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Subject : Proposal for a Directive of the European Parliament and of the Council on establishing a framework for the setting of Eco-design requirements for Energy-Using Products and amending Council Directive 92/42/EEC

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Delegations will find at Annex the text of the proposal, incorporating the text of the political agreement on the above proposal reached at the Council on 10 June 2004. The preamble incorporates those recitals (16, 20, 35) previously recorded in footnotes. For reasons of coherence, the preamble will be revisited at a forthcoming Energy Working Party meeting.

Draft

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**On establishing a framework for the setting of Eco-design requirements for Energy-Using**  
**Products and amending Council Directives 92/42/EEC, 96/57/EC and 2000/55/EC**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission<sup>\*</sup>,

Having regard to the opinion of the European Economic and Social Committee<sup>\*\*</sup>,

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>\*\*\*</sup>,

Whereas:

- (1) The disparities between the laws or administrative measures adopted by the Member States as regards the eco-design of energy using products can create barriers to trade and distort competition in the Community and may thus have a direct impact on the establishment and functioning of the internal market. The harmonisation of national laws is the only means to prevent such barriers to trade and unfair competition.
- (2) Energy using Products (hereafter "EuP) account for a large proportion of the consumption of natural resources and energy in the Community. They also have a number of other important environmental impacts. For the vast majority of product categories available on the Community market, very different degrees of environmental impact can be noted though they provide similar functional performances. In the interest of sustainable development, continuous improvement in the overall environmental impact of those products should be encouraged, notably by identifying the major sources of negative environmental impacts and avoiding transfer of pollution, when this improvement does not entail excessive costs.

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\* OJ C [...], [...], p.[...]

\*\* OJ C [...], [...], p.[...]

\*\*\* OJ C [...], [...], p.[...]

- (3) Eco-design of products is a crucial factor in the Community strategy on Integrated Product Policy. As a preventive approach, designed to optimise the environmental performance of products, while maintaining their functional qualities, it provides genuine new opportunities for manufacturers, for consumers and for society as a whole.
- (4) Energy efficiency improvement - with one of the available options being more efficient end use of electricity - is regarded as contributing substantially to the achievement of greenhouse gas emission targets in the EU. Electricity demand is the fastest growing end energy use category and is projected to grow from about 7,000 to 10,000 kWh per capita within the next 20 to 30 years, in the absence of any policy action to counteract this trend. A significant reduction of energy consumption as suggested by the European Climate Change Programme reported by the EU Commission is possible. Climate change is one of the priorities of the Sixth Environmental Action Programme. Energy saving is the most cost effective way to increase security of supply and reduce import dependency. Therefore, substantial demand side measures and targets should be adopted.
- (5) Action should be taken during the design phase of the energy-using product, since it appears that the pollution caused during a product's life cycle is determining at that stage, and most of the costs involved is committed then.
- (6) A coherent framework for the application of Community eco-design requirements for EuPs should be established with the aim of ensuring the free movement of those products which comply and of improving their overall environmental impact. Such Community requirements should respect the principles of fair competition and international trade.
- (7) Eco-design requirements should be set bearing in mind the goals and priorities of the Sixth Environmental Action Programme, including as appropriate applicable goals of the relevant Sixth EAP thematic strategies.
- (8) This Directive seeks to achieve a high level of protection for the environment by reducing the potential environmental impact of EuPs, 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 energy supply which is a precondition of sound economic activity and therefore of sustainable development.

- (9) In order to maximise the environmental benefits from improved design it may be necessary for consumers to be informed about the environmental characteristics and performance of energy-using products and advise them about how to use the product in a manner which is environmentally friendly.
- (10) The approach set out in the Green Paper on Integrated Product Policy<sup>\*</sup>, which is a major innovative element of the 6<sup>th</sup> Environment Action Programme laid down in Decision No 1600/2002/EC of the European Parliament and of the Council<sup>\*\*</sup>, aims to reduce the environmental impacts of products across the whole of their life cycle. Considering at the design stage, a product's environmental impact throughout the whole life cycle has a high potential to facilitate environmental improvement in a cost-effective way. There should be sufficient flexibility to enable those factors to be integrated in product design whilst taking account of technical, functional and economic considerations.
- (11) Although a comprehensive approach to environmental performance is desirable, greenhouse gas mitigation through increasing energy efficiency should be considered a priority environmental goal pending the adoption of the working plan.
- (12) It may be necessary and justified to establish specific quantified eco-design requirements for some products or environmental aspects thereof in order to ensure that their environmental impact is minimised. Considering 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 Changes (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 ten-year framework of programmes on sustainable production and consumption agreed at the World Summit on Sustainable Development in Johannesburg in September 2002.

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\* COM(2001) 68 final.

\*\* OJ L 242, 10.9.2002, p.1.

- (13) The level of eco-design requirements should normally be established on the basis of technical, economic and environmental analysis. Flexibility in the method for establishing the level of requirements can make swift improvement of environmental performance easier. The interested parties involved should be consulted and cooperate actively in this analysis. The setting of mandatory measures requires proper consultation of the parties involved. Such consultation may highlight the need for a phased introduction or transitional measures. The introduction of interim targets increases the predictability of the policy, allows for accommodating product development cycle and facilitates long term planning for the interested parties.
- (14) Priority should be given to alternative courses of actions such as self-regulation by the industry where such actions are likely to deliver the policy objectives faster or less costly than mandatory requirements. Legislative measures can be needed where the market forces fail to evolve in the right direction or at an acceptable speed.
- (15) Self-regulation, including voluntary agreements as unilateral commitments by industry can provide for quick progress due to rapid and cost-effective implementation, and allows for flexible and adjusted adaptation to technological options and market sensitivities.
- (16) Chapter 6 of the Commission "Communication on Environmental Agreements at Community level within the Framework of the Action Plan on the Simplification and Improvement of the Regulatory Environment" (COM 2002(412) could provide useful guidance when assessing self-regulation by industry in the context of this Directive.
- (17) This Directive should also encourage the integration of eco-design in SMEs and very small firms. Such integration could be facilitated by the wide availability of and easy access to information related to the sustainability of their products.
- (18) EuPs complying with the eco-design requirements laid down in implementing measures to this Directive should bear the “CE” marking and associated information, in order to enable them to be put on the internal market and move freely. The enforcement of implementing measures in a rigorous way is necessary to ensure the reduction of the environmental impact of regulated EuPs and fair competition.

