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Committee on Industry, Research and Energy

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OPINION

of the Committee on Industry, Research and Energy

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

on the proposal for a regulation of the European Parliament and of the Council
on a Community Ecolabel scheme
(COM(2008)0401 – C6-0279/2008 – 2008/0152(COD))

Rapporteur: Nikolaos Vakalis

PA_Legam

SHORT JUSTIFICATION

Content and purpose

The proposal, as amended below, aims to guide consumers towards environmentally-friendly products and services by awarding an eco-label, a label of excellence, to top-performing products and services based on environmental criteria. The Eco-label logo (EU Flower) should be used by producers as a marketing tool and promote those products and services. It replaces Regulation (EC) No 1980/2000 on a revised Community Ecolabel award scheme, which suffers from low awareness of the label and low uptake by industry, resulting from overly bureaucratic processes and management.

The ITRE relevant aspects

The revision of the regulation on the EU Eco-label scheme has the potential to have a positive impact on energy efficiency and industry competitiveness within the EU.

Firstly, the revision of the EU Eco-label provides for an improved system of criteria-setting which will determine whether the EU will lead the way with up-to-date and ambitious, yet attainable, energy efficiency standards.

Secondly, the revision of the scheme has the potential of presenting businesses with additional opportunities. They can use the EU Flower as an effective marketing tool throughout the Internal Market, at the same time contributing to environmental sustainability and benefiting consumers who are increasingly demanding greener products and services.

Regrettably, the results of the current regulation have not been satisfactory. The draftsman thus seeks to ensure that increased incentives for businesses to participate in the voluntary scheme are created and that all the unnecessary financial and administrative burdens on industry are avoided, but without detriment to its credibility.

Taking in particular these issues into account, the draftsman seeks to improve the following elements of the proposed regulation.

Keeping food out of the scope of the Regulation

The revised regulation calls for the inclusion of processed food, whereby the criteria for awarding the Eco-label should only look at its processing, transport and packaging. This would create severe inconsistencies and confuse consumers.

Firstly, the proposed application of the regulation to a limited fraction of food products (processed food, fishing, aquaculture) would create an arbitrary distinction between them. Secondly, looking only at processing, transport and packaging of a fraction of food products would violate the life-cycle approach and neglect the phase of food products' life-cycle with the highest impact on the environment, namely production and consumption. Thirdly, this could lead to confusion with existing legislation on organic food. Therefore, the draftsman proposes to work separately at EU level on labelling requirements for food products in line with existing EU food legislation.

Stressing a clear life-cycle approach for criteria-setting

The development of criteria must take into account the entire life-cycle of products, in order to develop meaningful eco criteria, which allow guiding the consumer towards more sustainable consumption and industry towards more sustainable production patterns.

Enhancing recognition of the EU Eco-label

The most striking problem is the lack of recognition of the label by EU consumers. It is therefore of paramount importance to raise both consumer and producer awareness. Taking into account the subsidiarity principle, the responsibility for promoting the eco-label scheme lies on Member States. However, some guidance can be given at EU level to engage in a process of mutual learning for promoting the Eco-label, in particular given that national eco-labels are very successful in some Member States. Furthermore, the public sector can play an important role in promoting eco-labels by taking them into account in public purchasing procedures.

Since promotional activities need appropriate financing, part of the revenue raised by registration fees should be invested in the promotion of the Eco-label. This will make the scheme more effective as a marketing tool and attract more producers to take advantage of it, thereby generating additional registration fees.

Registration Fees

The draftsman welcomes the proposal to abolish the current annual fees being applied by competent bodies to Eco-label users, as a significant step in making the scheme less bureaucratic and reducing the administrative burden for companies. In order to process registration, he proposes a fee of up to 1000 euros, proportionate to the size of each enterprise, while at the same time suggests that Member States may not charge any fees, as a measure of promotion of the scheme.

Strengthening market surveillance

Market surveillance needs to be strengthened, in particular to ensure a level-playing field within the Common Market. Therefore, provisions should be made that the necessary resources are available within each Member State to ensure market surveillance.

