendations.

**2. The new energy label is not implemented yet, how do you suggest that the study could assess compliance with the new regulations?**

The RFP states that “The findings and recommendations from the study will facilitate the transition to the new energy labels adopted in October 2019, particularly to how they will be applied for the growing online market” – our expectation is not that the study would assess compliance with the future labelling regulations, but rather that it would identify existing issues in today’s compliance practices that are likely to remain problematic under the new regulations. The goal would be to find ways to ensure that Europe’s transition to a new energy label becomes an opportunity to improve compliance.

**3. A goal of the study is to “assess the impacts of non-compliance for these products.” Does this refer to the regulatory consequences of non-compliance? Or, the impact of non-compliance on consumers?**

This refers to the impact of non-compliance on the efficiency of the policy instrument. We do not expect a precise quantification, which would take more time and resources than available for this study. But we want to have some evidence of the magnitude of the issue in order to raise awareness amongst policy-makers and compliance officers to what extent this issue needs to be prioritised.

**4. Are there other impacts you would like assessed or considered?**

We are open to other suggestions but the study should be solution-oriented: we want to understand the types of non-compliance and their reasons in order to propose

implementable improvements, we want to understand the impact to raise awareness and investment of resources into improving online compliance.

**5. What is your indicative budget for this work?**

Our indicative budget is around USD 50k.

**6. Do you require a literature review of this topic? This is mentioned as one of the components of the inception report but is not listed in the tasks description**

We would expect that the first task “Refine and finalise, in collaboration with CLASP, the scope of the research in terms of products, countries and types of online platform” would be based on pre-existing knowledge, supported by research in the current literature. The sources used to guide those discussions and decisions should be documented in the inception report.

**7. Is the 20 page limit for the technical proposal alone or technical and financial proposals combined?**

This is for the technical proposal – we did not set a formal maximum number of pages for the financial proposal because those are typically very short.

**8. The RfP talks about selecting five products for compliance checking; just to clarify, you mean product groups (ie lighting, electronic displays) not five specific products?**

We do indeed mean product groups, not specific models. Proposals can present a methodology including the assessment of as few or as many models as deemed relevant.

**9. We believe that COMMISSION DELEGATED REGULATION (EU) No 518/2014 is applicable to RFP 5-20. If you agree, please confirm that you would wish us to take account of this in any proposal that we may submit to you.**

It is indeed – all relevant legal acts should be taken into account in their current consolidated version.