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EXPLANATORY MEMORANDUM [to be developed]

1. BACKGROUND

1.1. Context

1.2. The electrical and electronic equipment industry

1.3. Concepts behind the New Approach

2. THE PROPOSAL

3. COHERENCE WITH COMMUNITY PRINCIPLES

3.1. Proportionality

3.2. Subsidiarity

4. COHERENCE WITH COMMUNITY POLICIES

4.1. Enterprise Policy

4.2. Environmental Policy

4.3. Energy Policy

5. IMPACT ANALYSIS

5.1. Impact on the environment

5.2. Impact on the electrical and electronic equipment industry

5.3. Impact on the consumer

5.4. Other

6. EXTERNAL CONSULTATION

Working paper for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on the impact on the environment of electrical and electronic equipment (EEE)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposals from the Commission,

Having regard to the Opinion of the Economic and Social Committee,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) The internal market is an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured.
- (2) Laws, regulations and administrative provisions are in force in some Member States specifying design requirements for electrical and electronic equipment in order to protect the environment. The provisions differ and are likely to affect the free movement of such products and constitute barriers to trade within the Community.
- (3) The harmonisation of national laws is the only means to remove such barriers to trade and unfair competition found in the internal market. This objective cannot be satisfactorily met by the Member States individually. The measures provided for in this Directive lay down only the essential requirements for the free circulation of the electrical and electronic equipment to which it is applicable.
- (4) It is now necessary to integrate environmental protection requirements into the various Community activities in order to promote sustainable development. Such provisions, which are already the subject of the Council Resolution of 3 December 1992 concerning the relationship between industrial competitiveness and environmental protection¹, were recalled in the conclusions of the Industry Council of 29 April 1999.
- (5) The sustainable development of electrical and electronic equipment in the longer term is supported by encouraging a continuous improvement in the overall impact on the environment and the resource consumption of these products.

¹ OJ C 331, 16.12.1992, p. 5.

- (6) Taking into consideration environmental factors throughout the life cycle of a product at the design stage has significant potential to improve the overall environmental impact of a product.
- (7) This Directive establishes a coherent framework for the application of environmental legislation concerning the design of electrical and electronic products with the aim of ensuring the free movement of these goods.
- (8) There may be a requirement to balance environmental protection needs with technical and economic considerations; whereas it is desirable to establish a committee according to Council Decision 1999/268 EC of 28 June 1999 for this Directive, bringing together parties directly involved in the implementation of regulation of the environmental design of electrical and electronic equipment in order to assist the Commission in achieving a harmonised and proportionate application of the provisions so as to meet the needs of the market and the public at large.
- (9) Surveillance authorities should exchange information on the measures envisaged within the scope of this directive with a view to improving surveillance of the market, such co-operation should make the utmost use of electronic means of communication and relevant Community programmes.
- (10) The functioning of this Directive should be reviewed within 5 years of its implementation in the light of the developments in the environmental aspects of products, including improvements in design, energy consumption, treatment of waste, recycling, etc., and of experience gained from application of the essential requirements and the conformity assessment procedures provided for in this directive.
- (11) These measures are in accordance with the principles for the implementation of the new approach as set out in the Council Resolution of 7 May 1985 on a new approach to technical harmonisation and standards² and of making reference to harmonised European standards; whereas the Council Resolution of 28 October 1999 recommended that the Commission should examine whether the New Approach principle could be extended to sectors not yet covered as a means of improving and simplifying legislation wherever possible.
- (12) Harmonised standards are technical specifications adopted by the European Standardisation bodies, as referred in Annex I of European Parliament and Council Directive 98/34/EC³ as amended, on mandates given by the Commission in conformity with Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations and in accordance with the general guidelines for co-operation between the Commission and those bodies signed on 13 November 1984 as amended.
- (13) It is desirable for the Commission to establish a sectoral committee which it will consult before adopting requests to European Standardisation bodies to develop harmonised standards for this Directive, and which will examine any questions connected with the

² OJ C 136, 4.6.1985, p. 1.

