



**VOTING RECOMMENDATION ON DRAFT ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY COMMITTEE RECOMMENDATION
FOR SECOND READING ON
ECO DESIGN OF ENERGY USING PRODUCTS DIRECTIVE (EUP)**

Brussels, 7 March 2005

Amendment		Proposed by MEP	Description	Comment	Industry recommen- dation ¹
1	Recital 2	Rapporteur Ries	Deletion of criterion that improvement should not entail excessive costs	Sustainable development consists of equally important three pillars, environment, social and economic; all three pillars should be kept	NNN
2	Recital 4A (new)	Rapporteur Ries	Interpretation of article 95 of the EC Treaty	Superfluous	Neutral
3	Recital 7	Rapporteur Ries	Reference to existing EU environmental and health protection goals and targets	EUP should be in line with both, existing and future environmental goals.	Neutral
4	Recital 13	Rapporteur Ries	International benchmarking to be used during the analysis and when setting requirements	Would introduce top runner approach by making best performing product the reference model (“state of the art”); would lead to discrimination between different technologies and hamper innovation; also, it would reduce the choice of consumers who cannot always afford best performing products. International benchmarking requires same set of international (not only European) standards and measurements	NNN
5	Recital 25	Rapporteur Ries	In the case of generic eco design requirements, harmonized standards should be used in particular where benchmarks have been established	Would restrict use of harmonised standards without justified reasons	NN
6	Recital 34 A (new)	Rapporteur Ries	Member States to have the possibility to impose proportionate penalties on non conforming EUP	Would aim at reducing incentive for fraud; however, wording could be improved; linked with AM 20	Y

¹ **YYY: Industry fully endorses the amendment; YY: Industry supports the amendment; Y: Industry recommends support of the amendment; NNN: Industry fully rejects the amendment; NN: Industry rejects the amendment; N: Industry recommends rejection of the amendment; Neutral: No recommendation**

7	Recital 36 A (new)	Rapporteur Ries	Article 35 of Treaty establishing Constitution for Europe shall apply - Right of control for EP		Neutral
8	Article 2, para. 7A (new)	Rapporteur Ries	To define “independent notified body”	While the role of notified bodies may be relevant, the proposed use/involvement conflicts with their role under the New Approach (i.e. to provide services to manufacturers)	NNN
9	Article 2, point 12	Rapporteur Ries	To modify definition „life cycle“	In line with ISO 14062 and ISO 14040 (raw material extraction)	Y
10	Article 2, point 19 A (new)	Rapporteur Ries	To introduce definition of “product eco design benchmark”	Would introduce top runner approach by making best performing product the reference model (“state of the art”); would lead to discrimination between different technologies and hamper innovation; also, it would reduce the choice of consumers who cannot always afford best performing products. International benchmarking requires same set of international (not only European) standards and measurements	NNN
11	Article 6, para. 1	Rapporteur Ries	To strengthen enforcement and improve market surveillance	Preference for 59 where appropriate measures can be taken and improve market control	N
12	Article 7, para. 2	Rapporteur Ries	Control authority to automatically refer to independent notified bodies	Would lead to an inappropriate mix of roles: Under New Approach Directives (which apply to nearly all of the products that will be targeted by future implementing directives), notified bodies have another role, i.e. to certify conformity in cooperation with manufacturers. Making the same bodies also responsible for post market control by institutionalising them as a part of market surveillance authorities, would consequently lead to a conflict of interests. It would be up to national market authorities to decide whether or not to involve external bodies in market control	NNN
13	Article 11 A (new)	Rapporteur Ries	To provide support measures for SMEs	Would facilitate implementation in small and medium sized enterprises	YYY
14	Article 11 B (new)	Rapporteur Ries	Information for consumers	Would result in unnecessary bureaucratic burden and duplicate obligations already provided in annex I, part 2	N
15	Article 12	Rapporteur Ries	Modification of criteria for adopting implementing measures and setting eco design requirements, in particular: <ul style="list-style-type: none"> Paragraph 4: Introduction of “quantitative targets for random third party pre-distribution verification” Paragraph 4: Deletion of impact 	The introduced modifications would fundamentally change the concept of the EUP proposal, in particular: <ul style="list-style-type: none"> Paragraph 4: How should “<i>Pre-market distribution verification</i>” work in practice? Authorities would need to know company internal plans for future products. The free movement of goods in the internal market is based primarily on the manufacturer’s declaration combined with <u>post</u> market control by authorities. In the safety area, market control on 	NNN

