Ecodesign requirements for energy-related products. Recast

2008/0151(COD) - 21/10/2009 - Final act

PURPOSE: to facilitate the operation of the internal market by laying down requirements that energy-related products must meet in terms of environmental performance.

LEGISLATIVE ACT: 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.

CONTENT: the Council adopted a revised eco-design directive, following a first-reading agreement with the European Parliament.

The new directive:

- establishes a framework for the setting of Community ecodesign requirements applicable to energy-related products in order to guarantee the free circulation of these products in the internal market;
- lays down requirements with which energy-using products must comply in order to be placed on the market or in service. It contributes to sustainable development by increasing energy efficiency and the level of environmental protection, while increasing the security of the energy supply.

The directive does not apply to means of transport for persons or goods.

The new directive extends the scope of the existing directive 2005/32 by covering, in principle, **all energy-related products**. This will improve the energy and resource efficiency of a much wider range of products and reduce demand on natural resources, contributing to the security of energy supply and to the achievement of greenhouse gas emission targets in the EU.

Requirements of manufacturers: the directive provides for the establishment of standards to which energy-related products will have to conform in order to be able to benefit from free movement within the Community. These standards will have to be defined by the Commission in the framework of the comitology procedure, following an impact assessment.

The new rules require than manufacturers of energy-related products take into consideration, from the design stage, the environmental impact that these products will have throughout their life cycle, thus facilitating cost-effective environmental improvements.

Requirements relating to the supply of information:in accordance with the implementing measures, manufactures must guarantee, in the form that they judge appropriate, that consumers of the products they produce are informed of:

- the necessary information on the role they can play in the sustainable use of the product in question, and
- when the implementing measures so require it, the ecological profile of the product and the benefits of ecodesign.

The implementing measures may include an obligation on the manufacturer to provide information that may influence the way the product is handled, used or recycled by parties other than himself.

Consultation Forum: the Commission shall ensure that, in the conduct of its activities, it observes, in respect of each implementing measure, a balanced participation of Member States' representatives and all interested parties concerned with the product or product group in question, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations. These parties shall contribute, in particular, to defining and reviewing implementing measures, to examining the effectiveness of the established market surveillance mechanisms and to assessing voluntary agreements and other self-regulation measures. These parties shall meet in a Consultation Forum the rules of procedure of which shall be established by the Commission.

Penalties: the Member States shall lay down the rules applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive, taking into account the extent of non-compliance and the number of units of non-complying products placed on the Community market.

Review: not later than 2012, the Commission shall review the effectiveness of this Directive and of its implementing measures, including, among other things:

- the methodology for the identification and coverage of significant environmental parameters, such as resource efficiency, considering the whole life cycle of products;
- the threshold for implementing measures;
- market surveillance mechanisms; and
- any relevant self-regulation stimulated.

Following this review, the Commission shall assess, in particular, the appropriateness of extending the scope of the Directive to non-energy-related products and shall, as appropriate, present proposals to the European Parliament and the Council for amending this Directive.

ENTRY INTO FORCE: 20/11/2009.