On 5 September 2003, the Council decided to consult the European Economic and Social Committee, under Article 95 of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 2 March 2004. The rapporteur was Mr Pezzini.

At its 407th plenary session (meeting of 31 March, 2004) the European Economic and Social Committee adopted the following opinion unanimously.

1. Introduction

1.1 ‘Eco-design’ means the systematic incorporation of environmental considerations into the design of products with the aim of reducing their negative environmental impact throughout the whole of their life cycle. The aim is to develop a coherent framework for eco-design, while maintaining competitive standards of pricing, performance and quality, in order to improve sustainability and competitiveness within the European single market and worldwide.

1.2 Integration of environmental aspects into product characteristics from the design stage is linked to the development of the Community’s Integrated Product Policy (IPP) – particularly for the integration of the concept of ‘life cycle’ – on which the Committee has already commented (1) in connection with the Sixth Environment Action Programme (2). It also ties in with the three dimensions (economic, social and environmental) of sustainability of energy-using products emphasised at the Cardiff and Helsinki European Councils.

1.3 Within the context of harmonisation of technical standards (3), of a new approach and of preventive information (4), the new framework should take into consideration the directives already in existence regarding energy efficiency requirements for various types of product.

1.4 These directives, whose existence is highlighted by the Commission, concern Community standards on oil and gas fired hot water boilers (5); domestic fridges and freezers (6); noise emissions and labelling regarding the energy consumption of domestic appliances (7); office equipment (8); ballasts for fluorescent lighting (9); and gas appliances (10). The directive on the energy efficiency of buildings should not be forgotten. (11)

1.4.1 The Commission states that those directives are ‘considered as implementing measures of the [proposed new] framework Directive regarding energy consumption during use’, noting that ‘a consolidation and simplification of Community legislation is thereby achieved.’

1.5 In considering the entire life cycle of energy-using products, the Commission proposal will ensure that these products – as well as being subject to waste management regulations (WEEE) (12) and to standards on the use of hazardous substances (13) - will also be subject to further requirements and checks. The proposal aims to ‘further promote the design of products to facilitate reuse and recycling by allowing for the systematic introduction of those aspects in the early stages of the design process …’. Furthermore, as the environmental performance of all or part of the design of a product will be subject to compulsory minimum standards, ‘it will be possible to address energy consumption throughout the life cycle of the product and not only during its use phase, as is currently the case’.

1.6 Complementary measures such as the voluntary labelling provided for by the Ecolabel scheme (14), the provisions on integrated pollution prevention and control (IPPC) (15) and those on voluntary participation in the Community eco-management and audit scheme (EMAS) (16) will also be able to interact with the regulations on energy-using products, as will those on energy labelling of electrical appliances, which draw consumers’ attention to the benefits of more sustainable consumption.

(1) Opinion OJ C 260 of 17.9.2001
(7) Directive 92/75
(8) Directive 92/75
1.7 In the Committee’s view, the proposal for a ‘framework’ simplifying and consolidating Community legislation should allow the Union to pursue a sustainable and globally competitive development path while also upholding the principles of corporate social responsibility and of freedom of informed choice for the citizen/consumer.

2. The Commission proposal

2.1 The purpose of the Commission proposal is to establish a coherent framework for integrating environmental characteristics into the design and development of energy-using products (EuPs) within the European single market (1). The aim of the proposal is to be a framework directive that – by providing ‘the right framework for addressing emerging environmental issues swiftly’ – will allow eco-design requirements to be taken into consideration in a coherent and comprehensive fashion in order to:

— ensure the free movement of energy-using products within the EU;

— improve the overall environmental performance of such products;

— contribute to the security of energy supply;

— strengthen the competitiveness of the European economy;

— preserve the interests of industry and consumers.

2.2 This new framework, according to the Commission, should not be limited to aspects of energy efficiency, but should extend to all aspects of environmental impact, especially as regards emissions (solid, gas, sound, electromagnetic, etc.) and be based on Article 95 of the EC Treaty, this being the best article for elimination of barriers to trade and distortions of competition within the internal market.