Transparent and non-discriminatory registration

In order to avoid discrimination between EU and third-countries producers, the same rules for registration for use of the Eco-label should apply. This means that producers wishing to apply the Eco-label shall register in any of the Member States, in which the product has been placed on the market. Specific provisions should enhance transparency of registration and avoid any possible consumer confusion.

Rapid expansion of product groups

The regulation must set up a system that allows creating quickly criteria for an extended number of product groups. The limited amount of product groups has posed an obvious barrier to a broader impact of the Eco-label as a marketing tool. Extending the number of product groups will thus allow more firms to take part in the scheme.

For this purpose, a working plan should be established and timelines should be set for the implementation of this working plan.

Furthermore, the draftsman proposes some measures to ensure that criteria are based on scientific standards and that stakeholders involved are qualified.

AMENDMENTS

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 amendments in its report:

Amendment 1

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) In order to avoid the proliferation of environmental labelling schemes, and to encourage higher environmental performance in all sectors for which environmental impact is a factor in consumer choice, the possibility of using the Community Ecolabel should be extended. However, *it is necessary to ensure a clear distinction between this Regulation and Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91.*

Amendment

(3) In order to avoid the proliferation of environmental labelling schemes, and to encourage higher environmental performance in all sectors for which environmental impact is a factor in consumer choice, the possibility of using the Community Ecolabel should be extended. However, *in the light of the specificities of food products, these should be excluded from the scope of this Regulation. The Commission should cooperate with all stakeholders, including the scientific community, civil society and industry, to facilitate the development of an Ecolabel for the environmental performance of processed and unprocessed food products, covering the full product life-cycle, taking into account the specificities of food in terms of health and nutrition, and considering existing and emerging legal developments throughout the European Union.*

Justification

The exclusion of food from the existing Regulation aims to avoid conflicts with existing EU food legislation, as well as consumer confusion. It is also in line with the life-cycle principle, a parameter of paramount importance in the present Regulation. The Commission shall facilitate the development of an Ecolabel for the environmental performance of processed and unprocessed food products, covering the full product life-cycle, taking into account the specificities of this product group.

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) The Community Ecolabel scheme is part of the sustainable consumption and production policy of the Community, which aims at reducing the negative impact of consumption and production on the environment, health and natural resources. The scheme is intended to promote those products which have a high level of environmental performance through the use of the Ecolabel. To this effect, it is appropriate to require that the criteria which products must comply with in order to bear the Ecolabel be based on the best environmental performance achieved by products on the Community market. Those criteria should be simple to understand and to use and should *therefore* be limited to the most significant environmental impacts of products.

Amendment

(4) The Community Ecolabel scheme is part of the sustainable consumption and production policy of the Community, which aims at reducing the negative impact of consumption and production on the environment, health and natural resources. The scheme is intended to promote those products which have a high level of environmental performance through the use of the Ecolabel. To this effect, it is appropriate to require that the criteria which products must comply with in order to bear the Ecolabel be based on the best environmental performance achieved by products on the Community market. Those criteria should be simple to understand and to use, and should be ***based on scientific evidence taking into consideration the latest technological developments. Those criteria should be market oriented and limited to the most significant environmental impacts of products during their full life cycle including the phases of manufacturing, use and obsolescence.***

Justification

The criteria which products must comply with in order to bear the Ecolabel have to be trustworthy. This can only happen if they are based on a solid scientific basis and if they regularly take into account up-to-date technological developments. Those criteria have also to take into account, as far as possible, all resources consumed and all environmental and health implications that are associated with the complete life cycle of a product (good or service).

Amendment 3

Proposal for a regulation Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The Community Ecolabel scheme should take into account existing Community legislation so as to avoid divergent approaches to safety assessment.

Justification

The Ecolabel Regulation should not lead to the European Community adopting differing approaches to the safety assessment, management and use of chemicals, covered today by REACH and the Classification and Labelling Directive. Existing legislation should prevail.

Amendment 4

Proposal for a regulation Recital 6

Text proposed by the Commission

Amendment

(6) In order to simplify the Community Ecolabel scheme and to reduce the administrative burden linked to the use of the Ecolabel, the assessment and verification procedures should be ***replaced*** by a registration system.

