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Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on establishing a framework for Eco-design of End Use Equipment

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 Commission¹,
Having regard to the opinion of the Economic and Social Committee²,
Having regard to the opinion of the Committee of the Regions³,
Acting in accordance with the procedure laid down in Article 251 of the Treaty⁴,
Whereas:

- (1) [Initial capital...].
- (2) [Initial capital...],

HAVE ADOPTED THIS DIRECTIVE:

Article 1 *Objectives and scope*

1. This Directive aims to ensure the free movement of end use equipment within the internal market through the creation of a framework for the integration of environmental aspects in the design and development and for setting eco-design requirements for this equipment.
2. It also establishes the conditions for the setting of specific eco-design requirements, as well as the methodology through which the level of these requirements is determined.
3. This Directive shall not apply to motor vehicles, excluding installed equipment that does not assist in their propulsion.

Article 2:Definitions *for the purposes of this Directive:*

- a) “End-use Equipment (EuE)” means equipment which is dependent on energy input (electricity, fossil and renewable fuels) to work as intended and equipment for the

¹ OJ C [...], [...], p. [...].
² OJ C [...], [...], p. [...].
³ OJ C [...], [...], p. [...].
⁴ OJ C [...], [...], p. [...].

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generation, transfer and measurement of such energy. It also means parts which are intended to be incorporated into EuE , and which are placed on the market as individual parts for end-users.

- b) “Components and sub-assemblies” means parts intended to be incorporated into EUE, and which are not placed on the market as individual parts for end users.
- c) “Manufacturer” means any natural or legal person responsible for the conformity of the equipment with this Directive in view of its placing on the market under his own name or trademark or for his own use
- d) “Authorised representative” means any natural or legal person established in the Community who, explicitly designated by the manufacturer, acts on his/her behalf and may be addressed by authorities and bodies in the Community instead of the manufacturer with regard to the latter’s delegated obligations under this Directive.
- e) “Materials” means raw materials, intermediates, auxiliary materials and chemicals
- f) “Product design” means the set of processes that transforms requirements into the specification of a product.
- g) “Environmental aspect” means an element or function of a product that can interact with the environment.
- h) “Environmental impact” or “impact on the environment” means any change to the environment, whether adverse or beneficial, wholly or partially resulting from products
- i) “Life cycle” means the consecutive and interlinked stages, of the product from design to the final disposal.
- j) “End of life” means state of a product when it is finally removed from use.
- k) “Re-use” means any operation by which EUE or its components, having reached their end of first use, are used for the same purpose for which they were conceived. “Re-use” includes the continued use of EUE, which is returned to collection points, distributors, recyclers or manufacturers, as well as re-use of equipment following refurbishment.
- l) “Recycling” means the reprocessing in a production process of the 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.
- m) “Recovery” means any of the applicable operations provided for in Annex III.B to Directive 75/442/EEC as amended.
- n) “Waste” means any substance or object in the categories set out in Annex I to Directive 75/442/EEC as amended which the holder discards or intends or is required to discard.

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- o) “Ecological profile” means a description of the magnitude and significance of the environmentally relevant inputs and outputs (including, as appropriate, raw materials, intermediate products, emissions and waste) associated with a product throughout its lifecycle
- p) “environmental performance” of the product means the results of the manufacturer’s management of the environmental aspects of the product, as reflected in the ecological profile of the product
- q) “improvement of the environmental performance” shall mean the process of enhancing over successive generations of a product its overall environmental performance; the enhancing of the results need not take place in all environmental aspects of the product simultaneously
- r) “eco-design” shall mean the systematic integration of environmental aspects into product design with the aim to reduce the overall environmental impact of the product throughout its whole life cycle
- s) “eco-design requirement” shall mean any requirement in relationship to the product or its design with a view to improving its environmental performance
- t) “specific eco-design requirement” shall mean a quantified and measurable requirement on a selected environmental aspect of the product (such as energy consumption during use) calculated for a given unit of output performance of the product
- u) « harmonised standard » means a technical specification adopted by a recognised standards body under a mandate from the Commission in conformity 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: Eco-design requirements

EUE covered by implementing measures referred to in Article 14 shall be designed and manufactured applying the relevant requirements set out in the implementing measure.