- (19) When preparing implementing measures and the working plan the Commission should consult Member States' representatives as well as relevant interested parties concerned with the product group, such as industry, including SMEs and crafts industry, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations.
- (20) When preparing an implementing measure, the Commission should take due account of existing national environmental legislation in particular concerning toxic substances which Member States have indicated that they consider should be preserved, without reducing the existing and justified levels of protection in the Member States.
- (21) 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\*.
- (22) 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 co-operation should make the utmost use of electronic means of communication and relevant Community programmes. Exchange of information on environmental life-cycle performance and achievements of design solutions should be facilitated. Accumulation and dissemination of the body of knowledge generated by the eco-design efforts of manufacturers is one of the crucial benefits of the Directive.
- (23) In respect of training and information on eco-design for small and medium-sized businesses, it may be appropriate to consider accompanying activities.
- (24) It is in the interest of the functioning of the internal market to have standards which have been harmonised at Community level. Once the reference to such a standard has been published in the *Official Journal of the European Union*, compliance with it should raise a presumption of conformity with the corresponding requirements set out in the implementing measure adopted on the basis of this Directive, although other means of demonstrating such conformity should be permitted.

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\* OJ L 220 of 30.8.1993, p. 23

- (25) One of the main roles of harmonised standards should be to help manufacturers applying the implementing measures adopted under this Directive. Such standards could be essential in establishing measurement and testing methods. In the case of generic eco-design requirements harmonised standards could contribute considerably to guiding manufacturers in establishing the ecological profile of their product in accordance with the requirements of the applicable implementing measure. These standards should clearly indicate the relationship between their clauses and the requirements dealt with. The purpose of harmonised standards should not be to fix limits for environmental aspects.
- (26) For the purpose of definitions used in this Directive it is useful to refer to relevant international standards such as ISO 14040.
- (27) This Directive is in accordance with principles for the implementation of the new approach as set out in the Council Resolution of 7 May 1985 on a new approach to technical harmonisation and standards<sup>\*</sup> and of making reference to harmonised European standards. The Council Resolution of 28 October 1999<sup>\*\*</sup> recommended that the Commission should examine whether the New Approach principle could be extended to sectors not yet covered as a means of improving and simplifying legislation wherever possible.
- (28) This Directive is complementary to existing Community instruments such as Council Directive 92/75/EEC of 22 September 1992 on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances<sup>\*\*\*</sup>, Regulation (EC) N°1980/2000 of 17 July 2000 on a revised Community eco-label award scheme<sup>\*\*\*\*</sup>, Regulation (EC) N°2422/2001 of 6 November 2001 on a Community energy efficiency labelling programme for office equipment<sup>\*\*\*\*\*</sup>, Directive 2002/96/EC on waste from electrical and electronic equipment<sup>\*\*\*\*\*</sup>, Directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment<sup>\*\*\*\*\*</sup> and

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\* OJ C 136, 4.6.1985, p. 1.  
 \*\* OJ C 141, 19.5.2000, p.1.  
 \*\*\* OJ L 297, 13.10.1992, p. 16.  
 \*\*\*\* OJ L 237, 21.9.2000, p. 1.  
 \*\*\*\*\* OJ L 332, 12.12.2001, p. 1.  
 \*\*\*\*\* OJ L 37, 13.2.2003, p. 24.  
 \*\*\*\*\* OJ L 37, 13.2.2003, p. 19.

Directive 76/769/EEC on the restriction of the marketing and use of dangerous substances and preparations<sup>\*</sup>. Synergies between this Directive and the existing Community instruments should contribute to increasing their respective impact and building coherent requirements for manufacturers to apply.

- (29) Since Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels<sup>\*\*</sup>, Directive 96/57/EC of the European Parliament and of the Council of 3 September 1996 on energy efficiency requirements for household electric refrigerators, freezers and combinations thereof<sup>\*\*\*</sup> and Directive 2000/55/EC of 18 September 2000 of the European Parliament and of the Council on energy efficiency requirements for ballasts for fluorescent lighting<sup>\*\*\*\*</sup> already contain provisions for the revision of the energy efficiency requirements, they should be integrated into the present framework.
- (30) Directive 92/42/EEC provides for a star rating system intended to ascertain the energy performance of boilers. Since Member States and the industry agree that the star rating system has proved not to deliver the expected result, Directive 92/42/EEC should be amended accordingly to open the way for more effective schemes.
- (31) The requirements laid down in Council Directive 78/170/EEC of 13 February 1978 on the performance of heat generators for space heating and the production of hot water in new or existing non-industrial buildings and on the insulation of heat and domestic hot-water distribution in new non-industrial buildings<sup>\*\*\*\*\*</sup> have been superseded by provisions of Directive 92/42/EEC, Council Directive 90/396/EEC of 29 June 1990 on the approximation of the laws of the Member States relating to appliances burning gaseous fuels<sup>\*\*\*\*\*</sup> and Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings<sup>\*\*\*\*\*</sup>. Directive 78/170/EEC should therefore be repealed.

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\* OJ L 262, 27.9.1976, p. 201.

\*\* OJ L 167, 22.6.1992, p. 17.

\*\*\* OJ L 236, 18.9.1996, p. 36.

\*\*\*\* OJ L 279, 1.11.2000, p. 33.

\*\*\*\*\* OJ L 52, 23.2.1978, p. 32, as amended by Directive 82/885/EEC (OJ L 378, 31.12.1982, p. 19).

\*\*\*\*\* OJ L 196, 26.7.1990, p. 15, as amended by Directive 93/68/EEC.

\*\*\*\*\* OJ L 1, 4.1.2003, p. 65.



- (32) Directive 86/594/EEC of 1 December 1986 on airborne noise emitted by household appliances<sup>\*</sup> lays down the conditions under which publication of information on the noise emitted by such appliances may be required by Member States, and defines a procedure to determine the level of noise. For harmonisation purposes noise emissions should be included in an integrated assessment of environmental performance. Since this Directive provides for such an integrated approach, Directive 86/594/EEC should be repealed.
- (33) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred to the Commission<sup>\*\*</sup>.
- (34) Member States should determine the penalties to be applied in the event of infringements of the national provisions adopted pursuant to this Directive. Those penalties should be effective, proportionate and dissuasive.
- (35) It is recalled that paragraph 34 of the Interinstitutional agreement on better law-making (OJ C 321, 31.12.2003) states that "The Council should encourage Member States to draw up, for themselves and in the interest of the Community, their own tables, which will, as far as possible, illustrate the correlation between the Directive and the transposition measures and to make them public".
- (36) Since the objectives of the proposed action, namely to ensure the functioning of the internal market by requiring products to reach an adequate level of environmental performance, cannot be sufficiently achieved by Member States acting alone and can therefore, by reason of their scale and effects, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS DIRECTIVE:

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\* OJ L 344, 6.12.1986, p. 24.