			<p>assessment</p> <ul style="list-style-type: none"> • Paragraph 5: Revision of implementing measures every 3 years • Paragraph 2: Introduction of eligibility criteria for self regulation • Deletion of market surveillance provisions • Deletion of requirement that COM should provide guidelines 	<p>the basis of the manufacturer’s declaration functions well.</p> <ul style="list-style-type: none"> • Paragraph 4: Impact Assessment is a key element of the institutions own Better regulation principles. • Paragraph 5: Will create legal uncertainty as 3-year-review period may not be in line with standardisation process. Frequency of revision should be related to the product’s life span • Paragraph 2: Risks to restrict self regulatory initiatives and render the process too lengthy and complex, thereby only delaying environmental improvements • Orgalime supports market surveillance provisions include in article 12.7 of the common position which the amendment proposes to delete. • We also support article 12.9 and 12.10 of the common position which the amendment proposes to delete. <p>See possible alternative amendments 89, 90, 92, 93, 94, 98 (preferably to be voted en bloc) or amendment 91</p>	
16	Article 13, para. 2	Rapporteur Ries	To establish a product list	<p>Article 12 of the EUP proposal provides a structured framework for selecting products for implementing measures. It is vital to us that such a structured and balanced approach should become the norm in order to remove the increasing uncertainty, which manufacturers are facing with the regulatory process today. Establishing pre-determined product lists would immediately contradict the established framework. So would particularly a “horizontal directive on stand-by for all EUP” as EUP structurally targets individual products categories but not all EUP in one directive.</p>	NN
17	Article 13 A (new)	Rapporteur Ries	Derogations	<p>Proposal should be exclusively based on article 95, which provides possibilities for derogations; primary law prevails secondary law</p>	NNN
18	Article 13 B (new)	Rapporteur Ries	To establish an “independent body of experts”	<p>Different amendments call for the creation of various different bodies. Their role and responsibilities are often unclear and not in line with practice (especially standardisation process).</p>	NNN
19	Article 14	Rapporteur Ries	Modification of tasks of consultative forum, especially forum shall contribute to defining and reviewing implementing measures as well as assessing self-regulation measures and to establishing market surveillance mechanisms.	<p>Industry welcomes the establishment of a body including stakeholders. Though the assessment of self regulatory measures and the definition and review of implementing measures would be under the Commission’s prerogatives</p>	NNN

20	Article 16	Rapporteur Ries	To specify penalties on non conforming EUP and their use for financing control authorities	To provide disincentive for fraud; however, we see the need for coordinating the level of penalties between member states at EU level	Y
21	Annex I, part 3, para. 2, subparagraph 1 A and 1 B (new)	Rapporteur Ries	Assessment of all the environmental aspects of a representative EUP model throughout its lifecycle to be performed to establish the benchmark	Would introduce top runner approach by making best performing product the reference model (“state of the art”); would lead to discrimination between different technologies and hamper innovation; also, it would reduce the choice of consumers who cannot always afford best performing products.	NNN
22	Annex II, Introduction	Rapporteur Ries	To establish specific eco design requirements on energy efficiency independently from other environmental aspects	EUP is an <i>eco design</i> directive considering <i>all</i> environmental aspects: Energy efficiency constitutes one environmental aspect out of a set of different environmental aspects (e.g., water, noise, air emissions etc). According to the procedures established in article 12 of the proposal, the choice of a priority environmental aspect depends on product category to be targeted for an implementing measure, which would have to be preceded by a technical and economic analysis; a limitation to energy efficiency would undermine the function of EUP as IPP model and also open the door for diverging, not harmonized legislation on other environmental aspects 25 EU member states.	NNN
23	Annex II, para. 1	Rapporteur Ries	Consideration of a CO2 emissions value	Seems to be out of proportion	N
24	Annex VII a (new)	Rapporteur Ries	Self regulatory measures to be assessed on basis of certain eligibility criteria	Risks to restrict self regulatory initiatives and render the process too lengthy and complex, thereby only delaying environmental improvements	N
25	Title	Peter Liese	To change title of EuP proposal	Concerns German translation	Neutral
26	Citation 1	Jonas Sjöstedt	Article 175 to be sole legal base	EUP is a product related directive. Product legislation regulating energy using products is exclusively based on article 95 EC Treaty	NNN
27	Citation 1	Claude Turmes	Dual legal base of articles 95 and 175 of EC Treaty	EUP is a product related directive. Product legislation regulating our products is exclusively based on article 95 EC Treaty. A twofold legal base of articles 95 and 175 will only create unnecessary problems for manufacturers, including market distortion, a further fragmentation of the internal market and barriers to trade.	NNN
28	Recital 1 a (new)	Claude Turmes	Objectives of EuP proposal/Sixth Environmental action programme		Y
29 (=31)	Recital 1 b (new)	Claude Turmes	Objectives of EuP proposal/Sixth Environmental action programme	The directive is a product-oriented directive.	N
30	Recital 1 a (new)	Jonas Sjöstedt	Objectives of EuP proposal/Sixth		Y

