

DECISION

regarding the ecodesign requirements for energy-using products, as well as for amending, completing and repealing some normative acts

On the basis of art. 108 of the Romanian Constitution, republished,

Art. 1. – (1) This decision establishes the ecodesign requirements for energy-using products, henceforth named EuP, upon placing on the market and/or putting into service with the aim of ensuring their free movement within the internal market and to contribute to sustainable development by increasing energy efficiency and the level of protection of the environment, while at the same time increasing the security of the energy supply.

(2) EuP referred to in par. (1) are covered by implementing measures.

(3) This decision shall not apply to means of transport for persons or goods.

(4) This decision and the implementing measures adopted pursuant to it shall be without prejudice to harmonized waste management legislation and harmonized chemicals legislation, including harmonized legislation on fluorinated greenhouse gases.

Art. 2. - For the purposes of this decision the terms and expressions below shall have the following definitions:

a) *EuP* - a product which, once placed on the market and/or put into service, is dependent on energy input such as electricity, fossil fuels and renewable energy sources, to work as intended, or a product for the generation, transfer and measurement of such energy, including parts dependent on energy input and intended to be incorporated into an EuP which are placed on the market and/or put into service as individual parts for end-users and of which the environmental performance can be assessed independently;

b) *components and sub-assemblies* - parts intended to be incorporated into EuPs, and which are not placed on the market and/or put into service as individual parts for end-users or the environmental performance of which cannot be assessed independently;

c) *implementing measures* - measures adopted pursuant to this decision laying down ecodesign requirements for defined EuPs or for environmental aspects thereof;

d) *placing on the market* - making an EuP available for the first time on the market with a view to its distribution or use within whether for reward or free of charge and irrespective of the selling technique;

e) *putting into service* - the first use of an EuP for its intended purpose by an end-user;

f) *manufacturer* - the natural or legal person who manufactures EuPs and is responsible for their conformity with the provisions of this decision in view of their being placed on the market and/or put into service under the manufacturer's own name or trademark or for the manufacturer's own use. In the absence of a manufacturer as defined in the first sentence or of an importer as defined in pt. h), any natural or legal person who places on the market and/or puts into service EuPs covered by this decision shall be considered a manufacturer;

g) *authorised representative* - any natural or legal person established in Romania or in another state of the European Union who has received a written mandate from the manufacturer to perform on his behalf all or part of the obligations and formalities connected with this decision;

h) *importer* - any natural or legal person established in Romania or in another Member State of the European Union who places a product from a third country on the market in the course of his business;

i) *materials* - all materials used during the life cycle of an EuP;

j) *product design* - the set of processes that transform legal, technical, safety, functional, market or other requirements to be met by an EuP into the technical specification for that EuP;

k) *environmental aspect* - an element or function of an EuP that can interact with the environment during its life cycle;

l) *environmental impact* - any change to the environment wholly or partially resulting from an EuP during its life cycle;

m) *life cycle* - the consecutive and interlinked stages of an EuP from raw material use to final disposal;

n) *reuse* - any operation by which an EuP or its components, having reached the end of their first use, are used for the same purpose for which they were conceived, including the continued use of an EuP which is returned to a collection point, distributor, recycler or manufacturer, as well as reuse of an EuP following refurbishment;

o) *recycling* - the reprocessing in a production process of waste materials for the original purpose or for other purposes but excluding energy recovery;

p) *energy recovery* - 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;

r) *recovery* - any of the applicable operations provided for in annex II B to Government Emergency Ordinance 78/2000 on waste disposal, approved as amended and completed by Law 426/2001, as further amended and completed;

s) *waste* - the significance established in accordance with annex no I A to Government Emergency Ordinance 78/2000, as further amended and completed;

t) *hazardous waste* - waste defined in accordance with annex no I A to Government Emergency Ordinance 78/2000, as further amended and completed;

u) *ecological profile* - a description, in accordance with the implementing measures applicable to the EuP, of the inputs and outputs, such as materials, emissions and waste, associated with an EuP throughout its life cycle which are significant from the point of view of its environmental impact and are expressed in physical quantities that can be measured;

v) *environmental performance* of an EuP - the results of the manufacturer's management of the environmental aspects of the EuP, which are reflected in its technical documentation file;

