

# **Simulation of a Directive on environmentally sound products**

Key elements for building a proposal,  
based on the guidelines set by the BEE

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The draft proposal is based on three main desired criteria, as formulated by the BEE :

1. Establish a general environmental soundness requirement for any product put on the market
2. Define the criteria of environmental soundness
3. Impose an obligation on the producer to provide the consumer with the necessary information to prevent the occurrence of an impact on the environment, when using the product.

## **A general environmental soundness requirement ?**

There is a similar idea in the General product safety directive:

« Producers shall be obliged  
to put only safe products on the market »  
(article 3.1.)

↳ « Producers shall be obliged  
to place only environmentally sound products on the  
market »

Amend the directive on General Product Safety or create a new directive ?

Legal basis : article 95 of the Treaty

- which products enter the scope of the draft proposal ?
- what is environmental soundness?  
how do we know if a product is environmentally sound ?
- what happens to non-sound products?
- what guarantees are given to environmentally-sound products ?

## Product ?

Any product

- pertaining to the «functional areas» listed in the ANNEX (transport, clothing, domestic cleaning, etc ;)
- which is intended for end-consumers ?

## **When is a product environmentally sound?**

There is a presumption of soundness when:

- it conforms to « Community Standards on environmental soundness » ;  
(minimum minimumorum: get rid of the products having a heavy impact on the environment )
- it has been awarded a community eco-label
- where no EC rules exist, it conforms to the specific rules of national law of the Member State

**And where no standards, eco-label or national legislation exist ?**

Need for a general requirement for environmental soundness

- generic requirements :

? ? ...

## **Important requirements :**

Get knowledge about the environmental impact of the product

- the producer must know what is the environmental impact of his product, along its life-cycle :  
obligation to make an assessment
- how ? Criteria in an ANNEX or existing standardised procedures
- shall he get the right or duty to impose a marking on its product, when presumed environmentally sound ?

## How to adopt the Community standards on environmental soundness ?

Options:

1. Via a special European Benchmarking Institution – most democratic option

2. Via other standardisation bodies (eg ESB - New Approach)

Both options linked to

- a) the Environmental Objectives (in an ANNEX) based on 6EAP and existing policies AND
- b) checklist of criteria for lifecycle assesment (ANNEX)

## **What shall happen to a non-sound product?**

It cannot enter the market. The decision rests with the producer.

## **What shall happen if a non-sound product enter the market ?**

Measures are taken by the Member State in order to ensure its withdrawal from the market.

**What shall happen when the product was *presumed* environmentally sound but *reveals to be* unsound ?**

Recall /or give more information to the consumers on how to adequately use the product, in order to avoid the environmental impacts, where possible.

If these actions do not have the expected result : denial of further market access

## Diffusion of information

- transmit data on the assessment of the environmental impacts to the public authorities ?
- the producer/retailer must inform the consumer on how to reduce the side-effects on the environment, when using the product.

## **Duty of Member States**

Member States shall ensure that producers and distributors shall comply with their obligations in such a way that products placed on the market are environmentally sound.