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**TEXTS ADOPTED**

P8\_TA(2018)0241

Implementation of the Ecodesign Directive

Committee on the Environment, Public Health and Food Safety

PE616.861

European Parliament resolution of 31 May 2018 on the implementation of the Ecodesign Directive (2009/125/EC) (2017/2087(INI))

*The European Parliament*,

– having regard to the Treaty on the Functioning of the European Union, in particular Article 114 thereof,

– having regard to 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[[1]](#footnote-1) (hereafter ‘the Ecodesign Directive’) and the implementing regulations and voluntary agreements adopted under that Directive,

– having regard to the Commission’s Ecodesign Working Plan 2016-2019 (COM(2016)0773) adopted in accordance with Directive 2009/125/EC,

– having regard to Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU[[2]](#footnote-2) (hereafter ‘the Energy Labelling Directive’),

– having regard to the Union’s objectives on greenhouse gas emission reductions and energy efficiency,

***–*** having regard to the Paris Agreement on climate change and the 21st Conference of the Parties (COP21) to the UNFCCC,

– having regard to the ratification of the Paris Agreement by the EU and the Member States,

***–*** having regard to the long-term objective laid down in that agreement, namely to keep the increase in global average temperature to well below 2 °C above pre-industrial levels and pursue efforts to limit it to 1,5 °C,

– having regard to the General Union Environmental Action Programme to 2020 (Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013[[3]](#footnote-3)),

– having regard to the Commission communication of 2 December 2015 entitled ‘An EU action plan for the Circular Economy’ (COM(2015)0614),

***–*** having regard to the Commission communication of 16 January 2018 entitled ‘A European Strategy for Plastics in a Circular Economy’ (COM(2018)0028),

***–*** having regard to the Commission communication and the staff working document of 16 January 2018 on the implementation of the circular economy package: options to address the interface between chemical, product and waste legislation (COM(2018)0032 – SWD(2018)0020)),

***–*** having regard to the Commission communication of 13 September 2017 on the 2017 list of Critical Raw Materials for the EU (COM(2017)0490),

– having regard to the Council conclusions on eco-innovation: enabling the transition towards a circular economy, adopted on 18 December 2017[[4]](#footnote-4),

***–*** having regard to the Emissions Gap Report 2017 issued by UN Environment Programme in November 2017,

– having regard to its resolution of 9 July 2015 on resource efficiency: moving towards a circular economy[[5]](#footnote-5),

***–*** having regard to EU legislation on waste,

– having regard to its resolution of 4 July 2017 on a longer lifetime for products: benefits for consumers and companies[[6]](#footnote-6),

– having regard to the European implementation assessment (EIA) drawn up by the Parliament’s Directorate-General for Parliamentary Research Services to accompany the scrutiny of the implementation of the Ecodesign Directive,

– having regard to Rule 52 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,

– having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Industry, Research and Energy (A8-0165/2018),

A. whereas the objective of the Ecodesign Directive is to increase energy efficiency and the level of protection of the environment through harmonised requirements that ensure the functioning of the internal market and foster the continuous reduction of the overall environmental impact of energy-related products; whereas these measures also have a positive impact on energy security by reducing energy consumption;

B. whereas the Ecodesign Directive provides for measures to be taken to reduce the lifecycle environmental impact of energy-related products; whereas, so far, decisions under the directive have largely concentrated on reducing energy consumption during the use stage;

C. whereas the implementation of the directive could make a greater contribution to the EU’s efforts to improve energy efficiency and help to achieve climate action targets;

D. whereas the reduction of the environmental impact of energy-related products at the ecodesign stage, through the provision of minimum criteria concerning their lifetime and their upgradability, reparability and potential for recycling and reuse, can offer considerable opportunities in terms of job creation;

E. whereas, by the beginning of 2018, 29 specific Ecodesign regulations covering different product groups were in place and, in addition, three voluntary agreements recognised under the directive had been adopted;

F. whereas the Ecodesign Directive recognises voluntary agreements or other self-regulation measures as alternatives to implementing measures when certain criteria are fulfilled; whereas not all of the existing voluntary agreements have proven to be more efficient than regulatory measures;

G. whereas ecodesign brings economic benefits for industry and consumers and contributes significantly to the Union’s climate, energy and circular economy policies;