Article 4: Placing on the market and putting into service

Member States shall take all appropriate measures to ensure that EUE covered by implementing measures may be placed on the market and/or put into service only if they comply with the provisions of the implementing measure.

Article 5: Free movement

1. Member States shall not create any obstacle to the placing on the market and/or putting into service within their territories on grounds of eco-design requirements of EUE that conform to the provisions of the implementing measure applicable to it and bear the CE marking according to Article 10.

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2. At trade fairs, exhibitions, demonstrations, etc., Member States shall not prevent the showing of end-use equipment as defined in Article 1 not in conformity with the provisions of the applicable implementing measure, provided that a visible sign clearly indicates their non-conformity and their non-availability for sale until brought into conformity.

Article 6: Conformity assessment

1. Before placing EUE on the market, the manufacturer shall perform a conformity assessment of the EUE with the relevant requirements of the applicable implementing measure.
2. The appropriate conformity assessment procedures will be specified by the implementing measures and shall be chosen among those in Annexes IV and V or, when duly justified and proportionate to the risk, among modules B,C,D,E as described in Council Decision 93/465/EEC

In the case where EUE is designed by an organisation registered according to the Community eco-management and audit scheme⁵ and the design function is included within the scope of the registration it shall be presumed that the environmental management scheme of this organisation complies with the requirements of Annex V

Environmental management systems for which provisions have been applied in accordance with harmonised standards, the reference numbers of which have been published in the Official Journal of the European Communities, shall be presumed to conform to the corresponding requirements of Annex V.

3. After placing EUE on the market, the manufacturer or their 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 EUE has been manufactured. The relevant documents will be made available within [10] days of receipt of a request by the competent authority of a Member State.

Where the manufacturer is not established within the Community and in the absence of an authorised representative, the obligation to make available upon request conformity documentation shall lie with the person designated by the manufacturer as responsible for placing the equipment on the Community market

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

Article 7: Presumption of conformity

1. Member States shall regard EUE, bearing the CE marking provided for in Article 10 as conforming to the relevant provisions of the applicable implementing measure.

⁵ Regulation (EC) 761/2001, OJ L114 of 24.04.2001

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2. EUE, for which provisions have been applied in accordance with harmonised standards, the reference numbers of which have been published in the Official Journal of the European Communities, shall be presumed to conform to any corresponding requirements referred to in the applicable implementing measure
3. EUE which have been awarded the Eco-label⁶, shall be presumed to comply with the corresponding implementing measure

Article 8: Harmonised Standards

1. Member States shall 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 for which application is deemed to satisfy specific provisions of the implementing measure do not entirely meet the above-mentioned provisions, the Member State concerned or the Commission shall inform the Standing Committee set up by Article 5 of Directive 98/34/EC giving the reasons therefore. The Committee shall issue an opinion as a matter of urgency.
3. In the light of the Committee's opinion, the Commission shall decide to publish, not to publish, to publish with restriction, to maintain or withdraw the references to the harmonised standards concerned in the Official Journal of the European Communities.
4. The Commission shall inform the European Standardisation body concerned and, if necessary, issue a new request.

Article 9: Restriction of placing on the market

1. Where a Member State ascertains that end use equipment bearing the CE marking and used in accordance with their intended use, does not comply applicable implementing measure, and/or that the CE marking referred to in Article 10 has been fixed unduly, the manufacturer or their authorised representative shall be obliged to make the EUE comply as regards the provisions of this Directive and/or the CE marking and to end the infringement under conditions imposed by the Member State.
2. Where non-compliance continues, the Member State must take all appropriate measures to restrict or prohibit the placing on the market of the product in question or to ensure that it is withdrawn from the market. The Member State shall immediately inform the Commission and the other Member States of any such measure, indicating the reasons for its decision and, in particular, whether non-conformity is due to:
 - (a) failure to satisfy the requirements of the applicable implementing measure;