\*\* OJ L 184, 17.07.1999, p. 23.

*Article 1*  
*Subject matter and scope*

1. This Directive establishes a framework for the setting of Community eco-design requirements for energy using products with the aim of ensuring the free movement of those products within the internal market.
2. It provides for the setting of requirements which the energy using products covered by implementing measures must fulfil with a view to their placing on the market and/or putting into service. It contributes to sustainable development by increasing energy efficiency and the level of protection of the environment, while at the same time increasing the security of energy supply.
3. This Directive shall not apply to means of transport for persons or goods.
4. This Directive and the implementing measures adopted pursuant to this Directive shall be without prejudice to Community waste management legislation and Community chemicals legislation, including Community legislation on fluorinated greenhouse gases.

*Article 2*  
*Definitions*

For the purposes of this Directive the following definitions shall apply:

- (1) “Energy-using Product (EuP)” means a product which, once placed on the market and/or put into service, is dependent on energy input (electricity, fossil and renewable fuels) to work as intended and a product for the generation, transfer and measurement of such energy, including parts dependent on energy input and intended to be incorporated into EuP covered by this Directive, and placed on the market and/or put into service as individual parts for end-users, the environmental performance of which can be assessed independently;

- (2) "Components and sub-assemblies" means parts intended to be incorporated into EuP, and which are not placed on the market and/or put into service as individual parts for end users or the environmental performance of which can not be assessed independently;
- (3) "Implementing measures" means measures adopted pursuant to this Directive laying down eco-design requirements for defined EuPs or for environmental aspects thereof;
- (4) "Placing on the market" means making a EuP available for the first time on the Community market with a view to its distribution or use within the Community whether for reward or free of charge and irrespective of the selling technique;
- (5) "Putting into service" means the first use of a EuP for its intended purpose by the end-user in the Community;
- (6) "Manufacturer" means any natural or legal person who manufactures EuP products covered by this Directive, and is responsible for the conformity of the EuP product with this Directive in view of its placing on the market and/or putting into service, under his own name or trademark or for his own use. In the absence of a manufacturer as defined in the first sentence, any natural or legal person who places on the market and/or puts into service EuP products covered by this Directive shall be considered a manufacturer;
- (7) "authorised representative" means any natural or legal person established in the Community who has received a written mandate from the manufacturer to perform on his behalf all or part of the obligations and formalities connected with this Directive;
- (8) "Materials" means all materials used during the life cycle of the products;
- (9) "Product design" means the set of processes that transform legal, technical, safety, functional, market or other requirements to be met by the product into the technical specification of a EuP;
- (10) "Environmental aspect" means an element or function of a EuP that can interact with the environment during its life cycle;
- (11) "Environmental impact" means any change to the environment, wholly or partially resulting from EuPs during their life cycle;
- (12) "Life cycle" means the consecutive and interlinked stages of a EuP from raw material use to the final disposal;
- (13) "Re-use" means any operation by which a EuP or its components, having reached the end of their first use, are used for the same purpose for which they were conceived, including the continued use of a EuP, which is returned to collection points, distributors, recyclers or manufacturers, as well as re-use of an EuP following refurbishment;

- (14) “Recycling” means the reprocessing in a production process of waste materials for the original purpose or for other purposes but excluding energy recovery. Energy recovery means the use of combustible waste as a means to generate energy through direct incineration with or without other waste but with recovery of the heat;
- (15) “Recovery” means any of the applicable operations provided for in Annex II B to Council Directive 75/442/EEC,\*
- (16) “Waste” means any substance or object in the categories set out in Annex I to Directive 75/442/EEC which the holder discards or intends or is required to discard;
- (17) "Hazardous waste" means any waste which is covered by Article 1(4) of Council Directive 91/689/EEC,\*\*
- (18) “Ecological profile” means a description, in accordance with the implementing measure applicable to the EuP, of the inputs and outputs (such as materials, emissions and waste) associated with a EuP throughout its life cycle which are significant from the point of view of its environmental impact and are expressed in physical quantities that can be measured;
- (19) “Environmental performance” of a EuP means the results of the manufacturer’s management of the environmental aspects of the EuP, as reflected in its technical documentation file;
- (20) “Improvement of the environmental performance” means the process of enhancing the environmental performance of a EuP, over successive generations, although not necessarily in respect of all environmental aspects of the product simultaneously;
- (21) “Eco-design” means the integration of environmental aspects into product design with the aim to improve the environmental performance of the EuP throughout its whole life cycle;
- (22) “Eco-design requirement” means any requirement in relation to a EuP, or the design of a EuP, intended to improve its environmental performance or any requirement for the supply of information with regard to the environmental aspects of a EuP;
- (23) “Generic eco-design requirement” means any eco-design requirement based on the ecological profile as a whole and not setting limit values on particular environmental aspects;
- (24) “Specific eco-design requirement” means a quantified and measurable eco-design requirement relating to a particular environmental aspect of a EuP, such as energy consumption during use, calculated for a given unit of output performance;

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\* OJ L 194, 25.07.1975, p. 39, as amended by Commission Decision 96/350/EC (OJ L 135, 6.6.1996, p. 32).

\*\* OJ L 377, 31.12.1991, p. 20.

- (25) "Harmonised standard" means a technical specification adopted by a recognised standards body under a mandate from the Commission in accordance with the procedures laid down in Directive 98/34/EC for the purpose of establishing a European requirement, compliance with which is not compulsory.

### *Article 3*

#### *Placing on the market and/or putting into service*

1. Member States shall take all appropriate measures to ensure that EuP covered by implementing measures may be placed on the market and/or put into service only if they comply with those measures and bear the CE marking in accordance with Article 4.
2. Member States shall designate the authorities responsible for market surveillance. They shall arrange for such authorities to have and use the necessary powers to take the appropriate measures incumbent upon them under this Directive. Member States shall define the tasks, powers and organisational arrangements of the competent authorities which shall be entitled:
  - (i) to organise appropriate checks on their compliance, on an adequate scale, and to oblige the manufacturer or importer to recall non-compliant products from the market in accordance with Article 6,
  - (ii) to require the provision of all necessary information by the parties concerned, as specified in the implementing measures,
  - (iii) to take samples of products and subject them to compliance checks.
3. Member States shall keep the Commission informed about the results of the market surveillance, and where appropriate the Commission shall pass on such information to the other Member States.