2.3 The scope of the proposed framework directive would, however, be very large as it would, in principle, apply to all products that use energy in order to fulfil the purpose for which they were designed. Motor vehicles are explicitly excluded, given that these are already subject to a large number of both regulatory measures (on design) and voluntary ones (voluntary agreements on emissions). In its proposal, the Commission also lists criteria for selecting products that could be subject to future implementing measures.

2.4 The directive will also apply to components and sub-assemblies of EuPs which are marketed as spare parts destined for end users, and whose environmental performance can be assessed independently.

2.5 The proposal includes provisions on declarations of conformity, CE marking, assessment and presumption of conformity of products, the procedures for adopting and publishing harmonised technical standards, restrictions of placing on the market, the exchange of information and cooperation between Member States, and rules on penalties applied by them.

2.6 The Commission considers that although – in the absence of implementing measures - the proposed framework directive will not directly create legal obligations for manufacturers, importers or distributors, it should nevertheless help to integrate the concept of ‘life cycle’ into product design, thereby applying one of the guiding principles of the Union’s Integrated Product Policy (IPP).

2.7 Finally, the proposal encourages initiatives or voluntary agreements that have achieved wide-ranging and well-deserved success in a number of sectors likely to be affected by the implementation of the directive. Accordingly, in cases where market mechanisms or existing legislation are already having a positive effect, no further implementing measures should be required.

3. The situation at European and international level

3.1 There are a number of obstacles to the implementation of eco-design, which have been noted at international level thanks to the survey carried out among the Fortune 500 list of the world’s largest companies (2). This revealed that cost was classified at a considerably higher level than other factors, which leads one to think that increasing the amount of information on the environment and its protection is critically important.

3.2 Moreover, the existence (or absence) of information sources was felt – not least by the largest American, Japanese and European businesses – to be a highly relevant factor. Similarly, the vast majority of respondents (79 %) considered that education and training on eco-design, both inside and outside the company, were important for promoting a real culture in this area.

3.3 However, there did not seem to be a clear perception of the models of eco-design. The few who did know about it linked it to the Environmental Management System. On the one hand, respondents cited a lack of expert personnel (‘environmentally literate product designers’) and of suitable qualifications; on the other, there did not appear to be any great differences between the analyses of the preceding five years, nor any significant changes in eco-design activities.

(1) The Committee welcomes the legal reference to Article 95, free movement of goods.

(2) ESTO Report 2000 – Joint Research Centre of the European Commission
3.4 As regards international standards, the ISO 14000 family was mentioned as the first result from the Uruguay Round and the 1992 Rio Earth Summit. On the subject of the ISO, the United States seems to favour the adoption of guidelines for eco-design rather than binding standards, to which they have recently reiterated their opposition.

3.5 As far as Europe is concerned, the studies carried out by the Community (1) seem to show a highly diverse situation:

— on the one hand, we have a group of Nordic countries that already have significant, well-developed experience over a wide range of relevant sectors;

— on the other we have another group, mostly of Mediterranean countries, which until recently seem only to have developed limited support structures for eco-design:

— then there is a third group of countries, which have developed financial and information support structures for industry in general, with the support of sectoral organisations and regional development agencies;

— finally, there are the accession countries, which already need help in overcoming the difficulties inherent in fully complying with the standards set out in the environment chapter of the acquis communautaire in its present form.

3.6 With regard to European SMEs (2), the following points emerge:

— even in those countries that have the most experience and have developed the best practices, the proportion of SMEs designing eco-friendly products is very limited;

— SMEs tend to stop their eco-design activities once external support has ceased;

— SMEs are faced with a very high number of individual initiatives aimed at integrated environmental protection. These commitments, which take up a lot of time for small businesses, impede the much-needed concentration of efforts. The most effective way of further improving best practice in supporting eco-design is to develop sector-specific methods and approaches.

