Procedure file

Basic information

COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2008/0152(COD)
EU Ecolabel Repealing Regulation (EC) No 1980/2000 1996/0312(COD) Subject 3.70.17 European ecolabel and ecolabelling, ecodesign	Procedure completed

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health and Food Safety		17/09/2008
		UEN TATARELLA Salvatore	
	Committee for opinion	Rapporteur for opinion	Appointed
	ITRE Industry, Research and Energy		25/09/2008
		PPE-DE VAKALIS Nikolaos	
	IMCO Internal Market and Consumer Protection		10/09/2008
		PSE HERCZOG Edit	
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Environment	DIMAS Stavros	

Key events

02/09/2008	Committee referral announced in Parliament, 1st reading		
17/02/2009	Vote in committee, 1st reading		Summary
02/04/2009	Results of vote in Parliament		
02/04/2009	Debate in Parliament		
02/04/2009	Decision by Parliament, 1st reading	T6-0209/2009	Summary
26/10/2009	Act adopted by Council after Parliament's 1st reading		
25/11/2009	Final act signed		
25/11/2009	End of procedure in Parliament		
30/01/2010	Final act published in Official Journal		

Technical information

Procedure reference	2008/0152(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)

Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Regulation (EC) No 1980/2000 1996/0312(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 192-p1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/66070

Documentation gateway

Legislative proposal		COM(2008)0401	16/07/2008	EC	Summary
Document attached to the procedure		SEC(2008)2118	16/07/2008	EC	
Document attached to the procedure		SEC(2008)2119	16/07/2008	EC	
Committee draft report		PE418.115	23/12/2008	EP	
Committee opinion	ITRE	PE416.298	22/01/2009	EP	
Committee opinion	IMCO	PE415.324	23/01/2009	EP	
Amendments tabled in committee		PE418.406	28/01/2009	EP	
Committee of the Regions: opinion		CDR0347/2008	12/02/2009	CofR	
Economic and Social Committee: opinion, report		CES0338/2009	25/02/2009	ESC	
Committee report tabled for plenary, 1st reading/single reading		A6-0105/2009	25/02/2009	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0209/2009	02/04/2009	EP	Summary
Commission response to text adopted in plenary		SP(2009)3507	25/06/2009	EC	
Draft final act		03626/2009/LEX	25/11/2009	CSL	
Follow-up document		COM(2017)0355	30/06/2017	EC	Summary
Follow-up document		SWD(2017)0252	30/06/2017	EC	
Follow-up document		SWD(2017)0253	30/06/2017	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

Regulation 2010/66
OJ L 027 30.01.2010, p. 0001 Summary

Corrigendum to final act 32010R0066R(01)
OJ L 108 29.04.2010, p. 0355 Summary

EU Ecolabel

PURPOSE: to lay down rules for the establishment and application of the Community Ecolabel scheme.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTENT: the overall objective of this Regulation is to set benchmarks for the good environmental performance of products and services, based on the top performers in the market. By guiding consumers towards them, the Ecolabel logo should promote those products and services that have met these benchmarks compared to others in the same category. These benchmarks will also be used for developing and implementing other environmental policy tools, such as providing environmental criteria for public purchasers to use and giving recommendations on potential future minimum standards for products.

This proposal is designed to replace Regulation (EC) No 1980/2000 on a revised Community Ecolabel award scheme. The current scheme is not achieving its objectives as it

suffers from low awareness of the label and low uptake by industry, resulting from overly bureaucratic processes and management.

