



# ANTICSS

ANTI-CIRCUMVENTION OF STANDARDS  
FOR BETTER MARKET SURVEILLANCE

## NEWSLETTER Nº 1 JANUARY 2019

### INTRODUCTION: ABOUT THE PROJECT

The topic of manipulated test results, defeat devices or “circumvention” is currently getting a lot of public and media attention, not only for car emissions (dieselgate), but also with regard to other EU legislation. For this reason, the European Union’s Horizon 2020 research and innovation programme has funded the “ANTICSS – Anti-Circumvention of Standards for better market Surveillance” project. ANTICSS objectives are to define and assess “circumvention” in relation to EU Ecodesign and energy labelling legislation and their harmonised standards and to clearly delimitate circumvention from other similar, but legal effects to facilitate unambiguous public communication.

By overall awareness raising on circumvention among stakeholders, ANTICSS is supporting an effective EU legislation enforcement and thus increasing acceptance and trust of market actors and civil society into the Ecodesign and Energy labelling legislation.

**Find out more about the project:**

[www.anti-circumvention.eu/about-project/project-introduction](http://www.anti-circumvention.eu/about-project/project-introduction)

**Press release:**

Find the project introductory press release (July 2018) [here](#) (also available in German, Italian, Portuguese, Czech languages).



## TOPICS FACILITATING CIRCUMVENTION

Several topics are addressed by the project team which are or at least might facilitate circumvention, e.g.:

- hidden software (defeat devices)
- (hidden) specific cycle/setting/configuration used only for testing for legislation compliance
- products specifically designed to be excluded from legislation
- ambiguities (such as unclear definitions, boundaries) and loopholes in legislation
- deviations in testing condition(s), allowed or due to possible different interpretation of standard clauses
- exploiting a weakness in the test procedure's method for addressing measurement uncertainties
- decoupled measurement of energy consumption and functional performances
- smart appliances embedded software

## DRAFT DEFINITION OF CIRCUMVENTION UNDER EU ECODESIGN AND ENERGY LABELLING

Through initially collecting cases being suspect of circumvention by literature research, a survey amongst the ANTICSS project partners as well as analysing existing EU Ecodesign and Energy labelling legislation and standardisation for possible loopholes, the ANTICSS project team compiled a draft definition of circumvention as well as delimitation from other effects:

**„Circumvention“:** Circumvention is the act of designing a product or prescribing test instructions, leading to an alteration of the behaviour or the properties of the product specifically in the test situation in order to reach more favourable results for any of the parameters specified in the relevant delegated or implemented act, or included in any of the documentations provided for the product.

The act of circumvention is relevant only under test conditions and can be executed e.g.,

- a) by automatic detection of the test situation and alteration of the product performance and/or resource consumption during test, or
- b) by pre-set or manual alteration of the product, affecting performance and/or resource consumption during test.

The following categories are considered as “circumvention”:

- Related to product / manufacturer
  - Hidden software/hardware
  - Specific design / accessories for testing only
  - Modified test samples
  - Requests by manufacturer beyond specific requests by standard or legislation

Delimitation of circumvention from other effects and non-compliance:

**“Jeopardy effects”:** Jeopardy effects encompass all design aspects of products or test instructions, or interpretation of test results which do not follow the goal of the EU ecodesign and/ or labelling legislation of providing reliable information about the resource consumption and/ or performance of a product.

These effects could serve as gateways or indicators for circumvention.

The following categories are considered “Jeopardy effects”:

- Related to product / manufacturer
  - Smart software/sensors
  - Software or firmware updates
  - Requests by manufacturer following requests by standard or legislation
- Related to legislation
  - Ambiguities in legislation
  - Loopholes in legislation
- Related to standards
  - Ambiguities in standards
  - Loopholes in standards
  - Other weaknesses in standards

All further ANTICSS work packages will concentrate on the definitions of “Circumvention” and “Jeopardy effects”. Nevertheless, during the assessment of the cases and the classification of the categories, test situations were identified which are compliant to legislation but not sufficiently reflecting performance or use of resources as perceived by consumers in daily life.

The following categories are considered “Compliant to Legislation”:

- Related to product / manufacturer
  - Missing use
- Related to legislation
  - Requests by legislation
- Related to standards
  - Decoupling of energy and performance measurement
  - Requests by standard
  - Allowed deviation
- Related to legislation and standards
  - Missing representativeness

Following categories are considered as known examples of “Non-compliance” and are not in the scope of ANTICSS:

- Ignorance of legislation
- Ignorance of standard
- Misrepresentation
- Wrong reference to legislation
- Exclusion from scope

## SCOPE: PRODUCT GROUPS INVESTIGATED BY ANTICSS

GENERALLY, ANTICSS FOCUSES ON ALL PRODUCTS REGULATED BY THE EU ECODESIGN AND ENERGY LABEL LEGISLATION.

Only two exclusion criteria were applied, leading to five product groups being excluded from the scope:

- Product groups not covered by product specific delegated or implementing regulations on ecodesign or energy labelling: if covered by the voluntary agreement only (“Complex Set-top Boxes”, “Imaging equipment”, and “Sound and imaging equipment”), and if only covered by horizontal implementing regulation on stand-by and off mode power consumption (non-tertiary coffee machines).
- Product groups which have no market relevance anymore: Simple Set-Top Boxes

For the remaining product groups, the ANTICSS project team developed a ranking based on certain selection criteria (hints on circumvention, market and environmental relevance, smartness of products) for the allocation of project resources with regard to further analyses in the subsequent work packages.