H. whereas the Ecodesign legislation is closely linked to EU legislation on energy labelling and measures taken under these two directives by 2020 are expected to generate EUR 55 billion in additional annual revenue per year for the industrial, wholesale and retail sectors and are estimated to bring 175 Mtoe in primary energy savings per year by 2020, thus contributing to up to half of the Union’s energy savings target for 2020 and reducing the dependence on energy imports; whereas the legislation also contributes significantly to the EU’s climate targets by reducing greenhouse gas emissions by 320 million tonnes of CO2 equivalents annually; whereas the potential for energy savings is even larger in the longer term;

I. whereas, according to the Ecodesign Impact Accounting Report (European Commission, 2016), it is estimated that by 2020 EU consumers will save a total of up to EUR 112 billion, or around EUR 490 per year per household;

J. whereas more than 80 % of the environmental impact of energy-related products is identified at the design stage;

K. whereas for a majority of stakeholders three main obstacles to full implementation of the legislation can be identified: the lack of clear political support and direction, the slow pace of the regulatory processes and the inadequacy of market surveillance in the Member States;

L. whereas it is estimated that 10-25 % of products on the market do not comply with the Ecodesign and Energy Labelling Directives, leading to a loss of around 10 % of envisaged energy savings and to unfair competition;

M. whereas the existing exemption for stage lighting from Commission Regulations (EC) No 244/2009[[7]](#footnote-7) and (EU) No 1194/2012[[8]](#footnote-8) has been an appropriate and effective way to respect the special needs and circumstances for theatres and the whole entertainment industry and should be continued;

N. whereas, while the scope of the Ecodesign Directive was enlarged in 2009 to cover all energy-related products (excluding means of transport), no non-energy using products have yet been covered by ecodesign requirements;

O. whereas in the EU, all products should be designed, manufactured and marketed by making minimal use of hazardous substances, while ensuring the safety of the product so as to facilitate its recycling and reuse and at the same time maintaining high levels of protection of human health and the environment;

P. whereas the Ecodesign Directive states that its complementarity with the REACH Regulation on chemicals should contribute to increasing their respective impacts and building coherent requirements for manufacturers to apply; whereas requirements related to the use of dangerous chemicals and their recycling have been limited so far;

Q. whereas a new database under the new Energy Labelling Regulation is being developed and the Information and Communication System on Market Surveillance (ICSMS) database is used in some, but not all, Member States;

R. whereas one of the priority objectives of the General Union Environmental Action Programme to 2020 (7th EAP) is to turn the Union into a resource-efficient, green and competitive low-carbon economy; whereas the EAP states that the Union policy framework should ensure that priority products placed on the Union market are ‘eco-designed’ with a view to optimising resource and material efficiency;

S. whereas the EU action plan for the Circular Economy includes the commitment to emphasise circular economy aspects in future product design requirements under the Ecodesign Directive by systematically analysing issues such as reparability, durability, upgradability, recyclability, or the identification of certain materials or substances;

T. whereas the Paris Agreement sets out a long-term goal in line with the objective to keep the global temperature increase well below 2 °C above pre- industrial levels and to pursue efforts to limit it to 1,5 °C above pre-industrial levels; whereas the EU is committed to contributing its fair share towards these goals through emissions reductions in all sectors;

U. whereas ecodesign measures should cover the whole lifecycle of products in order to improve resource efficiency in the Union, taking into account the fact that more than 80 % of a product’s environmental impact is determined at the design stage, which therefore plays a highly important role in promoting the circular economy aspects, durability, upgradability, reparability, reuse and recycling of a product;

V. whereas in addition to making more sustainable and resource-efficient products, the principles of the sharing economy and the service economy need to be strengthened, while Member States should pay special attention to low-income households, including those at risk of energy poverty, when presenting programmes to encourage the uptake of the most resource-efficient products and services;

W. whereas the Union is a party to the Stockholm Convention on Persistent Organic Pollutants (POPs), and is therefore required to take action on phasing out those hazardous substances, including by limiting their use at product design stage;

***An effective tool to deliver cost-effective energy savings***.

1. Considers that the Ecodesign Directive has been a successful instrument for the improvement of energy efficiency, has resulted in a significant reduction in greenhouse gas emissions and has led to economic benefits for consumers;

2.Recommends that the Commission continue to include more product groups selected on the basis of their ecodesign potential, including both energy efficiency and material efficiency potential as well as other environmental aspects, using the methodology set out in Article 15 of the directive, and that it keep existing standards up to date, in order to reap the full potential of the directive’s scope and objectives;

3.Underlines that the Ecodesign Directive improves the functioning of the EU internal market through the definition of common product standards; stresses that the continued adoption of harmonised product requirements at EU level supports innovation, research and the competitiveness of EU manufacturers and ensures fair competition, while avoiding an unnecessary administrative burden;