³ OJ n° L 204 of 21.07.1998

implementation of the Directive; whereas representatives of equipment manufacturers, users, consumers, environmental non-governmental organisations should be consulted where appropriate.

.....

HAVE ADOPTED THIS DIRECTIVE:

Article 1
Scope

1. This Directive harmonises requirements concerning the design of electrical and electronic equipment to ensure the free movement of these products within the internal market, aiming to improve their overall impact on the environment, and thus providing an efficient use of resources and a high level of environmental protection compatible with sustainable development.

Article 2
Definitions

For the purposes of this Directive:

- a) “Electrical and Electronic Equipment (EEE)” means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1000 Volt for alternating current and 1500 Volt for direct current, and falling within the categories defined in Annex I. It does not include imported second-hand products supplied as antiques.
- b) “Components and sub-assemblies” means parts intended to be incorporated into electrical and electronic equipment, and which are not placed on the market as a final product for sale directly to consumers.
- c) “Manufacturer” means the natural or legal person with responsibility for the design and manufacture of a product in view of its being placed on the market under their own name, regardless of whether these operations are carried out by that person themselves or on their behalf.
- d) “Authorised representative” means any natural or legal person established in the Community who, explicitly designated by the manufacturer, acts on their behalf or may be addressed by authorities and bodies in the Community instead of the manufacturer with regard to the latter’s delegated obligations under this Directive.
- e) “Materials” means raw materials, intermediates, auxiliary materials and chemicals.
- f) “Product design” means the set of processes that transforms requirements into the specification of a product.

- g) “Environmental aspect” means an element or function of a product that can interact with the environment.
- h) “Environmental impact” or “impact on the environment” means any change to the environment, whether adverse or beneficial, wholly or partially resulting from products.
- i) “Life cycle” means the consecutive and interlinked stages, and all directly associated significant inputs and outputs, of a product from the design of the product to the final disposal.
- j) “Life cycle assessment” means a systematic set of procedures for compiling and examining the inputs and outputs of materials and energy and associated environmental impacts directly attributable to the use of a product throughout its life cycle.
- k) “End of life” means state of a product when it is finally removed from use.
- l) “Re-use” means any operation by which electrical and electronic equipment or its components, having reached their end of life, are used for the same purpose for which they were conceived. “Re-use” includes the continued use of electrical and electronic equipment, which is returned to collection points, distributors, recyclers or manufacturers, as well as re-use of equipment following refurbishment.
- m) “Recycling” means the reprocessing in a production process of the waste materials for the original purpose or for other purposes but excluding energy recovery. Energy recovery means the use of combustible waste as a means to generate energy through direct incineration with or without other waste but with recovery of the heat.
- n) “Recovery” means any of the applicable operations provided for in Annex III.B to Directive 75/442/EEC as amended.
- o) “Waste” means any electrical or electronic equipment which the holder discards or intends or is required to discard.
- p) “Ecological profile” means a description of the magnitude and significance of the environmental inputs and outputs associated with a product throughout its lifecycle.

Article 3

Requirements for components and sub-assemblies

1. Manufacturers of components or sub-assemblies of electrical and electronic equipment shall provide all necessary information to enable another manufacturer making use of the component or sub-assembly in electrical and electronic equipment to identify and estimate the magnitude of the environmental inputs and outputs of a product containing the component.
2. In particular, manufacturers of these components or sub-assemblies will provide information on the material composition and the consumption of energy and/or resources of their components or sub-assemblies, and where available, the results of environmental assessments and/or case reference studies which concern the use and end-of-life management of the component or sub-assembly.

Article 4

Placing on the market and putting into service

Member States shall take all appropriate measures to ensure that the EEE may be placed on the market and/or put into service only if they comply with the provisions of this Directive.

Article 5

Free movement

1. Member States shall not create any obstacle to the placing on the market and/or putting into service within their territories on grounds of the environmental protection design aspects of EEE bearing the CE marking referred to in Article 13, indicating that they have undergone conformity assessment in accordance with Article 7.
2. At trade fairs, exhibitions, demonstrations, etc., Member States shall not prevent the showing of electrical and electronic equipment as defined in Article 2 not in conformity with the provisions of this Directive, provided that a visible sign clearly indicates their non-conformity and their non-availability for sale until brought into conformity.

