

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 COM (2008)399 final; Council doc.: 12119/08

Stand: 27. August 2008

General observations

This proposal is intended to extend the scope of Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 (establishing a framework for the setting of eco-design requirements for energy-using products) to energy related products. In the Action Plan on sustainable consumption and production of July 2008, the EU Commission sees a framework Ecodesign Directive as the core element of its ideas. However, experiences regarding practical workability – i.e. acceptance in the EU Single Market – are still lacking where the implementation of this core element is concerned.

In the above proposal, the term "energy related" is not sufficiently defined, so that it remains unclear which products or product groups are concretely meant. This term could comprise an unlimited number of products/product groups. Consequently, either the definition must be brought in a more precise form, or the concerned product groups must be named in the Directive.

We would point out that already now very far-reaching legal requirements are taken into account in product design in the chemical industry. With high standards, existing EU regulation in the fields of environment, product safety, chemicals legislation etc. ensures environmental protection in the designing of products. Therefore, the risk of competing and parallel legislations must be avoided. This holds true especially regarding the Chemicals Regulation REACH.

Where this is useful, companies apply environmental management systems – such as e.g. ISO 14001 or Design for Environment according to ISO/TR 14062. They inform their customers and consumers about the environmental performance and the most environmentally friendly use of their products. In doing so, they are already now realizing major SCP goals of the Commission. (SCP = Sustainable Consumption and Production)

The flood of aspects and data to be considered in product design – aiming at better environmental protection and more competitiveness – can be managed only if the legislator bets on the own responsibility of companies along the value chain and on market forces.

Regarding an extension of the existing Directive 2005/32/EC to energy related products, we see no need for the Commission to become active, and we reject any such extension for fundamental regulatory reasons. There is the danger of legislative plans having significant adverse impacts, which are quite unforeseeable at the present stage - for example:

- State-dictated "uniform products", resulting in the loss of product variety, planned economy with steered production and demand.
- Loss in prosperity and quality of life.
- Strong limitations to the innovative strength and competitiveness of European industry.

Besides these very fundamental concerns, considerable negative effects on the competitiveness of the European economy as a whole must be feared.