

Basic information	
<p><b>2003/0172(COD)</b></p> <p>COD - Ordinary legislative procedure (ex-codecision procedure) Directive</p>	Procedure completed
<p>Ecodesign requirements for energy-using products</p> <p>Amending Directive 96/57/EC 1994/0272(COD) Amending Directive 2000/55/EC 1999/0127(COD) Repealed by 2008/0151(COD) Amended by 2006/0291(COD)</p> <p><b>Subject</b></p> <p>3.60.08 Energy efficiency 3.70.17 European ecolabel and ecolabelling, ecodesign</p>	

Key players					
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>	
	<b>ENVI</b> Environment, Public Health and Food Safety		RIES Frédérique (ALDE)	10/01/2005	
	<b>Former committee responsible</b>		<b>Former rapporteur</b>	<b>Appointed</b>	
	<b>ENVI</b> Environment, Public Health, Consumer Policy		THORS Astrid (ELDR)	16/02/2004	
	<b>Former committee for opinion</b>		<b>Former rapporteur for opinion</b>	<b>Appointed</b>	
	<b>JURI</b> Legal Affairs and Internal Market		The committee decided not to give an opinion.	22/01/2004	
	<b>ITRE</b> Industry, External Trade, Research, Energy (Associated committee)		TURMES Claude (V/ALE)	22/09/2003	
	Council of the European Union	<b>Council configuration</b>		<b>Meetings</b>	<b>Date</b>
		Transport, Telecommunications and Energy		2554	2003-12-15
Transport, Telecommunications and Energy		2589	2004-06-10		
Transport, Telecommunications and Energy		2625	2004-11-29		
Education, Youth, Culture and Sport		2661	2005-05-23		
European Commission	<b>Commission DG</b>		<b>Commissioner</b>		
	Internal Market, Industry, Entrepreneurship and SMEs				

Key events			
Date	Event	Reference	Summary
01/08/2003	Legislative proposal published	COM(2003)0453 	Summary
01/09/2003	Committee referral announced in Parliament, 1st reading		
15/12/2003	Debate in Council		Summary
15/03/2004	Vote in committee, 1st reading		Summary
15/03/2004	Committee report tabled for plenary, 1st reading	A5-0171/2004	
19/04/2004	Debate in Parliament		
20/04/2004	Decision by Parliament, 1st reading	T5-0302/2004	Summary
29/11/2004	Council position published	11414/1/2004	Summary
16/12/2004	Committee referral announced in Parliament, 2nd reading		
15/03/2005	Vote in committee, 2nd reading		
18/03/2005	Committee recommendation tabled for plenary, 2nd reading	A6-0057/2005	
12/04/2005	Debate in Parliament		
13/04/2005	Decision by Parliament, 2nd reading	T6-0123/2005	Summary
13/04/2005	Results of vote in Parliament		
23/05/2005	Act approved by Council, 2nd reading		
06/07/2005	Final act signed		
06/07/2005	End of procedure in Parliament		
22/07/2005	Final act published in Official Journal		

Technical information	
Procedure reference	2003/0172(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 96/57/EC <a href="#">1994/0272(COD)</a> Amending Directive 2000/55/EC <a href="#">1999/0127(COD)</a> Repealed by <a href="#">2008/0151(COD)</a> Amended by <a href="#">2006/0291(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 095 Rules of Procedure EP 57_o
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/25518

## Documentation gateway

### European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0171/2004</a>	15/03/2004	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0302/2004</a> OJ C 104 30.04.2004, p. 0036-0319 E	20/04/2004	<a href="#">Summary</a>
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A6-0057/2005</a>	18/03/2005	
Text adopted by Parliament, 2nd reading		<a href="#">T6-0123/2005</a> OJ C 033 09.02.2006, p. 0324-0442 E	13/04/2005	<a href="#">Summary</a>

### Council of the EU

Document type	Reference	Date	Summary
Council position	<a href="#">11414/1/2004</a> OJ C 038 15.02.2005, p. 0045-0068 E	29/11/2004	<a href="#">Summary</a>
Draft final act	<a href="#">03618/2005</a>	06/07/2005	