Member States shall ensure that consumers and other interested parties are given an opportunity to submit comments to the competent authorities on product compliance.

### *Article 4*

#### *Marking and declaration of conformity*

1. Before a EuP covered by implementing measures is placed on the market and/or put into service, CE conformity marking shall be affixed and a declaration of conformity issued, whereby the manufacturer or its authorised representative ensures and declares that the EuP complies with all relevant provisions of the applicable implementing measure.

2. The CE conformity marking consists of the initials “CE” as shown in Annex III.
3. The declaration of conformity shall contain the elements specified in Annex VI and shall refer to the appropriate implementing measure.
4. The affixing of markings on EuP which are likely to mislead users as to the meaning or form of the CE marking shall be prohibited.
5. Member States may require the information to be supplied pursuant to part 2 of Annex I to be in their official language(s) when the EuP reaches the final user.

Member States shall also authorise this to be provided in one or more other official Community language(s).

When applying the first subparagraph, Member States shall take into account in particular:

- (a) whether the information can be supplied by harmonised symbols or recognised codes or other measures;
- (b) the type of user anticipated for the EuP and the nature of the information which is to be provided.

#### *Article 5*

#### *Free movement*

1. Member States shall not prohibit, restrict or impede the placing on the market and/or putting into service, within their territories, on grounds of eco-design requirements relating to those eco-design parameters referred to in Annex I part 1 which are covered by the applicable implementing measure, of a EuP that complies with all the relevant provisions of the applicable implementing measure and bears the CE marking in accordance with Article 4.
2. Member States shall not prohibit, restrict or impede the placing on the market and/or putting into service, within their territories, of a EuP bearing the CE marking in accordance with Article 4 on grounds of eco-design requirements relating to those eco-design parameters referred to in Annex I part 1 for which the applicable implementing measure provides that no eco-design requirement is necessary.

3. Member States shall not prevent the showing, for example at trade fairs, exhibitions and demonstrations, of EuP which are not in conformity with the provisions of the applicable implementing measure, provided there is a visible indication that they are not placed on the market/put into service until brought into conformity.

*Article 6*  
*Safeguard clause*

1. Where a Member State ascertains that a EuP bearing the CE marking referred to in Article 4 and used in accordance with its intended use, does not comply with all the relevant provisions of the applicable implementing measure, the manufacturer or its authorised representative shall be obliged to make the EuP comply with the provisions of the applicable implementing measure and/or with the CE marking and to end the infringement under conditions imposed by the Member State.

Where non compliance continues, the Member State shall restrict or prohibit the placing on the market and/or putting into service of the EuP in question or ensure that it is withdrawn from the market.

2. Any decision by a Member State pursuant to this Directive which restricts the placing on the market and/or the putting into service of a EuP shall state the grounds on which it is based. Such decision shall be notified forthwith to the party concerned, who shall at the same time be informed of the legal remedies available under the laws in force in the Member State concerned and of the time limits to which such remedies are subject.
3. The Member State shall immediately inform the Commission and the other Member States of any decision made pursuant to paragraph 1, indicating the reasons therefore, and, in particular, whether non-compliance is due to:
  - (a) failure to satisfy the requirements of the applicable implementing measure;
  - (b) incorrect application of the harmonised standards referred to in Article 9(2);
  - (c) shortcomings in the harmonised standards referred to in Article 9(2).

4. The Commission shall enter into consultation with the parties concerned without delay and may draw upon technical advice from independent external experts.

Following that consultation, the Commission shall immediately inform the Member State which took the initiative and the other Member States of its views.

Where the Commission considers that the decision is unjustified, it shall immediately inform the Member States to that effect.

5. Where the decision referred to in the first subparagraph of paragraph 1 of this Article is based on a shortcoming in the harmonised standards, the Commission shall immediately initiate the procedure set out in Article 9 (2), (3) and (4). The Commission shall at the same time inform the Committee referred to in Article 15 (1).
6. The Member States and the Commission shall take the necessary measures to guarantee confidentiality with regard to information provided during that procedure, where justified.
7. The decisions taken by Member States pursuant to this Article shall be made public, in a transparent way.

The Commission's opinion on those decisions shall be published in the *Official Journal of the European Union*.

#### *Article 7*

##### *Conformity assessment*

1. Before placing a EuP covered by implementing measures on the market and/or putting an EuP into service, the manufacturer or its authorised representative shall ensure that a conformity assessment of the EuP is carried out with all the relevant requirements of the applicable implementing measure.
2. The conformity assessment procedures shall be specified by the implementing measures and shall leave to manufacturers the choice between the internal design control set out in Annex



IV and the management system set out in Annex V. When duly justified and proportionate to the risk, the conformity assessment procedure shall be specified among relevant modules as described in Decision 93/465/EEC.

If a EuP covered by implementing measures is designed by an organisation registered in accordance with Regulation (EC) No 761/2001 of the European Parliament and of the Council and the design function is included within the scope of that registration, the management scheme of that organisation shall be presumed to comply with the requirements of Annex V to this Directive.

If a EuP covered by implementing measures is designed by an organisation having an management system which includes the product design function and which is implemented in accordance with harmonised standards, the reference numbers of which have been published in the *Official Journal of the European Union*, that management system shall be presumed to comply with the corresponding requirements of Annex V.

3. After placing a EuP covered by implementing measures on the market or putting it into service, the manufacturer or its authorised representative shall keep relevant documents relating to the conformity assessment performed and declarations of conformity issued available for inspection by Member States for a period of 10 years after the last EuP has been manufactured.

The relevant documents shall be made available within 10 days upon receipt of a request by the competent authority of a Member State.

4. Documents relating to the conformity assessment and declaration of conformity referred to in Article 4 shall be drawn up in one of the official languages of the Community.

