

**Brussels, 15 July 2014**

## **COMMENTS ON THE COMMISSION'S DRAFT GUIDELINES ON SELF REGULATORY MEASURES UNDER THE ECODESIGN DIRECTIVE**

ORGALIME supports Self-Regulatory Measures (SRM) as an effective tool to promote ecodesign in a cost-effective way. Not only SRMs can achieve similar and/or better targets than regulations but they allow industry to maintain flexibility in the design of products and to find the optimal balance between environmental impact, safety and performance. SRMs also allow the development of new technologies which may be hindered by legal requirements, or which would require specific exemptions/exclusions to be granted thus delaying the time to market.

For these reasons, ORGALIME welcomes the support provided by the European Commission (EC) to SRMs and the intention to harmonize and align SRMs and reporting obligations. Nonetheless, ORGALIME believes that the present version of the Commission Guidelines, as presented during the Consultation Forum meeting on 12 June 2014, despite the improvements compared to previous versions, still contains elements, which may significantly increase the burden on existing SRMs and discourage other industrial sectors from promoting new SRMs.

**General:** The guidelines are very specific and contain a detailed list of requirements, which, according to the used wording, seem to be all of a mandatory nature. The “introduction” chapter should clarify that requirements are intended to be discussed with the EC and adapted to specific needs of each SRM.

**Governance:** The governance of a SRM is a very delicate issue that is discussed in depth by the signatories of the SRM before the SRM is formally proposed to the EC. Requirements on governance should be “suggested” by the EC. The governance system should be questioned by the EC in case there are concerns regarding important aspects, such as transparency or representativeness.

**Deadlines:** The Guidelines set very strict deadlines. It should not be the role of guidelines to set deadlines, which may fit only some SRM, but not others. Deadlines should be agreed between the SRM and the EC as part of the reporting obligations.

**Market sensitive data:** This aspect is of significant concern, as any obligation to make sensitive data available or public is inevitably going to stop any proactive industry initiative. ORGALIME recommends that the definition of “market sensitive data” should be discussed under each SRM at the beginning of the process, as it may differ for each sector or product group.

*Orgalime, the European Engineering Industries Association, speaks for 40 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs some 10.3 million people in the EU and in 2013 accounted for some €1,800 billion of annual output. The industry not only represents some 28% of the output of manufactured products but also a third of the manufactured exports of the European Union.*

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**Disclosure of non-compliant signatories or models:** ORGALIME suggests revising requirements on ‘disclosure’ with extreme care, in particular as regards legal implications. Information, which may damage a company’s reputation, cannot be easily disclosed without a certain degree of legal implication. ORGALIME would like to underline that the SRM as a whole commits to reach a certain target/objective and that the behaviour of individual signatories, as long as the SRM reaches its objectives, are relevant only to the SRM itself. The failure of the SRM is the consequence of non-compliance. Name and shame mechanisms are not helpful in this context, but dangerous and may constitute a considerable obstacle to new SRMs.

**Inspections:** The scope and objective of inspections are not clarified in the text of the Guidelines but are left too general. This may end in long and unproductive discussions or increased burdens for SRMs. Moreover, the number and frequency of inspections should not be set by the Guidelines, which specify that inspections may not be necessary at all, should the independent inspector believe there are no suspicious elements.

**Setting of SRM targets:** Environmental aspects should be addressed by SRMs on the basis of the criteria of the Ecodesign Directive. Environmental aspects with little significance or improvement potential should not be required to be addressed by SRMs.

**Consumables:** Chapter 5.4, 3<sup>rd</sup> paragraph of the Guideline does not present a clear indication on which basis consumables should be addressed by a SRM or not. It is not clear either which standards should be evaluated for the exclusion of consumables. ORGALIME believes that the inclusion of consumables should be subject to the same criteria as any other environmental aspects, together with the evaluation of the potential for such aspects to be influenced by the signatories of the SRM.

To conclude, ORGALIME invites the Commission to take these comments into account, which we consider relevant for a workable implementation process of the Ecodesign Directive. We support maintaining the option of developing an SRM as a priority alternative to ecodesign implementing measures, in particular considering that many implementing measures under the Ecodesign Directive have been preceded by successful self-regulatory measures.