⁶ Council Regulation 1980/2000 of 17 July 2000, OJ L 237 of 21.09.2000, page 1,

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- (b) incorrect application of the harmonised standards referred to in Article 8(2);
 - (c) shortcomings in the harmonised standards referred to in Article 8(2).
3. The Commission shall enter into consultation with the parties concerned without delay and may draw upon technical advice from independent external experts. Where the Commission considers, after this consultation, that the measure is justified, it shall immediately so inform the Member State which took the initiative and the other Member States.
 4. Where the Commission considers, after this consultation, that the measure is unjustified, it shall immediately so inform the Member State which took the initiative and the manufacturer, or his authorised representative established within the Community. Where the decision referred to in paragraph 1 is based on a shortcoming in the standards the Commission shall immediately inform the Committee referred to in Article 8(2) in order to initiate the procedure referred to in Article 8(2). Furthermore the Commission shall at the same time inform the Committee referred to in Article 18
 5. Where end use equipment which does not comply bears the CE marking, the competent Member State shall take appropriate action against the person(s) having affixed the CE marking and shall so inform the Commission and the other Member States.
 6. The Commission shall ensure that the Member States are kept informed of the progress and outcome of this procedure.
 7. The Member States and the Commission shall take the necessary measures to guarantee confidentiality with regard to the above-mentioned information, where appropriate

Article 10: Marking/Declaration of conformity

1. Before being placed on the market, the EUE must have affixed to them the CE marking of conformity and a declaration of conformity must have been issued, by which the manufacturer or their authorised representative ensures and declares that the EUE comply with all relevant provisions of this Directive.
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.
4. The affixing of markings on EUE which are likely to mislead users as to the meaning and/or form of the CE marking shall be prohibited.
5. Member States may require the information to be supplied pursuant to Annex I, 1 part 3, to be in their official language(s) when equipment reaches the final user. Member States may also authorise this to be provided in one or more other official Community language(s). In the application of this provision, Member States shall take into account the principle of proportionality and, in particular:

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

Article 11: Requirements for components and sub-assemblies

1. Member States shall ensure that manufacturers of components or sub-assemblies of EUE shall provide all necessary information to enable other manufacturers making use of the component or sub-assembly in EUE to establish the ecological profile of such equipment.
2. In particular, manufacturers of these components or sub-assemblies will provide information on the material composition and the consumption of energy and/or resources of their components or sub-assemblies, and where available, the results of environmental assessments and/or case reference studies which concern the use and end-of-life management of the component or sub-assembly.

Article 12: Decisions entailing refusal or restriction

Any decision taken pursuant to this Directive which restricts the placing on the market and/or the putting into service of EUE shall state the exact 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 to him under the laws in force in the Member State concerned and of the time limits to which such remedies are subject.

Article 13: Enforcement and administrative co-operation

Member States shall take appropriate measures in order to encourage the authorities responsible for implementing this Directive to co-operate with each other and provide each other with information in order to assist the functioning of this Directive. The administrative co-operation and exchange of information should take utmost advantage of electronic means of communication and may be supported by relevant Community programmes. Specifications and structure of the information exchange between the Commission and Member States will be decided in accordance with procedure laid down in Article 18.

Article 14: Implementing measures

1. The Commission in accordance with the procedure laid down in Article 18 may adopt implementing measures in order to set eco-design requirements for defined categories of EUE or for environmental aspects thereof.
2. The implementing measures will introduce
 - a) eco-design requirements, on the basis of Annex Iand/or

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b) specific eco-design requirements in accordance with Annexes II and VII. Specific eco-design requirements shall be introduced for selected environmental aspects which have a significant adverse impact on the environment.

3. The following criteria shall be applied for adopting the implementing measures:
 - 3.1 The product shall represent a significant volume of sales and trade in the internal market;
 - 3.2 The product shall involve a significant environmental impact at European level;
 - 3.3 The entire life cycle of the product shall be considered
 - 3.4 The priorities established in the Community environment action programme are taken into account
 - 3.5 The product shall present a significant potential for improvement in relationship to this impact
 - 3.6 The performance of the product shall not be significantly affected
 - 3.7 Health and safety shall not be adversely affected
 - 3.8 The impact on consumers is taken into account and in particular on lower income groups
 - 3.9 The impact on manufacturers' competitiveness is taken into account, including on non-EU markets

When adopting eco-design requirements, market distortions shall not be created among equipment performing the same function but using different energy sources.