The following package of measures was therefore proposed for the modification and simplification of the scheme:

- design the Regulation to fit better with other sustainable production and consumption actions. This will mean that synergies between different product related policy instruments can be enhanced and therefore mean that there is a harmonisation of the framework in which criteria are presented. This will reduce the administrative burden on companies;
- open up the scope of the label;
- introduce measures to encourage harmonisation with other ecolabelling schemes. For companies wishing to apply for more than one ecolabel, harmonising measures can only reduce their administrative burden. Costs of tests could be reduced by 100% if one label is already held as no additional testing or verification would be required. This reduced financial burden may be particularly interesting for small and medium sized enterprises;
- more product groups / quicker criteria development. Simplified procedure for criteria development would reduce costs for all parties involved (less meetings to attend) but development of more product groups clearly has an associated cost;
- introduce a template for criteria documents to ensure they are more user-friendly. Making criteria documents standardised and more user-friendly will mean reduced administrative burden for companies and purchasing bodies using criteria for technical specifications;
- incorporate guidance for Green Public Purchasing into criteria development. Procurement officers will have easier access to EU-wide harmonised criteria and companies will have a level playing field if the same criteria are used across Europe in technical specifications for contracts. Member States will also save money because the same criteria can be used for eco-labelling and public purchasing;
- abolition of the annual fees and simplification of assessment procedures. The current direct income for competent bodies from fees is around EUR 1million per year in EU 27. This direct income will be lost if fees are abolished, but the administrative burden will be reduced for companies. The administrative savings could be around half a man-day per year for a company, along with the benefit of not having to pay an annual fee. For Member States, the administrative burden of operating the scheme will remain the same as the work required to administer and undertake assessment and verification in the current scheme will be equal to the work required to undertake market surveillance under the new proposals. Simpler criteria should, however, help to reduce the administration required;
- peer review for Competent Bodies;
- boost marketing;
- propose mandatory environmental performance standards for products;
- simplify criteria documents, focusing more on the most significant environmental impacts of products, while keeping the ambition levels high.

This revision of the Ecolabel is aimed at giving the EU Ecolabel:

- high awareness, understanding and respect in the EU-27 and around the world. The medium-term benchmark for success should be that the Ecolabel is recognised by consumers and by companies throughout the EU;
- criteria are for the products and services where the Ecolabel can provide the most benefits, especially product groups with a substantial environmental impact and therefore with high potential for improvement. (Moving from 25 product groups to 40 -50 by 2015);
- many more Ecolabel products on the shelves for consumers to choose from (with a 10% market share in product groups covered by the label);
- criteria documents which can easily be used by public purchasers;
- an Ecolabel very well harmonised with other labels, globally and nationally;
- an Ecolabel that can be attained by companies with limited costs and efforts for them while still maintaining a high ambition in order to ensure credibility of the label with consumers and environmental groups.

Costs depend to a large extent depend on the uptake by industry and the associated costs of market surveillance of the conformity of those using the label.

EU Ecolabel

The Committee on the Environment, Public Health and Food Safety adopted the report drawn up by Salvatore TATARELLA (UEN, IT) amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council on a Community Ecolabel scheme.

The main amendments were as follows:

Scope: this Regulation shall apply to food and drink if a study conducted by the Commission, by 31 December 2011 at the latest demonstrates that it is possible for food, or only for some specific categories of food, to establish reliable criteria covering the environmental performance during the whole life cycle of the products, with particular attention to the feasibility and the impact of Ecolabel criteria on food as well as on products of fishing and aquaculture.

CMR and pharmaceutical products: in conformity with the precautionary principle the Ecolabel may not be awarded to products containing substances, preparations or mixtures classified as very toxic, toxic, dangerous to the environment, carcinogenic, mutagenic or toxic for reproduction (CMR). For specific categories of goods, the Commission may adopt measures to grant derogations. Because of their special

nature, pharmaceutical products must remain excluded from the scope of this regulation.

Competent bodies: they shall be provided with all the necessary financial means and human resources. They shall carry out the verification process in a consistent and reliable manner, in accordance with standards of EN 45000 series or equivalent international standards.