### European Commission

Document type	Reference	Date	Summary
Legislative proposal	<a href="#">COM(2003)0453</a> 	01/08/2003	<a href="#">Summary</a>
Commission communication on Council's position	<a href="#">COM(2004)0800</a> 	10/12/2004	<a href="#">Summary</a>
Commission opinion on Parliament's position at 2nd reading	<a href="#">COM(2005)0219</a> 	19/05/2005	<a href="#">Summary</a>
Commission response to text adopted in plenary	<a href="#">SP(2005)2124</a>	19/05/2005	
Follow-up document	<a href="#">COM(2008)0660</a> 	21/10/2008	<a href="#">Summary</a>

### Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	<a href="#">CES0505/2004</a>	31/03/2004	
EESC	Economic and Social Committee: opinion, report	<a href="#">CES1739/2004</a> OJ C 112 30.04.2004, p. 0025-0029	31/03/2004	

## Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act
<a href="#">Directive 2005/0032</a> <a href="#">OJ L 191 22.07.2005, p. 0029-0058</a> <span style="float: right;"><a href="#">Summary</a></span>

## Ecodesign requirements for energy-using products

2003/0172(COD) - 06/07/2005 - Final act

**PURPOSE :** to establish a framework for the setting of Community ecodesign requirements for energy-using products with the aim of ensuring the free movement of those products within the internal market.

**LEGISLATIVE ACT :** Directive 2005/32/EC of the European Parliament and of the Council establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council.

**CONTENT :** this Directive provides for the setting of requirements which the energy-using products covered by implementing measures must fulfil in order for them to be placed on the market and/or put into service. It contributes to sustainable development by increasing energy efficiency and the level of protection of the environment, while at the same time increasing the security of the energy supply. It shall not apply to means of transport for persons or goods. This Directive and the implementing measures adopted pursuant to it shall be without prejudice to Community waste management legislation and Community chemicals legislation, including Community legislation on fluorinated greenhouse gases.

The specific aim of this Directive is to:

- ensure the free movement of energy-using products within the EU;
- improve the overall environmental performance of these products and thereby protect the environment;
- contribute to the security of energy supply and enhance the competitiveness of the EU economy.

The text is in principle applicable to any product using energy to perform the function for which it was designed, manufactured and put on the market, with the exception of means of transporting people or merchandise. All energy sources are covered, although it is likely that only products using electricity, solid, liquid and gaseous fuels will be the subject of implementing measures.

The Directive amends Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council. It provides for a deadline for implementation by the Member States of two years after the Directive's entry into force.

Moreover, this Directive seeks to achieve a high level of protection for the environment by reducing the potential environmental impact of EuPs, which will ultimately be beneficial to consumers and other end-users. Sustainable development also requires proper consideration of the health, social and economic impact of the measures envisaged. Improving the energy efficiency of products contributes to the security of the energy supply, which is a precondition of sound economic activity and therefore of sustainable development

**ENTRY INTO FORCE :** 11/08/2005.

**DATE OF TRANSPOSITION :** Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 11 August 2007.

## Ecodesign requirements for energy-using products

2003/0172(COD) - 13/04/2005 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Frédérique RIES (ALDE, BE), and approved a text which had been agreed with the Council.

- Priorities for eco-design, due to environmental impact and in particular CO2 emissions throughout the life-cycle, are the following products: heating and water heating equipment, electrical engine systems, lighting in the residential and tertiary sectors, home appliances, office equipment in the residential and tertiary sectors and commercial heating, ventilation and air-conditioning systems. There is a separate implementing measure reducing stand-by losses for a group of products;