#### *Article 8*

#### *Presumption of conformity*

1. Member States shall regard EuP bearing the CE marking referred to in Article 4 as conforming to the relevant provisions of the applicable implementing measure

2. Member States shall regard EuP for which harmonised standards have been applied, the reference numbers of which have been published in the *Official Journal of the European Union*, as conforming to all the relevant requirements of the applicable implementing measure to which such standards relate.
3. EuP which have been awarded the Community eco-label pursuant to Regulation (EC) No 1980/2000 shall be presumed to comply with the eco-design requirements of the applicable implementing measure insofar as those requirements are met by the Eco-label.
4. For the purposes of presumption of conformity in the context of this Directive the Commission, acting in accordance with the procedure referred to in Article 15, may decide that other eco-labels fulfil equivalent conditions to the Community Eco-label pursuant to Regulation (EC) No 1980/2000. EuPs which have been awarded such other eco-labels shall be presumed to comply with the eco-design requirements of the applicable implementing measure, insofar as those requirements are met by that eco-label.

#### *Article 9*

#### *Harmonised Standards*

1. Member States shall, to the extent possible, ensure that appropriate measures are taken to enable interested parties to be consulted at national level on the process of preparing and monitoring the harmonised standards.
2. Where a Member State or the Commission considers that the harmonised standards, the application of which is presumed to satisfy specific provisions of an applicable implementing measure, do not entirely satisfy those, the Member State concerned or the Commission shall inform the Standing Committee set up by Article 5 of Directive 98/34/EC to that effect giving the reasons, which shall issue an opinion as a matter of urgency.
3. In the light of that Committee's opinion, the Commission shall decide to publish, not to publish, to publish with restriction, to maintain or to withdraw the references to the harmonised standards concerned in the *Official Journal of the European Union*.

4. The Commission shall inform the European Standardisation body concerned and, if necessary, issue a new mandate with a view to the revision of the harmonised standards concerned.

#### *Article 10*

##### *Requirements for components and sub-assemblies*

Implementing measures may require manufacturers or their authorised representatives placing components and sub-assemblies on the market and/or putting them into service to provide the manufacturer of an EuP covered by implementing measures with relevant information on the material composition and the consumption of energy, materials and/or resources of the components or sub-assemblies.

#### *Article 11*

##### *Administrative co-operation and exchange of information*

1. Member States shall ensure that appropriate measures are taken in order to encourage the authorities responsible for implementing this Directive to cooperate with each other and provide each other and the Commission with information in order to assist the functioning of this Directive and in particular, in the implementation of Article 6 thereof.  
The administrative co-operation and exchange of information shall take utmost advantage of electronic means of communication and may be supported by relevant Community programmes.  
Member States shall inform the Commission of the authorities responsible for applying this Directive.
2. Specifications and structure of the exchange of information between the Commission and Member States shall be decided in accordance with the procedure referred to in Article 15(2).
3. The Commission shall take appropriate measures in order to encourage and contribute to the co-operation between Member States referred to in this Article.

*Article 12*  
*Implementing measures*

1. The Commission, acting in accordance with the procedure referred to in Article 15(2), shall adopt implementing measures.
2. An EuP to be covered by an implementing measure shall meet all the following criteria:
  - (a) the EuP shall have a volume of sales and trade of more than 200 000 units within the EC within one year according to most recently available figures;
  - (b) the EuP shall, considering the quantities placed on the market and/or put into service, have a significant environmental impact within the EC, as specified in Community strategic priorities as set out in Decision No 1600/2002/EC;
  - (c) the EuP shall present significant potential for improvement in relationship to the environmental impact without entailing excessive costs. In determining whether this criterion is met, the following parameters shall apply:
    - absence of other relevant Community legislation
    - failure of market forces to address the issue
    - wide disparity of environmental performance among EuPs available on the market with equivalent functionality.
3. In considering whether to prepare a draft implementing measure the Commission shall take into account any views expressed by the Committee referred to in Article 15 and shall further take into account
  - (a) Community environmental priorities, such as those set out in Decision N° 1600/2002/EC or in the Commission's European Climate Change Programme (ECCP)<sup>\*</sup>;
  - (b) relevant self-regulation, such as voluntary agreements or other measures taken by industry.
4. In preparing a draft implementing measure the Commission shall:
  - (a) consider the life cycle of the product;

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<sup>\*</sup> doc 6914/00 ENV 64 ENER 13

- (b) carry out an analysis, which will consider the impact on environment, consumers and manufacturers, including small and medium sized enterprises in terms of competitiveness, innovation, market access and costs and benefits;
- (c) take into account existing national environmental legislation that Member States consider relevant;
- (d) carry out appropriate consultation with stakeholders;
- (e) prepare an explanatory memorandum of the draft implementing measure based on the assessment referred to in sub-paragraph (b);
- (f) set implementing date(s), any staged or transitional measure or periods taking into account in particular possible impacts on small and medium sized enterprises or on specific product groups primarily manufactured by small and medium sized enterprises.

5. Implementing measures shall meet all the following criteria:

- (a) there shall be no significant negative impact on the functionality of the product, from the perspective of the user;
- (b) health, safety and the environment shall not be adversely affected;
- (c) there shall be no significant negative impact on consumers in particular as regards the affordability and the life cycle cost of the product;
- (d) there shall be no significant negative impact on manufacturers' competitiveness, including on markets outside the Community;
- (e) in principle, the setting of an eco-design requirement shall not have as a consequence that a proprietary technology is imposed on manufacturers;
- (f) shall not impose excessive administrative load for the manufacturer;

6. The implementing measures shall lay down eco-design requirements in accordance with Annex I and/or Annex II.

Specific eco-design requirements shall be introduced for selected environmental aspects which have a significant environmental impact.

The implementing measures may also provide that no eco-design requirement is necessary relating to specified eco-design parameters among those referred to in Annex I part 1.

7. The requirements shall be formulated so as to ensure that market surveillance authorities can verify conformity of the EuP with the requirements of the implementing measure. The implementing measure shall specify whether the verification procedure could be achieved either directly on the EuP or on the basis of the technical documentation .
8. The implementing measures shall include the elements listed in Annex VII;
9. Relevant studies and analyses used by the Commission in preparing the implementing measures should be made publicly available;
10. Where appropriate, an implementing measure laying down eco-design requirements shall be accompanied by guidelines, to be adopted by the Commission in accordance with Article 15(2), on the balancing of the various environmental aspects.

### *Article 13*

#### *Working plan*

1. In accordance with the criteria set out in Article 12 and having consulted the Consultation Forum referred to in Article 14, the Commission shall not later than 2 years after adoption of this Directive establish a working plan which shall be made publicly available.  
The working plan shall set out for the subsequent three years an indicative list of product groups which will be considered as priorities for the adoption of implementing measures.

The working plan shall be amended periodically by the Commission after consultation with the Consultation Forum referred to in Article 14.