Ecolabel criteria: the Ecolabel criteria shall: (i) set out the environmental requirements that a

product must fulfil in order to bear the Ecolabel and shall be based on a scientific analysis; (ii)

be based on the precautionary principle; (iii) be based on the full life cycle of the products and on all their environmental impacts. For products covered by existing Community legislation on labelling, Ecolabel criteria shall always correspond to the highest environmental requirements. In addition, the Commission shall ensure that reducing animal testing is a key consideration in the development and revision of the criteria.

Revision of the criteria: stakeholders represented in the EUEB may be put in charge of leading the development of criteria, provided that they can demonstrate expertise in the product area, as well as the ability to lead the process with neutrality and in line with the aims of this Regulation. Where there is a need for a non-substantial revision of the criteria, a shortened revision procedure as laid down in Annex I Ba may apply.

Working plan: the Commission shall prepare and publish a three-year Community Ecolabel working plan setting objectives as well as a non-exhaustive list of product groups which will be considered as priorities for Community action. This plan shall be regularly updated.

Approving criteria: the Commission should explain changes in its draft proposal as compared to the EUEB opinion. It should also have a deadline for the final decision.

SMEs: when establishing Ecolabel criteria care shall be taken not to introduce measures whose implementation may impose disproportionate administrative and economic burdens on SMEs. In order to protect SMEs, the Commission shall: (a) ensure that the information offices to be set up under the forthcoming Small Business Act are also assigned the task of providing information about the ecolabelling scheme; and (b) actively promote the approximation of different labelling schemes.

Prior registration: as well as applications for registration including all relevant documentation, the economic operator shall provide evidence that compliance with the Ecolabel criteria has been certified by an independent body. Ecolabel shall be subject to payment of a fee relating to the costs of processing the application. In any case, the fee should be reduced by at least 25% for SMEs.

Checks: the Commission shall ensure that the competent bodies undertake spot checks on a regular basis. The Member States shall provide the competent bodies with all the necessary means to carry out these checks.

Promotional activities: the Commission, Member States and participating companies shall, in cooperation with the EUEB, allocate significant resources to promote the use of the Community Ecolabel by awareness-raising actions, information campaigns and the dissemination of information from the dedicated Ecolabel website. They should also encourage the uptake of the scheme, in particular by setting up help desk services for operators, especially SMEs. Whilst the marketing of the Ecolabel scheme shall remain a national competence so as to better reflect the consumer preferences of each Member State, a common marketing expertise shall be put in place to provide guidance, and coordination, to promote exchange of best practices, and to develop concrete action plans at Community level.

EU Ecolabel

The European Parliament adopted by 633 voted to 18, with 2 abstentions, a legislative resolution amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council on a Community Ecolabel scheme.

The amendments adopted in plenary were the result of a compromise negotiated with the Council:

Scope: the Regulation shall apply neither to medicinal products for human use, as defined in Directive 2001/83/EC on the Community code relating to medicinal products for human use, or for veterinary use, as defined in Directive 2001/82/EC on the Community code relating to veterinary medicinal products, nor to any type of medical devices.

Competent bodies: competent bodies shall ensure that the verification process is carried out in a consistent, neutral and reliable manner by a party independent from the operator being verified, based on international, European or national standards and procedures concerning bodies operating product-certification schemes.

European Union Ecolabelling Board (EUEB): this shall consist of the representatives of the competent bodies of all the Member States and shall elect its president according to its rules of procedure. The EUEB shall ensure a balanced participation of all relevant interested parties in respect of each product group, such as competent bodies, manufacturers, producers, retailers, service providers, wholesalers and importers, notably SMEs.

General requirements for the Ecolabel criteria: the criteria shall be determined on a scientific basis and considering the whole life cycle of products. The following shall also be taken into consideration: (i) the substitution of hazardous substances by safer substances, as such or via the use of different materials or design changes, where it is technically feasible; (ii) the potential to reduce environmental impacts due to durability and reusability of products; (iii) where appropriate, social and ethical aspects, e.g. by making reference to related international conventions and agreements such as relevant ILO standards and codes of conduct.