w) *improvement of the environmental performance* - the process of enhancing the environmental performance of an EuP over successive generations, although not necessarily in respect of all environmental aspects of the product simultaneously;

x) *ecodesign* - the integration of environmental aspects into product design with the aim of improving the environmental performance of the EuP throughout its whole life cycle;

y) *ecodesign requirement* - any requirement in relation to an EuP, or the design of an EuP, intended to improve its environmental performance, or any requirement for the supply of information with regard to the environmental aspects of an EuP;

z) *generic ecodesign requirement* - any ecodesign requirement based on the ecological profile as a whole of an EuP without set limit values for particular environmental aspects;

z¹) *specific ecodesign requirement* - a quantified and measurable ecodesign requirement relating to a particular environmental aspect of an EuP, such as energy consumption during use, calculated for a given unit of output performance;

z²) *harmonized standard* - a technical specification adopted by a recognized standards body under a mandate from the European Commission, in accordance with the procedure laid down in Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations, for the purpose of establishing a European requirement, compliance with which is not compulsory.

z³) *Romanian standards which shall adopt harmonized European standards* – harmonised European standards adopted as Romanian standards by the national standardization body, the Romanian Standards Association – RSA;

z⁴) *competent authority* – the Ministry of Economy and Finance.

Art. 3. – (1) Only EuPs which comply with the applicable implementing measures and which bear the CE marking in accordance with the provisions of this decision shall be placed on the market and/or put into service.

(2) Checking the compliance with the provisions of this decision shall be done by the bodies responsible for market surveillance designated for this purpose, upon the proposal of the competent authority, depending on the EuP category covered by the implementing measures.

(3) For the purpose of applying the provisions of this decision the market surveillance bodies have the following responsibilities:

a) to carry out appropriate checks on EuP compliance, on an adequate scale, and to oblige the manufacturer or its authorized representative to recall non-compliant EuPs from the market in accordance with the provisions of art. 7;

b) to require the provision of all necessary information by the parties concerned, as specified in implementing measures;

c) to take samples of products and subject them to compliance checks in order to assess conformity.

(4) The market surveillance bodies shall keep the competent authority informed about the results of the market surveillance.

(5) The competent authority shall inform the European Commission about the results of the market surveillance.

(6) Consumers and any other interested parties may submit observations on product compliance to the competent authorities.

Art. 4. - Where the manufacturer or his authorized representative is not established or his headquarters are not located within Romania or another state of the European Union, the obligation relating to the conformity of EuP upon its placing on the market and/or putting into service with the provisions of this decision and of the implementing measures, as well as keeping the declaration of conformity and the technical documentation available shall lie with the importer.

Art. 5. – (1) Before an EuP covered by implementing measures is placed on the market and/or put into service, the manufacturer or its authorized representative has the following obligations:

- a) to affix the CE conformity marking;
 - b) to draw up the declaration of conformity whereby he ensures and declares that the EuP complies with all relevant provisions of the applicable implementing measure.
- (2) The CE conformity marking consists of the initials 'CE' as shown in annex no 1.
- (3) The declaration of conformity shall contain the elements specified in annex no 2 and shall refer to the appropriate implementing measures.
- (4) The affixing of markings on a EuP which are likely to mislead users as to the meaning or form of the CE marking shall be prohibited.
- (5) When the EuP reaches the end-user the information pursuant to part 2 of annex no 3 shall be supplied in Romanian.
- (6) The information referred to in par. (5) may also be provided in one or more widely used European languages.
- (7) When applying the provisions of par. (5) the following shall be taken into account in particular:
- a) whether the information can be supplied by harmonized symbols or recognized codes or other measures;
 - b) the type of user anticipated for the EuP and the nature of the information which is to be provided.

Art. 6. – (1) The placing on the market and/or putting into service of the EuPs that comply with the relevant provisions of the applicable implementing measure and bears the CE marking in accordance with art. 5 may not be prohibited, restricted or impeded on grounds of ecodesign requirements relating to those ecodesign parameters referred to in part 1 of annex no 3.

(2) The placing on the market and/or putting into service of a EuP bearing the CE marking in accordance with art. 5 may not be prohibited, restricted or impeded on grounds of ecodesign requirements relating to those ecodesign parameters referred to in part 1 of annex no 3, for which the applicable implementing measure provides that no ecodesign requirement is necessary.

