



Brussels, 22 January 2013

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

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1. Objective of the Guidelines

The '*Guidelines on self-regulation measures concluded by industry under the Ecodesign Directive 2009/125/EC*' (*the Guidelines*) is an explanatory document prepared by the European Commission services (*the EC*) and discussed with Member States and stakeholders gathered in the Consultation Forum (*the CF*) established under Article 18 of Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy related products (*the Directive*).

The Guidelines explain the legal framework applying to ecodesign self-regulation measures. The Guidelines aim at facilitating the establishment and implementation of the self-regulation measures, at ensuring consistency in their structure and in their content and at ensuring uniform interpretation of the applicable principles and rules.

Only the text of the Directive 2009/125/EC is legally binding and is applicable in the Member States of the European Union.

It is expected that all ecodesign self-regulation measures will be drafted and will operate in line with the Guidelines. Furthermore, it is expected that all existing ecodesign self-regulation measures will be aligned with the Guidelines (where necessary) within a year following the adoption of the latter.

2. Role and nature of the ecodesign self-regulation measures

Self-regulation measures concluded under the Directive play an important role in the ecodesign area. Industry can use self-regulation measures to lay down ecodesign requirements for products placed on the EU market and/or put into service and to avoid the EC adopting a mandatory Regulation.

An ecodesign self-regulation measure that meets all conditions specified in the Directive can be considered as a valid alternative to an ecodesign mandatory implementing measure (i.e. a Commission Regulation). Consequently, as long as such a self-regulation measure meets its objectives, the Commission must refrain from adopting the ecodesign Regulation. However, if the monitoring and reporting performed under the self-regulation measure, or Member States or stakeholders, indicate distortions in the functioning of such a measure, the Commission will consider proposing a mandatory ecodesign Regulation.

3. Legal framework of the ecodesign self-regulation measures

According to Article 15(1) of the Directive, the priority product groups (i.e. product groups considered priorities for the undertaking of preparatory studies and adoption of implementing measures, identified under the Directive or the Ecodesign Working Plan) must be covered by either a mandatory implementing measure (i.e. a Commission Regulation) or a self-regulation measure (e.g. a voluntary agreement concluded by industry).

Recital 18 of the Directive encourages the Commission to give priority to the self-regulation measure over the mandatory measure, if the former is likely to deliver the

policy objectives faster or in a less costly manner than the latter. As explained in Recital 19 of the Directive, self-regulation measures can enable quick progress due to rapid and cost-effective implementation, and can allow for flexible and appropriate adaptations to technological options and market sensitivities.

The self-regulation measure can be presented by its signatories as a valid alternative to an implementing measure. According to Article 17 of the Directive, such measures must be assessed at least on the basis of and must comply with the criteria specified in Annex VIII to the Directive:

- a) all provisions of the Treaty (in particular internal market and competition rules),
- b) international engagements of the EU (including multilateral trade rules), and
- c) nine specific and non-exhaustive criteria:

- Criterion 1: openness of participation: *'self-regulatory initiatives must be open to the participation of third country operators, both in the preparatory and in the implementation phases.'*

The self-regulation initiative must remain open to the participation of other companies active on the same product market (including companies from third countries), at all stages including in the preparatory and in the implementation phases. At any time, other companies active on the same product market must be able to join the self-regulation initiative and to participate in its operational costs.

- Criterion 2: added value: *'Self-regulatory initiatives must deliver added value (more than 'business as usual') in terms of the improved overall environmental performance of the product covered.'*

The self-regulation initiative and in particular ecodesign requirements proposed by industry must deliver savings bigger than those that would be generated if no action was taken (*'business as usual'*).

- Criterion 3: representativeness: *'Industry and their associations taking part in a self-regulatory action must represent a large majority of the relevant economic sector, with as few exceptions as possible. Care must be taken to ensure respect for competition rules.'*

The self-regulatory measure must cover a large majority of the relevant market. As an order of magnitude, in principle at least 70% of the total sales of the products placed on the market should be covered by the self-regulation initiative. The signatories should commission a report to be prepared by an independent body proving that the market coverage of the self-regulation measure amounts to at least 70%. This report must be delivered to the EC and must be made publicly available at the moment of proposing the ecodesign self-regulation measure and within thirty days following any change of the signatories (e.g. after a withdrawal of a signatory or after a new signatory joins the agreement). The exceptions must be limited to the necessary minimum.