			Environmental action programme		
31 (=29)	Recital 1 b (new)	Jonas Sjöstedt	Objectives of EuP proposal/Sixth Environmental action programme	The directive is a product-oriented directive.	N
32	Recital 12	Anders Wijkman	Measures to turn products into services	The leasing concept might even shorten life time span of a product.	NNN
33	Recital 12 a (new)	Peter Liese	Stakeholder consultation in the context of reducing energy consumption	Energy efficiency is only one environmental aspect under EUP. We welcome stakeholder involvement.	Y
34	Recital 13	Anders Wijkman	International benchmarking to be used for analysis and setting requirements	Would introduce top runner approach by making best performing product the reference model; the leasing concept might even shorten life time span of a product	NNN
35	Recital 13 a (new)	Peter Liese and Karl-Heinz Florenz	Commission to consider Japanese top runner approach	As opposed to the Japanese top runner approach applied in the field of energy efficiency, EUP would establish a <i>legally binding</i> framework for <i>all</i> environmental aspects of an EUP aiming at <i>immediately banning</i> those products that do not comply with an eco design requirement laid down in an implementing measure <i>from the market</i> . In addition, it is not in the interest of society to ask companies to provide the "best performance" of e.g. energy consumption, <i>no matter what the costs and consequences on functionalities are</i> . A manufacturer has to balance all technical, safety, functional, economic and eco-design aspects to find the best possible mix for the design of a product and also of course take into account the interest of the consumers.	NNN
36	Recital 13 a (new)	Anders Wijkman	Member States to introduce more stringent requirements for the eco design of EUP	Linked with legal base; proposal should be exclusively based on article 95 which provides possibilities for derogations.	NNN
37 (=38, 39)	Recital 14	Peter Liese and Karl-Heinz Florenz	To establish priority for legislation	Market forces drive innovation in our industries. The Commission established in its text a priority for self-regulation to use its potential for rapid and efficient action, which industry supports.	NNN
38 (=37, 39)	Recital 14	Chris Davies	To establish priority for legislation	Market forces drive innovation in our industries. The Commission established in its text a priority for self-regulation to use its potential for rapid and efficient action. Self-regulation can provide a quick to environment problems (for example, as already existing in the area of domestic appliances) and should therefore be acknowledged priority in the EuP proposal.	NNN
39 (=37, 38)	Recital 14	Claude Turmes	To establish priority for legislation	Market forces drive innovation in our industries. The Commission established in its text a priority for self-regulation to use its potential for rapid and efficient action. Self-	NNN