(3) the display at trade fairs, exhibitions and demonstrations, of EuPs which are not in conformity with the provisions of the applicable implementing measures is permitted, provided that there is a visible indication that these EuPs may not be placed on the market and/ or put into service until brought into conformity.

Art. 7. (1) Where the market surveillance body ascertains that an EuP bearing the CE marking referred to in art. 5 and used in accordance with its intended use does not comply with all the relevant provisions of the applicable implementing measures, the manufacturer or its authorised representative shall be obliged to make the EuP comply with these ones and/or with the CE marking provisions and to end the infringement ascertained.

(2) Where there is sufficient evidence that a EuP might be noncompliant, the market surveillance body shall take the necessary measures which, depending on the gravity of the non-compliance, can go as far as the prohibition of the placing on the market of the EuP until compliance is established, setting out a term for compliance.

(3) Where non-compliance continues, after the conclusion of the term laid down in par. (2), the market surveillance body shall take a decision restricting or prohibiting the placing on the market and/or putting into service of the EuP in question or ensure that it

is withdrawn from the market and shall inform the competent authority about these measures.

(4) In cases of prohibition or withdrawal from the market and/or putting into service of an EuP in accordance with the provisions of par. (3), the market surveillance body shall have the following obligations:

- a) to notify forthwith the party concerned about its decision;
- b) to state the grounds on which its decision has been based to the party concerned;
- c) to inform the party concerned of the legal remedies available and of the time limits to which they are subject.

(5) The competent authority shall immediately inform the European Commission and the other Member States of the decision taken pursuant to par. (3), indicating the reasons therefore, and, in particular, whether non-compliance is due to:

- a) failure to satisfy the requirements of the applicable implementing measures;
- b) incorrect application of harmonized standards as referred to in art. 10 par. (2);
- c) identification of shortcomings in harmonized standards as referred to in art. 10 par. (2).

(6) The competent authority shall receive the information relating to the opinion of the European Commission on the decision relating to the application of the provisions of par. (3).

(7) Where justified, the competent authority shall take the necessary measures to guarantee confidentiality with regard to information provided during the procedure set out in par. (5) and (6).

(8) The decisions taken by the market surveillance body, and which remain final, shall be made public by the competent authority, in a transparent way.

Art. 8. – (1) Before placing EuPs covered by implementing measures on the market and/or putting them into service, the manufacturer or its authorized representative must ensure that an assessment of their conformity with all the relevant requirements of the applicable implementing measure is carried out.

(2) The conformity assessment procedures shall be specified by the implementing measures and shall leave to manufacturers the choice between the internal design controls set out in annex no 4 and the management system set out in annex no 5.

(3) When duly justified and proportionate to the risk, the conformity assessment procedure shall be specified among relevant modules as described in Government Decision no 71/2002 for the approval of the Methodological norms concerning the modules for various phases of conformity assessment procedures of the covered fields, provided for in Law 608/2001 on the assessment of products conformity and of the rules for the affixing and use of the CE European conformity marking, republished.

(4) If the market surveillance body has strong indications of probable noncompliance of an EuP, it shall as soon as possible publish a substantiated assessment of its compliance which may be conducted by a competent body and, if necessary, it shall allow timely corrective action and shall publish the information related to this assessment.

(5) If an EuP covered by implementing measures is designed by an organization registered in accordance with Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organizations in a Community eco-management and audit scheme (EMAS), published in the Official

Journal of the European Communities L 114 of 24 April 2001, and the design function is included within the scope of that registration, the management system of that organization shall be presumed to comply with the requirements of annex no 5.

(6) If an EuP covered by implementing measures is designed by an organization having a management system which includes the product design function and which is implemented in accordance with harmonized standards the reference numbers of which have been published in the Official Journal of the European Union, that management system shall be presumed to comply with the corresponding requirements of annex no 5.

(7) After placing an EuP covered by implementing measures on the market or putting it into service, the manufacturer or its authorized representative shall keep relevant documents relating to the conformity assessment performed and declarations of conformity issued available which must be made available to the market surveillance bodies for a period of 10 years after the last of that EuP has been manufactured.

(8) The documents referred to in par. (7) shall be made available to the market surveillance bodies within 10 days.