- Criterion 4: quantified and staged objectives: *'The objectives defined by the stakeholders must be set in clear and unambiguous terms, starting from a well-defined baseline. If the self-regulatory initiative covers a long time-span, interim targets must be included. It must be possible to monitor compliance with objectives and (interim) targets in an affordable and credible way using clear and reliable indicators. Research information and scientific and technological background data must facilitate the development of these indicators.'*

The self-regulation measure must lay down quantified and staged objectives (e.g. dynamic and measurable targets continuously improving over time) to be measured through clear and reliable indicators, based on extensive scientific and technological background. These indicators must allow for the monitoring of compliance with the objectives.

- Criterion 5: involvement of civil society: *'With a view to ensuring transparency, self-regulatory initiatives must be publicised, including through the use of the Internet and other electronic means of disseminating information. The same must apply to interim and final monitoring reports. Stakeholders including Member States, industry, environmental NGOs and consumers' associations must be invited to comment on a self-regulatory initiative.'*

The signatories should ensure full transparency of the self-regulation measure by publishing on a website dedicated to this initiative its text and all other relevant documents, including an updated list of the signatories, reports on the market coverage (mentioned under Criterion 3), compliance reports and audit reports produced by the Independent Inspector, invitations to Steering Committee meetings (see chapter 4.11; *'the SC'*), minutes from Steering Committee meetings and all decisions taken with regard to the self-regulation measure. This website should be established by the signatories within six months following the recognition of the self-regulation measure by the EC.

Furthermore, all stakeholders (industry, national authorities of the EU Member States and EFTA/EEA countries as well as consumer and environmental non-governmental organisations) must be fully involved in the operation of the self-regulation measure. This must include a possibility of commenting on the self-regulation measure (including on its draft), and particularly on the established ecodesign requirements, compliance and audit reports produced by the Independent Inspector (see chapter 4.7) as well as a possibility of participating in Steering Committee meetings established under the measure.

- Criterion 6: monitoring and reporting: *'Self-regulatory initiatives must contain a well-designed monitoring system, with clearly identified responsibilities for industry and independent inspectors. The Commission services, in partnership with the parties to the self-regulatory initiative, must be invited to monitor the achievement of the objectives.'*

The plan for monitoring and reporting must be detailed, transparent and objective. It must remain for the Commission services, assisted by the Committee referred to in Article 19(1), to consider whether the objectives of the voluntary agreement or other self-regulatory measures have been met.'

The self-regulation measure must establish an effective and reliable system of reporting and monitoring that will allow the EC and stakeholders to monitor its application.

The self-regulation measure must lay down, in a detailed, transparent and objective way, rules on reporting and monitoring, including rules applicable to the Independent Inspector.

The Commission, assisted by the Regulatory Committee referred to in Article 19(1) of the Directive (*'the Committee'*) and after consulting stakeholders gathered in the CF, is to decide whether the objectives of the self-regulation measure have been met.

- Criterion 7: cost-effectiveness of administering a self-regulatory initiative: *'The cost of administering self-regulatory initiatives, in particular as regards monitoring, must not lead to a disproportionate administrative burden, as compared to their objectives and to other available policy instruments.'*

The self-regulation measure, notably as regards monitoring, must not lead to a disproportionate administrative burden, when compared to its objectives and other policy instruments.

- Criterion 8: sustainability: *'self-regulatory initiatives must respond to the policy objectives of this Directive, including the integrated approach, and must be consistent with the economic and social dimensions of sustainable development. The protection of the interests of consumers, health, quality of life and economic interests, must be integrated.'*

The self-regulation measure must be in line with the objectives of the Directive to contribute to sustainable development by increasing energy efficiency and the level of protection of the environment, while at the same time increasing the security of the energy supply.

- Criterion 9: incentive compatibility: *'self-regulatory initiatives are unlikely to deliver the expected results if other factors and incentives — market pressure, taxes, and legislation at national level — send contradictory signals to participants in the self-regulatory initiative. Policy consistency is essential in this regard and must be taken into consideration when assessing the effectiveness of the initiative.'*

The self-regulatory measure must be consistent and assessed in conjunction with existing framework conditions, especially incentives – market pressure, taxes and legislation at national level.

