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REPORT

on the implementation of the Ecodesign Directive (2009/125/EC)
(2017/2087(INI))

Committee on the Environment, Public Health and Food Safety

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EXPLANATORY STATEMENT - SUMMARY OF FACTS AND FINDINGS

Introduction

The EU has embarked on the transition to a more sustainable, low-carbon economy. A number of policies and measures bear out this statement: the EU played a leading role in the conclusion of the Paris climate agreement; more than EUR 220 million from the EU budget has been invested in green and low-carbon projects; and a clearer framework has been set for energy labelling with a view to improving consumer information¹.

Greater economies of scale can be generated and the management of energy and raw materials improved if the EU exploits the full potential of ecodesign, defined in Article 2.23 of Directive 2009/125/EC, the subject of this implementation report, as ‘the integration of environmental aspects into product design with the aim of improving the environmental performance of the product throughout its whole life cycle’.

Measures need to be taken where the technical scope for improvements is the greatest, i.e. at the manufacturing stage; 80% of environmental pollution and 90% of manufacturing costs are the result of decisions taken at the product design stage.

A European framework established in 2007 and extended in 2009

The rapporteur was involved, on behalf of Parliament, in drawing up the first legal framework laying down ecodesign requirements for energy-using products (EuP)², in 2005. The framework directive laid down no binding requirements; the latter were set in implementing measures adopted through the comitology procedure for certain energy-using products, such as boilers, water heaters, computers, lamps, televisions, etc.

In 2009, a recast of the original directive extended its scope to include energy-related products (ErP), with a view to expanding the number of energy-efficient and environmentally friendly products available on the market³. The products are required to meet the following criteria:

- sales must exceed 200 000 units per year in the EU;
- the products must have a significant environmental impact;
- they must offer significant potential for development.

Overall effectiveness of the Ecodesign Directive on energy-related products

Ecodesign has generated real added value, as acknowledged both by the industrial sectors concerned and NGOs and experts from the Member States.

According to the Commission’s estimates⁴, the Ecodesign and energy labelling policy is effective and promising: the amount of primary energy saved per year is put at 175 Mtoe,

¹ 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 Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products

³ Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 on establishing a framework for the setting of ecodesign requirements for energy-related products.

⁴ Ecodesign Working Plan 2016-2019. COM (2016) 773 final, page 2.

which is more than Italy's total annual primary energy consumption and represents a CO₂ emissions reduction of 320 million tonnes per year. For consumers, this equates to a saving of around EUR 490 per household per year on energy bills.

These figures are borne out by the data provided by BSH Hausgeräte GmbH, the largest manufacturer of domestic appliances in Europe (BSH data, 2017).

BSH's findings show that on average, between 2001 and 2016, the energy consumption of their own-brand tumble dryers reduced by 75%, that of electric ovens by 43%, that of fridges by 55%, that of freezers by 69% and that of washing machines by 68%, for example.

There has been a lack of political support for the Ecodesign Directive, however, sometimes even at the highest decision-making levels. The concept of ecodesign has unfortunately often been used as a political pawn, for example during the European election campaign in May 2014 and the British referendum in June 2016.

The 'wait and see' approach has had direct consequences: since the 2009 extension of the scope of the Ecodesign Directive to include energy-related products (ErP), not one of these products has actually been the subject of an implementing measure.

Regulatory monitoring has been deemed unnecessary for construction materials. Windows, taps and showers are still under review to assess whether they should be covered only by the legislation on energy labelling. New ErP products, including solar panels and building automation and monitoring systems, are now being assessed under the 2016-2019 working plan.

For this reason, the rapporteur believes that the 29 ecodesign implementing regulations, plus the 16 delegated regulations for energy labelling and the three voluntary agreements (complex decoders, game consoles and imaging devices), have proved their worth and that the European Parliament must continue to promote the idea of ecodesign, that is to say environmentally friendly innovation.

What is more, a study published by the UK authorities in 2015 concluded that each pound invested in ecodesign generates 3.8 times that in earnings for the British economy and that it is therefore an economically viable policy¹.

The procedure is far from flawless, however: a majority of stakeholders, manufacturers and Member States have commented on the constant delays in the decision-making process. The Commission is therefore being asked to remedy this state of affairs and lay down a procedure for concluding implementing measures which is divided into more clearly defined stages and sets more stringent deadlines. Parliament and the Council recently set just such a requirement in Article 11 of Regulation (EU) 2017/1369 on energy labelling.