				regulation can provide a quick to environment problems (for example, as already existing in the area of domestic appliances) and should therefore be acknowledged priority in the EuP proposal.	
40	Recital 15	Claude Turmes	To delete recital 15	Self-regulation can provide a quick to environment problems (for example, as already existing in the area of domestic appliances) and should therefore be acknowledged priority in the EuP proposal.	NNN
41	Recital 20	Martin Callanan	Legal base/derogations	Article 95 (4) – (9) of the EC Treaty provides the conditions on maintaining or introducing stricter national legislation. Primary law prevails secondary law.	YYY
42	Recital 25	Gyula Hegyi	To use harmonised standards only where benchmarks have been established	Purpose of the harmonised standards would be to fulfil set requirements. The amendment would be against established principles of New Approach and the use of harmonised standards.	NNN
43 (= 44)	Recital 28 a (new)	Karin Scheele	Right of control for EP		Neutral
44 (=43)	Recital 28 a (new)	Claude Turmes	Right of control for EP		Neutral
45	Article 1, para. 1	Peter Liese and Karl-Heinz Florenz	Priority entitlement for energy efficiency	While energy efficiency might currently be the most relevant aspect for certain energy using products, the aim of article 1 is to establish the long term overall objective of the EUP proposal, which is to ensure free movement by establishing common environmental requirements. Amendment is linked with legal base, which should be solely article 95.	NNN
46	Article 2, point 6	Vittorio Prodi	To modify definition of “manufacturer”	Definition should be linked with the function of the economic operator	N
47 (=50, 51)	Article 2, point 6	Holger Kraemer	To modify definition of “manufacturer”	Designing a product is key element as this a design directive; though only products that are also manufactured can be placed on the market; therefore preference for 51	Y
48 (=49, 52)	Article 2, point 6	Eija-Riitta Korhola and Martin Callanan	To modify definition of “manufacturer”	Designing a product is key element as this a design directive; though only products that are also manufactured can be placed on the market; therefore preference for 51	Y
49 (=48, 52)	Article 2, point 6	Peter Liese and Karl-Heinz Florenz	To modify definition of “manufacturer”	Designing a product is key element as this a design directive; though only products that are also manufactured can be placed on the market; therefore preference for 51	Y

50 (=47, 51)	Article 2, point 6	Åsa Westlund	To modify definition of “manufacturer”	Designing a product is key element as this a design directive; though only products that are also manufactured can be placed on the market; therefore preference for 51	Y
51 (=47, 50)	Article 2, point 6	Niels Busk	To modify definition of “manufacturer”	The present definition of “manufacturer” is incomplete and may cause free riding. The Commission’s “Guide to the implementation of directives based on the New and Global Approach” provides a definition of a manufacturer, which should also be used for the EuP proposal in the interest of proper market surveillance. This definition ensures that market surveillance authorities will always have a contact point within the Community responsible for the conformity of the EuP. Aligning the definition of the manufacturer in the EuP proposal with the definition provided in the above mentioned Commission’s Guide would also ensure consistency with other legislation that already applies for the same EuPs that are potentially targeted by an implementing measure. The amendment fulfils the objectives of the position of the European Parliament taken in its first reading (see amendments 36, 48.1a, 50 and 70 of final EP first reading report).	YYY
52 (=48, 49)	Article 2, point 6	Chris Davies	To modify definition of “manufacturer”	Designing a product is key element as this a design directive; though only products that are also manufactured can be placed on the market; therefore preference for 51	Y
53	Article 2, point 6 a (new)	Vittorio Prodi	To establish definition of “importer”	Definition is only needed if reference to the importer appears further on in the legal text	Neutral
54	Article 2, point 18 a (new)	Peter Liese and Karl-Heinz Florenz	To introduce definition of “lowest life cycle cost”	“Lowest“ does not belong to term of “life cycle cost”	N
55 (=56)	Article 2, point 19 a (new)	Peter Liese	To introduce definition of “product eco design benchmark”-reference to BAT	BAT documents are established under the IPPC directive. The IPPC directive is <i>process oriented</i> directive and can therefore not provide a satisfactory reference on <i>product</i> legislation under EuP	NNN
56 (=55)	Article 2, point 19 a (new)	Jonas Sjöstedt	To introduce definition of “product eco design benchmark”-reference to BAT	BAT documents are established under the IPPC directive. IPPC directive is <i>process oriented</i> directive and can therefore not provide a satisfactory reference on <i>product</i> legislation under EuP	NNN
57	Article 3	Peter Liese and Karl-Heinz	Market surveillance	Industry supports the intention of the amendment to contribute to proper market surveillance and facilitate the work of control	NN