2. However in the transitional period while the first working plan referred to in paragraph 1 is being established, and in accordance with the procedure laid down in Article 15(2) the criteria set out in Article 12 and after consultation with the Consultation Forum referred to in Article

14, the Commission may adopt 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.

*Article 14*  
*Consultation forum*

The Commission shall ensure that in the conduct of its activities it observes, in respect of each implementing measure, a balanced participation of Member States' representatives and all relevant interested parties concerned with that product/product group such as industry including SMEs, crafts, traders, retailers, importers, environmental protection groups and consumer organisations. These parties shall meet in a consultation forum. The rules of procedure of the forum shall be established by the Commission.

*Article 15*  
*Committee*

1. The Commission shall be assisted by a Committee.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.  
The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.
3. The Committee shall adopt its rules of procedure.

*Article 16*  
*Penalties\**

The Member States shall determine the penalties applicable to breaches of the national provisions adopted pursuant to this Directive. The penalties shall be effective, proportionate and dissuasive.

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\* to be translated into Dutch as "sancties", into Danish as "sanktioner".

*Article 17*  
*Amendment*

1. Directive 92/42/EEC shall be amended as follows:

- (1) Article 6 is deleted.
- (2) The following Article shall be inserted after Article 10:

"This Directive constitutes an implementing measure as referred to in Article 12 of Directive xx/xx, with regard to energy efficiency during use, in accordance with that Directive, and may be amended or repealed in accordance with Article 14 of Directive xx/xx."

- (3) Annex I, section 2, is deleted.
- (4) Annex II is deleted.

2. Directive 96/57/EC shall be amended as follows:

The following Article shall be inserted after Article 9:

"This Directive constitutes an implementing measure as referred to in Article 12 of Directive xx/xx, with regard to energy efficiency during use, in accordance with that Directive, and may be amended or repealed in accordance with Article 14 of Directive xx/xx."

3. Directive 2000/55/EC shall be amended as follows:

The following Article shall be inserted after Article 9:

"This Directive constitutes an implementing measure as referred to in Article 12 of Directive xx/xx, with regard to energy efficiency during use, in accordance with that Directive, and may be amended or repealed in accordance with Article 14 of Directive xx/xx."



### *Article 18*

#### *Repeals*

Directives 78/170/EC and 86/594/EEC are repealed. Member States may continue to apply existing national measures adopted under Directive 86/594/EEC until such time as implementing measures for the products concerned are adopted under the present Directive.

### *Article 19*

#### *Review*

Not later than 5 years after adoption of this Directive the Commission shall review the effectiveness of this Directive including implementing measures, and the threshold for implementing measures, market surveillance mechanisms and any relevant self regulation stimulated, after consultation of the Consultation Forum referred to in Article 14, and, as appropriate, present proposals to the European Parliament and the Council for amending this Directive.

### *Article 20*

#### *Confidentiality*

Requirements on the supply of information, referred to in Article 10 and Annex I, part 2, by the manufacturer and/or its authorised representative shall be proportionate and shall take into account legitimate confidentiality of commercially sensitive information.

### *Article 21*

#### *Implementation*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 24 months after its entry into force.

2. Where these measures are adopted by the Member States, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.
3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 22*

*Entry into force*

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

*Article 23*

*Addressees*

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

**ANNEX I: (referred to in Article 12)**  
**Method for setting generic eco-design requirements**

Generic eco-design requirements aim at improving the environmental performance of the product focusing on significant environmental aspects thereof without setting limit values. The Commission shall identify significant environmental aspects during the preparation of the draft measure to be submitted to the Committee referred to in Article 15 which shall be specified in the implementing measure.

In preparing implementing measures laying down generic eco-design requirements pursuant to Article 12 the Commission shall identify, as appropriate for the EuP covered by the implementing measure, the relevant eco-design parameters among those listed in part 1, the information supply requirements among those listed in part 2 and the requirements for the manufacturer listed in part 3.

**Part 1. ECO-DESIGN PARAMETERS FOR EUP**

- 1.1 The significant environmental aspects are identified considering the following phases of the lifecycle of the product and in so far as they relate to product design:
- (a) raw material selection and use;
  - (b) manufacturing;
  - (c) packaging, transport, and distribution;
  - (d) installation and maintenance;
  - (e) use;
  - (f) end-of-life, meaning the state of a EuP having reached the end of its first use until its final disposal.
- 1.2 For each phase, the following environmental aspects shall be assessed where relevant:
- (a) predicted consumption of materials, of energy and of other resources such as fresh water;
  - (b) anticipated emissions to air, water or soil;

- (c) anticipated pollution through physical effects such as noise, vibration, radiation, electromagnetic fields;
- (d) expected generation of waste material;
- (e) possibilities for reuse, recycling and recovery of materials and/or of energy taking into account Directive 2002/96/EC on WEEE <sup>\*</sup>.

1.3 In particular, the following parameters shall be used, as appropriate, and supplemented by others, where necessary, for evaluating the potential for improvement on the environmental aspects mentioned in the previous paragraph:

- (a) Weight and volume of the product;
- (b) use of materials issued from recycling activities;
- (c) consumption of energy, water and other resources throughout the life cycle;
- (d) use of substances classified as hazardous to health and/or the environment according to Directive 67/548/EEC<sup>\*\*</sup> and taking into account legislation on the marketing and use of specific substances, such as 76/769/EEC<sup>\*\*\*</sup> or 2002/95/EC;
- (e) quantity and nature of consumables needed for proper use and maintenance;
- (f) Ease for reuse and recycling as expressed through: number of materials and components used, use of standard components, time necessary for disassembly, complexity of tools necessary for disassembly, use of component and material coding standards for the identification of components and materials suitable for re-use and recycling (including marking of plastic parts according to ISO), use of easily recyclable materials, easy access to valuable and other recyclable components and materials; easy access to components and materials containing hazardous substances;
- (g) Incorporation of used components;
- (h) Avoidance of technical solutions detrimental to reuse and recycling of components and whole appliances;
- (i) Extension of lifetime as expressed through: minimum guaranteed lifetime, minimum time for availability of spare parts, modularity, upgradeability, reparability;
- (j) Amounts of waste generated and amounts of hazardous waste generated;

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<sup>\*</sup> OJ L 37, 13.2.2003, p. 24

<sup>\*\*</sup> OJ 196, 16.08.1967, p.1-5.

<sup>\*\*\*</sup> OJ L 262, 27.09.1976, p.201-203.

