



## Towards Eco Design of Energy Using Products

Brussels, 8 April 2005

Dear Member of the European Parliament,

In its plenary session next week, the European Parliament will be voting in second reading on the draft eco design of energy using products directive (EuP).

This proposal, which has been fiercely debated with a view to paving an agreement in second reading, aims at regulating the core competence of the manufacturer, namely the design of a product. It will set for decades to come the standards for integrating environmental aspects into the design of engineering products. The Engineering Industry is the largest single manufacturing industry in the EU. It is therefore vital to ensure that the proposal should secure a quality piece of legislation assisting rather than hindering the innovative capacity and the competitiveness of European producers of energy using products.

In particular, European producers of energy using products consider the following principles as fundamental for arriving at a well balanced and well defined directive which would integrate environment, growth and jobs:

1. **Preservation of the internal market:** Article 95 of the EC Treaty must be the sole legal basis of the proposal.
2. There must be **proper and effective market control** in order to ensure fair competition between European and Non-European manufacturers.
3. Industry needs **coherence with existing well-established and proven concepts**, especially in the area of conformity assessment. Module A should remain the relevant conformity assessment procedure. There should be neither mandatory third party certification nor “pre-distribution verification” as this would lead to costly and uncontrollable bureaucratic procedures.
4. We need **well balanced and workable criteria and procedures for the selection of product groups**, which may be subject to implementing measures, and for the establishment of eco design requirements:
  - There should be no introduction of the concept of “best performing” in the spirit of the Japanese “top runner” approach or of benchmarking against the “Best Available Technology”.
  - We are concerned with the proposal of establishing a product list, which would immediately disregard procedures that have just been set for allowing a transparent, open and scientific based future oriented approach in line with Better Regulation Principles.

Orgalime believes that compromise amendments 59, 60, 70 and 73 forming part of voting bloc 1 will be critical in the light of the above quoted principles and will put considerable additional burden, particularly additional administrative burden, on European manufacturers of energy using products. In particular, the potential use of self regulation measures as a means of providing a rapid reply to environmental challenges has been significantly diminished. Also, referencing best available products or technologies available on the markets in a recital bears the risk of misleading interpretations that would favour one particular technology at the expense of another. We also regret that compromise amendment 64 concerning the definition of the „manufacturer“ may not fully address existing loopholes in market control.

However, given the emphasis placed on supportive measures for the many SMEs in our industry, improved market surveillance provisions and the clarity of the new text, which will establish a clear legal framework and notwithstanding the above mentioned reservations, **we recommend to you to support voting bloc 1 consisting of compromise amendments 58-81.**

**Orgalime could however not support the adoption of voting bloc 2 (Amendments 1-57)** since a considerable number of amendments of the draft European Parliament resolution (AM 1, 15, 18, 21, 27, 33, 36, 37, 39, 40, 41, 42, 44, 45, 47, 48, 49, 50, 54, 55 and 57) would, besides severely hampering the competitiveness of our industries, miss the opportunity of enacting high quality legislation in an area which is one of the highest sensitivity for our industry.

We thank you for taking account of Orgalime's recommendations for the vote in plenary.

Yours sincerely,

Adrian Harris  
Secretary General  
(electronically signed)

*Orgalime speaks for 33 trade federations representing some 130,000 companies in the mechanical, electrical, electronic and metalworking industries of 23 European countries. These industries employ some 7 million people and account for 1175 billion euros of annual output, which is a quarter of the EU's output of manufactured products and a third of the manufactured exports of the European Union.*