		Florenz		authorities; however, including voluntary agreements in market surveillance would be inappropriate given their voluntary nature. If voluntary agreement fails, legislation would be developed according to article 12.	
58	Article 5, para. 2	Claude Turmes	To delete article 5 para. 2	Would cause negative consequences on free movement in internal market; Linked with Amendment 121	NNN
59	Article 6, para. 5 a (new)	Peter Liese and Karl-Heinz Florenz	To strengthen enforcement and market surveillance	Would improve market control	YYY
60	Article 6, para. 6	Peter Liese	Member states and Commission to inform public about non compliant products	Industry supports the intention of the amendment to contribute to proper market surveillance and facilitate the work of control authorities, but how would the public be informed?	Y
61	Article 7, para. 2	Karin Scheele	To modify conformity assessment procedures – Introduction of environmental performance declarations	Would require pre-registration; would lead to costly and uncontrollable bureaucratic procedures (opposite to Lisbon goals)	NNN
62 (=63)	Article 7, para. 2	Martin Callanan	To clarify conformity assessment	It is important that the obligation to have an EMS (design function included) addresses directly the manufacturer (who is also responsible for product design). Asking the EUP designer to have an EMS, while the actual requirements for product performance listed in Annex V address the manufacturer, makes difficult the identification of the legally responsible entity, leaving scope for free riding.	YYY
63 (=62)	Article 7, para. 2	Holger Krahrmer	To clarify conformity assessment	See Amendment 62	YYY
64	Article 7, para. 2	Roberto Musacchio	To modify conformity assessment procedures	Preference for 62/63	Y
65	Article 7, para. 2	Anders Wijkman	Conformity assessment to involve EC type examination	Conformity assessment procedures should be proportionate to the risk involved; amendment takes off proportionality to the risk. Industry supports module A as sole conformity assessment procedure. Amendments to paragraphs 2 and 3 clarify the requirements to be fulfilled, which seems appropriate. Support to paragraphs 2 and 3 in case of split vote	NNN
66	Article 7, para. 2	Jonas Sjöstedt	Conformity assessment to involve EC type examination	Conformity assessment procedures should be proportionate to the risk; amendment takes off proportionality to the risk; industry supports module A as sole conformity assessment procedure. Amendments to paragraphs 2 and 3 clarifies the requirements to be fulfilled, which seems appropriate.	NNN

				Support to paragraphs 2 and 3 in case of split vote	
67	Article 7, para. 3	Eija-Riitta Korhola and Martin Callanan	Conformity assessment	Preference for 69	Y
68	Article 7, para. 3	Peter Liese and Karl-Heinz Florenz	Conformity assessment	Preference for 69 (“to” the manufacturer)	Y
69	Article 7, para. 3	Chris Davies	Conformity assessment		YY
70	Article 7, para. 3	Alessandro Foglietta	Conformity assessment	Preference for 69	Y
71	Article 7, para. 3	Vittorio Prodi	Conformity assessment	Support concept, though depends whether the definition of “manufacturer” would include the importer or not	Y
72	Article 8, para. 4	Martin Callanan	To clarify use of eco labels	To guarantee an open and transparent process in the interest of proper market surveillance.	YYY
73	Article 8, para. 4	Marie-Noëlle Lienemann	To clarify use of eco labels	Alternative solution to Amendment 72	YY
74 (=75)	Article 9, para. 1	Gyula Hegyi	To support and fund stakeholder participation of interested groups in standardisation process	Rules on stakeholder participation and funding do not belong to a directive dealing with eco design but is a general issue to be dealt elsewhere	NN
75 (=74)	Article 9, para. 1	Jonas Sjöstedt	To support and fund stakeholder participation of interested groups in standardisation process	Rules on stakeholder participation and funding do not belong to a directive dealing with eco design but is a general issue to be dealt elsewhere	NN
76	Article 9, para. 1 a (new)	Gyula Hegyi	Harmonised standards shall not be used to define/change the level of environmental performance or level of requirements	Principles and scope of harmonised standards are defined and used for existing New Approach directives and should not be modified in a specific directive, such as EUP.	NNN
77	Article 9, para. 2 a (new)	Gyula Hegyi	Mandate for harmonised standards to be elaborated after consultation of consultative forum	Directive 98/34 provides principles for the elaboration of mandates, which should also apply to EuP in the interest of consistency of legislation. These procedures foresee stakeholder participation.	NNN
78	Article 9, para. 2 b (new)	Gyula Hegyi	Commission shall consult the consultative forum before final adoption of standards	Directive 98/34 provides principles for the elaboration of mandates, which should also apply to EuP in the interest of consistency of legislation. These procedures foresee stakeholder participation.	NNN
79	Article 9, para. 2 c (new)	Gyula Hegyi	Consultation forum to be consulted before deciding on harmonised standards	Directive 98/34 provides principles for the elaboration of mandates, which should also apply to EuP in the interest of consistency of legislation. These procedures foresee stakeholder	NNN