From energy savings to resource efficiency

The rapporteur regards it as essential that the potential offered by the current directive should be exploited to the full and that all the environmental aspects of products should be

¹ DEFRA (Department for the Environment, Food and Rural Affairs) report: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/406225/defra-regulation-assessment-2015.pdf

considered, with a view to meeting the new challenge of the circular economy: **composition, durability, disassembly, reparability and recyclability.**

Parliament has repeatedly highlighted this policy objective of taking the overall environmental performance of a product into account:

- report by Sirpa Pietikäinen on ‘Resource efficiency: moving towards a circular economy’¹ was adopted in 2015;

- report by Pascal Durand on ‘a longer lifetime for products: benefits for consumers and companies’² was adopted in July 2017.

It is interesting to note that the adoption of the ecodesign concept has led to the emergence of a number of new professions: materials engineers, environmental management and sustainable development engineers and specialised consultants are now being recruited, all of them demonstrating the growing importance which companies are now attaching to ecodesign. Regional and local authorities, for example those responsible for dealing with household waste, have also been getting involved. There is every reason, therefore, for the European legislator to create an optimum framework for the development of ecodesign in the European economy.

What about mobiles and smart phones?

Despite the Commission acknowledging the potential for making improvements to these products in a circular economy, it recommended against including them in the Ecodesign working plan, given their specific characteristics. The average European consumer buys a new mobile every two years, but the European ecodesign procedure takes four years; the economic and regulatory time frames are therefore out of sync.

The rapporteur sees an urgent need for mobiles and smart phones to be included in the Ecodesign working plan, with a view not only to improving their energy efficiency, but also to ensuring that the rare metals in them are recycled, that they are better designed and that the battery can be removed and replaced.

It is estimated that as little as between 1 and 5% of the rare metals, such as tungsten, cobalt, graphite and indium, used in the manufacture of mobile phones is currently recycled.

Improving market surveillance

This is the other major challenge facing EU ecodesign policy, if the aim is for products manufactured in accordance with ecodesign principles to become the norm and for manufacturers who comply with the rules not to be penalised. This was stressed repeatedly in an EPRS study which served as the basis for this implementation report and in which it was

¹ European Parliament resolution of 9 July 2015 on "Resource efficiency: moving towards a circular economy" (2014/2208(INI)).

² European Parliament resolution of 4 July 2017 on a longer lifetime for products: benefits for consumers and companies (2016/2272(INI)).

pointed out that market surveillance is a competence of the Member States¹.

The Commission estimates that between 10 and 25% of products covered by the directive do not comply with the ecodesign and energy labelling requirements. This is unacceptable.

The rapporteur puts forward a number of proposals to tighten up coordination between national market surveillance authorities:

- the ‘best practices’ established by Member States which already use ICSMS (a market surveillance database and communication system) to share market surveillance data concerning product safety should provide the basis for further measures and the scope of the ICSMS should be expanded to cover products to which the ecodesign measures apply,

- rapid screening methods should be implemented in cooperation with industry experts to detect the products that are most likely to be non-compliant,

- dissuasive measures should be taken to improve compliance with ecodesign requirements. For example, penalties imposed on non-compliant manufacturers should be proportional to the impact of non-compliance on the European market as a whole and compensation should be awarded to consumers who purchase products that do not comply with the ecodesign requirements, even if the claim is made after the two-year statutory warranty period has expired.

Other recommendations

The issue of the premature obsolescence of products as popular as tablets, coffee machines and printers needs to be addressed in this report evaluating the implementation of the Ecodesign Directive.

On 4 July 2017, in a non-binding resolution, Parliament pointed out that ‘minimum resistance criteria’ should be established for each product category from the design stage onwards. These could be based on the standards developed by the three European Standardisation Organisations (CEN, CENELEC and ETSI)².

According to a Eurobarometer survey conducted in 2014, 77% of Europeans would rather repair their possessions than buy new ones, but are deterred by the cost of repairs. This is why the Commission and the Member States are being asked to support manufacturers of modular products with parts that are easy to dismantle and replace. This is what ecodesign is all about and it is a key factor in the environmental performance of products.