Finally, Article 18 of the Directive stipulates that the CF established under the Directive is to contribute to assessing voluntary agreements and other self-regulation measures.

Concluding, the provisions of the Directive relevant for ecodesign self-regulation measures are: recitals 18-21, Articles 15(1), 17 and 18 and Annex VIII.

4. Elements of the ecodesign self-regulation measures

The ecodesign self-regulation measure concluded by industry must contain rules that will regulate its operation. These rules must respect the principles and rules specified in the Guidelines. The self-regulation measure can provide additional (more detailed) rules to the rules laid down in the Guidelines which must not, however, contradict or modify the latter.

It is recommended that the self-regulation measure is drafted in the order of subchapters listed below. This will help to ensure coherence between all self-regulation measures adopted under the Directive and will contribute to facilitating their interpretation and application.

4.1. Objective

The self-regulation measure must clearly state its objectives. The objectives of the self-regulation measure must remain, throughout the whole period of its application, coherent with the objectives of the Directive, i.e. the reduction of environmental impacts of energy related products over their life cycle and the achievement of energy savings through better design.

The self-regulation measure must clearly state that its signatories present this measure as an alternative to a mandatory implementing measure and that the EC is to assess it against the criteria specified in the Directive.

The self-regulation measure must clearly state the reasons for which the industry has decided to propose the voluntary scheme and for which it expects the measure to achieve the policy objectives faster and in a less costly manner than a mandatory Regulation.

The self-regulation measure must clearly state how it is compliant with the principles and criteria laid down in the Directive (including the assessment criteria listed in Annex VIII to the Directive) and with the rules laid down in these Guidelines.

The self-regulation measure must clearly state the date of its most recent version and the date of the entry into force of the requirements laid down in the measure.

4.2 Signatories and market coverage

The self-regulation measure must contain an updated list of the companies who have joined the measure. These companies are to be considered the signatories to the self-regulation measure.

The self-regulation measure must clearly state the market coverage of its current signatories. Only self-regulatory initiatives with coverage of at least 70% of the products placed on the market and/or put into service should be considered as valid ecodesign self-regulation measures.

The signatories must commission a report (to be prepared by an independent body) proving the market coverage of the self-regulation measure of at least 70%:

- at the moment of proposing the self-regulation measure, and
- within thirty days following any change of the signatories (e.g. after a withdrawal of a signatory or after a new company joins the measure).

The report must be delivered to the EC without unnecessary delay and must be made publicly available, including through the website of the measure, if this already exists.

The membership form to be completed and signed by a company wishing to become a signatory must be attached to the self-regulation measure.

The signatories must without unnecessary delay submit to the EC originals of the completed and signed membership forms.

4.3 Scope

The self-regulation measure must clearly define the scope of its application.

The self-regulation measure must list all types of products covered by its scope and must provide their definitions.

The self-regulation measure must list types of products that belong to the product group subject to the self-regulation measure but are exempted from its requirements. The self-regulation measure must provide definitions of the exempted products and justifications for their exemption.

The self-regulation measure must clearly state that its requirements apply to at least 90% of all product models covered by the self-regulation measure placed on the market and/or put into service by each signatory.

4.4 Requirements

The self-regulation measure must clearly lay down the requirements that will aim at improving the environmental performance of the products covered by its scope.

The self-regulation measure must lay down the requirements reducing energy consumption of the products covered by its scope and, where appropriate, the requirements on other significant environmental aspects of these products.

The requirements must be listed per precisely specified Tiers. At least two Tiers must be proposed in the self-regulation measure.

Under each Tier, the requirements must be presented in the following groups: ecodesign requirements, information requirements and energy labelling requirements (where appropriate).

Each self-regulation measure must contain a review clause allowing to review its all essential elements (see chapter 4.14).

It must be possible to measure requirements through clear and reliable indicators, and for the Independent Inspector to monitor the compliance of the signatories with the self-regulation measure.

The self-regulation measure must specify if the proposed requirements are based on an existing study, initiative or project, e.g. a preparatory study run under the Directive or the ENERGY STAR programme. All major differences between requirements proposed in the self-regulation measure and requirements in that study, initiative or project must be highlighted.

4.5 Reporting on the compliance with the self-regulation measure

The self-regulation measure must lay down rules on reporting.