				participation.	
80	Article 9, para. 3	Gyula Hegyi	The COM shall decide to publish harmonised standards in the light of the opinion of the consultation forum and committee	Stakeholders have already been involved in the elaboration of the standards. Amendment would therefore duplicate provisions.	NN
81	Article 9, para. 3 a (new)	Gyula Hegyi	COM to perform an ongoing evaluation of standards with view to proposing suitable changes of the directive	Concerns standardisation process in general; the provisions in this amendment are out of the scope of EuP	NN
82	Article 10	Holger Krahmer	Requirements for components and subassemblies	Confusing as there could be a need to know composition of the component	Neutral
83	Article 11	Karin Scheele	To modify provisions on administrative cooperation and exchange of information	Would require pre-registration; would lead to costly and uncontrollable bureaucratic procedures (opposite to Lisbon goals)	NNN
84	Article 11, para. 1	Peter Liese and Karl-Heinz Florenz	Measures for SMEs to anticipate the need for future European legislation	Would help SMEs	YYY
85	Article 11, para. 1	Jonas Sjöstedt	To modify provisions on administrative cooperation and exchange of information – introduction of environmental performance declarations	Would require pre-registration; would lead to costly and uncontrollable bureaucratic procedures (opposite to Lisbon goals)	NNN
86	Article 11, para. 1 a (new)	Peter Liese and Karl-Heinz Florenz	Member states to ensure that SMEs have the necessary adaptation resources		YY
87	Article 11, para. 3 a (new)	Anders Wijkman	Third party involvement in conformity assessment	Third party verification is costly, bureaucratic and proportionate to the risk involved. In the area of safety, manufacturer's declaration (module A) has been established the preferred option.	NNN
88	Article 11, para. 3 a (new)	Jonas Sjöstedt	Third party involvement in conformity assessment	Third party verification is costly, bureaucratic and proportionate to the risk involved. In the area of safety, manufacturer's declaration (module A) has been established the preferred option.	NNN
89	Article 12, para. 1	Niels Busk	Modification to article 12	See comments on amendment 15; amendments 89, 90, 92, 93, 94 and 98 should be voted en bloc and may in that case provide an alternative to amendment 15; however, industry still believes that article 12 of the common position provides more clear criteria	Y
90	Article 12, para. 2	Niels Busk	Modification to article 12	See comments on amendment 15; amendments 89, 90, 92, 93, 94 and 98 should be voted en bloc and may in that case provide	Y

				an alternative to amendment 15; however, industry still believes that article 12 of the common position provides more clear criteria	
91	Article 12, para. 2, point c	Marie-Noëlle Lienemann	Modification to article 12	Could be second alternative to amendment 15	Y
92	Article 12, para. 4	Niels Busk	Modification to article 12	See comments on amendment 15; amendments 89, 90, 92, 93, 94 and 98 should be voted en bloc and may in that case provide an alternative to amendment 15; industry still believes that article 12 of the common position provides more clear criteria	Y
93	Article 12, para. 5	Niels Busk	Modification to article 12	See comments on amendment 15; amendments 89, 90, 92, 93, 94 and 98 should be voted en bloc and may in that case provide an alternative to amendment 15; industry still believes that article 12 of the common position provides more clear criteria	Y
94	Article 12, para. 6	Niels Busk	Modification to article 12	See comments on amendment 15; amendments 89, 90, 92, 93, 94 and 98 should be voted en bloc and may in that case provide an alternative to amendment 15; industry still believes that article 12 of the common position provides more clear criteria	Y
95	Article 12, para. 6	Holger Kraher	Modification to article 12: Implementing measures to concentrate solely on predominant environment aspects that are measurable on product itself	Some environment aspects cannot necessarily be measured on the product itself (i.e.: ease for re-use)	Neutral
96	Article 12, para. 6	Peter Liese	Modification to article 12: Implementing measures to concentrate solely on predominant environment aspects that are measurable on product itself	Some environment aspects cannot necessarily be measured on the product itself (i.e.: ease for re-use)	Neutral
97	Article 12, para. 7	Vittorio Prodi	Modification to article 12	Would create default position as it depends on the environment aspect in question whether it can be measured on the product or not	Neutral
98	Article 12, para. 8	Niels Busk	Modification to article 12	See comments on amendment 15; amendments 89, 90, 92, 93, 94 and 98 should be voted en bloc and may in that case provide an alternative to amendment 15; however, industry still believes that article 12 of the common position provides more clear criteria	Y
99	Article 13, para. 2	Peter Liese and Karl-Heinz Florenz	To establish a product list	Article 12 of the EUP proposal provides a structured framework for selecting products for implementing measures. It is vital to us that such a structured and balanced approach should become the norm in order to remove the increasing uncertainty, which	NNN