4. Comments

4.1 The Committee has always welcomed the European Union's commitment to including an environmental dimension of energy efficiency in policies for businesses and their production processes, as an integral part of the competitiveness strategy which, among other things, is central to the decisions taken in Lisbon in 2000. Promoting a more intelligent use of energy by addressing this aspect from the product design stage is an objective that the Committee can fully support.

4.2 Furthermore, in an opinion adopted by a large majority (1), the Committee reiterated its previously expressed (2) concern regarding ‘…[the] underplaying [of] the fact that the adoption of such vitally important measures as Life-Cycle Analysis (LCAs) and eco-design necessitates major financial, managerial and legislative efforts’. This opinion also highlighted ‘the need for stronger action in promoting policies to support research and innovation tailored to SMEs, particularly focusing on disseminating information and on framing innovative processes to develop greener products.’

4.3 The Committee therefore welcomes the Commission’s general aims of ensuring coherence and transparency in Community regulation on the subject and avoiding fragmentation of the internal market as established by Article 95 of the EC Treaty. However, the Committee has a number of reservations about the current proposal, in terms of the context in which it would have to operate, in terms of the choice of legal instrument (enabling act), and finally, in terms of the articulation of the proposal itself.

4.4 A wide range of Community directives (vertical or otherwise) will be affected by the proposal, which has the ambitious aim of establishing a consistent framework for them. In the Committee's view, it might be helpful to consolidate these as a first step. Directives on minimum efficiency requirements already exist. A more integrated environmental assessment could provide better guidance to businesses and avoid subjecting them to a system of requirements and guidelines that could lead to over-regulation.

4.5 The Committee therefore considers it appropriate to bring in a consolidated and simplified version of the Community regulations that already apply to product manufacturers. This should also include systems for supporting the development of an eco-design culture, both on the demand side and on the supply and design side, with measures supporting databases of good practices, dissemination of information, and training measures tailored to the various audiences and the various technical levels involved.

4.6 In the Committee's opinion, it would be appropriate to promote both guidelines on eco-design and the creation of permanent platforms for dialogue and mandatory consultation between the Commission, businesses, consumers, manufacturers and civil society. To this end, suitable promotional instruments could be added into the Community’s current multi-annual ‘Intelligent Energy’ programme, into the mid-term review of the Union’s Sixth RTD Framework Programme, and into the review of measures planned under the structural and cohesion policies.

(1) IPTS Report 2000 ‘Eco-design: Strategies for dissemination to SMEs/15 countries studies’ (Part 2).
4.7 Given the current state of the art, the Committee thinks that it would be useful to promote voluntary sectoral agreements and other instruments that involve economic and social operators, in order to promote a culture of change. It is important, in the Committee's opinion, to promote corporate social responsibility and informed consumer choice.

4.8 It would also be useful to carry out an in-depth evaluation of the extent to which the Commission's proposals comply with the requirements of proportionality, subsidiarity and cutting red tape, and of the consequences that these could have in terms of reducing or increasing costs and improving or worsening the technical and economic performance of products, with a view to developing appropriate and coherent policies and fiscal and financial support measures.

4.9 The Committee has concerns regarding the content of the proposal in that, as stated by the Commission itself, it 'has a wider scope than any related existing Community legislation ... in terms of products to be covered'. Putting the proposed framework into practice would require implementing measures based on set environmental impact criteria, not to mention a defined series of environmental performance indicators, in order to create ecological profiles for a very large number of products. Furthermore, responsibility for this would be conferred on the Commission itself, with input solely from the comitology procedures.

4.10 The Committee also feels that the use of fictitious reference models for sectors of products could be a cause for concern. To this end, the concept of the 'state of the art' would be used – not to refer to the latest scientific achievements, but rather to 'a good average level of technical performance', reflecting a 'reasonable balance' between industrial feasibility and current standards and practices. The Committee believes that it would be appropriate to maintain a similar balance with regard to costs and benefits in order to ensure value for money for all types of consumer, commensurate with their own choices and possibilities.