(6) In order to simplify the Community Ecolabel scheme and to reduce the administrative burden linked to the use of the Ecolabel, the assessment and verification procedures should be ***included in a harmonised registration system which should be applied across the Member States and competent bodies.***

Justification

It is important that the registration system is complementary to the assessment and verification procedures, in order not to sacrifice the credibility of the scheme for the sake of flexibility.

Amendment 5

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) In order to increase the use of the Community Ecolabel scheme in future revisions of this Regulation, there will be a need for a definite shift from the 10% best performing products criteria to the introduction of a gradation system in each product category to help consumers to make sustainable consumption choices and to create incentives to manufacturers constantly to improve their offer.

Justification

For the real spread of the use of the Community Ecolabel the "system of the 10% best" is considered not being enough effective. Every product from all the product groups should have the possibility to apply for the label and have it on the product and according to a grading system, grade 'A' or 'B' or 'C' would indicate its environmental performance.

Amendment 6

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) In light of the simplified procedures for use of the Ecolabel, it is appropriate to provide for the conditions under which the Ecolabel may be used and, in order to ensure compliance with those conditions, to require competent bodies to undertake verifications and to prohibit the use of the Ecolabel where the conditions for use have not been complied with. It is also appropriate to require Member States to lay down the rules on penalties applicable to infringements of this Regulation and to ensure that they are implemented.

(8) In light of the simplified procedures for use of the Ecolabel, it is appropriate to provide for the conditions under which the Ecolabel may be used and, in order to ensure compliance with those conditions, to require competent bodies to undertake verifications and to prohibit the use of the Ecolabel where the conditions for use have not been complied with. It is also appropriate to require Member States to lay down the rules on penalties applicable to infringements of this Regulation and to ensure that they are implemented. ***To this end, Member States should ensure the provision to the competent bodies of all necessary financial means and human resources.***

Justification

The proper functioning of the competent bodies is highly dependent on the available resources provided to them by member states.

Amendment 7

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) It is necessary to raise public awareness of the Community Ecolabel through promotion actions in order to make consumers aware of the meaning of the label and to enable them to make informed choices.

Amendment

(9) It is necessary to ***inform the public and*** raise public awareness of the Community Ecolabel through promotion actions in order to make consumers aware of the meaning of the label and to enable them to make informed choices. ***The revenue raised by any fees for an application for registration charged under this Regulation should be used primarily for marketing purposes.***

Justification

It is clear that one of the major shortcomings of the current scheme is the lack of consumer awareness due to poor marketing. It is, therefore, important to devote a considerable amount of financial resources to this purpose. It is necessary to inform the public and raise public awareness of the Community Ecolabel through promotion actions, in order to make consumers aware of the meaning of the label and to enable them to make informed choices.

Amendment 8

Proposal for a regulation

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) The Community Ecolabel scheme should take into account existing Community legislation so as to avoid divergent approaches and increasing administrative burdens on undertakings. Therefore, synergies between different product-related policy instruments should be enhanced so as to ensure a harmonised framework in which criteria are presented.

Justification

Since the Ecolabel constitutes only a component of the Action Plan for Sustainable Production and Consumption, it is of high importance to ensure synergies with the other actions of the Plan.

Amendment 9

**Proposal for a regulation
Recital 9 b (new)**

Text proposed by the Commission

Amendment

(9b) As small businesses often have more difficulty assimilating new regulations and standards, the information offices to be set up under the forthcoming Small Business Act should also be assigned the task of providing information about the Ecolabel scheme.

Justification

It is important to establish links between the Ecolabel scheme and the Small Business Act in order to facilitate matters for SMEs.

Amendment 10

**Proposal for a regulation
Recital 9 c (new)**

Text proposed by the Commission

Amendment

(9c) As different ecolabelling schemes always entail additional work, particularly for small businesses, the Commission should be instructed actively to promote the approximation of different labelling schemes,

Justification

It is very important to take account of SMEs' administrative burdens and, accordingly, endeavour to reduce them as much as possible.

