EU Ecolabel

2008/0152(COD) - 02/04/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 633 voted to 18, with 2 abstentions, a legislative resolution amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council on a Community Ecolabel scheme.

The amendments adopted in plenary were the result of a compromise negotiated with the Council:

Scope: the Regulation shall apply neither to medicinal products for human use, as defined in Directive 2001/83/EC on the Community code relating to medicinal products for human use, or for veterinary use, as defined in Directive 2001/82/EC on the Community code relating to veterinary medicinal products, nor to any type of medical devices.

Competent bodies: competent bodies shall ensure that the verification process is carried out in a consistent, neutral and reliable manner by a party independent from the operator being verified, based on international, European or national standards and procedures concerning bodies operating product-certification schemes.

European Union Ecolabelling Board (EUEB): this shall consist of the representatives of the competent bodies of all the Member States and shall elect its president according to its rules of procedure. The EUEB shall ensure a balanced participation of all relevant interested parties in respect of each product group, such as competent bodies, manufacturers, producers, retailers, service providers, wholesalers and importers, notably SMEs.

General requirements for the Ecolabel criteria: the criteria shall be determined on a scientific basis and considering the whole life cycle of products. The following shall also be taken into consideration: (i) the substitution of hazardous substances by safer substances, as such or via the use of different materials or design changes, where it is technically feasible; (ii) the potential to reduce environmental impacts due to durability and reusability of products; (iii) where appropriate, social and ethical aspects, e.g. by making reference to related international conventions and agreements such as relevant ILO standards and codes of conduct.

The development of criteria shall as far as possible take into account the goal of reducing animal testing.

Study: before developing criteria for food and feed products, as defined in Regulation (EC) No 178/2002, the Commission shall undertake a study, by 31 December 2011 at the latest, exploring the feasibility of establishing reliable criteria covering environmental performance during the whole life cycle of such products, including the products of fishing and aquaculture. The study should pay particular attention to the impact of any Ecolabel criteria on food and feed products, as well as unprocessed agricultural products that lie within the scope of Regulation (EC) No 834/2007. The study should consider the option that only those products certified organic would be eligible for receiving the Ecolabel award, to avoid confusion for consumers.

Hazardous substances: the Ecolabel may not be awarded to goods containing substances or preparations /mixtures meeting the criteria for classification as toxic, hazardous to the environment, carcinogenic, mutagenic or toxic for reproduction (CMR), nor to substances referred to in Article 57 of Regulation (EC) No 1907/2006 (REACH).

Development and revision of the Ecolabel criteria: other stakeholders may be put in charge of leading the development of criteria. In this case, they must demonstrate expertise in the product area, as well as the ability to lead the process with neutrality and in line with the aims of the regulation. In this regard, consortiums consisting of more than one interest group shall be favoured. Where a non-substantial revision of the criteria is necessary, the shortened revision procedure as laid down in Part C of Annex I may apply.

Working plan: within one year from the entry into force of the regulation, the EUEB and the Commission shall agree on a working plan including a strategy and a non-exhaustive list of product groups. This plan will consider other Community action (e.g. in the field of green public procurement) and may be updated according to the latest strategic objectives of the Community in the field of the environment.

Establishment of the Ecolabel criteria: draft Ecolabel criteria shall be developed in accordance with the procedure laid down in Annex I and taking into account the working plan. The Commission shall, no later than nine months after consultation of the EUEB, adopt measures to establish specific Ecolabel criteria for each product group. These measures shall be published in the Official Journal of the European Union.

When establishing Ecolabel criteria, care shall be taken not to introduce measures whose implementation may impose disproportionate administrative and economic burdens on SMEs.

Awarding the Ecolabel: any operator who wishes to use the Ecolabel shall apply to the competent bodies in accordance with certain rules.

Applications shall specify the full contact details of the operator, as well as all other information requested by the competent body. The use of the Ecolabel shall be conditional upon the fees having been paid in due time. The competent body may reject the application if the operator fails to complete the documentation within six months after the competent body notifies it.

Competent bodies shall preferentially recognise tests which are accredited according to ISO 17025 and verifications performed by bodies which are accredited under the EN 45011 standard or an equivalent international standard. They shall conclude a contract, covering the terms of use of the Ecolabel. The operator may place the label on the product only after conclusion of the contract.

Promotion of the Ecolabel: Member States and the Commission shall, in cooperation with the EUEB, agree on a specific action plan to promote the use of the Community Ecolabel by: (i) awareness-raising actions and information and public education campaigns for consumers, producers, manufacturers, wholesalers, service providers, public purchasers, traders, retailers and the general public; (ii) encouraging the uptake of the scheme, especially for SMEs.

Promotion of the Ecolabel may be undertaken via the Ecolabel website providing basic information and promotional materials on the Ecolabel, and information on where to purchase Ecolabel products, in all community languages.

Exchange of information and experiences: in order to foster consistent implementation of the regulation, competent bodies shall regularly exchange information and experiences. The Commission shall set up a working group of competent bodies for this purpose, which shall meet at least twice a year.