(9) Documents relating to the conformity assessment and declaration of conformity referred to in art. (7) shall be drawn up in Romanian and may be made available in one or more widely used European languages.

Art. 9. – (1) An EuP bearing the CE marking in compliance with the provisions of art. 5 is conforming to the relevant provisions of the applicable implementing measures.

(2) An EuP for which harmonised standards have been applied, the reference numbers of which have been published in the Official Journal of the European Union, shall be deemed as conforming to all the relevant requirements of the applicable implementing measure to which such standards relate.

(3) An EuP which bears the Community eco-label pursuant to Regulation (EC) No 1980/2000 on a revised Community eco-label award scheme, published in the Official Journal of the European Communities, L no 237 of 21 September 2000, shall be presumed to comply with the ecodesign requirements of the applicable implementing measure insofar as those requirements are met by the eco-label.

Art. 10. – (1) The competent authority shall, to the extent possible, ensure that appropriate measures are taken to enable interested parties to be consulted at national level on the process of preparing and monitoring harmonized standards.

(2) Where a the competent authority considers that harmonized standards the application of which is presumed to satisfy specific provisions of an applicable implementing measure do not entirely satisfy those provisions, shall inform the Standing Committee set up under art. 13 par (1) of Government Decision 1.016/2004 laying down the procedures for the provision of information in the field of technical and organisational regulations to that effect, as well as of the rules relating to the services of the information society between Romania and the Member States of the European Union, as well as the European Commission, giving the reasons.

Art. 11. – (1) Implementing measures may require manufacturers or their authorized representatives placing components and subassemblies on the market and/or putting them into service to provide the manufacturer of an EuP covered by implementing measures with relevant information on the material composition and the consumption of energy, materials and/or resources of the components or subassemblies.

(2) The information referred to in par. (1), as well as those referred to in annex no 3 part 2, shall be supplied by the manufacturer or his authorized representative taking into account the legitimate confidentiality of commercially sensitive information.

Art. 12. – The competent authority shall ensure the information exchange and cooperation with the competent authorities of the other Member States and the European Commission, taking utmost advantage of electronic means of communication.

Art. 13. – The competent authorities shall encourage small and medium-sized micro enterprises to adopt an environmentally sound approach as early as at the product design stage and to adapt to future European legislation.

Art. 14. - In accordance with the applicable implementing measure, manufacturers shall provide consumers, in the form they deem appropriate, information relating to:

- a) the role that consumers can play in the sustainable use of the EuP;
- b) the ecological profile of the product and the benefits of ecodesign, when required by the implementing measures.

Art. 15. – The categories of EuP covered by implementing measures or by self-regulation measures are those which shall meet the following criteria:

- a) shall represent a significant volume of sales and trade - indicatively more than 200 000 units a year within the European Community according to most recently available figures;

- b) the EuP shall have a significant environmental impact within the European Community, considering the strategic priorities as set out in the Sixth European Union Environment Action Programme, adopted by Decision No 1600/2002/EC, and considering the quantities placed on the market and/or put into service;

- c) EuPs shall present significant potential for improvement in terms of its environmental impact without entailing excessive costs, taking into account in particular:

- (i) the absence of relevant legislation or failure of market forces to address the issue properly;

- (ii) a wide disparity in the environmental performance of EuPs available on the market with equivalent functionality.

Art. 16. - Voluntary agreements or other self-regulation measures representing alternatives to the implementing measures shall be assessed in accordance with the provisions referred to in annex no 6.

Art. 17. – (1) The implementing measures shall provide penalties applicable to their breaches, which shall be effective, proportionate and dissuasive, taking into account the extent of non-compliance and the number of units of non-complying products placed on the market.

(2) In case of non-compliance with the provisions of art. 8 par. (8), the market surveillance body shall provide for the prohibition of placing on the market or putting into service of the EuP.

Art. 18. – (1) On the date of entry into force of this decision, Government Decision 574/2005 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels, published in the Official Journal of Romania, Part I, no 596 of 11 July 2005, shall be amended and completed as follows:

1. Article 6 is repealed.
2. Paragraph (5) of article 7 is amended and shall be amended and shall have the following content:

“(5) The CE mark shall be affixed on boilers in a visible, easily legible and indelible manner. The affixing on such products of any other mark, sign or indication liable to create confusion with the CE mark both as regards its significance or in its appearance shall be prohibited. Any other marking may be affixed to the vessels or the data plate provided that the visibility and legibility of the CE marking is not thereby reduced.”