The proposed rules must regulate at least the following aspects:

- Scope of the reporting obligations

The scope of the reporting obligations of a signatory must reflect the scope of its commitments and responsibilities laid down in the self-regulation measure.

As commitments and responsibilities under the self-regulation measure may be different for various signatories (as a result of their different positions and roles in the distribution chain) also the scope of their reporting obligations may vary.

- Type of market and technical data to be reported

Each signatory must be obliged to report all information and data (including market data and data on the environmental performance of products) that is necessary for the Independent Inspector to decide in a reliable way on the compliance of that signatory with all the commitments undertaken in the measure.

The signatories must provide market data allowing the Independent Inspector to assess that at least 90% their products comply with the commitments.

The reporting must be performed for every model covered by the self-regulation measure that is placed on the EU market and/or put into service. The signatories together with the EC and the Independent Inspector are to decide on the exact data to be reported.

- Format of the data to be submitted

The format of the data to be submitted to the Independent Inspector must be the same for all the signatories. The signatories together with the EC and the Independent Inspector are to decide on the exact format in which the data must be reported.

- The means of transmitting reports to the Independent Inspector

The means of transmitting data to the Independent Inspector must take utmost advantage of electronic means of communication.

- Frequency and timing of the reports to be submitted

The signatories must report to the Independent Inspector for the relevant reporting period. Each reporting period must last from 1 January to 31 December.

Each signatory must provide to the Independent Inspector all required information in the agreed format by 28 February of the year following the reporting period.

- Consequences of non-compliance with the rules on reporting

A signatory which has not in any way responded by 28 February to the requests for information sent by the Independent Inspector or which has not provided to the latter all information required to assess its compliance and to produce the report within given deadlines must be considered a '*non-compliant signatory*'.

The signatories together with the EC and the Independent Inspector can discuss and agree on further practicalities of the reporting under the self-regulation measure. The chair must inform the members and the observers to the SC about the discussions and decisions with regard to this aspect.

4.6 Independent Inspector

The self-regulation measure must clearly state the rules on the Independent Inspector.

The Independent Inspector means an independent third party chosen by the EC that is responsible for:

- checking of and reporting on the compliance of the signatories with the requirements of the self-regulation measure, and
- carrying out and reporting on the results of audits.

The self-regulation measure must entitle the Independent Inspector to carry out all activities needed to complete the above mentioned tasks, and at least:

- to collect and to process market and technical data provided by the signatories,
- to prepare compliance reports,
- to carry out audits (of all relevant activities and products),
- to prepare audit reports, and
- to discuss and agree with the signatories the practicalities of the reporting and auditing under the self-regulation measure.

The EC is to engage the Independent Inspector upon terms and conditions respecting the following features. The Independent Inspector is to:

- observe confidentiality, where necessary, in order to protect commercial secrets or to preserve personal data of a signatory. The Independent Inspector should sign '*Nondisclosure Agreements*' with all the signatories to the self-regulation measure,
- be impartial in all its actions and base its opinions and reports only on the facts and not on any preconceived prejudices,
- interpret applicable rules and figures in a truthful and sincere manner,

- be free of conflicts of interest and not have any business relationship with the signatories,
- perform its tasks with due care and supervise adequately all performed tasks for which it will be responsible.

The EC may choose one Independent Inspector for each or for all ecodesign self-regulation measures.

The EC is to bear all costs of the Independent Inspector.

The EC is to provide the signatories with information about the Independent Inspector chosen for the self-regulation measure within thirty days following its appointment.

4.7 Conformity reports. Non-compliance with the requirements

The Independent Inspector must prepare a conformity report for each reporting period. The report is to be prepared on the basis of the market and technical data provided by the signatories. The Independent Inspector is to make utmost efforts to ensure a good quality of the report.

The Independent Inspector must prepare the draft compliance report and send it to the members of the SC by 1 April of the year following the reporting period.

The members of the SC must be entitled to submit their comments on the draft compliance report by 15 April of the year following the reporting period.

The Independent Inspector must submit the final version of the compliance report to the members of the SC by 31 April of the year following the reporting period.

The EC is to distribute the report to the members of the CF.

The conformity report must be published without unnecessary delay on the website of the self-regulation measure.

