

Results of LightingEurope Online Mystery Shopping Exercise

Key Findings

LightingEurope carried out a mystery shopping exercise throughout 2020-2021. The purpose of this exercise was to establish the rate of non-compliant lighting products sold online via marketplaces that make products available to European users.

Action	# Products inspected	# Compliant GLS replacement lamps	# Compliant desktop luminaires
Products inspected online	61	5	0
Products ordered & physically inspected upon delivery	30	6	1

The focus was on:

- EU mandatory information requirements. No products were tested. The mystery shoppers only carried out visual inspections of the information on the webpage and then ordered and received lighting products and inspected the information on the packaging and on the product itself.
- 2 product types:
 - GLS replacement lamps (LED 60w a60 e27, most common types)
 - Desktop luminaire with integrated LED lamp
- 4 platforms in 5 EU Member States:
 - 2 platforms in the Netherlands for GLS replacement lamps
 - 1 platform in France for desktop luminaires
 - 1 platform in Poland for GLS replacement lamps
 - 1 platform in Italy for desktop luminaires
 - 1 platform in Spain for GLS replacement lamps

The mystery shoppers inspected the first products that appeared in the search results; it was each platform's search algorithm that decided what products would be inspected. We checked the first 20 products, but in fact we found that you get hundreds or thousands of results when you enter these terms into online searches. Below are a few examples:

- Platform 2, Netherlands – GLS replacement lamps – “LED lamps 60w a60 e27” – 953 search results
- Platform 1, France – “Luminaires” – 1 115 377 search results
- Platform 1, France – “Lampes” – 995 540 search results

Examples of non-compliance found throughout the exercise:

- None of the desktop luminaires complied with mandatory WEEE information requirements in France (e.g., no registration in the WEEE register, no wheely bin logo and no visible fee)
- GLS replacement lamps either did not have an energy efficiency label at all or, if it was there, it was not used correctly
- Other product-specific requirements that were missing:
 - Lifetime information (EU Ecodesign for light sources and separate control gear)
 - CE marking (EU Low Voltage Directive-LVD)
 - Number of switching cycles (Ecodesign)
 - Colour rendering (Ecodesign)
 - Instructions and safety information in a language that can easily be understood (LVD)
 - Information about the dimensions in millimetres (Ecodesign)
 - Information about the warm-up time (Ecodesign)

Sample A:



BRAND	✗
Product Identifier	✗
energy label	✗
wattage	✗
luminous flux	✗
lifetime	✗
switching cycles	✗
colour temperature	✗
warmup time	✗
dimensions	✗
equivalen GLS	✗
CE mark	✗

Sample B:



BRAND	✗
Product Identifier	✗
energy label	✗
wattage	✓
luminous flux	✗
lifetime	✗
switching cycles	✗
colour temperature	✓
warmup time	✗
dimensions	✗
equivalen GLS	✗
CE mark	✓

Call for an ambitious Digital Services Act

The Digital Services Act (DSA) is the EU's opportunity to upgrade our rules for eCommerce and make them fit for today's reality. The eCommerce Directive was drafted 20 years ago, today eCommerce represents a substantial market which has grown even more with the current pandemic.

Online sales have been increasing at a rapid rate. A study has shown that online sales for lighting fixtures alone have grown on average 18% per year since 2012. Whilst online sales provide consumers with quick and easy access to products, LightingEurope is concerned by the significant number of non-compliant and dangerous (lighting) products sold on online marketplaces.

The availability of non-compliant products not only puts customer's safety at risk, but also distorts the level playing field between the law-abiding companies that invest in compliance – up to 25% of annual turnover for some of our members - and the free-riders that benefit from not applying the EU legislation. The investment of companies illustrates how much resource, financial and in terms of manpower, are allocated to place a compliant product on the market.

The expectation of Europe's lighting industry is that the EU finally addresses the unchecked availability of non-compliant products online and clearly allocates liability to an economic operator within the EU jurisdiction.

Products available online must apply with **all** EU rules. We must allocate liability not just for product safety, but for all product requirements, e.g., when a product does not satisfy ecodesign or energy labelling rules or does not contribute to waste recovery and recycling fees.

The EU legal framework must prevent the listing and/or re-listing of non-compliant products and making them available to EU customers.

To address the issue of non-compliant products sold online, we need the Digital Services Act to:

Allocate liability for non-compliance with EU product-related requirements sold via online marketplaces

This can be achieved with the following measures:

A. Proactive:

- **Know your seller obligation – online marketplaces must verify:**
 - the identity of the seller
 - If there is a liable person established in the EU, especially an importer
 - If no importer is named, the platform will take over the responsibility and obligations of the importer if the product is listed on its platform
 - check if the producer is registered with a WEEE scheme and in the EU VAT database
- **Obligation to inform sellers about their obligations under EU law**

B. Reactive:

- **Remove products** that have been confirmed as non-compliant within 24 hours, with a harmonised process
- **Inform consumers** that have bought the removed product that it is in fact illegal and start a recall

- **Collaborate with Market Surveillance Authorities (MSAs)** in the removal and flagging of non-compliant products from the market

Annex I - Methodology

The process in which the mystery shopping exercise was carried out across the participating countries was:

- Enter agreed term in search function – same terms used on all platforms inspected
- Selection of samples: Take screen shots of first 20 products to appear in the search results (selection done by platform’s algorithm)
- Check webpage for the information on each individual product for the first 10 of the 20 products
- Purchase first 5 relevant products (i.e., relevant products are those that meet the search criteria entered)
- Check compliance of products received against set list of EU requirements
- Visual inspection only, no actual testing was done to see if information displayed was correct.

The type of information requirements that were inspected depended on the product (GLS lamp vs desktop luminaire) and was also divided into information that is inspected online or physically once the product was purchased, ordered, and delivered. Below are some examples:

- | | | |
|----------------------|--------------------|--------------------|
| • Product brand | • Switching cycles | • CE Mark |
| • Product Identifier | • Colour | • WEEE Marking |
| • Energy label | temperature | • WEEE |
| • Wattage | • Warmup time | information |
| (LVD/Ecodesign) | • Dimensions | requirements |
| • Luminous Flux | • Equivalent GLS | (e.g., crossed out |
| • Lifetime | • Power factor | wheely bin logo) |

Contact

For further information on this topic, please contact Marion Ebel, Senior Policy Manager, through marion.ebel@lightingeurope.org.

LightingEurope is the voice of the lighting industry, based in Brussels and representing 30 companies and national associations. Together these members account for over 1,000 European companies, a majority of which are small or medium-sized. They represent a total European workforce of over 100,000 people and an annual turnover exceeding 20 billion euro. LightingEurope is committed to promoting efficient lighting that benefits human comfort, safety and wellbeing, and the environment. LightingEurope advocates a positive business and regulatory environment to foster fair competition and growth for the European lighting industry. More information is available at www.lightingeurope.org.