- (k) Emissions to air (greenhouse gases, acidifying agents, volatile organic compounds, ozone depleting substances, persistent organic pollutants, heavy metals, fine particulate and suspended particulate matter) without prejudice to Directive 97/68/EC relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery;\*
- (l) Emissions to water (heavy metals, substances with an adverse effect on the oxygen balance, persistent organic pollutants);
- (m) Emissions to soil (especially leakage and spills of dangerous substances during usage phase of products, and the potential for leaching upon disposal as waste).

## **PART 2. REQUIREMENTS ON THE SUPPLY OF INFORMATION**

Implementing measures may require information to be supplied by the manufacturer that may influence the way the EuP is handled, used or recycled by parties other than the manufacturer including, where applicable:

- Information from the designer relating to the manufacturing process.
- Information for consumers on the significant environmental characteristics and performance of a product, accompanying the product when it is placed on the market to allow the consumer to compare these aspects of the products.
- Information for consumers on how to install, use and maintain the product in order to minimise its impact on the environment and to ensure optimal life-expectancy, as well as how to return the product at the end of life, and, where appropriate, information on the period of availability of spare parts and the possibilities of upgrading products.
- Information for treatment facilities concerning disassembly, recycling, or disposal at end-of-life.

Information shall be found on the product itself wherever possible.

This information shall take into account obligations under other Community legislation, such as Directive 2002/96/EC on WEEE.

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\* OJ L 59, 27.2.1998, p. 1.

### **Part 3. REQUIREMENTS FOR THE MANUFACTURER**

1. Focusing on the environmental aspects identified in the implementing measure as capable of being influenced in a substantial manner through product design, manufacturers of EuP shall be required to perform an assessment of the EuP model throughout its lifecycle, based upon realistic assumptions about normal conditions and for the purposes of use.  
On the basis of this assessment manufacturers will establish its ecological profile. It shall be based on environmentally relevant product characteristics and inputs/outputs occurring throughout the product life cycle expressed in physical quantities that can be measured.
2. The manufacturer shall make use of this assessment to evaluate alternative design solutions and the achieved environmental performance of the product against benchmarks.

The benchmarks are identified by the Commission in the implementing measure on the basis of information gathered during the preparation of the measure.

The choice of a specific design solution shall achieve a reasonable balance between the various environmental aspects and between environmental aspects and other relevant considerations, such as safety and health, technical requirements for functionality, quality, and performance, and economic aspects, including manufacturing costs and marketability, while complying with all relevant legislation.

**ANNEX II**  
**Method for Setting Specific Eco-Design Requirements**  
(Referred to in Article 12)

Specific eco-design requirements aim at improving a selected environmental aspect of the product. They may take the form of requirements for reduced consumption of a given resource, such as limits for the use of this resource in the various stages of the life cycle, as appropriate (e.g. limits in the water consumption in the use phase or in the quantities of a given material incorporated in the product or minimum required quantities of recycled material).

In preparing implementing measures laying down specific eco-design requirements pursuant to Article 12, the Commission shall identify, as appropriate for the EuP covered by the implementing measure, the relevant eco-design parameters among those referred to in Annex I, part 1 and set the levels of these requirements as follows in accordance with the procedure referred to in Article 15(2):

1. A technical, environmental and economic analysis selects a number of representative models of the EuP in question on the market and identifies the technical options for improving the environmental performance of the product, keeping sight of the economic viability of the options and avoiding any significant loss of performance or of usefulness for consumers.

The technical, economical and environmental analysis will also identify, for the environmental aspects under consideration, the best-performing products and technology available on the market.

On the basis of this analysis and taking into account economic and technical feasibility as well as potential for improvement, concrete measures are taken with a view to reducing the product's environmental impact.

Concerning energy consumption in use, the level of energy efficiency or consumption shall be set aiming at the life cycle cost minimum to final users for representative EuP models taking into account the consequences on other environmental aspects. The life cycle cost analysis method uses a real discount rate on the basis of data provided from the European Central Bank and a realistic lifetime for the EuP; it is based on the sum of the variations in purchase

price (resulting from the variations in industrial costs) and in operating expenses, which result from the different levels of technical improvement options, discounted over the lifetime of the representative EuP models considered. The operating expenses cover primarily energy consumption and additional expenses in other resources (such as water or detergent).

A sensitivity analysis covering the relevant elements (such as price of energy or other resource, cost of raw material or production cost, discount rates) and, where appropriate, the inclusion of external environmental costs, shall be carried out to check if there are significant changes and if the overall conclusions are robust. The requirement shall be adapted accordingly.

A similar methodology could be applied to other resources such as water.

2. For the development of the technical, environmental and economical analyses, information available in the framework of other Community activities could be used.

The same applies for information available from existing programmes applied in other parts of the world for setting the specific eco-design requirement of EuP traded with the EU's economic partners.

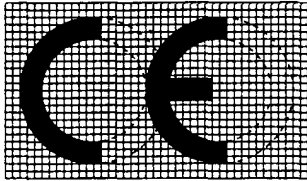
3. The date of entry into force of the requirement shall take the redesign cycle for the product into account.



### ANNEX III

#### CE Marking

(Referred to in Article 4(2))



The CE marking must have a height of at least 5 mm. If the CE marking is reduced or enlarged the proportions given in the above graduated drawing must be respected.

The CE marking must be affixed to the EuP. Where this is not possible, it must be affixed to the packaging and to the accompanying documents.

## ANNEX IV

### Internal design control

(Referred to in Article 7)

1. This Annex describes the procedure whereby the manufacturer or its authorised representative who carries out the obligations laid down in paragraph 2 of this Annex ensures and declares that EuP satisfies the relevant requirements of the applicable implementing measure. The declaration of conformity may cover one or more products and must be kept by the manufacturer.
2. A technical documentation file enabling an assessment of the conformity of the EuP with the requirements of the applicable implementing measure shall be compiled by the manufacturer. The documentation shall specify, in particular:
  - a) a general description of the EuP and of its intended use;
  - b) the results of relevant environmental assessment studies carried out by the manufacturer, and/or references to environmental assessment literature or case studies, which are used by the manufacturer in evaluating, documenting and determining product design solutions;
  - c) the ecological profile if required by the implementing measure;
  - d) elements of the product design specification relating to environmental design aspects of the product;
  - e) a list of the appropriate documents referred to in Article 9, applied in full or in part, and a description of the solutions adopted to meet the requirements of the applicable implementing measure where the documents referred to in Article 9 have not been applied or where these documents do not cover entirely the requirements of the applicable implementing measure;
  - f) a copy of the information concerning the environmental design aspects of the product which is provided in accordance with the requirements specified in Annex I, part 2;
  - g) the results of measurements on the eco-design requirements carried out including details of the conformity of these measurements as compared with the eco-design requirements set out in the applicable implementing measure.
3. The manufacturer must take all measures necessary to ensure that the product will be manufactured in compliance with the design specifications referred to in section 2 and with the requirements of the measure which apply to it.

