



Brussels, 30.11.2016
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COMMISSION RECOMMENDATION

of 30.11.2016

**on guidelines for self-regulation measures concluded by industry under Directive
2009/125/EC of the European Parliament and of the Council**

(Text with EEA relevance)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Article 15(1) of Directive 2009/125/EC of the European Parliament and of the Council¹ provides that when a product meets the criteria listed in paragraph 2, it shall be covered by an implementing measure or by a self-regulation measure.
- (2) Article 15(2) of Directive 2009/125/EC sets out the criteria for products to be covered by an implementing or self-regulation measure, including that the product represents a significant volume of sales within the Union (indicatively over 200,000 units annually), that it has significant environmental impact and that there is significant potential to improve that environmental impact without excessive cost, taking into account the absence of other relevant Union legislation, market failures and the wide disparity in the environmental performance of the products available on the market with equivalent functionality.
- (3) Article 17 of Directive 2009/125/EC provides that voluntary agreements or other self-regulation measures may be presented as an alternative to implementing measures for a product group and shall be assessed at least on the basis of Annex VIII of the Directive.
- (4) Products should be subject to alternative courses of action such as industry's self-regulating voluntary agreements provided for in Article 17 of Directive 2009/125/EC rather than to mandatory implementing measures, if such action is likely to deliver the policy objectives faster or in a less costly manner than the latter.
- (5) The Commission has prepared Guidelines on self-regulation measures concluded by industry in order to facilitate the establishment and implementation of such measures and to ensure consistency of self-regulation measures.
- (6) The Guidelines address in particular the list of indicative criteria in Annex VIII to Directive 2009/125/EC which may be used by the Commission to assess the admissibility of a self-regulatory initiative as an alternative to implementing measures and which refer to openness of participation, added value, representativeness, quantified and staged objectives, involvement of civil society, monitoring and

¹ Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10).

reporting, cost-effectiveness of administering a self-regulatory initiative, sustainability and incentive compatibility.

- (7) Annex VIII to Directive 2009/125/EC provides that the list of criteria it contains is not exhaustive and Article 17 of that Directive provides that a self-regulation measure shall be assessed at least on the basis of Annex VIII. The Guidelines should in particular focus on how the operation of the self-regulation measure should be managed, who can participate, on information and monitoring, reporting and compliance.
- (8) The Guidelines were discussed with Member States and stakeholders at the Consultation Forum established under Article 18 of Directive 2009/125/EC.
- (9) As required by point 6 of Annex VIII to Directive 2009/125/EC, self-regulatory measures should contain a well-designed reporting and monitoring system. The Commission, assisted by the Consultation Forum and the Committee referred to in Article 19(1) of Directive 2009/125/EC should monitor the application of the self-regulation measures and should consider introducing mandatory implementing measures if the objectives of the self-regulation measures have not been met,

HAS ADOPTED THIS RECOMMENDATION:

1. Industry should follow the guidelines set out in the Annex. Following these guidelines will help to ensure that an ecodesign self-regulation measure will be considered by the Commission as a valid alternative to an implementing measure.
2. The Recommendation should be published in the *Official Journal of the European Union*.

Done at Brussels, 30.11.2016

For the Commission
Miguel Arias Canete
Member of the Commission