2 Framework Directives set the general procedure and roles
- Ecodesign
- Energy Labelling

A harmonised methodology to policy development
- Methodology review study about to be launched
- Considering better integration of resource efficiency aspects

Also, Work Plans adopted for 3-4 years periods - priorities

Preparatory Studies define for each product what the appropriate policy tool(s) would be
Procedural Steps – the Policy Pathway

Ecodesign (implementing acts) procedure
- Regulatory Committee (discussion and vote)
- Scrutiny European Parliament & Council
- Adoption by European Commission
- Publication in the Official Journal

Energy Labelling (delegated acts) procedure
- Expert Group Member States (discussion)
- Adoption by European Commission
- Objection European Parliament & Council
- Publication in the official journal

- Ecodesign Work Plan
  - Preparatory/ review study
  - Consultation Forum on draft measures/ proposed voluntary agreement
  - Impact assessment on draft measures/ proposed voluntary agreement
  - Inter-service consultation
  - Notification To World Trade Organisation

- 4 week Feedback mechanism

12-week Open Public Consultation & 4-week feedback on Inception Impact Assessment
Europe: Ecodesign policy process

- Europe follows a policy-making process, which involves stakeholders, and can take from 2-5 years depending on the product.
- That process is completed, and the Commission conducts an internal ‘Concurrence’ process.
- The WTO is then notified.
- The Member States then meet and vote on the measure, and can make minor amendments.
- Parliament and Council hold a scrutiny period.
- The final measure adopted by the Commission, and becomes law 20 days after its published in the European Journal.
Important Dates

• **Publication Date** – date it appears in Official Journal of the European Union (OJEU)
• **Date of Entry into Force** - 20 days after Publication in the OJEU
• **Effective Date** – when the requirements take effect; this can be more than one date

• For example, for lighting:
  − Publication Date is expected to be 5 December 2019
  − So “Entry into Force” will be 25 December 2019
  − And Effective Date is already known, 1 September 2021
(1) Question on placing on the market and/or putting into service as used in Article 3 of the Ecodesign Directive and its implementing Regulations.

Article 2 of the Directive defines ‘placing on the market’ as making a product available for the first time on the Community market with a view to its distribution or use within the Community, whether for reward or free of charge and irrespective of the selling technique and ‘putting into service’ as the first use of a product for its intended purpose by an end-user in the Community.
Problem this can create

- OJEU publication – sets out the effective date, usually 1-3 years
- Retailers can sell old stock indefinitely, as long as it was ‘placed on the market’ prior to the effective date
  - Retailers could run promotions to clear old stock
  - Some retailers have stock-piled e.g., with incandescent lamps – five years after phase-out
- Uncertainty for market surveillance representatives, walk into a store and don’t know whether a product is legal
- Bottom line: CLASP would encourage South Africa to consider a limit on the sale of old stock to avoid this problem in European
Thank you. Any questions?

For more information visit [www.clasp.ngo](http://www.clasp.ngo) or contact:

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