Article 15 Specific measures: existing Directives

Directives 92/42/EEC, 96/57/EC and 2000/55/EC covering energy efficiency requirement for domestic hot-water boilers, domestic refrigeration appliances and ballast's for fluorescent lighting shall be considered as specific eco-design requirements.

Article 16 Amendment

Directive 92/42/EEC is amended as follows:

- a) Article 6 is deleted;
- b) Annex I, section 2, is deleted.

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Article 17 Abrogation

Directive 78/170/EC is hereby repealed.

Article 18: Committee Procedure

1. The Commission shall be assisted by a committee, hereinafter referred to as the “Committee”, composed of representatives of the Member States and chaired by the representative of the Commission.
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.
3. The period referred to in Article 5(6) of Decision 1999/468/EC shall be set at three months.

Article 19: Transposition and transitional provisions

1. Before⁷ Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.
2. When Member States adopt the measures referred to in the first subparagraph, 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. Member States shall apply such provisions as from⁸

Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive

Article 20: Penalties

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. Member States shall notify those provisions to the Commission by the date specified in the first subparagraph of Article 19(2) at the latest, and shall notify it without delay of any subsequent amendment affecting the provisions.

Article 21: Addressees of the Directive

This Directive is addressed to the Member States.

⁷ [Date corresponding to 24 months after entry into force of the Directive]

⁸ [Date corresponding to 36 months after entry into force of the Directive]

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Article 22: Entry into force

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Done at Brussels, [...]

For the European Parliament
The President
[...]

For the Council
The President
[...]

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ANNEX I:

Further to the adoption of implementing measures laying down eco-design requirements pursuant to Article 14.2, Member States shall ensure that manufacturers of end use equipment shall comply with the following provisions

1 GENERAL PROVISIONS

1. Manufacturers of end use equipment shall perform an assessment of the environmental aspects of a product throughout its lifecycle, based upon the assumption that it is used under the conditions and for the purposes intended.

This assessment shall be used for the establishment of the ecological profile of the product. 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.

The depth of the analysis shall reflect the overall environmental influence of the product, and the expected number of products to be manufactured. It shall concentrate on and prioritise those factors, which are capable of being influenced in a substantial manner through product design.

2. The manufacturer shall make use of this assessment to evaluate alternative design solutions with the aim of achieving an improvement of the environmental performance of their product over successive generations of products and taking into account the state of the art in environmentally friendly design.

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.

The design process for EUE shall include, in particular, the elements set out under part 2 of this annex.

The manufacturer shall document the specific design choices and the reasons behind them so as to permit the product to be manufactured, used, and treated at end of life in accordance with its environmental design. The information provided by the manufacturer on the environmental design characteristics for EUE shall contain, in particular, the elements described in part 3 of this annex.

3. Where there are changes to the legal, organisational, economic, or other requirements relating to a product which lead to a review of product design, the manufacturer shall also review the environmental aspects of the product design. In particular, the manufacturer shall identify and implement opportunities for improving environmental performance through the application of new knowledge or scientific findings and developments in the state of the art in environmentally friendly design.

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2 ECO-DESIGN PARAMETERS FOR EUE

The aforementioned assessment shall address the following phases of the lifecycle of the product:

- raw material acquisition
- manufacturing
- packaging, transport, and distribution
- installation and maintenance
- use
- end-of-life.

For each phase, the following environmental aspects shall be assessed where relevant

- predicted consumption of materials, energy and other resources such as fresh water
- anticipated emissions to air, water or soil
- anticipated pollution through physical effects such as noise, vibration, radiation, electromagnetic fields.
- expected generation of waste material
- possibilities for reuse, recycling and recovery of materials, taking into account Directive 2002/.../EC on WEEE

In particular, the following parameters shall be used, as appropriate, for evaluating improvement on the aforementioned environmental aspects:

- Weight and volume of the product
- use of materials issued from recycling activities
- energy consumption throughout the life cycle
- use of substances which are hazardous or otherwise of interest in view of their potential adverse effects on human health and the environment, taking into account Directive 2002/.../EC on RoHS
- quantity and nature of consumables needed for proper use and maintenance
- 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