3. In article 9 subparagraph c) of paragraph (1) shall be amended and shall have the following content:

“c) non-conformity with the provisions of art. 7 par. (1), (4) and (5) and those of annex no 4 pt. 9 and of annex no 5 pt. 1.3, 2.5 and 3.5, by a fine from 2500 lei to 5000 lei and the prohibition of the placing on the market until a date established by the control body, having reached a mutual agreement with the manufacturer or its authorized representative, where necessary, in order to eliminate nonconformities.”

4. After article 19 a new article is introduced, article 20, with the following content:

“Art. 20. – This decision is the implementing measure for the category of products new hot-water boilers fired with liquid or gaseous fuels, as provided for in art. 15 of Government Decision 1043/2007 regarding the ecodesign requirements for energy-using products, as well as for amending, completing and repealing some normative acts.”

4. Annexes 2 and 3 are repealed:

(2) Government Decision 574/2005 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels published in the Official Journal of Romania, Part I, no 596 of 11 July 2005, as amended and completed by this decision, shall be republished renumbering the texts.

Art. 19. – (1) After article 20 of Government Decision 1039/2003 establishing the requirements with regard to energy labelling of household electric refrigerators for their placing on the market, republished in the Official Journal of Romania, Part I, no 455 of 5 July 2007, a new article is introduced, article 21, with the following content:

“Art. 21. – (1) This decision is the implementing measure in respect of the products category of household refrigeration appliances, as provided for by art. 15 in the Government Decision 1043/2007 regarding the ecodesign requirements for energy-using products, as well as for amending, completing and repealing some normative acts.

(2) Government Decision 1039/2003 establishing the requirements with regard to energy labelling of household electric refrigerators for their placing on the market, republished in the Official Journal of Romania, Part I, no 455 of 5 July 2007, as completed by this decision, shall be republished, renumbering the texts.”

Art. 20. – After article 16 of Government Decision 1160/2003 establishing the energy efficiency requirements for ballasts for fluorescent lighting, published in the Official Journal of Romania, Part I, no 716 of 14 October 2003, a new article is introduced, article 17, with the following content:

“Art. 17. – This decision is the implementing measure in respect of the products category of ballasts for fluorescent lighting, as provided for by art. 15 in Government Decision 1043/2007 regarding the ecodesign requirements for energy-using products, as well as for amending, completing and repealing some normative acts.”

Art. 21. – Annexes no 1-6 are part of this decision.

Art. 22. – On the date of entry into force of this decision, Government Decision 666/2002 regarding the minimum performance requirements on the manufacture or putting into service of the heat generators for the hot water space heating and / or

production in the new or existent non-industrial buildings and the insulation of the thermal agent distribution system for space heating and / or production of the domestic hot water in the new non-industrial buildings, published in the Official Journal of Romania, Part I, no 517 of 17 July 2002, shall be repealed.

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This decision transposes Directive 2005/32/EC of the European Parliament and the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC of the European Parliament and of the Council, series L no 191 of 21 September 2000.

PRIME MINISTER
CALIN POPESCU-TARICEANU

Countersign:
Minister of economy and finance,
Varujan Vosganian
Minister of the environment and durable development,
Attila Korodi
Department for European Affairs,
Adrian Ciocanea,
State Secretary

Bucharest, 28 August 2007.
No 1043.

ANNEX no 1

CE MARKING



The CE marking must have a height of at least 5 mm. If the CE marking is reduced or enlarged the proportions given in the above graduated drawing must be respected.

The CE marking must be affixed to the EuP. Where this is not possible, it must be affixed to the packaging and to the accompanying documents.

DECLARATION OF CONFORMITY

The EC declaration of conformity must contain the following elements:

1. the name and address of the manufacturer or of its authorised representative;
2. a description of the model sufficient for unambiguous identification;
3. where appropriate, the references of the harmonised standards applied;
4. where appropriate, the other technical standards and specifications used;
5. where appropriate, the reference to other Community legislation providing for the affixing of the CE mark that is applied;
6. identification and signature of the person empowered to bind the manufacturer or its authorised representative.