The development of criteria shall as far as possible take into account the goal of reducing animal testing.

Study: before developing criteria for food and feed products, as defined in Regulation (EC) No 178/2002, the Commission shall undertake a study, by 31 December 2011 at the latest, exploring the feasibility of establishing reliable criteria covering environmental performance during the whole life cycle of such products, including the products of fishing and aquaculture. The study should pay particular attention to the impact of any Ecolabel criteria on food and feed products, as well as unprocessed agricultural products that lie within the scope of Regulation (EC) No 834/2007. The study should consider the option that only those products certified organic would be eligible for receiving the Ecolabel award, to avoid confusion for consumers.

Hazardous substances: the Ecolabel may not be awarded to goods containing substances or preparations/mixtures meeting the criteria for classification as toxic, hazardous to the environment, carcinogenic, mutagenic or toxic for reproduction (CMR), nor to substances referred to in

Article 57 of Regulation (EC) No 1907/2006 (REACH).

Development and revision of the Ecolabel criteria: other stakeholders may be put in charge of leading the development of criteria. In this case, they must demonstrate expertise in the product area, as well as the ability to lead the process with neutrality and in line with the aims of the regulation. In this regard, consortiums consisting of more than one interest group shall be favoured. Where a non-substantial revision of the criteria is necessary, the shortened revision procedure as laid down in Part C of Annex I may apply.

Working plan: within one year from the entry into force of the regulation, the EUEB and the Commission shall agree on a working plan including a strategy and a non-exhaustive list of product groups. This plan will consider other Community action (e.g. in the field of green public procurement) and may be updated according to the latest strategic objectives of the Community in the field of the environment.

Establishment of the Ecolabel criteria: draft Ecolabel criteria shall be developed in accordance with the procedure laid down in Annex I and taking into account the working plan. The Commission shall, no later than nine months after consultation of the EUEB, adopt measures to establish specific Ecolabel criteria for each product group. These measures shall be published in the Official Journal of the European Union.

When establishing Ecolabel criteria, care shall be taken not to introduce measures whose implementation may impose disproportionate administrative and economic burdens on SMEs.

Awarding the Ecolabel: any operator who wishes to use the Ecolabel shall apply to the competent bodies in accordance with certain rules.

Applications shall specify the full contact details of the operator, as well as all other information requested by the competent body. The use of the Ecolabel shall be conditional upon the fees having been paid in due time. The competent body may reject the application if the operator fails to complete the documentation within six months after the competent body notifies it.

Competent bodies shall preferentially recognise tests which are accredited according to ISO 17025 and verifications performed by bodies which are accredited under the EN 45011 standard or an equivalent international standard. They shall conclude a contract, covering the terms of use of the Ecolabel. The operator may place the label on the product only after conclusion of the contract.

Promotion of the Ecolabel: Member States and the Commission shall, in cooperation with the EUEB, agree on a specific action plan to promote the use of the Community Ecolabel by: (i) awareness-raising actions and information and public education campaigns for consumers, producers, manufacturers, wholesalers, service providers, public purchasers, traders, retailers and the general public; (ii) encouraging the uptake of the scheme, especially for SMEs.

Promotion of the Ecolabel may be undertaken via the Ecolabel website providing basic information and promotional materials on the Ecolabel, and information on where to purchase Ecolabel products, in all community languages.

Exchange of information and experiences: in order to foster consistent implementation of the regulation, competent bodies shall regularly exchange information and experiences. The Commission shall set up a working group of competent bodies for this purpose, which shall meet at least twice a year.

EU Ecolabel

Please see the model in the Official Journal L 108, 29.4.2010, p. 355.

EU Ecolabel

PURPOSE: to lay down rules for the EU Ecolabel scheme.

LEGISLATIVE ACT: Regulation (EC) No 66/2010 of the European Parliament and of the Council on the EU Ecolabel.