¹ Anna Zygierewicz (coord.), The Ecodesign Directive (2009/125/EC) European Implementation Assessment, EPRS. PE 611.015, November 2017, pages 43-44, page 50, page 80, etc.

² Parliament Resolution on a longer lifetime for products: benefits for consumers and companies (2016/2272(INI)).

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

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 (TFEU), 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 (hereafter ‘the Ecodesign Directive’) and the implementing regulations and voluntary agreements adopted under that Directive¹,
- 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/EU²,
- 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 the Council of 20 November 2013³),
- having regard to the Commission communication 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),

¹ OJ L 285, 31.10.2009, p. 10.

² OJ L 198, 28.7.2017, p. 1.

³ OJ L 354, 28.12.2013, p. 171.

- 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 2017¹,
 - having regard to the Emissions Gap Report 2017 issued by UN Environment in November 2017,
 - having regard to its resolution of 9 July 2015 on resource efficiency: moving towards a circular economy²,
 - 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 companies³,
 - 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;

¹ <http://www.consilium.europa.eu/media/32274/eco-innovation-conclusions.pdf>

² OJ C 265, 11.8.2017, p. 65..

³ Texts adopted, P8_TA(2017)0287.

- 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, 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;
- N. 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;
- O. 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;

- P. whereas a new database under the new Energy Labelling Regulation is being developed and the ICSMS market surveillance database is used in some, but not all, Member States;
- Q. 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;
- R. 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;
- S. 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;
- T. 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;
- U. 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;
- V. 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 eco-design measures where appropriate; calls on the Commission to introduce mandatory requirements for microplastic filters in the review of the eco-design 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 eco-design measures relating to each product category;
20. Calls on the Commission to also introduce ethical criteria such as the origin and extraction methods of the materials used, as well as the social conditions of the workers and local populations;

21. 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;
22. 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;
23. Calls on the Commission to formulate mandatory criteria regarding the availability of software updates for electronic devices falling within the scope of the directive;
24. Highlights the need for recyclability to be enhanced by using single or compatible plastic polymers, promoting the actual use of recycled materials;
25. 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 Persistent Organic Pollutants (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;
26. 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;
27. 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;
28. 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;
29. Believes that particular attention must be paid to water-using products where significant environmental benefits and important savings for consumers could be achieved;
30. Calls on the Commission to encourage the recovery of critical raw materials also from mining waste;

31. 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;
32. Stresses the need for:
- (a) upgradability to be promoted through the availability of software updates for electronic devices,
 - (b) 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,
 - (c) recyclability to be enhanced by using single or compatible plastic polymers;
33. 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;
34. 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;
35. Stresses the importance of attributing responsibility to producers and expanding guarantee periods and conditions, of obliging manufacturers/sellers to take responsibility for the entire lifecycle of a product, of boosting reparability, upgradability, modularity and recyclability and of ensuring that raw materials and waste management remain within the European Union;
36. Calls for the extension of minimum guarantees for consumer durable goods;

Improving market surveillance

37. 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;
38. 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;

39. 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 765/2008¹; 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;

40. 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

¹ 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.

of tolerances in verification procedures;

41. 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

42. 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;
43. 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;
44. 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;
45. 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;
46. 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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47. Instructs its President to forward this resolution to the Council, the Commission and the

governments and parliaments of the Member States.

22.3.2018

OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

for the Committee on the Environment, Public Health and Food Safety

on the implementation of the Ecodesign Directive (2009/125/EC)
(2017/2087(INI))

Rapporteur: Michèle Rivasi

SUGGESTIONS

The Committee on Industry, Research and Energy calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas ecodesign brings economic benefits for industry and consumers and contributes significantly to the Union's climate, energy and circular economy policies;
- B. whereas the Commission estimates that the Ecodesign Directive, together with the Energy Labelling Regulation, contributes to around half of the energy savings target for 2020, and has even greater potential in the longer term, and that both legal acts should reduce dependence on fossil fuel imports by 23 % for natural gas and 37 % for coal and should also help to achieve our climate goals by reducing CO₂ emissions by 320 million tonnes every year;
- C. whereas the estimated energy savings achieved through the Ecodesign and Energy Labelling framework could also translate into a EUR 490 annual reduction in the energy bills of each household, while generating extra income of EUR 55 billion for industry and the wholesale and retail sectors every year, and the potential creation of 800 000 new direct jobs in those sectors;
- D. 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, re-use and recycling of a product;
- E. 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;