## ANNEX V

### Management System for assessing conformity

(Referred to in Article 7)

1. This Annex describes the procedure whereby the manufacturer who satisfies the obligations of paragraph 2 of this Annex ensures and declares that the EuP satisfies the requirements of the applicable implementing measure. The declaration of conformity may cover one or more products and must be kept by the manufacturer.
2. A management system may be used for conformity assessment of the EuP provided that the manufacturer implements the environmental elements specified in paragraph 3 of this Annex.
3. Environmental elements of the management system

This paragraph specifies the elements of a management system and the procedures by which the manufacturer can demonstrate that the EuP complies with the requirements of the applicable implementing measure.

#### 3.1. The environmental product performance policy

The manufacturer shall be able to demonstrate the conformity to the requirements of the applicable implementing measure. The manufacturer shall also be able to provide a framework for setting and reviewing environmental product performance objectives and indicators in view of improving the overall environmental product performance.

All the provisions adopted by the manufacturer to improve the overall environmental product performance and to establish the ecological profile of the product, if required by the implementing measure, through design and manufacturing must be documented in a systematic and orderly manner in the form of written procedures and instructions.

These procedures and instructions must contain in particular an adequate description of:

- the list of documents that must be prepared to demonstrate the EuP conformity, and - if relevant - have to be made available;
- the environmental product performance objectives and indicators and the organisational structure, responsibilities, powers of the management and allocation of resources with regard to their implementation and maintenance;
- the checks and tests to be carried out after manufacture to verify product performance against environmental performance indicators;
- procedures for controlling the required documentation and ensuring that it is kept up to date;
- the method of verifying the implementation and effectiveness of the environmental elements of the management system.

### 3.2. Planning

The manufacturer shall establish and maintain

- a) procedures for the establishment of the ecological profile of the product;
- b) environmental product performance objectives and indicators, which consider technological options taking into account technical and economic requirements;
- c) a programme for achieving these objectives.

### 3.3 Implementation and documentation

3.3.1 The documentation concerning the management system shall specify, in particular:

- a) responsibilities and authorities shall be defined and documented in order to ensure effective environmental product performance and reporting on its operation for review and improvement;
- b) documents shall be established indicating the design control and verification techniques implemented and processes and systematic measures used when designing the product;
- c) the manufacturer shall establish and maintain information to describe the core environmental elements of the management system and the procedures for controlling all documents required.

3.3.2 The documentation concerning the EuP shall specify, in particular:

- a) a general description of the EuP and of its intended use

- b) the results of relevant environmental assessment studies carried out by the manufacturer, and/or references to environmental assessment literature or case studies, which are used by the manufacturer in evaluating, documenting and determining product design solutions
- c) the ecological profile if required by the implementing measure
- d) documents describing the results of measurements on the eco-design requirements carried out including details of the conformity of these measurements as compared with the eco-design requirements set out in the applicable implementing measure;
- e) the manufacturer shall establish specifications indicating, in particular, standards which have been applied; where standards referred to in Article 9 are not applied or where they do not cover entirely the requirements of the relevant implementing measure, the means used to ensure compliance;
- f) a copy of the information concerning the environmental design aspects of the product which is provided in accordance with the requirements specified in Annex I, part 2.

#### 3.4 Checking and corrective action

- a) the manufacturer must take all measures necessary to ensure that the product will be manufactured in compliance with the design specifications and with the requirements of the measure which apply to it;
- b) the manufacturer shall establish and maintain procedures to investigate and handle non conformance, and implement changes in the documented procedures resulting from corrective action;
- c) the manufacturer shall carry out at least every three years a full internal audit of the management system with regard to its environmental elements.

## ANNEX VI

### **Declaration of conformity**

(Referred to in Article 4(3))

**THE EC DECLARATION OF CONFORMITY MUST CONTAIN THE FOLLOWING PARTICULARS:**

1. The name and address of the manufacturer or of its authorised representative;
2. A description of the model sufficient for unambiguous identification;
3. Where appropriate, the references of the harmonized standards applied;
4. Where appropriate, the other technical standards and specifications used;
5. Where appropriate, the reference of other Community legislation providing for the affixing of the CE mark that is applied;
6. Identification and signature of the person empowered to bind the manufacturer or its authorised representative.

## ANNEX VII

### Contents of the implementing measures

(Referred to in Article 12(8))

#### THE IMPLEMENTING MEASURE SHALL SPECIFY, IN PARTICULAR:

1. The exact definition of the type(s) of EuP covered;
2. The eco-design requirement(s) for the EuP covered, implementing date(s), staged or transitional measures or periods;
  - in case of generic eco-design requirement(s) the relevant phases and aspects among those mentioned in Annex I, part 1.1 and 1.2, accompanied by examples of parameters among those mentioned in Annex I, part 1.3 as guidance when evaluating improvements regarding identified environmental aspects;
  - in case of specific eco-design requirement(s), its (their) level(s);
3. The eco-design parameters referred to in Annex I part 1 relating to which no eco-design requirement is necessary.
4. The requirements on installation of the EuP where it has a direct relevance to the environmental performance considered;
5. The measurement standards and/or measurement methods to be used; when available, harmonised standards the reference numbers of which have been published in the *Official Journal of the European Union* shall be used;
6. The details for conformity assessment under Decision 93/465/EEC
  - where the module(s) to be applied is (are) different from Module A; the factors leading to the selection of that specific procedure;
  - where relevant the criteria for approval and/or certification of the third parties;Where different modules are laid down in other CE requirements for the same EuP, the module defined in the implementing measure shall prevail for the requirement concerned;
7. Requirements on information to be provided by manufacturers or their authorised representatives to the authorities for enhanced market surveillance;
8. The duration of the transitional period during which Member States must permit the placing on the market and/or putting into service of EuP which comply with the regulations in force in their territory at the date of adoption of the implementing measure;
9. The date for the evaluation and possible revision of the implementing measure.