

EUROPEAN PARLIAMENT

2004



2009

Committee on Industry, Research and Energy

2008/0151(COD)

22.1.2009

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 directive of the European Parliament and of the Council
establishing a framework for the setting of ecodesign requirements for energy
related products (recast)
(COM(2008)0399 – C6-0277/2008 – 2008/0151(COD))

Rapporteur: Mechtild Rothe

PA_Legam

SHORT JUSTIFICATION

General

In July 2008, the European Commission tabled a "Sustainable Consumption and Production Action Plan". The package of actions and proposals includes a recast of the "Eco-design of energy-using products Directive"¹ (Ecodesign Directive). The overall objective of the recast of the Directive 2005/32/EC is to extend its scope to allow for the setting of eco-design requirements also for energy-related products. Hence, products which do not use energy as such, but which have an impact on energy consumption, such as windows and water-using devices, will also be covered by the framework directive. Eco-designed shower heads for instance can reduce water consumption and thereby reducing the overall energy demand for the heating of warm water.

Objective

1) Scope of the Directive

With the proposed extension of the Ecodesign Directive to energy related-products a large range of so far untapped potential for energy saving will be accessible. By allowing extending the setting of environmental minimum standards for a broader range of products, it will contribute to improving the environmental performance of products. This helps to save scarce resources and citizens' money.

As not all products can be addressed at the same time the rather step by step extension is a welcomed approach. However, the products of the future will have to be produced and used not only energy-efficient, but also with greater resource-efficiency. Therefore, it is necessary to clearly set a timetable when the Commission shall review the Directive in order to cover all products (Art. 21) and not only leave it to an assessment of the "appropriateness of extension to non-energy related products" by 2012.

2) Discourage "Free-riding"

The Ecodesign Directive as well as the proposal for an extension to energy-related products allows for industry self-regulation, such as voluntary and unilateral commitments. This provision is meant to allow goals of the Directive to be met at lower costs and in a more rapid and flexible manner. However, as the measures are voluntary by nature, there is no assurance that the obligations are met in practice. Furthermore, voluntary commitments often lack transparency and ambition.

European industries are pointing out that this provision allows for "free-riders" - short-sighted actors, who plan to leave the market, may place non-compliant products on the market. This constitutes an unfair competitive advantage and a serious obstacle for a real level-playing field. Therefore, legislative measures should be prior to voluntary agreements.

¹ Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of eco-design requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council, Official Journal L 191, 22/07/2005, P. 0029 - 0058

3) Enhancing transparency

Transparency and clear information is key for reinforcement and constant product improvement. However, experience has shown that clear and easy understandable information for consumers, industry and implementing bodies on ecodesign products is missing. Additionally, the current implementing/product studies process is time consuming and expensive leading to a rather small number of participants in stakeholders meetings. SMEs in particular are not adequately represented. Setting up a database on ecodesign products (Art. 18a new) would be of great added value for European industry and consumers alike by providing for easy accessible information and facilitating quick and flexible participation of stakeholders.

Furthermore, it is of utmost importance that the Commission immediately informs the European Parliament (Art. 3.3) on findings of national market surveillance authorities, especially in the case of non-compliance.

Background

The current financial crisis rather reinforces the EU's responsibility to honour its energy and environmental commitments. It constitutes a chance of redefining Europe's priorities and bringing European products at the fore of international competition.

Consumers do not take into account to a sufficient degree the economic benefits of energy efficient appliances and equipment. Consumers' buying decisions are however crucial to successful results. Energy efficiency and resource efficiency should become a key element in the consumers' decisions. The use of dynamic standards combined with performance rating and labelling schemes is a powerful tool for informing consumers and transforming the market towards economic and resource efficiency.

As natural resources are finite, environmental friendly and energy efficient products will not only reduce EU's energy import dependency and help mitigating climate change, but will also significantly contribute to the competitiveness and success of European companies.