Amendment 11

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) In order to facilitate the marketing of products bearing environmental labels at national and Community level and to avoid confusing consumers, it is also necessary to enhance the coherence between the Community Ecolabel scheme and national Ecolabel schemes in the Community.

Amendment

(10) In order to facilitate the marketing of products bearing environmental labels at national and Community level and to avoid confusing consumers, it is also necessary to enhance the coherence between the Community Ecolabel scheme and national Ecolabel schemes in the Community, ***and to create an official EU internet site gathering together all EU ecolabelling information and practices for the information of consumers. The co-existence of these schemes should lead to a "win-win" situation for both labels by means of exchange of best practices. Moreover, the Community Ecolabel scheme should promote the ecolabelled products in the national markets and should facilitate the entering of ecolabelled products into the markets of other Member States.***

Amendment 12

Proposal for a regulation

Article 2 – paragraph 2

Text proposed by the Commission

Concerning food products as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council, ***it shall only apply to processed food and to the products of fishing and aquaculture.***

Amendment

This Regulation shall not apply to food products as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council.

Justification

The exclusion of food from the existing Regulation aims to avoid conflicts with existing EU food legislation, as well as consumer confusion. It is also in line with the life-cycle principle, a parameter of paramount importance in the present Regulation. The Commission shall facilitate the development of an ecolabel for the environmental performance of processed and unprocessed food products, covering the full product life-cycle, taking into account the

specificities of this product group.

Amendment 13

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

1. Each Member State shall designate the body or bodies responsible for carrying out the tasks provided for in this Regulation (hereinafter referred to as "the competent body" or "the competent bodies") and ensure that they are operational. Where more than one competent body is designated, the Member State shall determine those bodies' respective powers and the coordination requirements applicable to them.

Amendment

1. Each Member State shall designate the body or bodies responsible for carrying out the tasks provided for in this Regulation (hereinafter referred to as "the competent body" or "the competent bodies") and ensure that they are operational, ***providing them with all the necessary financial means and human resources***. Where more than one competent body is designated, the Member State shall determine those bodies' respective powers and the coordination requirements applicable to them.

Justification

The proper functioning of the competent bodies is highly dependent on the available resources provided to them by Member States.

Amendment 14

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

2. The environmental performance of products shall be determined on the basis of the best performing products on the Community market. To this end, the most significant environmental impacts during the life cycle of products, ***in particular*** the impact on climate change, impact on nature and biodiversity, energy and resource consumption, generation of waste, emissions to all environmental media, pollution through physical effects and use and release of ***hazardous*** substances, ***shall***

Amendment

2. The environmental performance of products shall be determined on the basis of the best performing products on the Community market. To this end the most significant, ***scientifically proven*** environmental impacts during the ***full*** life cycle of products ***shall be considered, which may include*** the impact on climate change, impact on nature and biodiversity, energy and resource consumption, generation of waste, emissions to all environmental media, pollution through physical effects and use and release of

be considered.

substances of potential risk to the environment, as defined by Community legislation. The existing Ecolabel criteria for the different product groups shall be reviewed within ... to ensure their full compliance with the life cycle approach outlined in this Article.*

** 18 months after the adoption of this Regulation.*

Justification

In most cases, the current Ecolabel criteria for product groups do not reflect a true life cycle approach as described in this Article. In addition Recital (4) requires that the criteria should be limited to the most significant environmental aspects of products. Therefore the Commission must urgently review the current criteria for all product groups to ensure that they are in line with these approaches and principles. Existing legislation such as REACH adequately covers risk management of chemicals and is amongst others, aimed at reducing their environmental impact.

Amendment 15

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

3. The Ecolabel criteria shall set out the environmental requirements that a product must fulfil in order to bear the Ecolabel.