- a new recital states that as a general principle, the energy consumption of EuPs in stand-by or off-mode should be reduced to the minimum necessary for their proper functioning;
- the Commission will conduct preparatory studies and impact assessments alongside “broad consultations with stakeholders” such as businesses and environmental and consumer NGOs. Eco-design requirements will then become legally binding for all products put on the EU market irrespective of where they are designed and produced;
- for the assessment of voluntary agreements or other self-regulation measures presented as alternatives to implementing measures, information on at least the following issues should be available: Openness of participation, added value, representativeness, quantified and staged objectives, involvement of civil society, monitoring and reporting, cost-effectiveness of administering a self-regulatory initiative, sustainability;
- Parliament inserted a definition of “importer” and the responsibilities of the importer. These are to ensure that the EuP placed on the market or put into service complies with the Directive and the applicable implementing measure, and to have the declaration of conformity and the technical documentation available;
- Member States are called upon to ensure that small and medium sized firms have the necessary adaptation resources to cope with future European legislation, in particular by strengthening support networks and structures;
- consumers also have a role to play. Specific implementation measures will set out the manufacturers' consumer information obligations as regards the ecological profile of the product and the benefits of eco-design. Finally, they will have to inform the consumer about the role they may play in reducing energy consumption by sustainable use of the product.

## Ecodesign requirements for energy-using products

2003/0172(COD) - 20/04/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Astrid THORS (ELDR, FIN) and made a number of amendments to a draft framework directive. (Please see the document dated 06/04/04.) The guiding principles that the Parliament wanted to add to the eco-design rules for energy-using products were clarity, better consumer information and transparency. Parliament felt that the directive was too vaguely worded and should contain more detailed requirements. Members also want new rules to give consumers more information about their dishwashers and other energy-using products. Compromise negotiations with the Council took place after the vote in the Committee on Environment and Public Health in mid-March but they were not successful. However, the Commissioner for energy, Ms Loyola de Palacio said in the parliamentary debate that the Council view is not too far from the Parliament's position so an agreement should be in sight for the second reading after the European Parliament elections. Parliament passed an amendment clarifying which products should be affected first. Members stated that one year after the adoption of the framework directive the Commission should adopt implementing measures for those products that offer a high potential for cost-effective reduction of greenhouse gas emissions. These are heating and water heating equipment, electric motor systems, lighting in both the domestic and tertiary sectors, domestic appliances, office equipment, consumer electronics and HVAC (heating ventilating air conditioning) systems. Stand-by losses of all products should also be regulated rapidly. Parliament also adopted new consumer information requirements for manufacturers and distributors. These must ensure that consumers are provided with information on the environmental impact of the product throughout its life cycle, the ecological profile of the product and the benefits of eco-design as well as the role they themselves can play in reducing energy consumption by sustainable use of the product. In order to formalise preliminary consultation on the adoption of measures implementing the directive, Parliament proposed the establishment of an Eco-Design Board with balanced participation of all relevant interested parties, including environmental NGOs. Finally, Parliament inserted some amendments clarifying provisions on market surveillance, self-regulation and generic and specific eco-design requirements.

## Ecodesign requirements for energy-using products

2003/0172(COD) - 15/12/2003

The Council held a policy debate on the proposal for a Framework Directive setting eco-design requirements for Energy Using Products, providing guidelines for the continuation of work under the next Presidency. From the debate, which was based on general questions relating to the structure and the scope of the Directive, and its interaction with national measures, the following main ideas emerged: - all delegations welcomed this Commission proposal and considered its structure (Framework Directive defining the mandate for the Commission, assisted by a regulatory Committee, to adopt concrete measures) as appropriate; - several delegations underlined the need to assess the environmental impact of the envisaged eco-requirement system in a balanced way, together with other impacts, such as the economic impact, in particular for small and medium-sized companies; - while a large majority of delegations supported the integrated approach taken by this proposal which takes into account all significant aspects of a product throughout its entire life-cycle, other delegations would prefer thematic regulatory measures (e.g. on water, energy, emissions); - many delegations considered that the Directive should lay down objective and transparent criteria, on the basis of which products would be selected for potential implementing measures, in accordance with the regulatory procedure, and following appropriate consultation of all stakeholders to guarantee the proper involvement of industry; on the other hand, some other delegations saw an added value in establishing an indicative list of product families beforehand; - all delegations agreed that Article 95 of the EC Treaty constitutes the appropriate legal basis as this draft Directive intended mainly to ensure the free circulation of goods that comply with the requirements laid down in the implementing measures. Some delegations would like to retain the possibility of adopting further national measures in accordance with Article 95 (4 to 6) while others were more in favour of full harmonisation.