The conformity report produced by the Independent Inspector must include at least the following information:

- contact details of the Independent Inspector,
- authors of the report,
- date of the report,
- indication of the reporting period,
- summary of the results presented in the report,
- list of the signatories subject to the reporting obligations,
- list of the commitments and requirements on which the signatories must report in the given reporting period,
- information about the applied data collection and processing method,
- information about the (non)compliance of every signatory with its commitments undertaken in the self-regulation measure,

- information about the (non)compliance of all signatories with their commitments undertaken in the self-regulation measure,
- information about the reasons of noncompliance (if any),
- challenges in preparing the report and in particular in collecting and processing data provided by the signatories,
- recommendations for the next reporting periods,
- reporting form agreed with the signatories and used in the process,
- list of the compliant and non-compliant signatories,
- list of the complaint models covered by the self-regulation measure.

A signatory which, according to the report of the Independent Inspector, has not complied with the requirements of the self-regulation measure must be considered a '*non-compliant signatory*'.

Information in the compliance report must be presented both in aggregated form for all the signatories to the self-regulation measure and separately for each individual signatory. Results presented in the report, however, must be anonymised, with the exception of the list of compliant and non-compliant signatories and the list of the compliant models covered by the self-regulation measure, which must not be anonymised.

4.8 Auditing

The self-regulation measure must entitle the Independent Inspector to carry out audits of the signatories to verify their compliance with the requirements of the self-regulation measure.

During an audit, the Independent Inspector is to check the compliance of a signatory with all the applicable requirements laid down in the self-regulation measure.

The signatories to be subject to audits must be chosen by the Independent Inspector randomly, unless specific information justifies the audit of a specific signatory. Such specific information can be provided in particular by the national market surveillance authority which identified on the EU market a non-compliant product covered by the self-regulation measure. The Independent Inspector must involve the EC in the process of deciding on the signatories to be subject to audits.

The Independent Inspector must inform the signatory about its audit on the first day of the audit.

The Independent Inspector is to perform appropriate checks of the characteristics of products on an adequate scale, by means of documentary checks and, where appropriate, physical and laboratory checks performed in third party laboratories, on the basis of adequate samples of products. The Independent Inspector may require the signatory to make specific documentation and information available as appear to be necessary for the purpose of carrying out its activities.

The Independent Inspector must prepare a draft of the audit report within thirty days following the closure of the audit procedure. The Independent Inspector is to make utmost efforts to ensure a good quality of the report. The draft report must be sent to the audited signatory which is to provide its comments within fourteen days of the receipt of the draft

report. The Independent Inspector must, within fourteen days, modify, where appropriate, the draft report following comments received from the signatory. It must specify in the report which comments provided by the signatory have not been taken into account. The Independent Inspector must submit the report to the EC and other members of the SC.

The EC is to distribute the report to the members of the CF.

The audit report must be published without unnecessary delay on the website dedicated to the self-regulation measure.

The audit reports produced by the Independent Inspector must include at least the following information:

- contact details of the Independent Inspector,
- names and contact details of auditors and names of authors of the report,
- date of the report,
- summary of the results presented in the report,
- identification and contact details of the audited signatory,
- date of the audit,
- detailed information about the audit (models covered by the audit, checks and tests performed, identification of third party laboratories performing tests, etc),
- results of the audit, including results of performed checks and tests,
- reasons for noncompliance (if any),
- challenges in preparing and running the audit,
- recommendations for next audits.

A signatory which, according to the audit report of the Independent Inspector, has not complied with the requirements of the self-regulation measure or which has not provided to the latter all information required to assess its compliance and to produce the report within the given deadlines must be considered a '*non-compliant signatory*'.

The EC is to decide on the number of audits performed per year under a self-regulation measure. The EC is to inform the Independent Inspector and the SC about the number of audits to be carried out within given calendar year.

The signatories together with the EC and the Independent Inspector can discuss and agree on further practicalities of audits. The chair must inform the members and observers to the SC about discussions and decisions with regard to this aspect.

4.9 Monitoring of the effectiveness of the self-regulation measure

The self-regulation measure must lay down rules on monitoring.

The rules must allow the EC and stakeholders to effectively monitor the effectiveness of the self-regulation measure.

The EC assisted by the CF and the Committee referred to in Article 19(1) of the Ecodesign Directive is to continuously monitor the application of the self-regulation

measure, and in particular its compliance with the general principles laid down in the Directive and in the Guidelines, and the appropriateness of the proposed requirements.