Amendment

3. The Ecolabel criteria shall set out the environmental requirements that a product must fulfil, **during its full life cycle**, in order to bear the Ecolabel, **taking into account the latest technological developments as well as the technical and economic feasibility of adaptations needed to comply with the requirements within a reasonable period of time.**

Justification

The criteria which products must comply with in order to bear the Ecolabel have to be trustworthy. This can only happen if they are based on a solid scientific basis and if they regularly take into account up-to-date technological developments. Those criteria have also to take into account, as far as possible, all resources consumed and all environmental and health implications that are associated with the complete life cycle of a product (good or service).

Amendment 16

Proposal for a regulation

Article 6 – paragraph 6

Text proposed by the Commission

6. The Ecolabel criteria shall take into account the criteria established for other environmental labels where they exist for that product group.

Amendment

6. The Ecolabel criteria shall take into account the criteria established for other environmental labels where they exist for that product group ***so as to enhance synergies. For products covered by existing Community legislation on labelling, Ecolabel criteria shall always correspond to the highest environmental requirements.***

Justification

The Ecolabel constitutes an award of excellence. Subsequently, though it is desirable to avoid unnecessary administrative burdens by taking into consideration criteria already fixed within the framework of existing legislation, it is also important that these criteria correspond to the highest environmental requirements.

Amendment 17

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Following consultation of the EUEB, Member States, competent bodies and other stakeholders may also initiate and lead the development or revision of the Ecolabel criteria.

Amendment

Following consultation of the EUEB, Member States, competent bodies and other stakeholders, ***showing neutrality, objectivity and a balanced view of the industry,*** may also initiate and lead the development or revision of the Ecolabel criteria.

Justification

The Ecolabel criteria must be sufficiently market oriented in order to succeed in diffusing products and services with the best environmental performance in the Community market. This can be achieved through a fair and transparent procedure involving all stakeholders and taking into account the industry's views.

Amendment 18

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. Where criteria are developed for processed food other than the products of aquaculture, those criteria shall relate only to processing, transport or packaging. **deleted**

Justification

The exclusion of food from the existing Regulation aims to avoid conflicts with existing EU food legislation, as well as consumer confusion. It is also in line with the life-cycle principle, a parameter of paramount importance in the present Regulation. The Commission shall facilitate the development of an Ecolabel for the environmental performance of processed and unprocessed food products, covering the full product life-cycle, taking into account the specificities of this product group.

Amendment 19

Proposal for a regulation

Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

The working plan

- 1. The Commission shall prepare and publish a Community eco-label working plan within one year from the entry into force of this Regulation, following prior consultation of the EUEB.**
- 2. The working plan shall include a strategy for the development of the Ecolabel scheme as well as a non-exhaustive list of products which will be considered as priorities for Community action.**
- 3. The working plan shall be reviewed periodically.**

Justification

The working plan will facilitate the cooperation of the Commission with the EUEB, while at

the same time will ensure that strategic decision making and planning is in place.

Amendment 20

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

1. The Commission shall, ***following consultation of the EUEB***, adopt measures to establish specific Ecolabel criteria for each product group.

Those measures, designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 16(2).

Amendment

1. The Commission shall adopt measures to establish specific Ecolabel criteria for each product group.

Draft ecolabel criteria shall be developed in accordance with the procedure laid down in Annex I and by taking into consideration the working plan referred to in Article 7a. No later than three months after the final report referred to in point 3 of Part A of Annex I has been submitted to the Commission, the EUEB shall be consulted on the document containing the proposed criteria. The Commission shall provide justification and documentation on the reasoning underlying any changes to the criteria submitted in the final report.

No later than three months after consultation of the EUEB, the Commission shall submit an Ecolabel criteria proposal to the Committee established under Article 16 and shall subsequently adopt measures to establish specific Ecolabel criteria for each product group. The Commission shall take into account the comments of the EUEB and shall provide justification and documentation on the reasoning underlying any changes to the proposal after the EUEB consultation.

Those measures, designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 16(2).

Justification

The establishment of deadlines aims to address the failures of the Commission's Inter-service consultation to reach without delay agreements on the setting or revision of the Ecolabel criteria. This is crucial for the purposes of the proposed Regulation to include more categories of products.