Article 6

Essential requirements

EEE shall be designed by applying the relevant essential requirements set out in Annex II.

Article 7

Conformity assessment

1. Before placing EEE on the market, the manufacturer shall perform a conformity assessment of the EEE with the relevant provisions of this Directive. The manufacturer will, at their choice, either:
 - (a) follow the procedure by which they ensure to apply the internal design control as set out in Annex III, or
 - (b) follow the procedure, by which they ensure to apply the environmental assurance system set out in Annex IV.
2. After placing EEE on the market, the manufacturer shall keep relevant documents relating to the conformity assessment performed and declarations of conformity issued, available for inspection by Member States for a period of 10 years after the last EEE has been manufactured.

Where neither the manufacturer nor their authorised representative are established within the Community, the obligation to retain conformity documentation shall be the responsibility of the person who places the equipment on the Community market.

3. Documents relating to the conformity assessment and declaration of conformity shall be drawn up in one of the official languages of the Community.

Article 8

Presumption of conformity

1. Member States shall regard EEE, bearing the CE marking provided for in Article 12, as conforming to the relevant provisions of this Directive.
2. EEE for which provisions have been applied in accordance with harmonised standards, the reference numbers of which have been published in the Official Journal of the European Communities, shall be presumed to conform to the corresponding essential requirements referred to in Article 6 or to the conformity assessment procedures referred to in Article 7.

Member States shall ensure that appropriate measures are taken to enable interested parties to have an influence at national level on the process of preparing and monitoring the harmonised standards.

3. EEE which have been awarded the Eco-label, according to Council Regulation 1980/2000 of 17 July 2000, OJ L 237 of 21.09.2000, page 1, shall be presumed to fulfil the essential requirements in so far as the Eco-label covers them.
4. EEE designed by an organisation registered according to the Community eco-management and audit scheme established by Council Regulation 1836/93 of 29 June 1993, OJ L 168 of 10.07.1993, page 1, shall be presumed to comply with the essential requirements provided that the design function is included within the scope of the registration.
5. *EEE complying with the provisions of a community environmental agreement, set up under Regulation XXXX/XX and published in the Official Journal of the European Communities, shall be presumed to conform to the corresponding essential requirements laid down in Annex II insofar as they cover these requirements.*

Article 9

Committee on Technical Standards and Regulations

1. The Commission shall adopt all requests relating to this Directive and addressed to the European Standardisation Bodies in conformity with Directive 98/34/EC taking into account an opinion given by the competent sectoral committee.
2. Where a Member State or the Commission considers that the harmonised standards for which application is deemed to satisfy specific provisions of this Directive do not entirely meet the above-mentioned provisions, the Member State concerned or the Commission shall inform the Standing Committee set up by Article 6 of Directive 98/34/EC giving the reasons therefore. The Committee shall issue an opinion as a matter of urgency.
3. The Commission shall, taking into account the Committee's opinion, notify the Member States as to whether or not those standards or parts should be withdrawn from publication referred to in Article 8 (2).

4. The Commission shall inform the European Standardisation body concerned and, if necessary, issue a new request.

Article 10

Committee on impact on the environment of electrical and electronic equipment

1. The Commission shall be assisted by a Committee called the IMPEC composed of the representatives of the Member States and chaired by the representative of the Commission.
2. Where the representative of the Commission submits a draft of the measure to be taken pursuant to Article 11, the regulatory procedure laid down in Article 6 of Decision 1999/468/EC shall apply, in compliance with Article 8(3) and Article 9 thereof. The period provided for in Article 6(6) of Decision 1999/468/EC shall be three months.

Article 11

Specific measures

The Commission, in accordance with the procedure laid down in Article 10(2), shall adopt measures to adapt Annex I and Annex II of this Directive in the light of the evolution of technical knowledge and new scientific evidence or to provide, as appropriate, a more detailed specification of the requirements.