The EC is to decide whether the self-regulation measure meets its objectives by taking into account the criteria laid down in the Directive, including:

- the type and stringency of the proposed requirements,
- the scope of application of the measure,
- the market coverage,
- the appropriateness of the proposed rules on reporting and monitoring,
- the compliance of the signatories with the requirements (on the basis of the compliance reports and audit reports produced by the Independent Inspector).

If the EC concludes that the objectives and general principles of the Directive and of the Guidelines, as reflected in the self-regulation measure, are not met, it will withdraw its recognition of the measure and it will consider adopting an ecodesign mandatory Regulation.

The EC may hold meetings of the CF to discuss with stakeholders the application of the self-regulation measure.

4.10 Access to background data

The self-regulation measure must clearly state the rules on access to background data.

The self-regulation measure must require the signatories to provide stakeholders (including the EC, national authorities and non-governmental organisations) with access to technical data on the environmental performance of products covered by the measure. The purpose of this provision is to facilitate enforcement activities by national market surveillance authorities and to enable stakeholders to properly assess the level of ambition and impact of the proposed self-regulation measures.

In principle, stakeholders must have access to the technical data concerning all main parameters of the environmental performance of the products covered by the self-regulation measure and all aspects for which allowances have been granted or requested. The scope of the background data granted to stakeholders must reflect requirements laid down in the self-regulation measure.

The rules on access to background data need not apply to commercially sensitive market data.

The signatories together with the EC and the observers to the SC are to agree on practicalities of access to background data and in particular on the following aspects:

- type of technical data to be made available,
- format in which the data must be made available,
- frequency and timing of providing the information.

The signatories and stakeholders must take utmost advantage of electronic means of communication.

The chair must inform the members and observers to the SC about the discussions and decisions with regard to this aspect of the measure. This information must be recorded in the minutes of the SC meeting and must be made available on the website of the measure.

The SC may decide to convene a working group to perform this task.

4.11 Management of the self-regulation measure

The self-regulation measure must establish a Steering Committee (*the SC*) that will manage the operation of the measure.

The SC must consist of all signatories to the self-regulation measure and the EC. Each signatory and the EC must nominate one person to represent it in the SC. The representatives of the signatories and the EC are each to have the status of a member of the SC. All members of the SC must be treated equally and there must be no special arrangements made for selected members.

Meetings of the SC must be open to Member States of the EU, EFTA/EEA countries, the Independent Inspector, non-governmental organisations and other legitimate stakeholders, including companies not being signatories to the measure. The representatives of these bodies are to have the status of observers to the SC.

The SC must elect from among its members a Chair for a period of two years. The Chair can serve more than once. The members of the SC can shorten or end the term of the Chair at any time. The Chair is to be responsible for representing the self-regulation measure outside, convening the SC meetings, running these meetings and drafting minutes from the meetings.

SC meetings must be held in Brussels at least twice per calendar year. The meetings may be held outside Brussels (e.g. in conjunction with international events, such as conferences or trade fairs) provided that all members of the SC agree and that appropriate representation of the observers to the SC will be ensured.

The SC meetings are to be convened by the Chair. Any member of the SC may request the Chair to convene a meeting of the SC.

The Chair must convene an SC meeting whenever any of the conditions justifying the termination of the self-regulation measure mentioned in points b) or c) of chapter 4.15 of the Guidelines occur. The meeting must be convened within thirty days of the receipt by the Chair of the information about the condition justifying the termination of the self-regulation measure.

The Chair should try to avoid convening the SC meetings on a day of other stakeholders' meetings related to ecodesign and energy labelling, e.g. CF meetings or ecodesign and energy labelling Administrative Cooperation (ADCO) and Working Group meetings.

Invitations to the SC meeting must be sent to all members of the SC and to all members of the CF, and must be posted on a website of the self-regulation measure not later than thirty days in advance of the meeting.

The Chair must prepare the draft agenda of the SC meeting. The Chair must include in the draft agenda all points proposed by the members of the SC and, where relevant, all points proposed by the observers. The draft agenda must be sent together with the invitation to all members of the SC and of the CF, and must be posted on a website of the self-regulation measure no later than thirty days in advance of the meeting.

All members of and observers to the SC must have a right to take the floor at the SC meetings and to request the Chair to register their views in the minutes.