CONTENT: following agreement with the European Parliament at first reading, the Council adopted this Regulation laying down rules for the establishment and application of the voluntary EU Ecolabel scheme. The scheme is designed to help consumers choose "green" products and services and can be awarded to the 10-20% most ecological products in each category. The revised Eco-Label Regulation covers more items so as to increase its visibility. Only medical and veterinary products are excluded, while a Commission study will examine whether food and feed could be included in the future. Fees and administrative procedures have been reduced for SMEs in order to facilitate their participation in the scheme.

The main points are as follows:

Scope: the Regulation applies to any goods or services which are supplied for distribution, consumption or use on the Community market whether in return for payment or free of charge. It applies neither to medicinal products for human use, as defined in Directive 2001/83/EC on the Community code relating to medicinal products for human use or for veterinary use, as defined in Directive 2001/82/EC on the Community code relating to veterinary medicinal products, nor to any type of medical device.

Competent bodies: each Member State shall designate the body or bodies, within government ministries or outside, responsible for carrying out the tasks provided for in the Regulation and ensure that they are operational. The composition of the competent bodies shall be such as to guarantee their independence and neutrality and their rules of procedure shall be such as to ensure transparency in the conduct of their activities as well as the involvement of all interested parties. Requirements for competent bodies are laid down in the Annex to the Regulation. Competent bodies shall ensure that the verification process is carried out in a consistent, neutral and reliable manner by a party independent from the operator being verified, based on international, European or national standards and procedures concerning bodies operating product-certification schemes.

European Union Eco-labelling Board: the Commission shall establish a European Union Ecolabelling Board (EUEB) consisting of the representatives of the competent bodies of all the Member States, and of other interested parties. The EUEB shall elect its president according to its rules of procedure. It shall contribute to the development and revision of EU Ecolabel criteria and to any review of the implementation of the EU Ecolabel scheme. It shall also provide the Commission with advice and assistance in these areas and, in particular, issue recommendations on minimum environmental performance requirements. The Commission shall ensure that, in the conduct of its activities,

the EUEB observes a balanced participation of all relevant interested parties in respect of each product group, such as competent bodies, producers, manufacturers, importers, service providers, wholesalers, retailers, notably SMEs, and environmental protection groups and consumer organisations.

General requirements for EU Ecolabel criteria: the EU Ecolabel criteria shall:

- be based on the environmental performance of products, taking into account the latest strategic objectives of the Community in the field of the environment;
- set out the environmental requirements that a product must fulfil in order to bear the EU Ecolabel;
- be determined on a scientific basis considering the whole life cycle of products.

In determining such criteria, the following shall be considered:

- the most significant environmental impacts, in particular the impact on climate change, the impact on nature and biodiversity, energy and resource consumption, generation of waste, emissions to all environmental media, pollution through physical effects and use and release of hazardous substances;
- the substitution of hazardous substances by safer substances, as such or via the use of alternative materials or designs, wherever it is technically feasible;
- the potential to reduce environmental impacts due to durability and reusability of products;
- the net environmental balance between the environmental benefits and burdens, including health and safety aspects, at the various life stages of the products;
- where appropriate, social and ethical aspects, e.g. by making reference to related international conventions and agreements such as relevant ILO standards and codes of conduct;
- criteria established for other environmental labels, particularly officially recognised, nationally or regionally, EN ISO 14024 type I environmental labels, where they exist for that product group so as to enhance synergies;
- as far as possible the principle of reducing animal testing.

Feasibility study: before developing EU Ecolabel criteria for food and feed products, as defined in Regulation (EC) No 178/2002, the Commission shall undertake a study, by 31 December 2011 at the latest, exploring the feasibility of establishing reliable criteria covering environmental performance during the whole life cycle of such products, including the products of fishing and aquaculture. The study should pay particular attention to the impact of any EU Ecolabel criteria on food and feed products, as well as unprocessed agricultural products that lie within the scope of Regulation (EC) No 834/2007. The study should consider the option that only those products certified as organic would be eligible for award of the EU Ecolabel, to avoid confusion for consumers.