				manufacturers are facing with the regulatory process today. Establishing pre-determined product lists would immediately contradict the established framework. So would a “horizontal directive on stand-by for all EUP” as EUP structurally targets individual products categories but not all EUP in one directive.	
100	Article 13, para. 2	Claude Turmes	To establish a product list	Article 12 of the EUP proposal provides a structured framework for selecting products for implementing measures. It is vital to us that such a structured and balanced approach should become the norm in order to remove the increasing uncertainty, which manufacturers are facing with the regulatory process today. Establishing pre-determined product lists would immediately contradict the established framework. So would a “horizontal directive on stand-by for all EUP” as EUP structurally targets individual products categories but not all EUP in one directive.	NN
101 (=102)	Article 13 a (new)	Chris Davies	Member States to introduce more stringent requirements for the eco design of EUP	Linked with legal base; proposal should be exclusively based on article 95 which also provides possibilities for derogations.	NNN
102 (=101)	Article 13 a (new)	Claude Turmes	Member States to introduce more stringent requirements for the eco design of EUP	Linked with legal base; proposal should be exclusively based on article 95 which also provides possibilities for derogations.	NNN
103	Article 13 a (new)	Jonas Sjöstedt	Member States to introduce more stringent rules	Linked with legal base; proposal should be exclusively based on article 95 which also provides possibilities for derogations.	NNN
104	Article 13 a (new)	Peter Liese and Karl-Heinz Florenz	Self regulation: Voluntary measures to be subject to Eco Design Board scrutiny	Would normally, we believe, be part of the Commission’s prerogatives; reference to Eco Design Board is confusing	NN
105 (=106)	Article 14	Karin Scheele	Consultative forum to contribute to defining and reviewing of implementing measures and to assessing self regulatory measures	Would fall under Commission’s prerogatives	NNN
106 (=105)	Article 14	Claude Turmes	Consultative forum to contribute to defining and reviewing of implementing measures and to assessing self regulatory measures	Would fall under Commission’s prerogatives	NNN
107	Article 19	Karin Scheele	Review of EuP directive		Neutral
108	Article 19	Anders Wijkman	Review of EuP directive with particular focus on promoting “service design”, dematerialisation & resource efficiency	The leasing concept might even shorten lifetime span of a product.	NNN
109	Annex I, part 3	Peter Liese, Holger	To delete annex 1, part 3: Requirements for the manufacturer	Orgalime has always called for flexibility in the way that manufacturers have to meet generic eco-design requirements.	N

		Krahmer and Karl-Heinz Florenz		However, clarity on the role of authorities and manufacturer is also indispensable for ensuring compliance with legal requirements. Orgalime welcomes that more clarity has been introduced by the Council concerning the roles of both, authorities and manufacturers, including part 3 on “Requirements for the manufacturer”.	
110	Annex II, point 1	Peter Liese	To establish international benchmarking – specific eco design requirements to be established at the level of best performing product available or lowest life cycle cost	See comments to AM 10; Would introduce top runner approach: As opposed to the Japanese top runner approach applied in the field of energy efficiency, EUP would establish a <i>legally binding</i> framework for <i>all</i> environmental aspects of an EUP aiming at <i>immediately banning</i> those products that do not comply with an eco design requirement laid down in an implementing measure <i>from the market</i> . In addition, it is not in the interest of society to ask companies to provide the "best performance" of e.g. energy consumption, <i>no matter what the costs and consequences on functionalities are</i> . A manufacturer has to balance all technical, safety, functional, economic and eco-design aspects to find the best possible mix for the design of a product and also of course take into account the interest of the consumers.	NNN
111	Annex II, point 1	Claude Turmes	To establish international benchmarking – specific eco design requirements to be established at the level of best performing product available or lowest life cycle cost	See comments to AM 10; Would introduce top runner approach: As opposed to the Japanese top runner approach applied in the field of energy efficiency, EUP would establish a <i>legally binding</i> framework for <i>all</i> environmental aspects of an EUP aiming at <i>immediately banning</i> those products that do not comply with an eco design requirement laid down in an implementing measure <i>from the market</i> . In addition, it is not in the interest of society to ask companies to provide the "best performance" of e.g. energy consumption, <i>no matter what the costs and consequences on functionalities are</i> . A manufacturer has to balance all technical, safety, functional, economic and eco-design aspects to find the best possible mix for the design of a product and also of course take into account the interest of the consumers. AM mixes various different bodies and establishes hierarchy of priority environmental aspect, which would immediately disregard established procedures under article 12.	NNN
112	Annex II, point 1, subpara. 2	Marie-Noëlle Lienemann	To modify annex II	Would balance three pillars of sustainable development	YYY