4. Recalls that the directive requires the Commission to come forward with implementing measures where a product meets the criteria, i.e. significant volumes of products sold, significant environmental impact and potential for improvement; stresses the responsibility placed on the Commission to respect this mandate and ensure that the benefits to consumers, the circular economy and the environment are effectively achieved, recognising that such product standards can only be applied at EU level and that Member States therefore rely on the Commission to take the necessary action;

5. Believes that coordination with initiatives connected to the circular economy would further enhance the effectiveness of the directive; calls, therefore, for an ambitious plan on ecodesign and the circular economy, providing both environmental benefits and opportunities for sustainable growth and jobs, including in the SME sector, as well as advantages for consumers; notes that higher resource efficiency and the use of secondary raw materials in manufacturing offers considerable potential for cutting waste and economising on resources;

6. Underlines that the Ecodesign Directive is part of a larger toolbox and that its effectiveness is dependent on synergies with other instruments, in particular on energy labelling; considers that overlapping regulations should be avoided;

***Strengthening the decision-making process***

7. Highlights the key role of the Consultation Forum in bringing together industry, civil society and other stakeholders in the decision-making process and considers that this entity is working well;

8. Is concerned by the sometimes significant delays in the development and adoption of implementing measures, which create uncertainty for economic operators, have led to significant missed opportunities for energy savings for consumers and the associated reductions in greenhouse gas emissions, and can cause adopted measures to lag behind technological developments;

9. Notes that the implementation delays are due in part to the limited resources available within the Commission; calls on the Commission to deploy sufficient resources for the ecodesign process given the significant EU added value of the legislation;

10. Urges the Commission to avoid delays in the adoption and publication of implementing measures and recommends defining clear deadlines and milestones for their finalisation and for the revision of existing regulations; considers that ecodesign measures should be adopted individually and released as soon as they are completed;

11. Stresses the need to stick to the schedule provided for in the 2016-2019 Ecodesign Working Plan;

12. Emphasises the need to base the ecodesign requirements on solid technical analysis and impact assessments, taking as a reference the best-performing products or technologies on the market and the technological development in each sector; calls on the Commission to give priority to the implementation and review of measures relating to products that have the greatest potential in terms of both primary energy savings and the circular economy;

13. Recognises that the Ecodesign Directive allows for the use of voluntary agreements; underlines that voluntary agreements can be used instead of implementing measures where they cover a large majority of the market and are deemed capable of guaranteeing at least an equal level of environmental performance, and that they should guarantee a faster decision-making process; considers that the efficacy of the surveillance of voluntary agreements should be strengthened and the adequate involvement of civil society ensured; welcomes, in this respect, Commission Recommendation (EU) 2016/2125 on guidelines for self-regulation measures concluded by industry and asks the Commission to strictly monitor all voluntary agreements recognised under the Ecodesign Directive;

14. Encourages the integration of technology learning curves into the Methodology for the Ecodesign of Energy-Related Products (MEERP) so as to anticipate technology improvements by the time the regulations enter into force and ensure the regulations remain up to date;

15. Calls on the Commission to include assessments on release of microplastics into the aquatic environment in the ecodesign measures where appropriate; calls on the Commission to introduce mandatory requirements for microplastic filters in the review of the ecodesign measures for household washing machines and washer dryers;

***From energy savings to resource efficiency***

16. Reiterates its call for a new impetus on the circular economy aspects of products and considers that the Ecodesign Directive provides significant potential for improving resource efficiency that is still untapped;

17. Believes, therefore, that the implementation of the Ecodesign Directive – in addition to continued efforts to improve energy efficiency – must now systematically address the full lifecycle of each product group within its scope by the setting up of minimum resource efficiency criteria covering, inter alia, durability, robustness, reparability and upgradability, but also sharing potential, reuse, scalability, recyclability, possibility of remanufacturing, content of recycled or secondary raw materials, and the use of critical raw materials;

18. Considers that the choice of circular economy criteria for each product group must be well specified and defined in a clear and objective manner, while being easily measurable and achievable at a proportionate cost, in order to ensure that the directive remains implementable;

19. Calls for systematic in-depth analyses of the circular economy potential during preparatory studies for specific ecodesign measures relating to each product category;

20. Emphasises that it is important that manufacturers should provide clear and objective instructions enabling users and independent repairers to repair products more easily, without specific equipment; also stresses the importance of providing information on the availability of spare parts and product lifetimes, where possible;