Article 12

Restriction of placing on the market

1. Where a Member State ascertains that electrical or electronic equipment bearing the CE marking and used in accordance with their intended use, does not comply with the environmental design requirements established in Article 6, and/or that the CE marking referred to in Article 13 has been fixed unduly, the manufacturer or their authorised representative shall be obliged to make the EEE comply as regards the provisions of this Directive and/or the CE marking and to end the infringement under conditions imposed by the Member State.
2. Where non-compliance continues, the Member State must take all appropriate measures to restrict or prohibit the placing on the market of the product in question or to ensure that it is withdrawn from the market. The Member State shall immediately inform the Commission of any such measure, indicating the reasons for its decision and, in particular, whether non-conformity is due to:
 - (a) failure to satisfy the essential requirements referred to in Article 6;
 - (b) incorrect application of the harmonised standards referred to in Article 8(2);
 - (c) shortcomings in the harmonised standards referred to in Article 8(2).

3. The Commission shall enter into consultation with the parties concerned without delay and may draw upon technical advice from independent external experts. Where the Commission considers, after this consultation, that the measure is justified, it shall immediately so inform the Member State which took the initiative and the other Member States.

Where the Commission considers, after this consultation, that the measure is unjustified, it shall immediately so inform the Member State which took the initiative and the manufacturer, or his authorised representative established within the Community. Where the decision referred to in paragraph 1 is based on a shortcoming in the standards and where the Member State at the origin of the decision maintains its position, the Commission shall immediately inform the Committee referred to in Article 9 in order to initiate the procedure referred to in Article 9(2).

4. Where electrical or electronic equipment which does not comply bears the CE marking, the competent Member State shall take appropriate action against the person(s) having affixed the CE marking and shall so inform the Commission and the other Member States.
5. The Commission shall ensure that the Member States are kept informed of the progress and outcome of this procedure.
6. The Member States and the Commission shall take the necessary measures to guarantee confidentiality with regard to the above-mentioned information.

Article 13

Marking / Declaration of conformity

1. Before being placed on the market, the EEE must have affixed to them the CE marking of conformity and a declaration of conformity must have been issued, by which the manufacturer or their authorised representative ensures and declares that the EEE comply with all relevant provisions of this Directive.
2. The CE conformity marking consists of the letters CE according to the design laid down in paragraph I.B(d) of the Annex to Decision 93/465/EEC. The CE marking shall be at least 5 mm high and must appear in a visible, legible and indelible form on the EEE, where practicable and appropriate, and on the instructions for use. The CE marking must also appear on the sales packaging.
3. The Declaration of conformity shall contain the elements specified in Annex V.
4. The affixing of markings on EEE which are likely to mislead users as to the meaning or form of the CE marking shall be prohibited.
5. Member States may require the information to be supplied pursuant to Annex 11, part 5, to be in their official language(s) when equipment reaches the final user. Member States may also authorise this to be provided in one or more other official Community language(s). In the application of this provision, Member States shall take into account the principle of proportionality and, in particular:

(a) whether the information can be supplied by harmonised symbols or recognised codes or other measures;

(b) the type of user anticipated for the equipment and the nature of the information which is to be provided.

Article 14

Decisions entailing refusal or restriction

Any decision taken pursuant to this Directive which restricts the placing on the market and/or the putting into service of EEE shall state the exact grounds on which it is based. Such decision shall be notified forthwith to the party concerned, who shall at the same time be informed of the legal remedies available to him under the laws in force in the Member State concerned and of the time limits to which such remedies are subject.

Article 15

Administrative co-operation

Member States shall take appropriate measures in order to encourage the authorities responsible for implementing this Directive to co-operate with each other and provide each other with information in order to assist the functioning of this Directive. The administrative co-operation and exchange of information should take utmost advantage of electronic means of communication and may be supported by relevant Community programmes.

Article 16

Review and reporting

The Council and the European Parliament invite the Commission to review the operation of this Directive and report thereon to the European Parliament and to the Council, on the first occasion not later than 5 years after the entry into force of this Directive. The report shall cover progress on drawing up the relevant standards, as well as any problems that have arisen in the course of implementation. The report shall also outline the activities of the committee and assess the evolution and impact of integrating environmental aspects into product design on the EU market for EEE.