METHOD FOR SETTING GENERIC ECO-DESIGN REQUIREMENTS

Generic ecodesign requirements aim at improving the environmental performance of EuPs, focusing on significant environmental aspects thereof without setting limit values. The method according to this annex will be applied when it is not appropriate to set limit values for the product group under examination. The European Commission shall, when preparing a draft implementing measure, identify significant environmental aspects which shall be specified in the implementing measure.

In preparing implementing measures laying down generic ecodesign requirements the European Commission will identify, as appropriate to the EuP covered by the implementing measure, the relevant ecodesign parameters from among those listed in part 1, the information supply requirements from among those listed in part 2 and the requirements for the manufacturer listed in part 3 of this annex.

Part 1. Ecodesign parameters for EuPs

1.1. In so far as they relate to product design, significant environmental aspects are identified with reference to the following phases of the life cycle of the product:

- a) raw material selection and use;
- b) manufacturing;
- c) packaging, transport, and distribution;
- d) installation and maintenance;
- e) use;
- f) end-of-life, meaning the state of an EuP having reached the end of its first use until its final disposal.

1.2. For each phase, the following environmental aspects are to be assessed where relevant:

- a) predicted consumption of materials, of energy and of other resources such as fresh water;
- b) anticipated emissions to air, water or soil;

- c) anticipated pollution through physical effects such as noise, vibration, radiation, electromagnetic fields;
- d) expected generation of waste material;
- e) possibilities for reuse, recycling and recovery of materials and/or of energy, taking into account the provisions of Government Decision 448/2005 on waste electric and electronic equipment.

1.3. In particular, the following parameters will be used, as appropriate, and supplemented by others, where necessary, for evaluating the potential for improving the environmental aspects mentioned in the previous paragraph:

- a) weight and volume of the product;
- b) use of materials issued from recycling activities;
- c) consumption of energy, water and other resources throughout the life cycle;
- d) use of substances classified as hazardous to health and/or the environment according to Government Ordinance 200/2000 relating to the classification, packing and labelling of dangerous chemical substances and preparations and taking into account the provisions of Government Decision 347/2003 on the restrictions on the placing on the market and use of specific dangerous chemical substances and preparations, as further amended and completed, or the provisions of Government Decision 992/2005 with regard to the use of certain hazardous substances in electric and electronic equipment;
- e) quantity and nature of consumables needed for proper use and maintenance;
- f) 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 reuse and recycling (including marking of plastic parts in accordance with ISO standards), use of easily recyclable materials, easy access to valuable and other recyclable components and materials; easy access to components and materials containing hazardous substances;
- g) incorporation of used components;
- h) avoidance of technical solutions detrimental to reuse and recycling of components and whole appliances;
- i) extension of lifetime as expressed through: minimum guaranteed lifetime, minimum time for availability of spare parts, modularity, upgradeability, reparability;
- j) amounts of waste generated and amounts of hazardous waste generated;
- k) *emissions to air* - greenhouse gases, acidifying agents, volatile organic compounds, ozone depleting substances, persistent organic pollutants, heavy metals, fine particulate and suspended particulate matter, without prejudice to the provisions of Government Decision 332/2007 establishing the procedures for the type approval of engines destined to be installed in non-road mobile machinery and of engines destined for road vehicles for people or goods and establishing the measures for reducing the emission of gaseous and particulate pollutants from these ones, to protect the atmosphere;
- l) *emissions to water* - heavy metals, substances with an adverse effect on the oxygen balance, persistent organic pollutants;
- m) *emissions to soil* - specially leakage and spills of dangerous substances during the use phase of the product, and the potential for leaching upon its disposal as waste.

Part 2 - Requirements relating to the supply of information

Implementing measures may require information to be supplied by the manufacturer that may influence the way the EuP is handled, used or recycled by persons other than the manufacturer. This information may include, where applicable:

- a) information from the designer relating to the manufacturing process;
- b) 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 consumers to compare these aspects of the products;
- c) information for consumers 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 on how to return the product at end-of-life, and, where appropriate, information on the period of availability of spare parts and the possibilities of upgrading products;
- d) information for treatment facilities concerning disassembly, recycling, or disposal at end-of-life.

Information should be given on the product itself wherever possible.

