EU Ecolabel

2008/0152(COD) - 25/11/2009 - Final act

PURPOSE: to lay down rules for the EU Ecolabel scheme.

LEGISLATIVE ACT: Regulation (EC) No 66/2010 of the European Parliament and of the Council on the EU Ecolabel.

CONTENT: following agreement with the European Parliament at first reading, the Council adopted this Regulation laying down rules for the establishment and application of the voluntary EU Ecolabel scheme. The scheme is designed to help consumers choose "green" products and services and can be awarded to the 10-20% most ecological products in each category. The revised Eco-Label Regulation covers more items so as to increase its visibility. Only medical and veterinary products are excluded, while a Commission study will examine whether food and feed could be included in the future. Fees and administrative procedures have been reduced for SMEs in order to facilitate their participation in the scheme.

The main points are as follows:

Scope: the Regulation applies to any goods or services which are supplied for distribution, consumption or use on the Community market whether in return for payment or free of charge. It applies 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 device.

Competent bodies: each Member State shall designate the body or bodies, within government ministries or outside, responsible for carrying out the tasks provided for in the Regulation and ensure that they are operational. The composition of the competent bodies shall be such as to guarantee their independence and neutrality and their rules of procedure shall be such as to ensure transparency in the conduct of their activities as well as the involvement of all interested parties. Requirements for competent bodies are laid down in the Annex to the Regulation. 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 Eco-labelling Board: the Commission shall establish a European Union Ecolabelling Board (EUEB) consisting of the representatives of the competent bodies of all the Member States, and of other interested parties. The EUEB shall elect its president according to its rules of procedure. It shall contribute to the development and revision of EU Ecolabel criteria and to any review of the implementation of the EU Ecolabel scheme. It shall also provide the Commission with advice and assistance in these areas and, in particular, issue recommendations on minimum environmental performance requirements. The Commission shall ensure that, in the conduct of its activities, the EUEB observes a balanced participation of all relevant interested parties in respect of each product group, such as competent bodies, producers, manufacturers, importers, service providers, wholesalers, retailers, notably SMEs, and environmental protection groups and consumer organisations.

General requirements for EU Ecolabel criteria: the EU Ecolabel criteria shall:

- be based on the environmental performance of products, taking into account the latest strategic objectives of the Community in the field of the environment;

- set out the environmental requirements that a product must fulfil in order to bear the EU Ecolabel;
- be determined on a scientific basis considering the whole life cycle of products.

In determining such criteria, the following shall be considered:

- the most significant environmental impacts, in particular the impact on climate change, the impact on nature and biodiversity, energy and resource consumption, generation of waste, emissions to all environmental media, pollution through physical effects and use and release of hazardous substances;
- the substitution of hazardous substances by safer substances, as such or via the use of alternative materials or designs, wherever it is technically feasible;
- the potential to reduce environmental impacts due to durability and reusability of products;
- the net environmental balance between the environmental benefits and burdens, including health and safety aspects, at the various life stages of the products;
- 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;
- criteria established for other environmental labels, particularly officially recognised, nationally or regionally, EN ISO 14024 type I environmental labels, where they exist for that product group so as to enhance synergies;
- as far as possible the principle of reducing animal testing.

Feasibility study: before developing EU Ecolabel 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 EU 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 as organic would be eligible for award of the EU Ecolabel, to avoid confusion for consumers.

The Commission shall decide, taking into account the outcome of the study and the opinion of the EUEB, for which group of food and feed, if any, the development of EU Ecolabel criteria is feasible, in accordance with the regulatory procedure with scrutiny.

Hazardous substances: the EU 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), in accordance with Regulation (EC) No 1272 /2008, nor to goods containing substances referred to in Article 57 of Regulation (EC) No 1907/2006 (REACH).

For specific categories of goods containing these substances, and only in the event that it is not technically feasible to substitute them as such, or via the use of alternative materials or designs, or in the case of products which have a significantly higher overall environment performance compared with other goods of the same category, the Commission may adopt measures to grant derogations. No derogation shall be given concerning substances that meet the criteria of Article 57 of Regulation (EC) No 1907/2006 and that are identified according to the procedure described in Article 59(1) of that Regulation, present in mixtures, in an article or in any homogeneous part of a complex article in concentrations higher than 0,1 % (weight by weight). Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny.

Development and revision of EU Ecolabel criteria: the Regulation sets out the rules on revision of the criteria, and specifies the documents that must be produced.

Establishment of EU Ecolabel criteria: draft EU Ecolabel criteria shall be developed in accordance with the procedure laid down in the Regulation. The Commission shall, no later than nine months after consulting the EUEB, adopt measures to establish specific EU Ecolabel criteria for each product group. When establishing EU Ecolabel criteria, care shall be taken not to introduce measures whose implementation may impose disproportionate administrative and economic burdens on SMEs.

Award of the EU Ecolabel: any operator who wishes to use the EU Ecolabel shall apply to the competent bodies in accordance with the following rules:

(a) where a product originates in a single Member State, the application shall be presented to a competent body of that Member State;

(b) where a product originates in the same form in several Member States, the application may be presented to a competent body in one of those Member States;

(c) where a product originates outside the Community, the application shall be presented to a competent body in any of the Member States in which the product is to be or has been placed on the market.

The EU Ecolabel shall have the form depicted in the Regulation.

The Regulation lays down the rules on application and time-limits. If a product is accepted, the competent body shall conclude a contract with each operator, covering the terms of use of the EU Ecolabel (including provisions for the authorisation and withdrawal of the EU Ecolabel, notably following the revision of criteria). To that end a standard contract shall be used in accordance with the template in the Regulation. The operator may place the EU Ecolabel 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.

Market surveillance: any false or misleading advertising or use of any label or logo which leads to confusion with the EU Ecolabel shall be prohibited. The competent body shall, in respect of products to which it has awarded the EU Ecolabel, verify that the product complies with the EU Ecolabel criteria and assessment requirements, on a regular basis. The competent body shall also undertake such verifications upon complaint.

Report: by 19 February 2015, the Commission shall submit to the European Parliament and the Council a report on the implementation of the EU Ecolabel scheme. The report shall also identify elements for a possible review of the scheme.

ENTRY INTO FORCE: 19/02/2010.