Article 17

Transposition and transitional provisions

1. Before⁴ Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

When Member States adopt the measures referred to in the first subparagraph, they shall contain a reference to this Directive or shall be accompanied by such reference

⁴ [Date corresponding to 24 months after adoption of the Directive]

on the occasion of their official publication. The methods of making such reference shall be laid down by Member States. Member States shall apply such provisions as from⁵

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field governed by this Directive.
3. Member States must permit the placing on the market of EEE which comply with the regulations in force in their territory at the date of application of this Directive until⁶

Article 18
Penalties

Member States shall determine the penalties applicable to breaches of the national provisions adopted pursuant to this Directive. The penalties shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by the date specified in the first subparagraph of Article 17 at the latest, and shall notify it without delay of any subsequent amendment affecting the provisions.

Article 19
Addressees of the Directive

This Directive is addressed to the Member States.

Article 20
Entry into force

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Done at Brussels, [...]

For the European Parliament
The President
[...]

For the Council
The President
[...]

⁵ [Date corresponding to 36 months after adoption of the Directive]

⁶ [Date corresponding to 60 months after adoption of the Directive]

ANNEX I

Categories of Electrical and Electronic Equipment covered by this directive

The following categories of products are defined within the PRODCOM list (Revision 1998.2) established by Council Regulation 3924/91 of 19 December 1991 on the establishment of a Community survey of industrial production.

Electric domestic appliances (products corresponding to NACE Subheading 29.71)

Office machinery and computers (products corresponding to NACE Heading 30)

Electrical machinery and apparatus (products corresponding to NACE Heading 31)

Radio, television and communication equipment (products corresponding to NACE Heading 32)

Medical, precision and optical instruments, watches and clocks (products corresponding to NACE Heading 33)

Games and toys (products corresponding to NACE Subheading 36.50)

ANNEX II
Essential Requirements

A) GENERAL PROVISIONS

Manufacturers of electrical and electronic equipment shall perform an assessment of the environmental impact of a product throughout its lifecycle, based upon the assumption that it is used under the conditions and for the purposes intended.

The manufacturer shall make use of this assessment to select the design solution for the product which represents an optimal balance between environmental factors and other appropriate considerations, such as technical and economic aspects, while complying with all relevant legislation. The design process for EEE shall include, in particular, the elements set out under B).

The manufacturer will document the specific design choices and the reasons behind them so as to permit the product to be manufactured, used, and treated at end of life in accordance with its environmental design. The information provided by the manufacturer on the environmental design characteristics for EEE shall contain, in particular, the elements described in section C).

B) REQUIREMENTS FOR THE DESIGN OF ELECTRICAL AND ELECTRONIC EQUIPMENT

1. The manufacturer shall identify and estimate the magnitude of environmental inputs and outputs associated with electrical and electronic equipment during these phases of the lifecycle of the product:-

- raw material acquisition
- manufacturing
- packaging, transport, and distribution
- installation and use
- end-of-life.

For each phase, the following aspects shall be assessed where relevant:-

- predicted consumption of materials, energy and other resources
- anticipated emissions to air, water or soil
- anticipated pollution through physical effects such as noise, vibration, radiation, electromagnetic fields, etc.
- expected generation of waste material

- possibilities for reuse, recycling and recovery of materials

The depth of this analysis shall reflect the overall environmental influence of the product, taking into consideration the environmental impact of an individual product and the expected number of products to be manufactured. The result of this analysis shall be an ecological profile of the product which describes the significant environmental impacts, concentrating on and prioritising those factors which are capable of being influenced through product design.