The information given must take into account obligations under other harmonized legislation, such as Government Decision 448/2005 on waste electric and electronical equipment.

Part 3 - Requirements for the manufacturer

1. Addressing the environmental aspects identified in the implementing measure as capable of being influenced in a substantial manner through product design, manufacturers of EuPs will be required to perform an assessment of the EuP model throughout its lifecycle, based upon realistic assumptions about normal conditions and purposes of use. Other environmental aspects may be examined on a voluntary basis.

On the basis of this assessment manufacturers will establish the EuP's ecological profile. It will be based on environmentally relevant product characteristics and inputs/outputs throughout the product life cycle expressed in physical quantities that can be measured.

2. The manufacturer will make use of this assessment to evaluate alternative design solutions and the achieved environmental performance of the product against benchmarks.

The benchmarks will be identified by the European Commission in the implementing measure on the basis of information gathered during the preparation of the measure.

The choice of a specific design solution will 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.

ANNEX No 4

INTERNAL DESIGN CONTROL

1. This annex describes the procedure whereby the manufacturer or its authorised representative who carries out the obligations laid down in point 2 of this Annex ensures and declares that the EuP satisfies the relevant requirements of the applicable

implementing measure. The declaration of conformity may cover one or more products and must be kept by the manufacturer.

2. A technical documentation file making possible an assessment of the conformity of the EuP with the requirements of the applicable implementing measure will be compiled by the manufacturer.

The documentation will specify, in particular:

- a) a general description of the EuP and of its intended use;
- b) 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 evaluating, documenting and determining product design solutions;
- c) the ecological profile, if required by the implementing measure;
- d) elements of the product design specification relating to environmental design aspects of the product;
- e) a list of the appropriate standards referred to in art. 10, applied in full or in part, and a description of the solutions adopted to meet the requirements of the applicable implementing measure where the standards referred to in art. 10 have not been applied or where these standards do not cover entirely the requirements of the applicable implementing measure;
- f) a copy of the information concerning the environmental design aspects of the product provided in accordance with the requirements specified in annex 3, part 2;
- g) the results of measurements on the ecodesign requirements carried out, including details of the conformity of these measurements as compared with the ecodesign requirements set out in the applicable implementing measure.

3. The manufacturer must take all measures necessary to ensure that the product will be manufactured in compliance with the design specifications referred to in pt. 2 and with the requirements of the measure which apply to it.

ANNEX No 5

MANAGEMENT SYSTEM FOR ASSESSING CONFORMITY

1. This annex describes the procedure whereby the manufacturer who satisfies the obligations of point 2 of this Annex ensures and declares that the EuP satisfies the requirements of the applicable implementing measure. The declaration of conformity may cover one or more EuPs and must be kept by the manufacturer.

2. A management system may be used for the conformity assessment of an EuP provided that the manufacturer implements the environmental elements specified in pt. 3 of this annex.

3. Environmental elements of the management system

This point specifies the elements of a management system and the procedures by which the manufacturer can demonstrate that an EuP complies with the requirements of the applicable implementing measure.

3.1. The environmental product performance policy

The manufacturer must be able to demonstrate conformity with the requirements of the applicable implementing measure. The manufacturer must also be able to provide a framework for setting and reviewing environmental product performance objectives and indicators with a view to improving the overall environmental product performance.

All the measures adopted by the manufacturer to improve the overall environmental performance of and to establish the ecological profile of an EuP, if required by the implementing measure, through design and manufacturing, must be documented in a systematic and orderly manner in the form of written procedures and instructions.

These procedures and instructions must contain, in particular, an adequate description of:

- a) the list of documents that must be prepared to demonstrate the EuP's conformity and, if relevant, that have to be made available;
- b) the environmental product performance objectives and indicators and the organisational structure, responsibilities, powers of the management and allocation of resources with regard to their implementation and maintenance;
- c) the checks and tests to be carried out after manufacture to verify product performance against environmental performance indicators;
- d) procedures for controlling the required documentation and ensuring that it is kept up to date;
- e) the method of verifying the implementation and effectiveness of the environmental elements of the management system.