4.11 When setting the specific requirements for eco-design, the proposal suggests that precise measurement methods would be established, based on the standardised use of the product, its performance and features that provide extra utility or comfort for the user. The Committee believes that a further criterion should be added: technical and economic analysis of the feasibility of the design solutions. Given that the necessary indicators would need to be fixed and pre-determined, there is a risk of fossilising progress and technical and marketing innovations, and of hamstringing competition in the technological performance of new products.

4.12 As well as the effects of the above-mentioned measures on businesses that produce the relevant products, it would also be useful to consider making them fully applicable to all products, whether they are made in the EU or in third countries, and to extend this to components of the product. In the Committee's view, checks on external trade made by the Union's customs services, and those within the internal market, could prove costly, slow and ineffective when faced with accelerating global trends.

4.13 The Committee considers it essential to ensure equal treatment between products manufactured in the EU and imported ones, and to put in place suitable control mechanisms in order to prevent the regulations from impacting differently on different manufacturers.

4.14 The Committee also believes that due consideration must be given to the progress made internationally by the ISO standards and guidelines on the integration of environmental considerations into the design of energy-consuming products.

4.15 The Committee would like to heavily underscore the current situation faced by SMEs, which is made worse by the significant disparities between Member States and by the fact that sectors with high concentrations of SMEs tend to take longer to reach a consensus on the adoption of voluntary measures.

4.16 In the Committee's opinion, the guiding principles – both in general and for SMEs in particular – should be those of proportionality and of real relevance, as well as prior verification of the feasibility of the measures accompanied by sufficient financial support and/or tax incentives. This is essential in order to encourage and sustain the competitive implementation of eco-design information and fast, easy access to databases, training of technicians and businesses, dissemination of innovation and the technological marketing of innovative products.

4.17 Finally, the Committee underscores the absolute necessity of ensuring the right balance between minimum standards of environmental protection, safeguarding the development of businesses and jobs, and the freedom of consumers to make informed choices.

5. Conclusions

5.1 The Committee has always been in favour of putting an environmental dimension of energy efficiency into policies aimed at businesses and their products, and considers this to be an integral part of the European competitiveness strategy. The Committee stresses the need to develop a true eco-design culture that draws on the social and environmental responsibility of businesses and consumers and promotes active and responsible behaviour.
5.2 The Committee also favours the creation of a framework that is consistent with the legislation in this area, avoids market fragmentation and ensures transparency of treatment for all businesses and users.

5.3 The Committee therefore recommends that this consolidated framework should be provided as a matter of priority in order to give better guidance to businesses, especially SMEs.

5.4 Eco-design requirements for new products should be kept at reasonable and acceptable levels in order to ensure the development of new designs and the freedom of the consumer to choose between the different technical solutions on offer.

5.5 The Committee believes that as a very wide range of Community regulations will be affected by the new directive, the initiative needs to go hand in hand with the simplification of the legislation and with a strengthening of competitiveness of the single market in an enlarged Europe.

5.6 The Committee strongly recommends that the existing legislation on energy saving and efficiency and the different environmental impact aspects of products should be consolidated and simplified as a first step (1). The main thing is to arrive at a simplified, user-friendly overview of the Community regulations that currently cover the design of energy-consuming products.

5.7 The Committee advocates the adoption, as soon as possible, of guidelines on eco-design and on the creation of permanent dialogue platforms for the different sectors and for sensitive products, bringing together the Commission, businesses, consumers, manufacturers, and civil society. The aim is to assess developments and promote initiatives that consistently and coherently support Community and national programmes and instruments with eco-friendly objectives, in order to improve awareness and develop a real eco-design culture on the part of both producers and consumers.


The President
of the European Economic and Social Committee
Roger BRIESCH