Amendment 21

Proposal for a regulation

Article 8 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) indicate, where appropriate, the three key environmental characteristics that **shall** be placed on the Ecolabel;

(b) indicate, where appropriate, the three key environmental characteristics that **may** be placed on the Ecolabel;

Justification

It is of paramount importance that a mechanism is foreseen to take account of the continuous improvement of products, also within the period of validity of the Ecolabel criteria. Currently the product criteria are set for long periods (e.g. 3 years) and are inflexible; it is difficult to even make minor changes to formulation to include new, more sustainable ingredients and to adapt to technical progress without having to go through the whole process of re-applying for the Ecolabel.

Amendment 22

Proposal for a regulation

Article 8 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) specify the period of validity of the criteria and of the assessment requirements.

(c) specify the period, **not exceeding two years**, of validity of the criteria and of the assessment requirements.

Justification

It is of paramount importance that a mechanism is foreseen to take account of the continuous improvement of products, also within the period of validity of the Ecolabel criteria. Currently the product criteria are set for long periods (e.g. 3 years) and are inflexible; it is difficult to even make minor changes to formulation to include new, more sustainable ingredients and to adapt to technical progress without having to go through the whole process of re-applying for the Ecolabel.

Amendment 23

Proposal for a regulation

Article 8 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) specify the maximum degree of product change permitted during the period of validity of the criteria.

Justification

Ensuring that the criteria carry a degree of flexibility and that they do not have to be redefined every time that a group of products undergoes a small change is of paramount importance.

Amendment 24

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. In order to use the Ecolabel, manufacturers, importers, service providers, wholesalers or retailers who wish to use the Ecolabel shall register with one of the competent bodies referred to in Article 4 in ***accordance with the following rules:***

(a) where a product originates in a single Member State, the registration shall be made with the competent body of that Member State;

(b) where a product originates in the same form in several Member States, the registration may be made with a competent body in one of those Member States;

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

The Ecolabel shall have one of the forms

1. In order to use the Ecolabel, manufacturers, importers, service providers, wholesalers or retailers who wish to use the Ecolabel shall register with one of the competent bodies referred to in Article 4 in ***any of the Member States in which the product has been or is to be placed on the market.***

The Ecolabel shall have one of the forms

depicted in Annex II.

The Ecolabel may only be used in connection with products covered by a registration and complying with the Ecolabel criteria applicable to the products concerned.

depicted in Annex II.

The Ecolabel may only be used in connection with products covered by a registration and complying with the Ecolabel criteria applicable to the products concerned.

Justification

This amendment aims to simplify registration by indicating that it shall (irrespective of where a product originates) be made with a competent body in any MS where the product is to be or has been placed on the market. The Commission proposal provides products originating outside the EU with an advantage compared to EU products: the former may register with a competent body in any MS in which the product is to be or has been placed on the market, whereas the latter must register in the MS from which the product originates. This amendment would rectify this anomaly and treat all products equally.

Amendment 25

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

3. The competent body to which an application for registration is made may charge a fee of up to **€ 200** for processing the registration. If a fee is charged, the use of the Ecolabel shall be conditional upon the fee having been paid in due time.

Amendment

3. The competent body to which an application for registration is made may charge a fee of up to **1000 EUR, proportionate to the size of the enterprise,** for processing the registration. ***This fee shall be based on:***
(a) the cost incurred in connection with the provision of information and assistance to enterprises by the competent bodies and
(b) the cost of administering the registration process.
Member States may decide, as a means of promoting the scheme, not to charge any fees. If a fee is charged, the use of the Ecolabel shall be conditional upon the fee having been paid in due time.

Justification

The proposed fee of up to € 200 is undoubtedly too low and unable to cover even the cost of registration. It is also unfair, since it treats all enterprises equally regardless of their size. Finally, it deprives the member states from a source of revenue that could be used for promoting the Ecolabel and maintaining the scheme in general. Member States should be left

free to adopt a cost-efficient fee level, or even to dispense applicants altogether from this obligation.

Amendment 26

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

4. Within two month of receipt of an application for registration, the competent body concerned shall **check** the documentation referred to in paragraph 2.

Provided that the documentation is complete, the competent body shall assign a registration number to each product.