## Ecodesign requirements for energy-using products

2003/0172(COD) - 19/05/2005 - Commission opinion on Parliament's position at 2nd reading

The Commission can accept in full all 24 amendments adopted by the European Parliament which are a result of a compromise package agreed between the Parliament and the Council for the second reading.

The amendments to the common position refer mainly to:

- definitions (in particular for importers and their responsibilities);
- strengthening of market surveillance;
- provisions for SMEs and consumer information;
- new formulation in Article 12 requiring action to be taken when an energy-using product fulfils the selection criteria;
- increased focus on energy efficiency in Article 12 when considering the life cycle and best performing products to be taken into account when setting criteria;
- introduction of a list of products to be addressed first;
- introduction of indicative criteria for admissibility of self-regulatory activities as an alternative to an implementing measure;
- modifications in Annex I, in particular part 3, clarifying the scope of the assessment to be performed by the manufacturer.

## Ecodesign requirements for energy-using products

2003/0172(COD) - 01/08/2003 - Legislative proposal

**PURPOSE** : to establish a framework Directive for addressing eco-design requirements. **CONTENT** : it is generally acknowledged that the production, distribution, use and end of life management of energy-using products ("EuP") is associated with a considerable number of important impacts on the environment such as climate change linked to energy consumption, consumption of other materials and natural resources such as water, waste generation and release of hazardous substances to the environment. It is estimated that over 80% of all product-related environmental impacts are determined during the product design phase. Integrating environmental considerations as early as possible into the product development process is therefore the most effective way of introducing changes and improvements to products. It is expected that with the wide dissemination and considerable environmental impacts of energy-using products, growing public awareness of environmental issues will result in the environmental aspects and performance of such products being increasingly targeted. It is important to avoid market fragmentation through diverging national requirements as regards the environmental aspects of these products. It consequently appears necessary to create a coherent harmonised Community framework in which to address these "eco-design" requirements. The present proposal aims to: - ensure the free movement of energy-using products within the EU; - improve the overall environmental performance of these products and thereby protect the environment; - contribute to the security of energy supply and enhance the competitiveness of the EU economy; - preserve the interests of both industry and consumers. The proposed framework Directive is in principle applicable to any product using energy to perform the function for which it was designed, manufactured and put on the market. All energy sources are covered, although it is likely that only those using electricity, solid, liquid and gaseous fuels will be the subject of implementing measures. The proposed scope is very large. However in practice, the framework Directive defines the criteria for selecting products that can be covered by implementing measures. For example, a product will be selected only if it represents an important volume of sales in the EU market and an important environmental impact at European level. Another criterion is the potential for improvement, which should not entail excessive costs and could take into account both existing legislation and pro-active initiatives from industry. Additional aspects (product performance, health and safety, impact on consumers, manufacturers' competitiveness) are integrated in the analysis. The scope also covers parts, which are placed on the market as individual parts for end-users and whose environmental performance can be assessed in an independent manner. Both conditions must be fulfilled. The proposal makes clear that, unless implementing measures are adopted, no legal obligations flow from the framework Directive for manufacturers. It is proposed to exclude vehicles from the scope.

## Ecodesign requirements for energy-using products

2003/0172(COD) - 21/10/2008 - Follow-up document

This communication concerns the establishment of the **working plan for 2009-2011 under the Ecodesign Directive**.

The Ecodesign Directive 2005/32/EC establishes a framework for the setting of eco-design requirements for energy-using products. It is therefore a key component of the EU's policy for improving the energy and environmental performance of products on the internal market. The Directive ensures free movement of products across Europe and encourages integration of eco-design in small and medium-sized enterprises (SMEs). Overall, the eco-design framework brings benefits, in the form of products offering better environmental performance, including energy savings.