- F. 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;
- G. whereas the Parliament and the European Economic and Social Committee, along with consumer protection stakeholders, the scientific community and a wide range of civil society organisations, have asked on several occasions for the scope of the Ecodesign Directive to be broadened;
1. Recommends that more consumer products are included within the scope of the Ecodesign Directive (2009/125/EC); emphasises that priority should be given to ICT products, which are sold in large numbers and replaced frequently; stresses that the Commission should carefully assess and evaluate how to improve and verify the sustainability of such product groups, particularly mobiles/smartphones, for which spare parts, batteries and accessories should be easily replaceable and universal;
 2. Acknowledges that the technology of ICT products is fast-evolving, which may result in legislation on those products already being outdated by the time it actually comes into force; urges the Commission, therefore, to speed up the ecodesign regulatory processes for ICT products and to look into alternatives, which can be complementary to ecodesign measures, in order to monitor resource efficiency when products are in use, for instance by using big data techniques;
 3. Considers that the Ecodesign Directive has been an important tool for the energy efficiency of products and believes that future coordination with initiatives connected to the circular economy could further enhance energy efficiency; calls therefore for an ambitious plan concerning ecodesign and the circular economy, which would provide both environmental benefits and a unique opportunity for job development;
 4. Stresses the need to gradually adopt measurable and enforceable product requirements which are fully harmonised at Union level, in order to preserve the functioning of the internal market, to support innovation, research and the competitiveness of European manufacturers, and to ensure fair competition, without creating an unnecessary administrative burden;
 5. Calls for the ecodesign criteria to be broadened in order to include resource efficiency, the circular economy and the health aspects of products; considers it necessary to combine resource efficiency and the circularity of materials with continuous energy savings, taking into account the historical improvement rate for setting new requirements; stresses that energy, particularly renewable energy, should be considered a key resource and that products should be optimised for energy and water consumption and material use from a lifecycle perspective; believes that durability, upgradability, reparability and recyclability can also support job development;
 6. Stresses the need to introduce ethical criteria linked, in particular, to the origin and extraction of the materials used, as well as to the social conditions of workers and local

populations;

7. Regrets that little progress has been made in including circular economy aspects in the review of existing product-specific measures and new product groups; notes that, despite the promising specific attention given to circular economy aspects in the Ecodesign Working Plan 2016-2019, the Commission's circular economy package and the importance of this topic, the work on this matter has been disappointing; urges the Commission, therefore, to speed up actions to ensure that the Ecodesign Directive makes a significant contribution to the circular economy;
8. Stresses the need for:
 - (a) upgradability to be promoted through the availability of software updates for electronic devices,
 - (b) reparability to be facilitated by the availability of spare parts throughout the life-cycle of a product at a reasonable price in relation to the total cost of the product,
 - (c) recyclability to be enhanced by using single or compatible plastic polymers;
9. Stresses that, aside from ensuring recyclability, the actual use of recycled materials should also be promoted; considers that, on the one hand, the recyclability and easy dismantling of products needs to be incorporated into the design phase so that end-of-life products may be converted into high-quality secondary raw materials, and, on the other hand, the actual reuse of these secondary raw materials in new products needs to be promoted and endorsed, for example by setting a compulsory minimal usage of recycled materials for new products;
10. 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;
11. Stresses the importance of attributing responsibility to producers and expanding guarantee periods and conditions, of obliging manufacturers/sellers to take responsibility for the entire lifecycle of a product, of boosting reparability, upgradability, modularity and recyclability and of ensuring that raw materials and waste management remain within the European Union;
12. Stresses that the use of materials and substances of critical importance, such as rare earth elements (REE), or substances of a toxic nature or of concern, such as persistent organic pollutants (POPs) and endocrine disrupters, must be specifically considered under the broadened ecodesign criteria in order to restrict their use or at least to ensure the possibility of extracting/separating them at end-of-life;
13. Stresses the need to optimise and safeguard the decision-making process; emphasises that ecodesign measures should be adopted individually within established and communicated deadlines, and should be promptly implemented; calls on the Commission to set aside the necessary resources for implementation;
14. Insists on the need to optimise the market surveillance of products placed on the market,

through better cooperation between the Commission and the Member States and among the Member States themselves; recommends the organisation of EU-wide coordination, run by the Commission, between national market surveillance authorities;