Amendment

4. Within two month of receipt of an application for registration, the competent body concerned shall **verify** the documentation referred to in paragraph 2, **as well as the product's compliance with the criteria adopted by the Commission under Article 8.**

Provided that the documentation is **approved, that the product complies with the criteria and that the registration conforms to the assessment and verification requirements**, the competent body shall assign a registration number to each product. **The competent body shall conclude its approval procedure within four months of the date of the application.**

Justification

One of the major advantages of the current regulation has been its high degree of credibility, which should not be endangered by abolishing the verification and assessment procedures prior to the award of the Ecolabel for the sake of flexibility. This has been ensured till now by a third party verification.

Amendment 27

Proposal for a regulation

Article 9 – paragraph 6

Text proposed by the Commission

6. The competent body which has registered a product shall notify each registration to the Commission. The Commission shall establish a common register and update it regularly. That register shall be publicly available.

Amendment

6. The competent body which has registered a product shall notify each registration to the Commission. The Commission shall establish a common register and update it regularly. That register shall be publicly available **in a**

web-portal dedicated to the Ecolabel.

Justification

Recognition of the Ecolabel can increase by means of transparency, visibility and availability of information in a user-friendly web-portal.

Amendment 28

Proposal for a regulation
Article 9 – paragraph 7

Text proposed by the Commission

Amendment

7. The Ecolabel may be used on the products covered by the registration and on their associated promotional material.

7. The Ecolabel may be used on the products covered by the registration and on their associated promotional material. ***The location of the Ecolabel shall be prominent and shall define the product concerned even if it is purchased along with other products.***

Amendment 29

Proposal for a regulation
Article 9 – paragraph 10

Text proposed by the Commission

Amendment

10. Where the Ecolabel is placed on processed food other than the products of aquaculture that do not fulfil the requirements of Regulation (EC) No 834/2007, it shall be supplemented by an indication in the same visual field to the effect that the label relates only to the environmental performance of processing, transport or packaging of the product.

deleted

The first subparagraph shall also apply to processed food labelled in accordance with Article 24 of Regulation (EC) No 834/2007.

Justification

The exclusion of food from the existing Regulation aims to avoid conflicts with existing EU

food legislation, as well as consumer confusion. It is also in line with the life-cycle principle, a parameter of paramount importance in the present Regulation. The Commission shall facilitate the development of an Ecolabel for the environmental performance of processed and unprocessed food products, covering the full product life-cycle, taking into account the specificities of this product group.

Amendment 30

Proposal for a regulation

Article 10 – paragraph 2 - subparagraph 1

Text proposed by the Commission

2. The competent body which has registered the product shall proceed to verifications on a regular basis, or upon complaint, in relation to registrations made with them. Those verifications may take the form of random spot checks.

Amendment

2. The competent body which has registered the product shall proceed to verifications on a regular basis, or upon complaint, in relation to registrations made with them. Those verifications may take the form of random spot checks. ***The Commission shall ensure that the competent bodies undertake spot checks on a regular basis. The Member States shall provide the competent bodies with all the necessary means to carry out these checks.***

Justification

The proper functioning of the competent bodies is highly dependent on the available resources provided to them by Member States.

Amendment 31

Proposal for a regulation

Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Small and medium-sized enterprises

In order to protect small and medium-sized enterprises, the Commission shall:

(a) ensure that the information offices to be set up under the forthcoming Small Business Act are also assigned the task of providing information about the

ecolabelling scheme; and

(b) actively promote the approximation of different labelling schemes.

Justification

It is very important to take account of SMEs' administrative burdens and, accordingly, endeavour to reduce them as much as possible.

Amendment 32

Proposal for a regulation

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The co-existence of the Community Ecolabel with the national Ecolabel schemes shall be ensured by means of exchange of best practices. Moreover, the Community Ecolabel scheme may promote the ecolabelled products in the relevant national markets and may facilitate the entering of ecolabelled products into the markets of other Member States.

