Directive 2005/32/EC of the European Parliament and of 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Council Directive 92/42/EEC and Directives 96/57/ EC and 2000/55/EC of the European Parliament and of the Council (repealed)

Article 15

Implementing measures

[**F1**1   When an EuP meets the criteria listed under paragraph 2, it shall be covered by an implementing measure or by a self-regulation measure in accordance with paragraph 3(b). Such implementing measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 19(3).]

2   The criteria referred to in paragraph 1 are as follows:
   a   the EuP shall represent a significant volume of sales and trade, indicatively more than 200 000 units a year within the Community according to most recently available figures;
   b   the EuP shall, considering the quantities placed on the market and/or put into service, have a significant environmental impact within the Community, as specified in Community strategic priorities as set out in Decision No 1600/2002/EC;
   c   the EuP shall present significant potential for improvement in terms of its environmental impact without entailing excessive costs, taking into account in particular:
      —   the absence of other relevant Community legislation or failure of market forces to address the issue properly;
      —   a wide disparity in the environmental performance of EuPs available on the market with equivalent functionality.

3   In preparing a draft implementing measure the Commission shall take into account any views expressed by the Committee referred to in Article 19(1) and shall further take into account:
   a   Community environmental priorities, such as those set out in Decision No 1600/2002/ EC or in the Commission's European Climate Change Programme (ECCP);
   b   relevant Community legislation and self-regulation, such as voluntary agreements, which, following an assessment in accordance with Article 17, are expected to achieve the policy objectives more quickly or at lesser expense than mandatory requirements.

4   In preparing a draft implementing measure the Commission shall:
   a   consider the life cycle of the EuP and all its significant environmental aspects, *inter alia*, energy efficiency. The depth of analysis of the environmental aspects and of the feasibility of their improvement shall be proportionate to their significance. The adoption of ecodesign requirements on the significant environmental aspects of an EuP shall not be unduly delayed by uncertainties regarding the other aspects;
   b   carry out an assessment, which will consider the impact on environment, consumers and manufacturers, including SMEs, in terms of competitiveness including on markets outside the Community, innovation, market access and costs and benefits;
   c   take into account existing national environmental legislation that Member States consider relevant;
   d   carry out appropriate consultation with stakeholders;

 e prepare an explanatory memorandum of the draft implementing measure based on the assessment referred to in point (b);

 f set implementing date(s), any staged or transitional measure or periods, taking into account in particular possible impacts on SMEs or on specific product groups manufactured primarily by SMEs.

5 Implementing measures shall meet all the following criteria:

 a there shall be no significant negative impact on the functionality of the product, from the perspective of the user;

 b health, safety and the environment shall not be adversely affected;

 c there shall be no significant negative impact on consumers in particular as regards the affordability and the life-cycle cost of the product;

 d there shall be no significant negative impact on industry's competitiveness;

 e in principle, the setting of an ecodesign requirement shall not have the consequence of imposing proprietary technology on manufacturers;

 f no excessive administrative burden shall be imposed on manufacturers.

6 Implementing measures shall lay down ecodesign requirements in accordance with Annex I and/or Annex II.

Specific ecodesign requirements shall be introduced for selected environmental aspects which have a significant environmental impact.

Implementing measures may also provide that no ecodesign requirement is necessary for certain specified ecodesign parameters referred to in Annex I, Part 1.

7 The requirements shall be formulated so as to ensure that market surveillance authorities can verify the conformity of the EuP with the requirements of the implementing measure. The implementing measure shall specify whether verification can be achieved directly on the EuP or on the basis of the technical documentation.

8 Implementing measures shall include the elements listed in Annex VII.

9 Relevant studies and analyses used by the Commission in preparing implementing measures should be made publicly available, taking into account in particular easy access and use by interested SMEs.

[**F1**10 Where appropriate, an implementing measure laying down ecodesign requirements shall include provisions on the balancing of the various environmental aspects. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 19(3).]

Textual Amendments

 F1 Substituted by Directive 2008/28/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2005/32/EC establishing a framework for the setting of ecodesign requirements for energy-using products, as well as Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC, as regards the implementing powers conferred on the Commission.