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LEGISLATIVE PROPOSALS FOR AMENDING THE ECO-DESIGN DIRECTIVE AND THE ECOLABEL REGULATION

BUSINESSEUROPE supports the overall objective of the Commission's Action Plan for Sustainable Consumption and Production and Sustainable Industrial Policy, including the role that can be played by product design and benchmarks for good environmental performance products.

In connection with these two policy areas, the Commission has issued proposals to revise the Eco-Design Directive (COM (2008) 399) and the Ecolabel Regulation (COM (2008) 401/3), which are currently being discussed by the European Parliament and the Council.

BUSINESSEUROPE is worried about some decisions taken so far which detract from the objectives of better regulation and cost-efficiency and which could create unnecessary administrative burdens and legislative overlaps. In view of further proceedings on these two proposals, BUSINESSEUROPE kindly requests support for the following comments.

REVISION OF THE ECO-DESIGN DIRECTIVE (COM (2008) 399)

BUSINESSEUROPE appreciates the European Parliament Environment Committee's decision to limit the extension of the Directive from only '*energy-using products*' to '*energy-related products*'. This illustrates the attention that policy-makers are rightly paying to energy efficiency. **Nevertheless, industry is seriously concerned by the compromise amendment on the review clause** adopted by the Environment Committee (amendment 22), which is in our view inappropriate at this early stage of implementation as well as disproportionate. This is particularly evident for the following reasons:

- The amendment represents a quasi-mandatory extension of the scope to all products by requiring the Commission to table such a proposal no later than 2012. It is essential to gain experience with the functioning of the existing Eco-Design Directive and to carry out an in-depth assessment of its performance in delivering the desired results in a cost-efficient manner. The decision to extend the scope of the Directive should not be pre-judged.
- Such a broad extension of the scope of the Directive disregards the fact that in many areas product-specific legislation already exists.
- While industry acknowledges that the development of a new methodology for the preparation of implementing measures could be required for new products, the existing methodology for '*energy-using products*' must not be re-opened.



We therefore ask policy-makers not to support the compromise amendment 22 adopted by the Environment Committee. Furthermore, BUSINESSEUROPE recommends that the decision on whether or not to add energy-related products or product groups should be taken following in-depth cost-benefit analysis and impact assessment, with full attention to all principles of better regulation and sustainable development in its environmental, economic and social dimensions.

BUSINESSEUROPE is also concerned by a number of amendments that go beyond the recast issue of scope, in particular amendments that call for priority to be given to the environmental aspects of resource efficiency, material efficiency, recycling or reuse when the directive is implemented (amendments 4, 5, 7, 13, 14, 16, 18 and 23). While European industry fully supports a lifecycle approach that considers all environmental aspects of a product from cradle to grave, including the above-mentioned aspects, we believe that the Eco-Design Directive as a framework directive should not pre-empt the results of preparatory studies that are supposed to identify the relevant aspects for each targeted product group.

Consequently, BUSINESSEUROPE urges policy-makers not to support these proposals for amendments.

REVISION OF THE ECOLABEL REGULATION (COM (2008) 401/3)

BUSINESSEUROPE supports the revision of the Ecolabel Regulation in as far as it continues to set voluntary labels for good environmental performance for products and services on the Internal Market, which guarantee a long-term planning horizon for business. However **it is very concerned about amendments reintroducing an exclusion of substances, based on their intrinsic properties, when awarding the ecolabel**. This measure is not necessarily conducive with identifying those products with the overall highest performance, when evaluated using a full lifecycle approach.

BUSINESSEUROPE asks policy-makers to support ecolabel criteria which:

- take into account adequate risk management actions instead of only focusing on the intrinsic properties of substances, such as their hazardous properties. In this respect we insist that criteria related to chemical substances consider generally recognised results of risk assessments (such as those that will be undertaken under REACH).
- take into consideration the whole lifecycle of products (production, use and disposal or reuse) based on sound scientific information and methods.

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