113	Annex IV, point 1	Alessandro Foglietta	Declaration of conformity available to the manufacturer within the Community	Preference for 114	Y
114	Annex IV, point 1	Peter Liese and Karl-Heinz Florenz	Declaration of conformity must be kept within the Community by the manufacturer	According to the Commission's "Guide to the implementation of directives based on the New and Global Approach" declarations of conformity (NOT the technical documentation) must be kept in the Community.	YY
115 (=116)	Annex IV, point 3	Martin Callanan	To clarify manufacturer's responsibility in internal design control	The amendment seeks to clarify that the manufacturer has responsibility to ensure that an EuP is produced according to EU law. Since the role of trading companies is to buy finished products and sell them on the most convenient market, their duty to ensure that the products they buy have been produced in compliance with EuP requirements should be clearly spelled out in the text. Once the intention exists to place a product on the EU market, it must be ensured that such a product will be designed and manufactured according to the applicable EuP requirements.	YYY
116 (=115)	Annex IV, point 3	Holger Krahrmer	To clarify manufacturer's responsibility in internal design control	The amendment seeks to clarify that the manufacturer has responsibility to ensure that an EuP is produced according to EU law. Since the role of trading companies is to buy finished products and sell them on the most convenient market, their duty to ensure that the products they buy have been produced in compliance with EuP requirements should be clearly spelled out in the text. Once the intention exists to place a product on the EU market, it must be ensured that such a product will be designed and manufactured according to the applicable EuP requirements.	YYY
117 (=118)	Annex IV, point 3	Peter Liese	Internal design control	Preference for 115	Y
118 (=117)	Annex IV, point 3	Vittorio Prodi	Internal Design Control	Preference for 115	Y
119	Annex V	Peter Liese and Holger Krahrmer	To delete annex V	Conformity assessment procedures should be flexible, i.e. taking into account both the different characteristics of the EUP to be covered by implementing measures and the different types of companies to perform the assessment. This would include keeping the option of management systems (annex V of the EUP proposal) when assessing the conformity of a product. However, two essential elements have been lacking the original Commission proposal: On the one hand, the original proposal did	NNN

				not allow for an integrated management systems in annex V. Secondly, there were uncertainties on whether the same level of documentation requirements would be required by both, annex IV and annex V. In our opinion, both aspects have been properly addressed in the common position. Orgalime therefore supports the present wording of annex V and recommends keeping both annexes, IV and V, at the level of the EUP framework directive.	
120	Annex V, point 1	Alessandro Foglietta	The declaration of conformity must be available to the manufacturer within the Community	Same as 113; preference for 114	Y
121	Annex VII, point 3	Claude Turmes	Delete Annex VII, para. 3	Would cause negative consequences on free movement in internal market; Linked with Amendment 58	NNN
122	Annex VII, point 5	Martin Callanan	To clarify reference to measurement standards	Clarifies concept	YYY
123	Annex VII, point 6	Anders Wijkman	To modify conformity assessment	Safety issues are dealt with in other directives than EuP. Checking for safety would not be the same as checking for environmental aspects. Therefore, the last paragraph of the second indent should not be deleted as proposed in the amendment.	NN
124 (=125)	Annex VII, point 7 a (new)	Martin Callanan	To clarify use of eco labels	To guarantee an open and transparent process in the interest of proper market surveillance	YYY
125 (=124)	Annex VII, point 7 a (new)	Holger Krahmer	To clarify use of eco labels	To guarantee an open and transparent process in the interest of proper market surveillance	YYY