

SUBSIDIARY LEGISLATION 427.64

FRAMEWORK FOR THE SETTING OF ECODESIGN REQUIREMENTS FOR ENERGY- RELATED PRODUCTS REGULATIONS

11th August, 2007

LEGAL NOTICE 347 of 2007, as amended by Legal Notices 217 of 2009, 224 and 433 of 2010, and 93 of 2011.

1. (1) The title of these regulations is the Framework for the Setting of Ecodesign Requirements for Energy-Related Products Regulations.

Citation.
Amended by:
L.N. 433 of 2010.

(2) These regulations implement the requirements of Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of eco design requirements for energy related products, hereinafter referred to as "the Directive".

(3) These regulations shall be read and construed with each of the regulations listed in regulation 2(2) but separately from the other regulations in the said list.

(4) These regulations and the implementing measures shall be without prejudice to Community waste management legislation and Community chemicals legislation, including Community legislation on fluorinated greenhouse gases.

(5) A product which does not comply with these regulations shall be deemed an unsafe product within the meaning of the Product Safety Act.

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(6) The Directorate shall be the competent authority as regards Articles 3(4), 7(7) and 13(3) of the Directive.

2. (1) These regulations provide for the setting of requirements which energy-related products covered by implementing measures must fulfil in order for them to be placed on the market or put into service. They 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.

Scope and
application.
Amended by:
L.N. 217 of 2009;
L.N. 224 of 2010;
L.N. 433 of 2010;
L.N. 93 of 2011.

(2) These regulations shall apply to the following energy using products:

- (a) products within the meaning of Commission Regulation (EC) No 1275/2008 of 17 December 2008 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for standby and off mode electric power consumption of electrical and electronic household and office equipment;
- (b) products within the meaning of Commission

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- Regulation (EC) No 107/2009 of 4 February 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for simple set-top boxes;
- (c) products within the meaning of Commission Regulation (EC) No 244/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for non-directional household lamps;
 - (d) products within the meaning of Commission Regulation (EC) No 245/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps, and repealing Directive 2000/55/EC of the European Parliament and of the Council;
 - (e) products within the meaning of Commission Regulation (EC) No 278/2009 of 6 April 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for no-load condition electric power consumption and average active efficiency of external power supplies;
 - (f) hot-water boilers within the meaning of the Efficiency Requirements for New Hot-Water Boilers Fired with Liquid or Gaseous Fuels (Implementing Measures) Regulations;
 - (g) products within the meaning of Commission Regulation (EC) No 640/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for electric motors;
 - (h) products within the meaning of Commission Regulation (EC) No 641/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products;
 - (i) products within the meaning of Commission Regulation (EC) No 642/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for televisions;
 - (j) products within the meaning of Commission Regulation (EC) No 643/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to

ecodesign requirements for household refrigerating appliances;

(k) products within the meaning of Commission Regulation (EC) No 1015/2010 of 10 November 2010 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household washing machines;

(l) products within the meaning of Commission Regulation (EC) No 1016/2010 of 10 November 2010 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for household dishwashers.

(3) These regulations shall not apply to means of transport for persons and goods.

3. For the purposes of these regulations, the following definitions shall apply:

Definitions.
Amended by:
L.N. 224 of 2010;
L.N. 433 of 2010.

"authorised representative" means any natural or legal person established in the Community who has received a written mandate from the manufacturer to perform on his behalf all or part of the obligations and formalities connected with these regulations or the Directive;

"the Community" means the European Community;

"components and sub-assemblies" means parts intended to be incorporated into products, and which are not placed on the market and, or put into service as individual parts for end users or the environmental performance of which cannot be assessed independently;

"the Directorate" means the Regulatory Affairs Directorate of the Malta Standards Authority, as established by virtue of the Malta Standards Authority (Establishment of Directorates) Order;

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"ecodesign" means the integration of environmental aspects into product design with the aim of improving the environmental performance of the product throughout its whole life cycle;

"ecodesign requirement" means any requirement in relation to an product, or the design of a product, intended to improve its environmental performance, or any requirement for the supply of information with regard to the environmental aspects of a product;

"ecological profile" means a description, in accordance with the implementing measure applicable to the product, of the inputs and outputs (such as materials, emissions and waste) associated with a product throughout its life cycle which are significant from the point of view of its environmental impact and are expressed in physical quantities that can be measured;