21. Highlights the potential benefits of focusing on other environmental aspects beyond energy use, such as dangerous chemicals, release of microplastics, waste generation and material input, and calls for the tools under the directive to be used to enhance transparency for consumers;

22. Considers that as more than 80 % of the environmental impact of a product is determined at the design stage, it is at that stage that, to a large extent, substances of concern can be avoided, substituted or limited; stresses that the use of materials and substances of critical importance, such as Rare Earth Elements (REE), or substances of a toxic nature or substances of concern, such as POPs and endocrine disrupters, must be specifically considered under the broadened ecodesign criteria in order to restrict their use or substitute them, where appropriate, or at least ensure the possibility of extracting/separating them at end-of-life, without prejudice to other harmonised legal requirements concerning those substances laid down at Union level;

23. Calls for ecodesign requirements, in the case of energy-related products, not to create targets which are hard for EU producers to meet, particularly for small and medium-sized enterprises, whose capacity in relation to patented technologies is significantly smaller than that of market-leading companies;

24. Welcomes in this regard the 2016-2019 Ecodesign work programme, which includes commitments to develop requirements and standards for material efficiency, supporting the use of secondary raw materials, and urges the Commission to complete this work as a matter of priority; considers that such criteria should be product-specific, based on robust analyses, focus on areas with clear improvement potential and be enforceable and verifiable by market surveillance authorities; considers that, when defining best practices, the use of results of past and ongoing research activities and cutting-edge innovations in waste electrical and electronic equipment recycling should be promoted;

25. Believes that the development of a ‘system approach’ to consider not only the product but the whole system required for its functioning in the Ecodesign process is becoming an increasingly critical success factor for resource efficiency and urges the Commission to include more of such system-level opportunities in the next Ecodesign work programme;

26. Believes that particular attention must be paid to water-using products where significant environmental benefits and important savings for consumers could be achieved;

27. Calls on the Commission to encourage the recovery of critical raw materials also from mining waste;

28. Notes that the Commission has postponed action on information and communication technologies (ICT) such as mobiles and smartphones, pending further assessments and given the rapid technological changes in this product group; considers, however, that these products, which are sold in large numbers and replaced frequently, have a clear potential for improvements, in particular in terms of resource efficiency, and that ecodesign criteria should therefore be applied to them and that efforts should be made to streamline the regulatory progress; stresses the need to carefully assess how to improve the ecodesign of product groups for which reparability and replacement of spare parts are key ecodesign parameters;

29. Stresses the need for reparability to be facilitated by the availability of spare parts throughout the lifecycle of a product at a reasonable price in relation to the total cost of the product;

30. Recalls its demands for a broad review of the Union’s product policy framework in order to address resource efficiency features; in this context, asks the Commission to assess whether the current ecodesign methodology could be used for other product categories in addition to energy-related products and to come forward with proposals for new legislation as appropriate;

31. Stresses that, in order to ensure the use of recycled/secondary materials, the availability of high-quality secondary materials is imperative, and a well-organised market for secondary materials should therefore be established;

32. Stresses the importance of attributing responsibility to producers and expanding guarantee periods and conditions, of obliging manufacturers to take responsibility for the management of the waste stage of a product’s lifecycle in line with the relevant Union legislation, of boosting reparability, upgradability, modularity and recyclability and of ensuring that raw materials and waste management remain within the European Union;

33. Calls for the extension of minimum guarantees for consumer durable goods;

***Improving market surveillance***

34. Insists on the need to strengthen the surveillance of products placed on the internal market through better cooperation and coordination between Member States and between the Commission and national authorities and through the provision of adequate financial resources to the market surveillance authorities;

35. Calls on the Commission to examine the potential of establishing a digital product fact sheet (‘product passport’), as suggested in the Council conclusions of 18 December 2017 on eco-innovation, as a tool to disclose materials and substances used in products, which would also facilitate market surveillance;

36. Calls for a more coherent and cost-effective market surveillance system across the Union to ensure compliance with the Ecodesign Directive, and makes the following recommendations:

– that national authorities be required to use the ICSMS database to share all the results of product compliance checks and testing carried out for all products covered by Ecodesign regulations; this database should include all relevant information for compliant and non-compliant products in order to avoid unnecessary testing in another Member State and should be user-friendly and easily accessible;

– that the general product registration database for energy labelled products be extended to all products covered by Ecodesign regulations;