Minutes from the SC meeting must be prepared by the Chair and must be sent to all members of the SC and of the CF, and must be posted on the website of the self-regulation measure within thirty days after the meeting. The Chair must give the members and observers to the CF one week to submit comments on the minutes before their further distribution.

The signatories must bear all expenses related to the operation of the SC, except the costs of the representative of the EC and the observers.

The SC may decide to convene a working group to carry out specific task(s) required under the self-regulation measure. In this case, the SC must decide on the composition of the group, its specific tasks and the time frame of its operation. The working group may consist of the members and the observers to the SC and external experts. The working group must be required to report to the SC on the results of its work within a deadline specified by the SC.

The signatories must establish a website dedicated to their self-regulation measure within six months of the recognition of the self-regulation measure by the EC. The website must contain all documents relevant for the measure, including its previous and most recent versions, an updated list of the signatories, reports on its market coverage, compliance and audit reports produced by the Independent Inspector, invitations to SC meetings, draft agendas of SC meetings, minutes of SC meetings and information about the Independent Inspector. The website must provide a possibility for visitors to submit questions about the self-regulation measure to the signatories and to the Independent Inspector. The signatories must bear all expenses related to the development and running of the website.

The SC may decide to contract an external company to provide administrative support in managing the self-regulation measure. The tasks of the external company and other aspects of such a contract must be decided unanimously by the members of the SC.

All decisions of the SC must be taken on the basis of consensus. However, if these Guidelines do not require unanimous decision and if despite reasonable efforts, no consensus can be achieved, the decision can be taken by a two-thirds majority of those present. For any decision (taken unanimously or by a two-thirds majority) a quorum of at least two-thirds of the members of the CF is required. The draft agenda of the SC meeting must specify whether any decisions (particularly concerning the appointment of the Chair

or the adoption of a new version of the self-regulation measure) are expected to be taken at the meeting.

The SC may adopt its rules of procedure, when necessary. These rules, however, must not be conflicting with these Guidelines.

4.12 Voluntary withdrawal of a signatory

The self-regulation measure must clearly state the rules on the voluntary withdrawal of a signatory from the measure.

The signatory to the self-regulation measure must be able to withdraw its participation in the measure at any time. Thirty days written notice, however, must be given to the Chair.

All rights and obligations of the signatory that withdraw its participation in the measure must cease after thirty days of the written notice.

The Chair must inform the SC of the voluntary withdrawal of a signatory within seven days of the receipt of the written notice.

Information about the withdrawal of the signatory must be recorded in the minutes of the first following SC meeting and must be posted on the website of the self-regulation measure.

Within thirty days of the withdrawal of a signatory from the self-regulation measure, the remaining signatories must commission a report proving the market coverage of at least 70% of the products placed on the market and/or put into service. This report must be delivered to the EC without unnecessary delay and must be posted on the website of the self-regulation measure.

If the voluntary withdrawal of the signatory results in the market coverage below required 70%, the self-regulation measure must be considered terminated. Rules provided in chapter 4.15 must be applied.

4.13 Exclusion of a non-compliant signatory

The self-regulation measure must clearly state the rules on the exclusion of a non-compliant signatory from the measure.

A non-compliant signatory is a signatory that:

- a) has not complied with the requirements of the measure as reported in the compliance report and/or in the audit report produced by the Independent Inspector or
- b) has not in any way responded by 28 February to the requests for information required by the Independent Inspector to prepare the compliance report or has not provided to the latter all information required to assess its compliance and to produce the compliance or audit report within given deadlines.

All rights and obligations of the non-compliant signatory under the self-regulation measure must cease and its participation in the agreement must be considered withdrawn.

The Chair must inform the SC about the exclusion of the non-compliant signatory within seven days following the receipt of the information about the condition specified in the above mentioned points a) or b).

Information about the exclusion of the signatory must be recorded in the minutes of the following SC meeting and must be posted on the website of the self-regulation measure.

Within thirty days following the exclusion of the non-compliant signatory from the self-regulation measure, remaining signatories must commission a report proving the market coverage of at least 70% of the products placed on the market and/or put into service. This report must be delivered to the EC and must be posted on the website of the self-regulation measure.

If the exclusion of the non-compliant signatory results in the market coverage below required 70%, the self-regulation measure must be considered terminated. Rules provided in chapter 4.15 must be applied.