The Commission shall decide, taking into account the outcome of the study and the opinion of the EUEB, for which group of food and feed, if any, the development of EU Ecolabel criteria is feasible, in accordance with the regulatory procedure with scrutiny.

Hazardous substances: the EU Ecolabel may not be awarded to goods containing substances or preparations/mixtures meeting the criteria for classification as toxic, hazardous to the environment, carcinogenic, mutagenic or toxic for reproduction (CMR), in accordance with Regulation (EC) No 1272/2008, nor to goods containing substances referred to in Article 57 of Regulation (EC) No 1907/2006 (REACH).

For specific categories of goods containing these substances, and only in the event that it is not technically feasible to substitute them as such, or via the use of alternative materials or designs, or in the case of products which have a significantly higher overall environment performance compared with other goods of the same category, the Commission may adopt measures to grant derogations. No derogation shall be given concerning substances that meet the criteria of Article 57 of Regulation (EC) No 1907/2006 and that are identified according to the procedure described in Article 59(1) of that Regulation, present in mixtures, in an article or in any homogeneous part of a complex article in concentrations higher than 0,1 % (weight by weight). Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny.

Development and revision of EU Ecolabel criteria: the Regulation sets out the rules on revision of the criteria, and specifies the documents that must be produced.

Establishment of EU Ecolabel criteria: draft EU Ecolabel criteria shall be developed in accordance with the procedure laid down in the Regulation. The Commission shall, no later than nine months after consulting the EUEB, adopt measures to establish specific EU Ecolabel criteria for each product group. When establishing EU Ecolabel criteria, care shall be taken not to introduce measures whose implementation may impose disproportionate administrative and economic burdens on SMEs.

Award of the EU Ecolabel: any operator who wishes to use the EU Ecolabel shall apply to the competent bodies in accordance with the following rules:

(a) where a product originates in a single Member State, the application shall be presented to a competent body of that Member State;

(b) where a product originates in the same form in several Member States, the application may be presented to a competent body in one of those Member States;

(c) where a product originates outside the Community, the application shall be presented to a competent body in any of the Member States in which the product is to be or has been placed on the market.

The EU Ecolabel shall have the form depicted in the Regulation.

The Regulation lays down the rules on application and time-limits. If a product is accepted, the competent body shall conclude a contract with each operator, covering the terms of use of the EU Ecolabel (including provisions for the authorisation and withdrawal of the EU Ecolabel, notably following the revision of criteria). To that end a standard contract shall be used in accordance with the template in the Regulation. The operator may place the EU Ecolabel on the product only after conclusion of the contract.

Promotion of the Ecolabel: Member States and the Commission shall, in cooperation with the EUEB, agree on a specific action plan to promote the use of the Community Ecolabel by: (i) awareness-raising actions and information and public education campaigns for consumers, producers, manufacturers, wholesalers, service providers, public purchasers, traders, retailers and the general public; (ii) encouraging the uptake of the scheme, especially for SMEs.

Promotion of the Ecolabel may be undertaken via the Ecolabel website providing basic information and promotional materials on the Ecolabel,

and information on where to purchase Ecolabel products, in all community languages.

Market surveillance: any false or misleading advertising or use of any label or logo which leads to confusion with the EU Ecolabel shall be prohibited. The competent body shall, in respect of products to which it has awarded the EU Ecolabel, verify that the product complies with the EU Ecolabel criteria and assessment requirements, on a regular basis. The competent body shall also undertake such verifications upon complaint.

Report: by 19 February 2015, the Commission shall submit to the European Parliament and the Council a report on the implementation of the EU Ecolabel scheme. The report shall also identify elements for a possible review of the scheme.

ENTRY INTO FORCE: 19/02/2010.