

Ecodesign requirements for energy-using products

2003/0172(COD) - 29/11/2004 - Council position

The Council unanimously adopted its common position. The main changes introduced by the Council are as follows:

- Objective : clarification that the objective of the proposed Directive is without prejudice to Community waste management legislation and Community chemicals legislation, including Community legislation on fluorinated greenhouse gases;
- Definitions : the common position specifies more clearly the scope of the proposal and the attribution of responsibility for the conformity of the EuP;
- Placing on the market: the common position clarifies that Member States have to designate authorities responsible for market surveillance and its tasks;
- Free movement : the current text makes clear that the EuP must comply with the eco-design parameters described in Annex I part 1 which are covered by the applicable implementing measure.
- Conformity assessment : while maintaining the choice for a manufacturer between the internal design control (Annex IV) and the management system (Annex V), the latter has been amended with a view to keeping the possibility for manufacturers to use quality management systems for proving conformity, as long as they meet the requirements described in Annex V;
- Presumption of conformity : eco-labels which will be considered to fulfil conditions equivalent to the Community eco-label will be presumed to be in conformity with the requirements of the applicable implementing measures;
- Implementing measures : while it is stated that the Commission shall adopt implementing measures, criteria and steps to be taken by the Commission when preparing implementing measures have been clarified and specified, i.a. as concerns the criteria that particular products must meet before they can be subject to implementing measures (Art 12(2)), in particular a minimum sales and trade volume threshold;
- Working Plan : in order to ensure transparency, the Commission shall establish a working plan which sets out an indicative list of products which could be subject to implementing measures as a priority, in particular those products which have been identified by the (European Climate Change Plan) ECCP as offering a high potential for cost-effective reduction of greenhouse gases;
- Consultation Forum : when envisaging to prepare an implementing measure with regard to a given product, the Commission has to ensure balanced participation of Member States' representatives and proper involvement of all parties concerned by this product. To this effect, the common position provides for the establishment of a consultation forum;
- Review : the common position provides for an evaluation of the effectiveness of the Directive and of the implementing measures which may have been adopted under this Directive within 5 years after the adoption of this Directive.

- Annex I, part 3 (Requirements for the manufacturer): the description of the requirements for the manufacturer endeavours to clarify the division of tasks between the parties involved;

- Annex VII (Contents of the implementing measures): it is now specified that implementing measures may also be subject to evaluation and revision.

Of the 78 Parliament amendments, the Council accepted the following 23, some of them in substance, partially or in principle which aim to:

- provide for further justification for a framework Directive on promoting eco-design of products in terms of environmental improvement and energy efficiency;

- clarify the need for consumers to be informed;

- specify that priority should be given to energy efficiency in a way not detrimental to the integrated approach of the Directive;

- confirm that commitments to Kyoto Protocol are without prejudice to the integrated approach;

- point out that proper involvement of all parties concerned is required;

- refer to the Commission Communication's chapter dealing with the assessment of self-regulation by industry in the context of the Directive;

- highlight that eco-design should also be integrated in SMEs and very small firms;

- ensure compliance of EuPs with eco-design requirements laid down in implementing measures will be awarded the "CE" marking and associated information;

- exchange of information by appropriate means of communication should be facilitated;

- ensure that training and information on eco-design for small and medium-sized businesses may be considered in an appropriate way;

- ensure the definition of "putting into service" is identical to the one proposed by the EP;

- take on board a stricter description of obligations to ensure market surveillance as proposed by the EP

- provide for allowing information on conformity to be supplied in one or more other official languages ;

- establish a working plan that should set out an indicative list of products which will be considered as priorities for the adoption of implementing measures;

- provide for the creation of a Consultation Forum, with a balanced representation of Member States and all relevant parties, to be consulted before the Committee established in the Directive Amendment 65: establishes the review of the effectiveness of the Directive including implementing measures within 5 years after its adoption;

- introduce clarification with regard to the methods for setting generic eco-design requirements, including as concerns the role of the producer, and provides for a separate chapter covering information obligations (Annex I);

- clarify the procedure of the internal design control (Annex IV).

