

ErP/ Eco-Design Directive: how to comply



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ErP / Eco Design Directive compliance process

The **Energy Related Products (ErP) Directive** can be broken down into the following stages:

1. The Commission defines a product group (e.g. Televisions or Imaging equipment) which it thinks has potential for significant improvement from an environmental standpoint.
2. The Commission then contract researchers to undertake a "**preparatory study**".
3. The preparatory study quantifies the issues and presents the Commission with policy options. Fundamentally these are:
 - A. No further action (there is not enough potential for improvement or industry is doing as much as would be achieved by regulation)
 - B. Regulation
 - C. Voluntary Agreement
4. One of A, B, or C is agreed at EU level. In the case of B or C, this is known as an "**implementing measure**".
5. In the case of B (e.g. Televisions) or C (e.g. Imaging equipment), any producer in scope needs to show compliance.

The way you go about achieving and showing compliance depends on whether compliance requires regulation or a voluntary agreement (essentially self regulation).

Within each **new approach directive** sit a set of **harmonised standards** which specifically outline criteria manufacturers can use to declare compliance for products of a similar type. For more information on CE marking, please refer to element14's **CE marking and the RoHS recast e-book**.

Regulation of the ErP / Eco-Design Directive

Producer regulations are set out in specific annexes within the Directive. Typically compliance involves meeting certain performance targets. The approach to conformity involves specific elements, which is common to all CE marking directives like Electro-Magnetic Compatibility(EMC), including:

- Maintenance of a **technical file** which holds a record of the description of the product, test results, measures taken to ensure continued conformity during production amongst others
- Creating a **Declaration of Conformity (DoC)** combining all applicable directive and regulations
- **CE marking** the product
- Providing information to the user as specified in the regulation
- Keeping track of non conformities, recalls etc. and keeping the enforcement authorities informed.

It is worth noting that achieving conformity is a matter of self assessment by the producer (or importer if the producer is outside the EU). No notified body or independent assessor needs to be involved.

Enforcement would be carried out by the **Member State Authorities (MSA)**. In the UK this is NMO (and trading standards for retailer issues). The tests required to verify compliance are also stated in the regulation.

Voluntary Agreement (VA) within the ErP / Eco-Design Directive

In this case of voluntary agreement, the Commission agrees a specification with industry which it is satisfied will be at least as successful (in terms of meeting policy aims) as regulation.

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The specification will be similar to a regulation in that it will set performance targets, required information to be supplied, how to verify and dates for submission. Industry must open the agreement up to all players and achieve the buy in of most of that industry by sales (>80% normally).



Performance of producers versus the agreement is provided by an "Independent Inspector" (the analogue of the MSA).

Please note:

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What precisely each producer must do to meet the requirements of the voluntary agreement, will vary depending on the product group concerned. However, typically it would include:

- Providing statements of performance / information provided versus the specification on an annual basis
- Anonymous reporting of these results to a board comprising industry (normally a European Union trade association) and the Commission
- Publication of an annual report on the performance of the voluntary agreement
- In the case of non-compliance, the Inspector will issue audits / issues of notices of required corrective action

Hence, achieving compliance is again a matter of self assessment by the producer. Please note that CE marking would not include eco-design requirements where a voluntary agreement is in place

Note also that the Commission has the power to propose regulation where it sees that the aims of the voluntary agreement are not being met.

In summary

- Self assessment does **not** mean a voluntary agreement - self assessment is used both under regulation and voluntary agreements.