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components and materials; easy access to components and materials containing hazardous substances

- Incorporation of used components
- Avoidance of technical solutions detrimental to reuse and recycling of components and whole appliances
- Extension of lifetime⁹ as expressed through: minimum guaranteed lifetime, minimum time for availability of spare parts, modularity, upgradeability
- Amounts of waste generated and amounts of hazardous waste generated
- Emissions to air (acidifying agents, volatile organic compounds, ozone depleting substances persistent organic pollutants, heavy metals, fine particulate and suspended particulate matter)¹⁰
- Emissions to water (heavy metals, substances with an adverse effect on the oxygen balance)¹¹

3 REQUIREMENTS FOR INFORMATION CONCERNING THE ENVIRONMENTAL DESIGN ASPECTS

The manufacturer shall ensure that relevant information concerning the environmental design aspects of the product is provided to those who are responsible for the product following the design phase, where applicable:-

- Instructions 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- Instructions for consumers/users 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.
- Information for treatment facilities concerning disassembly, recycling, or disposal at end-of-life. Basic 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/.../EC on WEEE

⁹ Shall we introduce the distinction between “useful” and “technical” lifetime as in ISO TR 14062?

¹⁰ Taking into account Directives 1999/13/EC (on emissions of volatile organic compounds due to the use of organic solvents), 96/62/EC (on ambient air quality assessment and management)

¹¹ Taking into account Directives 2000/60/EC (water framework Directive), 91/271/EEC (concerning urban waste water treatment), 76/464/EC (on pollution of the aquatic environment by certain dangerous substances)

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ANNEX II

Method for Setting the level of Specific Eco Design Requirements

1 METHOD FOR SETTING THE LEVEL OF SPECIFIC ECO-DESIGN REQUIREMENTS

Specific eco design requirements aim at improving a selected environmental aspect of the equipment. 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 equipment or minimum required quantities of recycled material).

The level of a specific eco-design requirement for given EUE equipment shall be set as follows:

1. A technical-economical analysis considers the various types (brands, models) of the equipment in question on the market and identifies the technical options for improving the environmental performance of the equipment.

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 environmental impact of the equipment.

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 (LLCC for Least Life Cycle Cost), using a real discount rate of [5]% and a realistic lifetime for the EUE. The life cycle cost (LCC) of the EUE is defined as the sum of the purchase price and of the operating expenses discounted over the lifetime of the EUE. The operating expenses cover primarily energy consumption and, where significant, additional expenses in other resources (such as water, detergent...). The real discount rate is defined as the difference between the interest rate and the expected average annual inflation.

A sensitivity analysis covering the relevant elements (e.g. price of energy or other resource, cost of raw material or production cost...) shall be carried out to check if there are significant changes and if the overall conclusions are robust. The requirement shall be adapted accordingly.

The same methodology could be applied to other resources, such as water.

2. The level of the specific eco-design requirement can be set by using evidence available in the framework of other Community activities including regulation No1980/2000 on an EU Eco-label, the thematic strategies on sustainable use of resources and recycling, Directive 92/75/EEC on energy labelling and Decision No 2001/469/EC on Energy Star labelling.

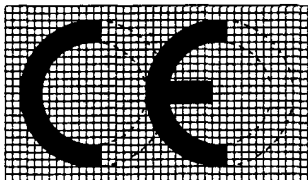
Evidence available from existing programs applied in other parts of the world can be used for setting the specific eco-design requirement of EUE traded with the EU's main economic partners.

3. In principle, the setting of specific eco-design requirements shall not have as a consequence that a proprietary technology is imposed to manufacturers or that a

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significant proportion of models currently produced are removed from the market. In the last case, the date by which the minimum requirement needs to be achieved shall be set taking into account the redesign cycle for the product.

Annex III



The CE marking shall be at least 5 mm high and must appear in a visible, legible and indelible form on the EUE, where practicable and appropriate, and on the instructions for use. The CE marking must also appear on the sales packaging.

