



*Raising standards for consumers*



The Consumer Voice in Europe

# ANEC/BEUC comments on the draft voluntary agreement guidelines

EC draft Guidelines on self-regulation measures concluded by industry under the Ecodesign Directive 2009/125/EC

**Contact:** Angeliki Malizou – [environment@beuc.eu](mailto:environment@beuc.eu)

**Ref.:** ANEC-PT-2013-ErP-002 EOM

X/2013/012 - 27/02/2013

**ANEC, THE EUROPEAN ASSOCIATION FOR THE CO-ORDINATION OF CONSUMER REPRESENTATION IN STANDARDISATION**

Av. de Tervueren 32, box 27 – 1040 Brussels – +32 (0)2 743 24 70 – [www.anec.eu](http://www.anec.eu)

EC register for interest representatives: identification number 507800799-30

**BUREAU EUROPÉEN DES UNIONS DE CONSOMMATEURS AISBL | DER EUROPÄISCHE VERBRAUCHERVERBAND**

Rue d'Arlon 80, B-1040 Brussels • Tel. +32 (0)2 743 15 90 • Fax +32 (0)2 740 28 02 • [consumers@beuc.eu](mailto:consumers@beuc.eu) • [www.beuc.eu](http://www.beuc.eu)

EC register for interest representatives: identification number 9505781573-45



## Summary

ANEC/BEUC have traditionally expressed strong reservations vis-à-vis voluntary agreements (VAs) and self-regulation in the context of public policy-making in general and in particular in the area of sustainability<sup>1</sup>. The Ecodesign Directive (2009/125/EC) gives priority to voluntary industry agreements if certain preconditions are met. In January 2013, in light of the Consultation Forum on horizontal matters that will take place on March 1st 2013, the European Commission made available a draft document of "Guidelines on the self-regulation measures concluded by industry under the Ecodesign Directive 2009/125/EC". Voluntary agreements under the Ecodesign Directive have so far shown an incoherent approach. Given practical experience from existing voluntary agreements which have often been proven to take more time to achieve an output and implementation than regulation itself, ANEC/BEUC are doubtful regarding the efficiency of self-regulation and therefore propose the deletion of this option when the Directive is revised. However, in the meantime, as the Ecodesign Regulation foresees a role for VAs we welcome at least the proposal of the European Commission services to draft these Guidelines and we provide recommendations on how to improve them. At the moment, the draft document is discussed internally in the Ecodesign Consultation Forum.

---

<sup>1</sup> [ANEC / BEUC position on voluntary environmental agreements](#)- 2006  
[ANEC/BEUC comments on the proposal for a voluntary industry agreement on imaging equipment](#)- 2009  
[ANEC/BEUC/Coolproducts joint statement: Ecodesign Voluntary Agreements fail to impress](#)- 2010

## Summary of recommendations

Hereafter, ANEC/BEUC provide a summary of recommendations on points of key importance for the clarity and the robustness of the future guidelines on voluntary agreements:

- The guidelines must set **minimum** requirements for voluntary agreements proposed by the industry. These requirements have to be fulfilled by all voluntary agreements – existing and future ones - as a precondition for the European Commission to accept a self-regulatory measure instead of legislation.
- Self-regulation cannot be an “automatic” substitute to legislation irrespective of its quality. An **equal level of savings**, as the one that could be achieved with legislation, must be safeguarded.
- The guidelines must make clear that it is not only the objectives i.e. energy savings that must be met by VAs. **All other conditions**, i.e. civil society participation in the process must be met.
- The added value of the VA must be substantiated both in terms of overall **environmental improvements** as well as in terms of **speed**.
- The industry must adopt a **staged approach** from the beginning of the VA agreement. In case that for technological reasons that is not possible, an indicative target must be set which needs to be confirmed at least 18 months before this stage enters into force.
- In order to ensure transparency and equal representation of all interests, **civil society** must be involved throughout the whole process of designing and monitoring the VA.
- All stakeholders must have **access to all information** relevant for a meaningful monitoring.
- The notion of a “**disproportionate**” **burden** for industry must be better defined in order to allow a meaningful comparison with the legislation scenario.
- Voluntary agreements need to take into account and not to contradict **other key EU policies** e.g. on resource efficiency.
- Reporting on market coverage must be conducted within **time limits** that are pre-specified in the text of the VA.
- The **compliance rate** of each manufacturer must refer not to the whole range of products that he produces and fall within the scope of the VA but to each product sub-group he produces as well as to each product model he produces.
- A specific **timeline for revision** must be foreseen for the VA.

- The study on which the self-regulation measure is proposed must take into account **consumer behaviour**.
- Impartiality will be better ensured if **a panel of Inspectors** chosen in consultation with Member States and stakeholders is shouldered with this duty, rather than an individual inspector.
- We welcome the intention of the European Commission to ensure the independency of audits. Furthermore, we support the provision of appropriate **funding for the auditors** to carry out the minimum number of audits and additional funding if the need for more audits arises.
- There must be provisions which shall effectively act as a deterrent for market players to act as free riders such as **financial penalties and exclusion from the VA**.

END.