15. Stresses that test protocols should be closer to real-life conditions, i.e. products should be tested under conditions and in environments that simulate as close as possible those of the average consumer; calls for the testing methods of both suppliers and market surveillance authorities to be established and executed in such a way that any intentional or unintentional manipulation or amelioration of test results is detected and eliminated, and for the permitted deviations between tested and declared results to be limited to the statistical margin of error of the measurement equipment;
16. Highlights the Commission's estimates that 10-25 % of products on the market do not comply with ecodesign and energy labelling requirements, which amounts to around 10 % of the envisaged savings being lost; urges better monitoring of compliance; highlights the great potential of fast screening methods in detecting the products and types of products that are more likely not to comply with the Ecodesign Directive;
17. Calls for greater coherence and synergy with other sector-specific legislation and European tools, including the criteria for responsible public procurement, the Ecolabel and the joint use of the product registration database established by Regulation (EU) 2017/1369 setting a framework for energy labelling;
18. Calls for proper funding so that the Union and the Member States can ensure adequate monitoring of policy development, undertake market surveillance, create new business opportunities, consult at national level before Member States vote on implementing measures and design proactive communication strategies; calls on the Commission to communicate proactively to European citizens the benefits of ecodesign measures as an integral part of the process of adopting those measures;
19. 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.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	21.3.2018
Result of final vote	+: 58 -: 3 0: 1
Members present for the final vote	Zigmantas Balčytis, Bendt Bendtsen, Xabier Benito Ziluaga, José Blanco López, Jonathan Bullock, Cristian-Silviu Buşoi, Reinhard Bütikofer, Jerzy Buzek, Angelo Ciocca, Edward Czesak, Jakop Dalunde, Pilar del Castillo Vera, Ashley Fox, Adam Gierek, Theresa Griffin, Rebecca Harms, Hans-Olaf Henkel, Eva Kaili, Kaja Kallas, Krišjānis Kariņš, Seán Kelly, Jeppe Kofod, Jaromír Kohlíček, Peter Kouroumbashev, Zdzisław Krasnodębski, Miapetra Kumpula-Natri, Christelle Lechevalier, Janusz Lewandowski, Paloma López Bermejo, Edouard Martin, Angelika Mlinar, Nadine Morano, Dan Nica, Angelika Niebler, Morten Helveg Petersen, Miroslav Poche, Julia Reda, Paul Rübig, Massimiliano Salini, Algirdas Saudargas, Sven Schulze, Neoklis Sylikiotis, Dario Tamburrano, Patrizia Toia, Evžen Tošenovský, Claude Turmes, Vladimir Urutchev, Kathleen Van Brempt, Henna Virkkunen, Martina Werner, Hermann Winkler, Anna Záborská, Flavio Zanonato, Carlos Zorrinho
Substitutes present for the final vote	Jakop Dalunde, Luděk Niedermayer, Dennis Radtke, Dominique Riquet, Pavel Telička
Substitutes under Rule 200(2) present for the final vote	Gerolf Annemans, Rosa D'Amato, Emilian Pavel

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

58	+
ALDE	Kaja Kallas, Angelika Mlinar, Morten Helveg Petersen, Dominique Riquet, Pavel Telička
ECR	Edward Czesak, Ashley Fox, Hans-Olaf Henkel, Zdzisław Krasnodębski, Evžen Tošenovský
EFDD	Rosa D'Amato, Dario Tamburrano
ENF	Christelle Lechevalier
GUE/NGL	Xabier Benito Ziluaga, Jaromír Kohlíček, Paloma López Bermejo, Neoklis Sylikiotis
PPE	Bendt Bendtsen, Cristian-Silviu Buşoi, Jerzy Buzek, Pilar del Castillo Vera, Gunnar Hökmark, Krišjānis Kariņš, Seán Kelly, Janusz Lewandowski, Nadine Morano, Angelika Niebler, Luděk Niedermayer, Dennis Radtke, Paul Rübig, Massimiliano Salini, Algirdas Saudargas, Sven Schulze, Vladimir Urutchev, Henna Virkkunen, Anna Záborská
S&D	Zigmantas Balčytis, José Blanco López, Adam Gierek, Theresa Griffin, Eva Kaili, Jeppe Kofod, Peter Kouroumbashev, Miapetra Kumpula-Natri, Edouard Martin, Dan Nica, Emilian Pavel, Miroslav Poche, Patrizia Toia, Kathleen Van Brempt, Martina Werner, Flavio Zanonato, Carlos Zorrinho
VERTS/ALE	Reinhard Bütikofer, Jakop Dalunde, Rebecca Harms, Julia Reda, Claude Turmes