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 directive Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The Presidency conclusions of the

European Council of 8 - 9 March 2007 emphasised the need to increase energy efficiency in the Community so as to achieve the objective of saving 20 % of the Community's energy consumption compared to projections for 2020 and called for a thorough and rapid implementation of the key areas identified in the Commission Communication of 19 October 2006 entitled Action Plan for Energy Efficiency: Realising the Potential. The action plan highlighted the enormous energy savings opportunities in the products sector. The European Parliament, in its resolution of 31 January 2008 on the action plan, called for strengthening of the provisions of Directive 2005/32/EC.

Justification

The approach on ecodesign has to be seen in the light of the "Action Plan for Energy Efficiency" as well as of the overall commitment to reduce energy consumption by 20% by 2020.

Amendment 2

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) Action should be taken during the design phase of energy related products, since it appears that the pollution caused during a product's life cycle is determined at that stage, and most of the costs involved are committed then.

Amendment

(6) Action should be taken during the design phase of energy related products, since it appears that the pollution caused during a product's **whole** life cycle is determined at that stage, and most of the costs involved are committed then.

Justification

It is important for action to be taken during the design phase of energy related products since it appears that the pollution caused during a product's whole life cycle is determined at that stage, and most of the costs involved are committed then.

Amendment 3

Proposal for a directive
Recital 9

Text proposed by the Commission

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

Amendment

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

Justification

It is important, through this Directive, to achieve a high level of protection for the environment by reducing the potential negative environmental impact of energy related products.

Amendment 4

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) Although a comprehensive approach to environmental performance is desirable, greenhouse gas mitigation through increased energy efficiency should be considered a priority environmental goal pending the adoption of a working plan.

Amendment

(13) Although a comprehensive approach to environmental performance is desirable, greenhouse gas mitigation through increased energy efficiency should be considered a priority environmental goal pending the adoption of a working plan.
Improving energy efficiency is the quickest and cheapest way of reducing greenhouse gas emissions.

Justification

Improving energy efficiency is the quickest and cheapest way of reducing greenhouse gas emissions.

Amendment 5

Proposal for a directive Recital 14

Text proposed by the Commission

(14) It may be necessary and justified to establish specific quantified ecodesign requirements for some products or environmental aspects thereof in order to ensure that their environmental impact is minimised. Given the urgent need to contribute to the achievement of the commitments in the framework of the Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC), and without prejudice to the integrated approach promoted in this Directive, some priority should be given to those measures with a high potential for reducing greenhouse gas emissions at low cost. Such measures can also contribute to a sustainable use of resources and constitute a major contribution to the 10-year framework of programmes on sustainable production and consumption agreed at the World Summit on Sustainable Development in Johannesburg in September 2002.

Amendment

(14) It may be necessary and justified to establish specific quantified ecodesign requirements for some products or environmental aspects thereof in order to ensure that their environmental impact is minimised. Given the urgent need to contribute to the achievement of the commitments in the framework of the Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC) ***as well as to the Community's commitment to reduce the overall greenhouse gas emissions by at least 20% below 1990 levels by 2020, and by 30% in the case of an international agreement***, and without prejudice to the integrated approach promoted in this Directive, some priority should be given to those measures with a high potential for reducing greenhouse gas emissions at low cost. Such measures can also contribute to a sustainable use of resources and constitute a major contribution to the 10-year framework of programmes on sustainable production and consumption agreed at the World Summit on Sustainable Development in Johannesburg in September 2002.

Justification

It is necessary to update this recital in order to include the decision taken by the Heads of States in March 2007 concerning the Community's reduction in GHG emissions.

Amendment 6

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) This Directive should also encourage the integration of ecodesign in small and medium-sized enterprises (SMEs) and very small firms. Such integration could be facilitated by wide availability of and easy access to information relating to the sustainability of their products.

Amendment

(21) This Directive should also encourage the integration of ecodesign in small and medium-sized enterprises (SMEs) and very small firms. Such integration could be facilitated by wide availability of and easy access to information relating to the sustainability of their products, **and by access to specific financial instruments for SMEs operating in the field of improving energy efficiency.**

Justification

Integration of ecodesign in small and medium-sized enterprises (SMEs) and very small firms could be facilitated by wide availability of and easy access to information relating to the sustainability of their products, and by access to specific financial instruments for SMEs operating in the field of improving energy efficiency.