Amendment 33

Proposal for a regulation

Article 12

Text proposed by the Commission

Amendment

Member States and the Commission shall, in cooperation with the EUEB, promote the use of the Community Ecolabel by awareness-raising actions **and** information campaigns for consumers, producers, public purchasers, traders, retailers and the general public, thus supporting the development of the scheme.

Member States and the Commission shall, in cooperation with the EUEB, promote the use of the Community Ecolabel by awareness-raising actions, information campaigns for consumers, producers, public purchasers, traders, retailers and the general public **and the dissemination of information from the dedicated Ecolabel web-portal**, thus supporting the development of the scheme. **Whilst the marketing of the Ecolabel scheme shall**

remain a national competence so as to better reflect the consumer preferences of each Member State, a common marketing expertise shall be put in place to provide guidance, and coordination, to promote exchange of best practices, and to develop concrete action plans at Community level. The public sector shall be more involved in the promotion of the Ecolabel scheme, both as a leader in setting the example for the attainment of the Community's environmental targets, and as a consumer. Therefore, when the Community institutions and national public authorities purchase, by means of public procurement, products for which ecolabel criteria exist, those products shall as a minimum meet the requirements of the Community Ecolabel scheme.

Justification

The marketing campaigns should be adjusted to the specific needs of each market, so as to be more effective. Public procurement can be a very efficient tool in promoting ecolabelled products, not only by permitting a Member State to set the example to the consumers, but also by giving a decisive boost to market demand for environmentally friendly products.

Amendment 34

Proposal for a regulation

Annex I – point 5

Text proposed by the Commission

A user manual providing guidance for the use of the Ecolabel criteria to authorities awarding public contracts shall be established.

Note: The Commission will provide templates for the user manual for applicants and competent bodies and for the user manual for authorities awarding public contracts.

Amendment

A user manual ***translated into all official Community languages*** providing guidance for the use of the Ecolabel criteria to authorities awarding public contracts shall be established.

Note: The Commission will provide templates ***translated into all official Community languages*** for the user manual for applicants and competent bodies and for the user manual for authorities awarding public contracts

Justification

A translation of the user manual as well as of the templates will facilitate the application procedure that businesses have to undergo in order to obtain the Ecolabel.

Amendment 35

Proposal for a regulation

Annex II – paragraph 4 a (new) (at the end of Annex II)

Text proposed by the Commission

Amendment

The lettering on the Ecolabel shall be determined by the competent bodies of each Member State using the official language or languages of that Member State in such a way that the text is equivalent to the English original.

PROCEDURE

Title	Community ecolabel scheme
References	COM(2008)0401 – C6-0279/2008 – 2008/0152(COD)
Committee responsible	ENVI
Opinion by Date announced in plenary	ITRE 2.9.2008
Drafts(wo)man Date appointed	Nikolaos Vakalis 25.9.2008
Discussed in committee	13.11.2008 11.12.2008
Date adopted	20.1.2009
Result of final vote	+: 47 -: 0 0: 0
Members present for the final vote	Šarūnas Birutis, Jan Březina, Jerzy Buzek, Jorgo Chatzimarkakis, Giles Chichester, Dragoș Florin David, Den Dover, Lena Ek, Nicole Fontaine, Adam Gierek, Norbert Glante, Fiona Hall, Erna Hennicot-Schoepges, Mary Honeyball, Ján Hudacký, Romana Jordan Cizelj, Werner Langen, Anne Laperrouze, Pia Elda Locatelli, Patrick Louis, Eluned Morgan, Angelika Niebler, Atanas Papanizov, Aldo Patriciello, Francisca Pleguezuelos Aguilar, Anni Podimata, Miloslav Ransdorf, Vladimír Remek, Herbert Reul, Teresa Riera Madurell, Mechtild Rothe, Paul Rübig, Patrizia Toia, Catherine Trautmann, Claude Turmes, Nikolaos Vakalis, Alejo Vidal-Quadras, Dominique Vlasto
Substitute(s) present for the final vote	Pilar Ayuso, Juan Fraile Cantón, Matthias Groote, Françoise Grossetête, Edit Herczog, Vittorio Prodi, Esko Seppänen, Silvia-Adriana Țicău, Vladimir Urutchev