ANNEX IV

Internal design control

1. This module describes the procedure whereby the manufacturer or their authorised representative who carries out the obligations laid down in section 2 of this Annex ensures and declares that EUE satisfies the relevant provisions of the applicable implementing Measure. The manufacturer, or their authorised representative, must affix the CE marking provided for in Article 11 to each item of EUE and draw up a written declaration of conformity. The declaration of conformity may cover one or more products and must be kept by the manufacturer.
2. The documentation must enable an assessment to be made of the conformity of the EUE with the requirements of the applicable implementing measure. The documentation shall specify, in particular:
 - a general description of the EUE and of its intended use,
 - 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 determining product design solutions,
 - the ecological profile of the product
 - elements of the product design specification relating to environmental design aspects of the product,
 - a list of the appropriate documents referred to in Article 8, 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 8 have not been applied or where these documents do not cover entirely the requirements of the applicable implementing Measure
 - 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 3. .

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3. The manufacturer must take all measures necessary to ensure that the equipment 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 **ENVIRONMENTAL MANAGEMENT SYSTEM**

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of section 2 of this Annex ensures and declares that the EUE satisfies the requirements of the applicable implementing Measure. The manufacturer, or their authorised representative, must affix the CE marking provided for in Article 11 to each item of EUE and draw up a written declaration of conformity. The declaration of conformity may cover one or more products and must be kept by the manufacturer.

2. The manufacturer must implement the environmental management system specified in section 3 of this Annex.

3. Environmental management system (EMS)

The EMS shall define the manufacturer's environmental product performance policy and how the implementation of this policy improves the environmental performance of products in order to ensure compliance of the EUE with the requirements of the applicable implementing Measure.

- 3.1. The environmental product performance policy

The manufacturer shall be committed to achieving improvement in overall environmental product performance and providing a framework for setting and reviewing environmental product performance objectives and indicators, taking into account the requirements of the implementing Measure.

All the provisions adopted by the manufacturer to establish and improve the ecological profile of the product through design and manufacturing must be documented in a systematic and orderly manner in the form of written procedures and instructions.

They must contain in particular an adequate description of:

- the environmental product performance objectives and indicators and the organisational structure, responsibilities and powers of the management 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 documents required to ensure that they are periodically reviewed,
- the method of verifying the effective operation of the environmental management system.

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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

- 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 equipment
- c) the manufacturer shall establish specifications indicating, in particular, standards which have been applied and, where standards referred to in Article 8 are not applied or where they do not cover entirely the essential requirements, the means used to ensure compliance with the relevant requirements
- d) the manufacturer shall establish and maintain information to describe the core elements of the environmental management system and procedures for controlling all documents required

3.4 Checking and corrective action

- a) the manufacturer shall establish and maintain procedures to investigate and handle non conformance, and implement changes in the documented procedures resulting from corrective action
- b) the manufacturer shall carry out periodically an internal environmental management system audit

ANNEX VI: **DECLARATION OF CONFORMITY**

1. THE EC DECLARATION OF CONFORMITY MUST CONTAIN THE FOLLOWING PARTICULARS:

1. The name and address of the manufacturer or of its authorized representative established within the Community;
2. A description of the model sufficient for unambiguous identification;
3. The operating instructions;

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4. 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;
5. Where appropriate, the references of the harmonized standards applied;
6. Where appropriate, the other technical standards and specifications used;
7. Where appropriate, the reference of other Community legislation providing for the affixing of the CE mark that is applied.

ANNEX VII

1. THE IMPLEMENTING MEASURE SHALL SPECIFY , IN PARTICULAR:

- The exact definition of the type of EUE covered
- The requirements on installation of the EUE where it has a direct relevance to the environmental performance considered
- The level(s) of the specific eco-design requirement and associated date(s) for implementation
- The measurement standards and/or measurement methods to be used.
- 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 EUE, the module defined in the implementing measure shall prevail for the requirement concerned.

- Requirements on data to be provided by manufacturers to the authorities for enhanced monitoring of compliance.
- The duration of the transitional period during which Member States must permit the placing on the market of EUE which comply with the regulations in force in their territory at the date of adoption of the implementing directive.