Amendment 7

Proposal for a directive
Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) When implementing this Directive, Member States should actively take into account any rules laid down in the Small Business Act, which should ease burdens on SMEs as regards both sharing information and applying the standards established.

Justification

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

Amendment 8

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) When preparing implementing measures and its working plan the Commission should consult Member States' representatives as well as interested parties concerned with the product group, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations.

Amendment

(23) When preparing implementing measures and its working plan the Commission should consult Member States' representatives as well as interested parties concerned with the **product or** product group, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations.

Justification

To provide for a link between the term 'product' as defined in the Directive and the grouping of such products for the purposes of creating implementing measures.

Amendment 9

Proposal for a directive
Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) When establishing standards in accordance with this Directive, Member States should actively take into account the fact that SMEs have, at times, particular difficulties in applying new standards.

Justification

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

Amendment 10

Proposal for a directive
Recital 25

Text proposed by the Commission

(25) Regard should be given to the modules and rules intended for use in technical harmonisation Directives set out in ***Council Decision 93/465/EEC of 22 July 1993 concerning the modules for the various phases of the conformity assessment procedures and the rules for the affixing and use of the CE conformity marking, which are intended to be used in the technical harmonisation directives***¹.

¹ *OJ L 220, 30.8.1993, p. 23.*

Amendment

(25) Regard should be given to the modules and rules intended for use in technical harmonisation Directives set out in ***Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products***¹.

¹ *OJ L 218, 13.8.2008, p. 82.*

Amendment 11

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) Surveillance authorities should exchange information on the measures envisaged within the scope of this Directive with a view to improving surveillance of the market. Such cooperation should make the utmost use of electronic means of communication and relevant Community programmes. The exchange of information on environmental life cycle performance and on the achievements of design solutions should be facilitated. The accumulation and dissemination of the body of knowledge generated by the ecodesign efforts of manufacturers is one of the crucial benefits of this Directive.

Amendment

(26) Surveillance authorities should exchange information on the measures envisaged within the scope of this Directive with a view to improving surveillance of the market, ***having regard to 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***¹. Such cooperation should make the utmost use of electronic means of communication and relevant Community programmes. The exchange of information on ***overall*** environmental life cycle performance and on the achievements of design solutions should be facilitated. The accumulation and dissemination of the body of knowledge generated by the ecodesign efforts of manufacturers is one of the crucial benefits of this Directive.

¹ *OJ L 218, 13.8.2008, p. 30.*

Justification

It is necessary to include the instruments to which this directive is complementary in order not to impede the work currently undertaken under the other complementary Community instruments.

Amendment 12

Proposal for a directive Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) Member States and the Commission should promote and develop specific programmes and instruments for the financing of research into the ecodesign of energy related products.

Justification

Member States and the Commission should promote and develop specific programmes and instruments for the financing of research into the ecodesign of energy related products.

Amendment 13

Proposal for a directive Article 1 – paragraph 1

Text proposed by the Commission

Amendment

1. This Directive establishes a framework for the setting of Community ecodesign requirements for energy related products with the aim of ensuring the free movement of those products within the internal market.

1. This Directive establishes a framework for the setting of Community ecodesign requirements for energy related products with the aim of ***improving the environmental performance and*** ensuring the free movement of those products within the internal market.

Justification

The aim of the recast of the framework Directive 2005/32/EC is to extend its scope to allow for the setting of Community ecodesign requirements also for all energy related products. The overall objective of this extension is however not only to ensure the free movement of products, but to improve as well their environmental performance.

Amendment 14

Proposal for a directive
Article 2 – point 21

Text proposed by the Commission

21. ‘Environmental performance’ of a product means the results of the manufacturer's management of the environmental aspects of the product , as reflected in its technical documentation file;

Amendment

21. ‘Environmental performance’ of a product means the results of the manufacturer's management of the environmental aspects of the product, as reflected in its technical documentation file **and its overall effect on the environment throughout its life cycle**;

Amendment 15

Proposal for a directive
Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States and the Commission shall develop and promote the development of specific programmes and instruments for the financing of SMEs operating in the field of improving energy efficiency.