"energy recovery" means the use of combustible waste as a means to generate energy through direct incineration with or without other waste but with recovery of the heat;

"energy-related product", hereinafter referred to as a "product",

means any good that has an impact on energy consumption during use which is placed on the market and, or put into service, and includes parts intended to be incorporated into energy-related products covered by this Directive which are placed on the market and, or put into service as individual parts for end-users and of which the environmental performance can be assessed independently;

"environmental aspect" means an element or function of a product that can interact with the environment during its life cycle;

"environmental impact" means any change to the environment wholly or partially resulting from a product during its life cycle;

"environmental performance" of a product means the results of the manufacturer's management of the environmental aspects of the product, as reflected in its technical documentation file;

"generic ecodesign requirement" means any ecodesign requirement based on the ecological profile as a whole of a product without set limit values for particular environmental aspects;

"harmonised standard" means a technical specification adopted by a recognised standards body under a mandate from the Commission, in accordance with the procedure laid down in Directive 98/34/EC of the European Parliament and of the Council of 22nd June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations*, for the purpose of establishing a European requirement, compliance with which is not compulsory;

"hazardous waste" means any waste which is covered by Article 1(4) of Council Directive 91/689/EEC of 12th December 1991 on hazardous waste†;

"implementing measures" are measures adopted pursuant to the Directive laying down eco-design requirements for defined products or for environmental aspects thereof. For the purpose of these regulations "implementing measures" are listed in regulation 2(2);

"importer" means any natural or legal person established in the Community who places a product from a third country on the Community market in the course of his business;

"improvement of the environmental performance" means the process of enhancing the environmental performance of a product over successive generations, although not necessarily in respect of all environmental aspects of the product simultaneously;

"life cycle" means the consecutive and interlinked stages of a product from raw material use to final disposal;

"manufacturer" means the natural or legal person who manufactures products covered by these regulations and is responsible for their conformity with these regulations in view of

*OJ No. L 204, 21-07-1998, p. 37. As last amended by the 2003 Act of Accession.

†OJ No. L 377, 31-12-1991, p. 20. Directive as amended by Directive 94/31/EC (OJ No. L 168, 02-07-1994, p. 28).

their being placed on the market or put into service under the manufacturer's own name or trademark or for the manufacturer's own use. In the absence of a manufacturer as defined herein or of an importer as defined in this regulation, any natural or legal person who places on the market and, or puts into service products covered by these regulations shall be considered a manufacturer;

"materials" means all materials used during the life cycle of a product;

"notified body" means a body designated by the competent national administration of a Member State in accordance with these regulations and the respective implementing measure;

"OJ" means the Official Journal of the European Communities;

"placing on the market" means 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;

"product design" means the set of processes that transform legal, technical, safety, functional, market or other requirements to be met by a product into the technical specification for that product;

"putting into service" means the first use of a product for its intended purpose by an end user in the Community;

"recovery" means any of the applicable operations provided for in Annex II B to Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste*;

"recycling" means the reprocessing in a production process of waste materials for the original purpose or for other purposes but excluding energy recovery;

"reuse" means any operation by which a product or its components, having reached the end of their first use, are used for the same purpose for which they were conceived, including the continued use of a product which is returned to a collection point, distributor, recycler or manufacturer, as well as reuse of a product following refurbishment;

"specific ecodesign requirement" means a quantified and measurable ecodesign requirement relating to a particular environmental aspect of a product, such as energy consumption during use, calculated for a given unit of output performance;

"waste" means any substance or object in the categories set out in Schedule I to the Waste Management (Permit and Control) Regulations, which the holder discards or intends or is required to discard.

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4. (1) Products may be placed on the market or put into service only if they comply with the corresponding implementing measures and bear the CE marking in accordance with regulation 5.

Placing on the market and putting into service.
Amended by:
L.N. 433 of 2010.

(2) The placing on the market and, or putting into service of a product that complies with all the relevant provisions of the

*OJ No. L 396, 30-12-2006, p.1.

applicable implementing measure and bears the CE marking in accordance with regulation 5 shall not be prohibited, restricted or impeded, on grounds of eco-design requirements relating to those eco-design parameters referred to Schedule I, Part 1.

(3) The placing on the market or putting into service of a product bearing the CE marking in accordance with regulation 5 shall not be prohibited, restricted or impeded, on grounds of ecodesign requirements relating to those ecodesign parameters referred to in Schedule I, Part 1, for which the applicable implementing measure provides that no ecodesign requirement is necessary.