2. In developing the product design, manufacturers shall take account of this ecological profile to evaluate the opportunities to improve the environmental performance of their product. The choice of a specific design solution shall achieve a reasonable balance between environmental factors and other relevant considerations, such as safety and health, technical requirements for functionality, quality, and performance, and economic aspects, including manufacturing costs and marketability.
3. In choosing the most appropriate design solutions and technological options, the manufacturer shall apply the principles set out below:
 - a) Strive to prevent pollution and conserve resources throughout the lifecycle of the product.
 - b) Make efficient use of energy and materials throughout the lifecycle of the product.
 - c) Encourage the use of recycled material and the reuse of components, subsystems and systems.
 - d) Minimise the release of hazardous substances into the environment, complying with the relevant Community legislation relating to restrictions on the marketing and use of certain dangerous substances and preparations.
 - e) Optimise the useful lifetime of the product by designing for durability, reliability, modularity, upgradability, reparability, reusability.
 - f) Facilitate end-of-life management – recycling, recovery, disassembly. In particular, make use of common component and material coding standards to facilitate the identification of those components and materials which are suitable for re-use and recycling.
 - g) Avoid transferring environmental problems between various stages of a product lifecycle, or between different products.
 - h) Aim to achieve progress in improving the overall environmental impact of successive generations of products.
4. Where there are changes to the legal, organisational, economic, or other requirements relating to a product which lead to a review of product design, the manufacturer shall also review the environmental aspects of the product design. In particular, the manufacturer shall identify and implement opportunities for improving environmental protection through

the application of new knowledge or scientific findings and developments in the state of the art in environmentally friendly design.

C) REQUIREMENTS FOR INFORMATION AND LABELLING CONCERNING THE ENVIRONMENTAL DESIGN ASPECTS OF ELECTRICAL AND ELECTRONIC EQUIPMENT

The manufacturer shall ensure that relevant information and/or labeling concerning the environmental design aspects of the product is provided to those who are responsible for the product following the design phase, where applicable:-

- Instructions relating to the manufacturing process.
- Information for consumers on the significant environmental characteristics and performance of a product, accompanying the product when it is placed on the market to allow the consumer to compare these aspects of the products.
- Instructions for consumers/users on how to install, use and maintain the product in order to minimise its impact on the environment and to ensure optimal life-expectancy, as well as how to return the product for disposal.
- Information for treatment facilities concerning disassembly, recycling, or disposal at end-of-life. Basic information shall be found on the product itself wherever possible.

ANNEX III
Internal design control

1. This module describes the procedure whereby the manufacturer or their authorised representative who carries out the obligations laid down in section 2 of this Annex ensures and declares that EEE satisfies the relevant provisions of the Directive which apply to it. The manufacturer, or their authorised representative, must affix the CE marking provided for in Article 13 to each item of EEE and draw up a written declaration of conformity. The declaration of conformity may cover one or more products and must be kept by the manufacturer.

2. The documentation must enable an assessment to be made of the conformity of the EEE with the requirements of the Directive which apply to it.

The documentation shall specify, in particular:

- the identification and estimates of the magnitude of expected environmental inputs and outputs throughout the product lifecycle,
- the results of relevant environmental lifecycle assessment studies carried out by the manufacturer, and/or references to environmental lifecycle assessment literature or case studies, which are used by the manufacturer in determining product design solutions,
- a general description of the EEE and of its intended use,
- elements of the product design specification relating to environmental design aspects of the product,
- a copy of the information concerning the environmental design aspects of the product which is provided in accordance with the essential requirements specified in Annex 1 Article 5,
- a list of the appropriate documentation referred to in Article 8, applied in full or in part, and a description of the solutions adopted to meet the requirements of the Directive where the documentation referred to in Article 8 have not been applied.

3. The manufacturer must take all measures necessary to ensure that the manufacturing process will ensure that the equipment will comply with the design specifications referred to in section 2 and with the requirements of the Directive which apply to it.

ANNEX IV
ENVIRONMENTAL ASSURANCE SYSTEM

1. This module describes the procedure whereby the manufacturer who satisfies the obligations of section 2 of this Annex ensures and declares that the EEE satisfies the requirements of the Directive which apply to it. The manufacturer, or their authorised representative, must affix the CE marking provided for in Article 13 to each item of EEE and draw up a written declaration of conformity. The declaration of conformity may cover one or more products and must be kept by the manufacturer.
2. The manufacturer must implement the environmental assurance system specified in section 3 of this Annex.
3. Environmental assurance system (EAS)

The EAS shall define the manufacturer's environmental product performance policy and how the implementation of this policy determines the environmental performance of products in order to ensure compliance of the EEE with the requirements of the Directive which apply to it.

