



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

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

(Recommendations to the Council of the European Union)

Please find herewith UEAPME's amendments to the recast of the above-mentioned directive in the interest of SMEs:

Reference	UEAPME's proposal for amendment or rejection of amendment
Recital 2 NEW	<i>The extension to energy-related products should be applied insofar it does not impose a disproportionate economic burden which may undermine the competitiveness of SMEs within the internal market.</i>
<p>Justification: In order to achieve best results and to avoid undermining SMEs' competitiveness excessive burden should be avoided. This is the reason why UEAPME supported Am 11 of the EP: <i>"The extension to energy-related products should be applied insofar it does not impose a disproportionate economic burden which may undermine the competitiveness of SMEs within the internal market"</i>. UEAPME regrets that this amendment has been considered inadmissible by the EP <u>while in fact it defines the conditions for the implementation of the extended scope.</u></p>	
Recital 2 NEW	<i>This Directive should apply only insofar as there are no specific provisions with a similar objective, nature or effect in other Community harmonisation legislation. Confusion in the market and excessive costs due to overlapping legislation must carefully be avoided.</i>
<p>Justification: Confusion in the market and excessive costs due to overlapping legislation must carefully be avoided.</p> <p>UEAPME regrets this amendment was considered inadmissible by the EP and believes this choice shall be clarified. In fact, since AM 12 of the EP (which also refers to the scope of the recast) was considered admissible, UEAPME wonders why AM 13 of the EP, aiming to avoid overlapping legislation was considered inadmissible by the chair of the ENVI Committee.</p> <p>UEAPME is firmly convinced this Directive should apply only insofar as there are no specific provisions with a similar objective, nature or effect in other Community harmonisation legislation.</p>	
Art 1a (new)	<i>1a. Insofar as existing legislation covers part or all of the requirements of this Directive, priority shall be given to the existing regulatory framework.</i>
<p>Justification: UEAPME regrets this amendment was considered inadmissible by the EP and believes this decision shall be duly explained. In fact, since AM 12 (which also refers to the</p>	

scope of the recast) was considered admissible, UEAPME wonders why AM 39, aiming to avoid overlapping legislation was considered inadmissible by the Chair of the ENVI Committee. UEAPME is firmly convinced that “insofar as existing legislation covers part or all of the requirements of the Directive, priority shall be given to the existing regulatory framework.”

Art 1.b
(new)

1b. Custom made products are exempted from the scope of this Directive.

Justification: UEAPME believes “custom made products are exempted from the scope of this Directive.” It should be underlined that the EP has considered this amendment admissible and decided to reject it. However, 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. 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.

Art 2

‘Energy related product’, hereinafter referred to as 'product', means any good having a **substantial** impact on energy 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;

Justification: UEAPME underlines some inconsistency with COMP 1: this amendment has fallen because of the adoption of Am 6. However, as previously underlined, Am 6 should not have been adopted because not in line with COMP 1 of the Parliament. The definition of Energy related products included here above is in fact in line with the one suggested by the Commission and with the scope of this recast. UEAPME supports the idea **that to achieve best results potential benefits for the environment must be balanced with burden for enterprises.**

Consequently, UEAPME cannot support amendments 6 and 47 of the EP, which always relate to the definition of “energy related product”. As far as amendment 6 is concerned, 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. According to the wording of amendment 47, energy use during production process will be by default a trigger when implementing measures are developed. As a result it may be interpreted that energy-related products are those products requiring energy to be manufactured. **This is clearly in contradiction with the initially intended scope.**

Art 2 par
21 (am 55)

‘Environmental performance’ of a product means the results of the manufacturer's management of the ***product’s overall effect on the environment***

of the EP)	<i>throughout its life cycle</i> , as reflected in its technical documentation file;
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Justification: UEAPME believes this definition of “Environmental performance”, as adopted by the EP is potentially **very dangerous and imposes to the manufacturers disproportionate responsibility**. We believe responsibility of manufacturers can only extend to a “normal use” of the product and not to every possible scenario influencing its total impact on the environment.

For further information please contact:

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Brussels, 3rd March 2009