



UNION EUROPEENNE DE L'ARTISANAT ET DES PETITES ET MOYENNES ENTREPRISES
EUROPÄISCHE UNION DES HANDWERKS UND DER KLEIN- UND MITTELBETRIEBE
EUROPEAN ASSOCIATION OF CRAFT, SMALL AND MEDIUM-SIZED ENTERPRISES
UNIONE EUROPEA DELL' ARTIGIANATO E DELLE PICCOLE E MEDIE IMPRESE

20th January 2009

AMENDMENTS

**Proposal for a directive establishing a framework for the setting
of ecodesign requirements for energy-related products
(COM (2008) 397 final)**

(Recast of the Energy using Products Directive 2005/32/EC)

PROPOSAL FOR AMENDMENTS AND SPECIFIC COMMENTS

<u>References</u>	<u>MEP Csibi Draft report</u>	<u>UEAPME Proposal</u>
<u>Amendment 1</u> <u>Title</u>	<p>Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a framework for the setting of ecodesign requirements for products Throughout the whole proposal and starting with the title, the words "energy related product(s)" shall be replaced by the word "product(s)".</p>	<p>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</p>
<p><i>Justification: As of today, only few EuP implementing measures have been adopted. UEAPME believes that the extension of such a system to all products without any evidence of its appropriateness should be avoided.</i></p> <p><i>UEAPME would also like to point out that the current impact assessment accompanying the Directive does not include specific variables related to other products that this further extension of the scope aims to tackle. It should in fact be underlined that in order to envisage such a further extension a thoughtful impact assessment on ALL PRODUCTS IN THE SINGLE MARKET should be carried out. This should include a proper cost-benefit analysis taking into account the risk of increasing the administrative burden for SMEs.</i></p>		
<u>Amendment2</u> <u>Recital 2</u>	<p>The disparities between the laws or administrative measures adopted by the Member States in relation to the ecodesign of 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</p>	<p><i>The disparities between the laws or administrative measures adopted by the Member States in relation to the ecodesign of 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. The extension of the scope to all energy-related products ensures</i></p>

	<p>competition. The extension of the scope to all products ensures that ecodesign requirements for all products having a significant environmental impact and presenting a significant potential for improvement of their environmental impact can be harmonised at Community level.</p>	<p><i>that ecodesign requirements for all products having a significant environmental impact and presenting a significant potential for improvement of their environmental impact can be harmonised at Community level. The extension to energy-related products shall be applied insofar it does not impose a disproportionate economic burden which may undermine SMEs competitiveness within the internal market.</i></p>
<p><u>Recital 2 a (new)</u></p>	<p>=</p>	<p><i>This Directive shall apply only insofar there are no specific provisions with a similar objective, nature or effect in other existing or future rules of Community harmonisation legislation. Confusion in the market and excessive costs due to overlapping legislation must carefully be avoided.</i></p>
<p><i>Justification: Confusion and overlapping legislation must be avoided at all costs. In sectors like construction for instance, very specific legislation regulates the marketing of construction products (Construction Products Directive, soon to be revised as the Construction products Regulation – CPR). Implementing measures under the existing CPD have already imposed a new system for marketing and labelling of products including performance declaration on the CE label, such as thermal transmittance.</i></p>		
<p><u>Amendment 4</u> <u>Recital 21</u></p>	<p>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.</p>	<p><i>UEAPME warmly welcomes this amendment.</i></p>

	<p style="text-align: center;">Furthermore the Commission should ensure adequate financial support to representative European SME organisations in order to guarantee SMEs and very small firms' effective participation in the Consultation Forum referred to in Article 18.</p>	
<u>Art 1(New)</u>	=	<i>Insofar existing legislation covers part or all of the requirements of the present directive, priority shall be given to the existing regulatory framework.</i>
<p style="text-align: center;"><i>Justification: UEAPME believes the legislator should avoid confusion and overlapping legislation. Some sectors are already duly regulated by specific legislation. According to the principles mentioned in the recently adopted "New Legislative Framework" specific product-related legislation should apply first.</i></p>		
<u>Art 1 (New)</u>	=	<i>Custom made products are exempted from the scope of this Directive.</i>
<p style="text-align: center;"><i>Justification</i></p> <p><i>The New Legislative Framework for the marketing of products, recently adopted by the Parliament and the Council, includes some provisions aiming to avoid unnecessary burden for SMEs. Those provisions aim to ensure that some important parameters such as the sector, the structure of companies and the serial character of the production should be taken into account when conformity procedures are carried out.</i></p> <p><i>Indeed, such provisions have been included by the Parliament and the Council in Regulation No 765/2008/EC as well as Decision No 768/2008/EC governing the marketing of products in the EU. In particular, art 8.10 of the Regulation and article 4.4 of the Decision, clearly state that for custom-made products and small series production, the technical and administrative conditions of conformity assessment procedures shall be alleviated and that due account should be taken "of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process". This clearly demonstrates that policy makers are fully aware that the cost of conformity assessment is very high and can only be affordable when large series are manufactured.</i></p>		
<u>Amendment 6</u> <u>Art 2 par 1</u>	'Product' means any good which is placed on the market and/or put into	<i>'Energy related product', hereinafter referred to as 'product', means any good having an impact on energy</i>

	<p>service in the European Union and of which the environmental performance can be assessed independently;</p>	<p><i>consumption during use which is placed on the market and/or put into service in the European Union, including parts intended to be incorporated into energy related products covered by this Directive which are placed on the market and/or put into service as individual parts for end-users and of which the environmental performance can be assessed independently;</i></p>
<p><i>Justification: As of today, only few EuP implementing measures have been adopted. UEAPME believes that the extension of such a system to all products without any evidence of its appropriateness should be avoided.</i></p>		