3.1. The environmental product performance policy

The manufacturer shall be committed to achieving improvements in overall environmental product performance and providing a framework for setting and reviewing environmental product performance objectives and indicators.

All the provisions adopted by the manufacturer to analyse the environmental inputs and outputs associated with a product during its lifecycle and to take this analysis into account during product design must be documented in a systematic and orderly manner in the form of written procedures and instructions.

They must contain in particular an adequate description of:

- the environmental product performance objectives and indicators and the organisational structure, responsibilities and powers of the management with regard to their implementation and maintenance,
- the checks and tests to be carried out after manufacture to verify product performance against environmental performance indicators,
- procedures for controlling documents required to ensure that they are periodically reviewed,
- the method of verifying the effective operation of the environmental assurance system.

3.2. Planning

The manufacturer shall establish and maintain

- a) procedures to identify and estimate the magnitude of environmental inputs and outputs of the product that they can control and over which they have an influence in setting their environmental product performance objectives.
- b) environmental product performance objectives and indicators, which consider technological options taking into account technical and economic requirements
- c) a programme for achieving these objectives

3.3 Implementation

- a) responsibilities and authorities shall be defined and documented in order to ensure effective environmental product performance and reporting on its operation for review and improvement
- b) documents shall be established indicating the design control and verification techniques implemented and processes and systematic measures used when designing equipment
- c) the manufacturer shall establish specifications indicating, in particular, standards which have been applied and, where standards referred to in Article 8 are not applied, the means used to ensure compliance with the relevant essential requirements
- d) the manufacturer shall establish and maintain information to describe the core elements of the environmental assurance system and procedures for controlling all documents required
- e) the manufacturer shall establish and maintain procedures to investigate and handle non conformance, and implement changes in the documented procedures resulting from corrective action
- f) the manufacturer shall carry out periodically an internal environmental assurance system audit

ANNEX V
DECLARATION OF CONFORMITY

The EC declaration of conformity must contain the following particulars:

- the name and address of the manufacturer or of their authorised representative established within the Community,
- a description of the electrical and electronic equipment,
- the conformity assessment procedure followed,
- where appropriate, the references of the harmonised standards applied,
- where appropriate, the other technical standards and specifications used,
- where appropriate, the reference of other Community legislation providing for the affixing of the CE mark which is applied,
- particulars of the signatory authorised to sign the legally binding declaration for the manufacturer or their authorised representative established within the Community.

IMPACT ASSESSMENT FORM [to be developed]

**THE IMPACT OF THE PROPOSAL ON BUSINESS WITH SPECIAL REFERENCE
TO SMALL AND MEDIUM-SIZED ENTERPRISES (SMEs)**

TITLE OF THE PROPOSAL

Proposal for a Directive by Council and Parliament on the impact on the environment of electrical and electronic equipment

REFERENCE NUMBER OF THE DOCUMENT:

XXXXXX

1. PROPOSAL

2. IMPACT ON BUSINESSES

2.1. Manufacturers of electrical and electronic equipment

2.2. Manufacturers of electrical and electronic equipment components

2.3. Waste management industries

3. MEASURES TO BE TAKEN BY BUSINESSES TO COMPLY WITH THE PROPOSAL

4. FORESEEABLE ECONOMIC EFFECTS OF THE PROPOSED DIRECTIVE

4.1. Employment

4.2. Investment and the creation of new businesses

4.3. Business competitiveness

5. MEASURES TO TAKE ACCOUNT OF THE SPECIFIC SITUATION OF SMEs

6. CONSULTATION OF THE SOCIAL PARTNERS AND THEIR POSITIONS

The following federations and organisations were consulted:

6.1. Manufacturers

6.2. Non-Governmental Organisations

6.3. Consumers

6.4. Waste management industries

6.5. Standardisation bodies