– that national authorities be required to draw up specific plans for their market surveillance activities in the area of ecodesign, to be notified to other Member States and to the Commission as provided for under Regulation (EC) No 765/2008[[9]](#footnote-9); Member States should include random inspections in these plans;

– that fast screening methods be applied to detect products that do not comply with the regulations, and that these be elaborated in cooperation with industry experts and shared with public bodies;

– that the Commission consider defining a minimum percentage of products on the market to be tested, as well as develop a mandate for carrying out its own independent market surveillance and make proposals, as appropriate;

– that deterrent measures be adopted, including: sanctions for non-compliant manufacturers proportional to the impact of non-compliance on the entire European market and compensation for consumers who have purchased non-compliant products, even beyond the legal warranty period, including through collective redress;

– that particular attention be paid to non-EU imports and products sold online;

– that coherence be ensured with the Commission’s proposal for a regulation laying down rules and procedures for compliance with and enforcement of Union harmonisation legislation on products (COM(2017)0795), the scope of which includes products regulated under the Ecodesign Directive; in this context, supports the facilitation at EU level of joint testing;

37. Highlights the importance of appropriate and clearly defined harmonised testing standards and stresses that test protocols as close as possible to real-life conditions should be developed; underlines that test methods should be robust and designed and executed in a way that rules out manipulation and intentional or unintentional amelioration of the results; considers that the tests should not give rise to an unreasonable burden for businesses, in particular taking into account SMEs, which do not have the same capacity as their bigger competitors; welcomes Commission Regulation (EU) 2016/2282 on the use of tolerances in verification procedures;

38. Calls for the Commission to support Member States in their enforcement work and for enhanced cooperation when a product is found to be non-compliant; stresses the need for guidance for manufacturers and importers on the detailed requirements of the documents needed for the market surveillance authorities;

***Other recommendations***

39. Stresses the need to ensure consistency and convergence between ecodesign regulations and horizontal regulations such as Union legislation on chemicals and waste, including REACH and the WEEE and RoHS Directives, and highlights the need to strengthen synergies with Green Public Procurement and the EU Ecolabel;

40. Underlines the link between the Ecodesign Directive and the Energy Performance of Buildings Directive; calls on Member States to incentivise the market uptake of efficient products and services and to step up their inspection and advice activities; believes that improving the ecodesign of energy-related products can in turn have a positive impact on the energy performance of buildings;

41. Underlines the need to provide the general public, and in particular the media, with clear information about the benefits of ecodesign ahead of the release of a measure, and encourages the Commission and the Member States to communicate proactively on the benefits of ecodesign measures as an integral part of the process of adopting these measures, and to engage more actively with stakeholders to improve people’s understanding of the legislation;

42. Stresses that the transition to a sustainable and circular economy will present not only many opportunities but also social challenges; considers, as nobody should be left behind, that the Commission and the Member States should pay special attention to low-income households at risk of energy poverty when presenting programmes to encourage the uptake of the most resource-efficient products; believes that such programmes should not hinder innovation but should continue to allow manufacturers to offer consumers a broad range of high-quality products, and that they should also favour the market penetration of energy-related and water-using products capable of achieving greater resource efficiency and savings for consumers;

43. Calls on the EU institutions and the Member States to set the right example by establishing and making full use of the circular economy and the Green Public Procurement strategies (GPP) in order to prioritise proven sustainable products, such as Ecolabel products, and the highest resource efficiency standards in all investments, and to promote a widespread use of green procurement, including in the private sector;

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44. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

1. OJ L 285, 31.10.2009, p. 10. [↑](#footnote-ref-1)
2. OJ L 198, 28.7.2017, p. 1. [↑](#footnote-ref-2)
3. OJ L 354, 28.12.2013, p. 171. [↑](#footnote-ref-3)
4. <http://www.consilium.europa.eu/media/32274/eco-innovation-conclusions.pdf> [↑](#footnote-ref-4)
5. OJ C 265, 11.8.2017, p. 65. [↑](#footnote-ref-5)
6. Texts adopted, P8\_TA(2017)0287. [↑](#footnote-ref-6)
7. **Commission Regulation (EC) No 244/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for non-directional household lamps (OJ L 76, 24.3.2009, p. 3).** [↑](#footnote-ref-7)
8. **Commission Regulation (EU) No 1194/2012 of 12 December 2012 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for directional lamps, light emitting diode lamps and related equipment (OJ L 342, 14.12.2012, p. 1).** [↑](#footnote-ref-8)
9. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products (OJ L 218, 13.8.2008, p. 30). [↑](#footnote-ref-9)