**ANTICSS Product scope matrix and background report:**

[www.anti-circumvention.eu/project-activities/circumvention-products-investigated](http://www.anti-circumvention.eu/project-activities/circumvention-products-investigated)

## NEXT STEPS

Through dedicated expert interviews with representatives from Market Surveillance Agencies, standardization bodies, consumer organisations and industry the definition shall be refined and finalized during the coming months and further hints on circumvention shall be collected.

For selected product categories with strong hints on circumvention, independent test laboratories within the ANTICSS project consortium will be conducting tests to assess “if” and “how much” energy consumption and/or functional performance modifications could be addressed to circumvention. Where appropriate, the project team will propose alternative test procedures or checklists, with the aim to prevent any possible circumvention.

Based on the overall results, ANTICSS will provide practical capacity building measures for key actors of market surveillance and test laboratories, support communication and collaboration platforms between major stakeholders and provide policy recommendations for policy makers and standardisation bodies to prevent future circumvention under EU Ecodesign and Energy labelling.

## NEW: ANTICSS ADVISORY BOARD

To further support the project team, an international Advisory Board was composed with relevant experts of different stakeholder groups, to enable mutual knowledge transfer and dissemination of the results to their specific networks.

[www.anti-circumvention.eu/contacts/advisory-board](http://www.anti-circumvention.eu/contacts/advisory-board)

### Member organisations of the ANTICSS Advisory Board

ANEC / BEUC

Sustainable Energy Authority of Ireland

Netherlands Enterprise Agency

CEN-CENELEC Ecodesign coordination group

EPEE

Lighting Europe

APPLiA

### ANTICSS Target Group

Consumer organization, Standardisation & Testing

Market Surveillance

National energy agency,  
product, standardisation and legislative expertise

Standardisation

Industry  
(Heating, Ventilation, Air Conditioning and Refrigeration)

Industry (Lighting)

Industry (Home Appliances)

# CONTACTS



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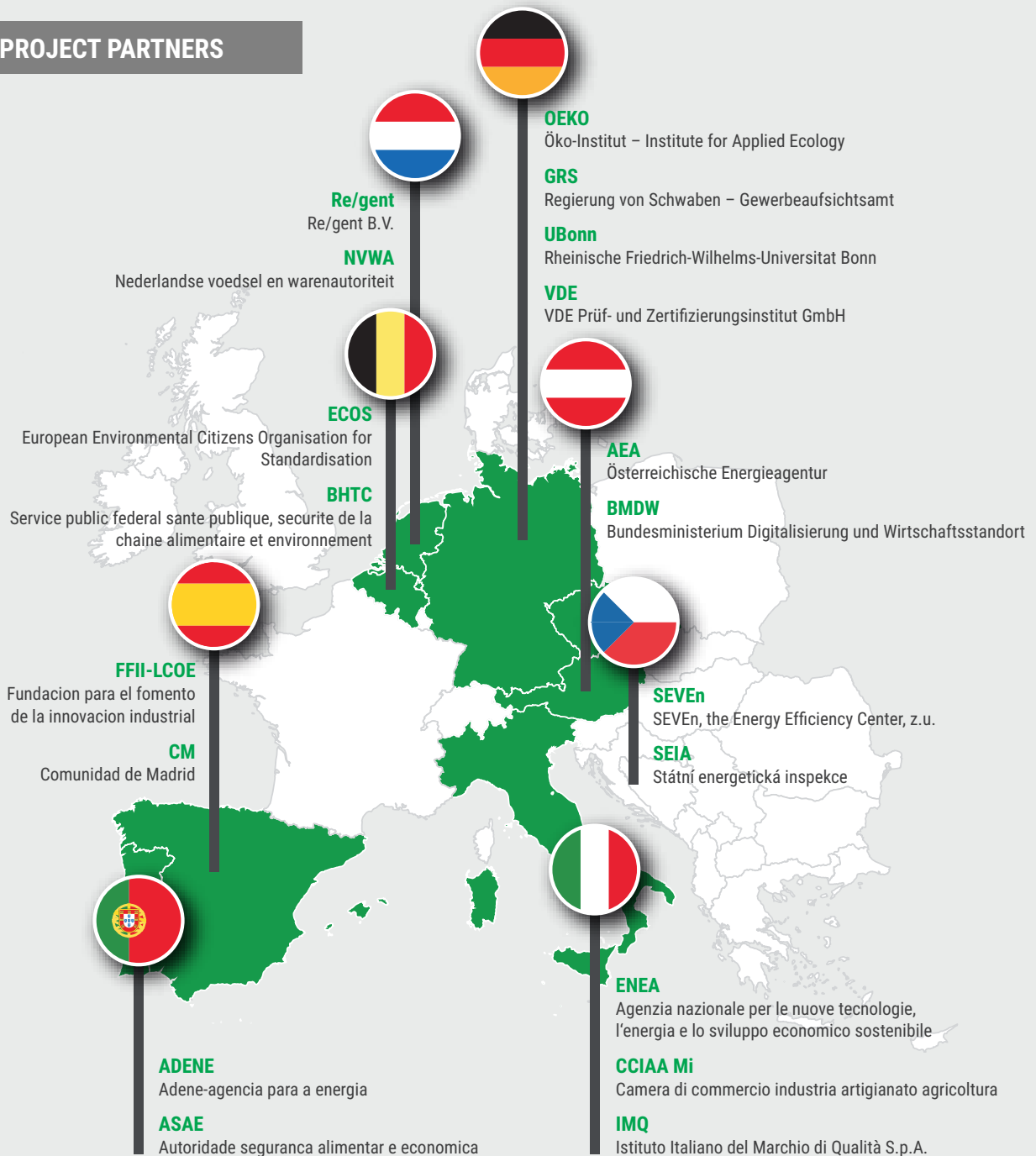


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## PROJECT PARTNERS



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