The Ecodesign Directive specifies that the Commission shall publish a working plan setting out, for the three following years, an indicative list of energy-using product groups which will be considered priorities for the adoption of implementing measures.

During the "transitional period" between the entry into force of the Ecodesign Directive and adoption of this working plan (2005-2008), implementing measures were to be introduced for the product groups, such as a number of energy using products identified by the European Climate Change Programme as priorities, such as heating and water-heating equipment, electric motor systems, lighting in both the domestic and tertiary sectors, domestic appliances, office equipment in both the domestic and tertiary sectors, consumer electronics and HVAC (heating/ventilating/air conditioning) systems.

The working plan builds on the work done since mid-2005 for the transitional priority product groups. The environmental priorities for the adoption of implementing measures remain the same, in particular to harness the potential of energy-using products to combat climate change in a cost-effective manner. The product groups listed are considered indicative priorities for preparatory studies and implementing measures in the next three years.

A Commission study for preparing the working plan identified 57 product groups which fall within the scope of the Ecodesign Directive but were not covered in the transitional period. An indicative list of product groups covered by this working plan is as follows:

- Air-conditioning and ventilation systems;
- Electric and fossil-fuelled heating equipment;
- Food-preparing equipment;
- Industrial and laboratory furnaces and ovens;
- Machine tools;
- Network, data processing and data storing equipment;
- Refrigerating and freezing equipment;
- Sound and imaging equipment;
- Transformers;
- Water-using equipment.

The prioritisation assessment by the Commission may be subject to change after a full quantitative assessment is carried out in a preparatory study.

As regards the **future**:

- inclusion on the indicative list for this working plan indicates that the Commission will initiate a preparatory study on the product group concerned during the period 2009-2011 and, possibly, adopt an implementing measure, subject to the outcome of the preparatory study, a favourable impact assessment and the condition that no valid self-regulatory measures are in place;
- information regarding the timeline for preparatory studies and implementing measures will be disseminated to all stakeholders for each product group, notably via the websites of the Commission departments in charge of the Ecodesign Directive and via stakeholder meetings and websites organised by the contractors conducting the preparatory studies;
- each preparatory study will investigate possible ecodesign requirements on the basis of technical, economic and environmental analyses. The possibility of issuing a mandate to standardise certain ecodesign parameters should be explored. Interested parties should cooperate actively in this analysis.
- the Commission calls on the branches of industry manufacturing energy-using products with a significant environmental impact to develop self-regulation measures which could deliver the policy objectives faster or in a less costly manner than mandatory requirements;
- the working plan shall be amended periodically by the Commission, after consultation with the Consultation Forum;
- if the proposal by the Commission to extend the product scope of the Ecodesign Directive to cover all energy-related products is swiftly adopted by the European Parliament and the Council, the Commission will amend the working plan, as appropriate, to include product groups added by the extension.

## Ecodesign requirements for energy-using products

2003/0172(COD) - 10/12/2004 - Commission communication on Council's position

The Commission is of the opinion that the common position improves the proposal by clarifying a number of issues, such as the scope of harmonization of the Directive, the conditions for particular products to become subject to implementing measures and the procedure for adopting implementing measures.

All the main elements put forward by Parliament on first reading and accepted by the Commission are largely reflected in the common position. Reference is also made to the creation of a consultative forum to ensure stakeholders' involvement in the preparation of implementing measures; introduction of a working plan; emphasis on reduction of greenhouse gases in the first years of implementation; revision clause for the framework directive and for the individual implementing measures; attention to conformity of imported products; impact on medium and small business and criteria for assessing self-regulation by industry.

On the other hand, the Commission would have preferred stricter drafting for clauses concerning market surveillance by the Member States and the inclusion of the eligibility criteria for self-regulatory activities. However, the compromise text also appears acceptable on those points, considering that, on the one hand, the Council objected to more detailed provisions on market surveillance more on the grounds of subsidiarity than substance and, on the other, the common position keeps a reference to the Commission communication (recital 16) where the eligibility criteria are listed.

## 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).