4.14 Revision of the self-regulation measure

The self-regulation measure must include a review clause.

The objective of the review process must be to assess every few years all essential elements of the self-regulation measure and in particular its requirements and to indicate whether a new version needs to be prepared.

When revising the self-regulation measure, the signatories must ensure that the policy objectives of the Directive are met and that the measure remains compliant with all the criteria specified in the Directive.

Conclusions of the review process and the proposal for the revised self-regulation measure (e.g. containing the new set of requirements) must be presented to the CF. Following the CF meeting, the conclusions and the proposal may have to be further modified to take into account comments received from the EC and stakeholders.

The observers to the SC must be fully involved in the review and revision process of the self-regulation measure. However, only the signatories are to be entitled to vote on the proposal for the revised self-regulation measure.

In addition to the review and revision of the essential elements of the self-regulation measure, the members of the SC may decide to amend its non-essential elements (e.g. to make style changes or to correct obvious written mistakes). These amendments must be discussed and agreed by all members of the SC but do not have to be presented to the CF.

4.15 Termination of the self-regulation measure

The self-regulation measure must be concluded for an unlimited period of time.

However, the ecodesign self-regulation measure must be considered terminated when one of the following situations occurs:

- a) the signatories have taken a decision at the SC meeting to terminate the self-regulation measure,
- b) the market coverage of the self-regulation measure is below the required 70% of the products placed on the market and/or put into service,
- c) the EC informs the SC that in its opinion the measure no longer meets the objectives and the general principles defined in the Directive and that it has therefore decided to withdraw its recognition of the measure.

The termination of the ecodesign self-regulation measure together with the justification is to be confirmed unanimously by the members of the SC and recorded in the minutes from its first meeting to be held.

The Chair must convene a SC meeting within thirty days of the receipt of the information about the condition specified in the above mentioned points b) or c).

Following termination, the self-regulation measure is not to be considered anymore as a valid alternative to an implementing measure.

4.16 Cooperation with the signatories to other self-regulation measures

The self-regulation measure must encourage the signatories to share expertise, experience, information and best practice with the signatories to other ecodesign self-regulation measures and to promote ecodesign self-regulation initiatives among industry representatives.

5. Recognition of ecodesign self-regulation measures

In principle, companies should provide the Commission with a draft proposal for a self-regulation measure before or during a preparatory study. This should help to ensure that the preparatory and regulatory processes are properly carried out (e.g. no delays are experienced) and that resources are effectively used. The proposal for the self-regulation measure may, however, be also submitted after the preparatory study.

Industry's proposal for the self-regulation measure that is expected to constitute an alternative to an implementing measure must be submitted for comments to the CF. Following the CF meeting, the proposal may have to be modified to take into account comments received from the EC and stakeholders.

Taking into account the opinion of the CF and its own assessment, the EC may recognise the self-regulation measure as a valid alternative to an implementing measure and consequently should abstain from regulating the product group covered by the former if all the following conditions are met:

- the signatories to the self-regulation measure propose that their initiative is considered as an alternative to an implementing measure,

- the self-regulation measure is likely to deliver the policy objectives more quickly and at lesser expense than mandatory requirements,
- the self-regulation measure complies with all the criteria specified in Annex VIII to the Directive, including all provisions of the Treaty, international engagements of the EU, the nine specific criteria listed in that Annex and other assessment criteria applied by the EC.

The EC may recognise an ecodesign self-regulation measure as a valid alternative to an implementing measure by adopting a Commission Report to the European Parliament and to the Council (non-legislative act; *'the Report'*).

In the Report, the EC will inform the two Institutions of the reasons for which it has decided to abstain from establishing mandatory ecodesign requirements for the product group covered by the self-regulation measure. Furthermore, the EC will inform them of its intention to constantly monitor the application of the recognised self-regulation measure.

The EC will publish the Report, together with the text of the self-regulation measure and other relevant accompanying documents, on the Europa website. It must also be published on the website of the self-regulation measure.

Adoption of the ecodesign self-regulation measure or its recognition by the EC does not preclude the possibility for the EC to run preparatory studies or to adopt measures under other policy instruments (e.g. Energy Label, Ecolabel) for the concerned product group.

Should the self-regulation measure not meet the objectives and the general principles defined in the Directive, the Commission will withdraw its recognition and will consider proposing a mandatory ecodesign Regulation.