Justification

It is important that Member States and the Commission develop and promote the development of specific programmes and instruments for the financing of SMEs operating in the field of improving energy efficiency.

Amendment 16

Proposal for a directive
Article 15 – paragraph 2 – point c - introductory part

Text proposed by the Commission

Amendment

(c) the product shall present **significant** potential for improvement in terms of its environmental impact **without entailing excessive costs**, taking into account in particular:

(c) the product shall present **technically feasible and economically justified** potential for improvement in terms of its environmental impact **based on the life-cycle cost analysis**, taking into account in particular:

Justification

"Significant" potential is a rather slippery definition and would limit the scope of the directive. As indicated in Annex II it should be based on the life-cycle cost analysis method, taking into account other environmental aspects.

Amendment 17

Proposal for a directive

Article 15 – paragraph 4 – point a

Text proposed by the Commission

(a) consider the life cycle of the product **and all its significant environmental aspects, inter alia, energy efficiency**. The depth of analysis of the environmental aspects and of the feasibility of their improvement shall be proportionate to their significance. The adoption of ecodesign requirements on the significant environmental aspects of a product shall not be unduly delayed by uncertainties regarding the other aspects;

Amendment

(a) consider the life cycle of the product **in all its significant environmental aspects, inter alia, energy efficiency, from production through to use and disposal, making use of scientific data**. The depth of analysis of the environmental aspects and of the feasibility of their improvement shall be proportionate to their significance. The adoption of ecodesign requirements on the significant environmental aspects of a product shall not be unduly delayed by uncertainties regarding the other aspects;

Justification

Scientific data must form the practical basis for making decisions.

Amendment 18

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

1. In accordance with the criteria set out in Article 15 and having consulted the Consultation Forum referred to in Article 18, the Commission shall not later than **6 July 2007** establish a working plan which shall be made publicly available.

The working plan shall set out for the following three years an indicative list of product groups which will be considered as priorities for the adoption of implementing

Amendment

1. In accordance with the criteria set out in Article 15 and having consulted the Consultation Forum referred to in Article 18, the Commission shall not later than **31 October 2011 and every three years thereafter** establish a working plan which shall be made publicly available.

The working plan shall set out for the following three years an indicative list of product groups which will be considered as priorities for the adoption of implementing

measures.

measures.

The working plan shall be amended periodically by the Commission after consultation with the Consultation Forum.

Justification

The date of establishing a working plan has to be updated accordingly. In addition, it has to be clearly stated which period for amending the working plan is appropriate.

Amendment 19

Proposal for a directive

Article 16 – paragraph 2 – subparagraph 1 - indent 1

Text proposed by the Commission

– implementing measures starting with those products which have been identified by the ECCP as offering a high potential for cost-effective reduction of greenhouse gas emissions, such as heating and water heating equipment, electric motor systems, lighting in both the domestic and tertiary sectors, domestic appliances, office equipment in both the domestic and tertiary sectors, consumer electronics and HVAC (heating ventilating air conditioning) systems;

Amendment

– implementing measures starting with those products ***or product groups*** which have been identified by the ECCP as offering a high potential for cost-effective reduction of greenhouse gas emissions, such as heating and water heating equipment, electric motor systems, lighting in both the domestic and tertiary sectors, domestic appliances, office equipment in both the domestic and tertiary sectors, consumer electronics and HVAC (heating ventilating air conditioning) systems;

Justification

To align with proposed Amendment 1 above.

Amendment 20

Proposal for a directive

Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Ecodesign database

1. The Commission shall establish an online public ecodesign database. This database shall serve to increase

transparency for consumers, industry and competent authorities, and to facilitate an easy and fast collection of data for consumers and SMEs. In addition, the database may be used to give industry the opportunity to contribute to defining and reviewing implementing measures by providing up-to-date data and to make public relevant information which the Commission, a Member State or relevant stakeholders deems to be of key importance to this Directive and to the achievement of its objectives.