3.2. Planning

The manufacturer will establish and maintain

- a) procedures for establishing 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 and documentation

3.3.1. The documentation concerning the management system should cover the following, in particular:

- a) responsibilities and authorities will be defined and documented in order to ensure effective environmental product performance and reporting on its operation for review and improvement;
- b) documents will be established indicating the design control and verification techniques implemented and processes and systematic measures used when designing the product;
- c) the manufacturer will establish and maintain information to describe the core environmental elements of the management system and the procedures for controlling all documents required.

3.3.2. The documentation concerning the EuP will specify, in particular:

- a) a general description of the EuP and of its intended use;
- b) 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 evaluating, documenting and determining product design solutions;
- c) the ecological profile, if required by the implementing measure;

d) documents describing the results of measurements on the ecodesign requirements carried out including details of the conformity of these measurements as compared with the ecodesign requirements set out in the applicable implementing measure;

e) the manufacturer will establish specifications indicating, in particular, standards which have been applied; where standards referred to in art. 10 are not applied or where they do not cover entirely the requirements of the relevant implementing measure, the means used to ensure compliance;

f) a copy of the information concerning the environmental design aspects of the product provided in accordance with the requirements specified in annex no 3, part 2.

3.4. Checking and corrective action

a) the manufacturer must take all measures necessary to ensure that the EuP is manufactured in compliance with its design specification and with the requirements of the implementing measure which applies to it;

b) the manufacturer will establish and maintain procedures to investigate and respond to non-conformity, and implement changes in the documented procedures resulting from corrective action;

c) the manufacturer will carry out at least every 3 years a full internal audit of the management system with regard to its environmental elements.

ANNEX No 6

In addition to the basic legal requirement that self-regulatory initiatives shall comply with all provisions of the EC Treaty, in particular internal market and competition rules, as well as with the international engagements of the European Commission, including multilateral trade rules, the following non-exhaustive list of indicative criteria may be used to evaluate the admissibility of self-regulatory initiatives as an alternative to an implementing measure in the context of this decision:

1. Openness of participation

Self-regulatory initiatives shall be open to the participation of third country operators, both in the preparatory and in the implementation phases.

2. Added value

Self-regulatory initiatives shall deliver added value (more than 'business as usual') in terms of the improved overall environmental performance of the EuP covered.

3. Representativeness

Industry and their associations taking part in a self-regulatory action shall represent a large majority of the relevant economic sector, with as few exceptions as possible. Care shall be taken to ensure respect for competition rules.

4. Quantified and staged objectives

The objectives defined by the stakeholders shall be set in clear and unambiguous terms, starting from a well-defined baseline, if the self-regulatory initiative covers a long time-span, interim targets shall be included. It must be possible to monitor compliance with objectives and (interim) targets in an affordable and credible way using clear and reliable indicators. Research information and scientific and technological background data shall facilitate the development of these indicators.

5. Involvement of civil society

With a view to ensuring transparency, self-regulatory initiatives shall be publicised, including through the use of the Internet and other electronic means of disseminating information.

The same method shall apply to interim and final monitoring reports. Interested parties, including authorities, industry, environmental non-governmental organizations and consumer protection associations are invited to comment on any self-regulatory initiative.

6. Monitoring and reporting

Self-regulatory initiatives shall contain a well-designed monitoring system, with clearly identified responsibilities for industry and independent inspectors. The European Commission services, in partnership with the parties to the self-regulatory initiative, shall be invited to monitor the achievement of the objectives.

The plan for monitoring and reporting shall be detailed, transparent and objective. It shall remain for the European Commission services, assisted by a committee, to consider whether the objectives of the voluntary agreement or other self-regulatory measures have been met.

7. Cost-effectiveness of administering a self-regulatory initiative

The cost of administering self-regulatory initiatives, in particular as regards monitoring, shall not lead to a disproportionate administrative burden, as compared to their objectives and to other available policy instruments.

8. Sustainability

Self-regulatory initiatives shall respond to the policy objectives of this Directive including the integrated approach and shall be consistent with the economic and social dimensions of sustainable development. The protection of consumers' interests in health care, quality of life and economic interests shall be integrated.

9. Incentive compatibility

Self-regulatory initiatives are unlikely to deliver the expected results if other factors and incentives, such as market pressure, taxes, and legislation at national level, send contradictory signals to participants in the commitment. Policy consistency is essential in this regard and shall be taken into consideration when assessing the effectiveness of such an initiative.