3	-
EFDD	Jonathan Bullock
ENF	Angelo Ciocca
PPE	Hermann Winkler

1	0
ENF	Gerolf Annemans

Key to symbols:

+ : in favour

- : against

0 : abstention

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	25.4.2018
Result of final vote	+: 59 -: 1 0: 1
Members present for the final vote	Marco Affronte, Margrete Auken, Pilar Ayuso, Zoltán Balczó, Biljana Borzan, Lynn Boylan, Nessa Childers, Birgit Collin-Langen, Miriam Dalli, Seb Dance, Angélique Delahaye, Stefan Eck, Bas Eickhout, José Inácio Faria, Francesc Gambús, Elisabetta Gardini, Gerben-Jan Gerbrandy, Jens Gieseke, Julie Girling, Sylvie Goddyn, Françoise Grossetête, Andrzej Grzyb, Jytte Guteland, Anneli Jäätteenmäki, Benedek Jávor, Karin Kadenbach, Kateřina Konečná, Urszula Krupa, Giovanni La Via, Peter Liese, Joëlle Mélin, Susanne Melior, Miroslav Mikolášik, Rory Palmer, Massimo Paolucci, Piernicola Pedicini, Bolesław G. Piecha, Pavel Poc, Julia Reid, Frédérique Ries, Michèle Rivasi, Davor Škrlec, Renate Sommer, Estefanía Torres Martínez, Adina-Ioana Vălean, Jadwiga Wiśniewska, Damiano Zoffoli
Substitutes present for the final vote	Nikos Androulakis, Cristian-Silviu Buşoi, Caterina Chinnici, Fredrick Federley, Anja Hazekamp, Norbert Lins, Rupert Matthews, Alojz Peterle, Stanislav Polčák, Carolina Punset, Christel Schaldemose
Substitutes under Rule 200(2) present for the final vote	Jude Kirton-Darling, Jeroen Lenaers, Mylène Troszczynski

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

59	+
ALDE	Fredrick Federley, Gerben-Jan Gerbrandy, Anneli Jäätteenmäki, Carolina Punset, Frédérique Ries
ECR	Urszula Krupa, Rupert Matthews, Boleslaw G. Piecha, Jadwiga Wiśniewska
EFDD	Piernicola Pedicini
ENF	Sylvie Goddyn, Joëlle Mélin, Mylène Troszczynski
GUE/NGL	Lynn Boylan, Stefan Eck, Anja Hazekamp, Kateřina Konečná, Estefanía Torres Martínez
NI	Zoltán Balczó
PPE	Pilar Ayuso, Cristian-Silviu Buşoi, Birgit Collin-Langen, Angélique Delahaye, José Inácio Faria, Francesc Gambús, Elisabetta Gardini, Jens Gieseke, Julie Girling, Françoise Grossetête, Andrzej Grzyb, Giovanni La Via, Jeroen Lenaers, Peter Liese, Norbert Lins, Miroslav Mikolášik, Alojz Peterle, Stanislav Polčák, Adina-Ioana Vălean
S&D	Nikos Androulakis, Biljana Borzan, Nessa Childers, Caterina Chinnici, Miriam Dalli, Seb Dance, Jytte Guteland, Karin Kadenbach, Jude Kirton-Darling, Susanne Melior, Rory Palmer, Massimo Paolucci, Pavel Poc, Christel Schaldemose, Damiano Zoffoli
Verts/ALE	Marco Affronte, Margrete Auken, Bas Eickhout, Benedek Jávor, Michèle Rivasi, Davor Škrlec

1	-
EFDD	Julia Reid

1	0
PPE	Renate Sommer

Key to symbols:

+ : in favour

- : against

0 : abstention