2. The ecodesign database shall enable:

- (a) easy accessibility thereof for consumers, industries, SMEs and competent authorities;*
- (b) appropriate product information on ecodesign and performance by companies to be entered therein;*
- (c) simple data input and easy interpretation of results;*
- (d) the calculation of the eco-characteristics of products using commercially available material and manufacturing databases.*

Justification

Experience has shown that clear and easy understandable information on ecodesign products is missing. Furthermore, the current implementing/product studies process is time consuming and expensive leading to a rather small number of participants in stakeholders meetings. SMEs in particular are not adequately represented. In order to provide for easy accessible information on ecodesign products and to facilitate quick and flexible participation of stakeholders an online ecodesign database should be established..

Amendment 21

Proposal for a directive Article 21

Text proposed by the Commission

Not later than **2012** the Commission shall review ***the appropriateness of extending the scope of the Directive to non energy related products***, the effectiveness of this Directive and of its implementing

Amendment

Not later than ***1 January 2012*** the Commission shall review the effectiveness of this Directive and of its implementing measures, the threshold for implementing measures, market surveillance mechanisms

measures, the threshold for implementing measures, market surveillance mechanisms and any relevant self-regulation stimulated, after consultation of the Consultation Forum referred to in Article 18, and, as appropriate, present proposals to the European Parliament and the Council for amending this Directive.

and any relevant self-regulation stimulated, after consultation of the Consultation Forum referred to in Article 18, and, as appropriate, present proposals to the European Parliament and the Council for amending this Directive *in order to:*

- extend the scope of this Directive to non-energy related products with significant improvement potential for reducing environmental impacts throughout their whole life-cycle and achieving resource and material efficiency through better design;

- include products with a volume of sales and trade within the Community of less than 200 000 units a year, based on an environmental impact threshold.

Not later than 2010 the Commission shall present a list of priority products that, if necessary, have to be regulated before 2012, based on their current environmental impact and expected future benefits. In particular, priority shall be given to products with an impact on energy and other resource consumption in both production and use.

Justification

It is necessary to clearly set a timetable when the Commission shall review the Directive in order to cover all products and not only leave it to an assessment of the "appropriateness of extension to non-energy related products" by 2012. In addition, the recast in 2012 must cover as well such products with a volume of less than 200.000 units taking into account the lifespan of the product and its environmental impact.

Amendment 22

Proposal for a directive

Annex I – Part 1 – point 1.3 – point d

Text proposed by the Commission

(d) use of substances classified as hazardous to health and/or the environment according to Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations

Amendment

deleted

and administrative provisions relating to the classification, packing and labelling of dangerous substances and taking into account legislation on the marketing and use of specific substances, such as Directives 76/769/EEC or 2002/95/EC;

Justification

The risk management of chemicals is adequately managed under the provisions of REACH (Regulation 1907/2006/EC). The REACH Regulation is the most comprehensive and demanding chemicals policy instrument in the world. The primary aim of the Regulation is to improve the protection of human health and the environment from the risks that can be posed by hazards associated with chemicals. Measures within the Eco-Design proposal that duplicate, are inconsistent with, or contradict the provisions of REACH must therefore be avoided.

PROCEDURE

Title	Ecodesign requirements for energy related products	
References	COM(2008)0399 – C6-0277/2008 – 2008/0151(COD)	
Committee responsible	ENVI	
Opinion by Date announced in plenary	ITRE 2.9.2008	
Drafts(wo)man Date appointed	Mechtild Rothe 24.9.2008	
Discussed in committee	13.11.2008	11.12.2008
Date adopted	20.1.2009	
Result of final vote	+: 46	–: 0
	0: 0	
Members present for the final vote	Šarūnas Birutis, Jan Březina, Jerzy Buzek, Jorgo Chatzimarkakis, Giles Chichester, Dragoş Florin David, Den Dover, Lena Ek, Nicole Fontaine, Adam Gierek, Norbert Glante, 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, Adina-Ioana Vălean, 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	