



COMMISSION DES COMMUNAUTÉS EUROPÉENNES

Bruxelles, le 19.6.2008
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AVIS DU COMITÉ DES ÉVALUATIONS D'IMPACT

**PROPOSITION DE DIRECTIVE DU PARLEMENT EUROPEEN ET DU CONSEIL
ETABLISSANT UN CADRE POUR LA FIXATION D'EXIGENCES EN MATIERE
D'ECOCONCEPTION APPLICABLES AUX PRODUITS**

{COM(2008) 399}
{SEC(2008) 2115}
{SEC(2008) 2116}

for cars, which are already excluded from the scope of the directive. Finally, the IA analysis of the potential benefits of applying the directive to certain products still raises some questions.

Specific recommendations:

(1) The IA needs to assess whether the current framework is also suitable for setting implementing measures for non-energy using products. The IA has been complemented by a more detailed description of the conditions set out i.a. in art. 15 and the subsequent steps for adoption of an implementing measure. However, a more thorough analysis is needed, in particular given the limited experience so far with the implementation of the current directive². As requested in the previous IAB opinion, the IA should assess the criteria stipulated in art. 15 and explain whether they can accommodate the extended scope of the Eco-design directive beyond energy-using products, for instance as concerns the volume threshold indication and potential conflicts between the criteria while pursuing the broader policy objective of reducing negative environmental externalities. In this context, given the time lag between adoption of the directive and development of the implementing measures, the IA should at least consider whether there are credible alternatives to the extension of the Eco-design directive.

(2) The IA should further clarify the potential benefits, taking account of existing policies in the baseline. In order to estimate the potential benefits compared to the baseline, the latter should be properly specified. For instance, in the baseline scenario, the expected impact of the Energy and Climate Change package on improvement of energy efficiency needs to be incorporated. The same goes for other existing policies. Despite having the greatest environmental improvement potential, option 3 (extension to all products including cars) is discarded on the grounds of overlap with existing legislation. A similar analysis should also be done for products other than cars, in particular in the light of references in art. 1.4 of the directive to Community legislation on waste, chemicals and on fluorinated green house gases, as well as the requirement contained in art. 15.2.c³. The IA needs to clarify whether and how the presented potential for environmental improvement has been corrected for these factors (e.g. table 5), since the study on which the findings are based precedes the adoption of the directive by 2 years. The IA also needs to clarify the difference in costs and benefits between option 1 and 2, as tables 9-11 seem to suggest that these are the same for both options.

(3) Some methodological questions still need to be answered. On page 25 the IA explains the reasons for applying an environmental threshold of 0.5%. For illustrative purposes, the IA should analyse other thresholds. It should also explain whether any such threshold will be used when developing implementing measures, and if so, how it will be set. The IA report should also clarify whether and what thresholds will be used to determine 'the most significant environmental parameters of the product', in particular since they may have an impact on administrative costs for business (environmental assessments).

(D) Procedure and presentation

The IA should be a self-standing document: key assumptions from background studies need to be included in the main text when they may have a bearing on the final policy choice. The key terms, such as "total environmental impact" and "CO₂ abatement savings" should be explained.

² The directive came into force only in 2005, and according to the IA. Several countries have not yet properly implemented it. No implementing measure has been adopted yet.

³ For instance detergent textiles and detergent personal care mentioned in table 5 are to large extent covered by the EU chemical legislation. Some other processes and products, included in the analysis for a table 7 (p.25, footnote 34) on the basis of the EDPRO database seem to include processes (slaughtering) or products (drugs) also already covered – one way or another- by Community legislation.

Given that the IA report was submitted to the IAB after the launch of inter-service consultation, the author service should ensure that other services are given sufficient time to comment on the revised version of the IA report.

2) IAB scrutiny process

Reference number	2008/ENTR+/041 (catalogue)
Author DG	ENTR
External expertise used	No
Date of Board Meeting	Written procedure
Date of adoption of Opinion	0 6 MAI 2008