(4) The display of products which are not in conformity with the provisions of the applicable implementing measure, for example at trade fairs, exhibitions and demonstrations, shall not be prevented, provided that there is a visible indication that they may not be placed on the market or put into service until brought into conformity.

(5) Where the manufacturer is not established in the Community and in the absence of an authorised representative, the importer shall have the following obligations:

- (a) to ensure that the product placed on the market and, or put into service complies with these regulations and the applicable implementing measure; and
- (b) to keep and make available the EC declaration of conformity and the technical documentation

Marking and
declaration of
conformity.
Amended by:
L.N. 433 of 2010.

5. (1) Before a product covered by implementing measures is placed on the market or put into service, a CE conformity marking shall be affixed and an EC type declaration of conformity issued whereby the manufacturer or its authorised representative ensures and declares that the product complies with all relevant provisions of the applicable implementing measure.

(2) The CE conformity marking consists of the initials "CE" as shown in Schedule II.

(3) The EC type declaration of conformity shall contain the elements specified in Schedule III, and shall refer to the appropriate implementing measure.

(4) The affixing of markings on a product which are likely to mislead users as to the meaning or form of the CE marking shall be prohibited.

Conformity
assessment.
Amended by:
L.N. 224 of 2010;
L.N. 433 of 2010.

6. (1) Before placing a product covered by implementing measures on the market or putting such a product into service, the manufacturer or its authorised representative shall ensure that an assessment of the product's conformity with all the relevant requirements of the applicable implementing measure is carried out.

- (2) (a) The conformity assessment procedures shall be specified by the corresponding implementing measures.

- (b) Implementing measures may refer to the following conformity assessment modules:
 - (i) the internal design control set out in Schedule IV, and the management system set out in Schedule V; or
 - (ii) a module described in Annex II to Decision 768/2008/EC*.
 - (c) Where the Director of Market Surveillance has strong indications of probable non-compliance of a product, he shall immediately inform the Directorate who shall as soon as possible publish a substantiated assessment of the product's compliance which may be conducted by a notified body, in order to allow, if appropriate, timely corrective action, if any.
 - (d) Where a product covered by implementing measures is designed by an organisation registered in accordance with Regulation (EC) No. 761/2001 of the European Parliament and of the Council of 19th March 2001 allowing voluntary participation by organisations in a Community Eco Management and Audit Scheme (EMAS)[†] and the design function is included within the scope of that registration, the management system of that organisation shall be presumed to comply with the requirements of Schedule V.
 - (e) If a product covered by implementing measures is designed by an organisation having a management system which includes the product design function and which is implemented in accordance with harmonised standards the reference numbers of which have been published in the OJ, that management system shall be presumed to comply with the corresponding requirements of Schedule V.
- (3) (a) After placing a product covered by implementing measures on the market or putting it into service, the manufacturer or its authorised representative shall keep relevant documents relating to the conformity assessment performed and declarations of conformity issued available for inspection for a period of ten years after the last of that product has been manufactured.
- (b) The relevant documents shall be made available within ten days upon receipt of a request by the Director of Market Surveillance.
- (4) Documents relating to the conformity assessment and declaration of conformity referred to in regulation 5 shall be drawn up in one of the official languages of the institutions of the European Union.

*O.J. No. L 218, 13-08-2008, p 82

†O.J. No. L 114, 24-04-2001, p 1

Presumption of
conformity and
harmonised
standards.
Amended by:
L.N. 433 of 2010.

7. (1) A product bearing the CE marking referred to in regulation 5 shall be regarded as conforming to the relevant provisions of the applicable implementing measure.

(2) A product for which harmonised standards have been applied, the reference numbers of which have been published in the OJ, shall be regarded as conforming to all the relevant requirements of the applicable implementing measure to which such standards relate.

(3) Products which have been awarded the Community eco-label pursuant to Regulation (EC) No. 1980/2000 shall be presumed to comply with the ecodesign requirements of the applicable implementing measure insofar as those requirements are met by the eco-label.

Information
requirements.
Amended by:
L.N. 433 of 2010.

8. (1) When required by an implementing measure, manufacturers or their authorised representatives who place components and sub-assemblies on the market or put them into service shall provide the manufacturer of a product covered by implementing measures with relevant information on the material composition and the consumption of energy, materials or resources of the components or sub-assemblies.

(2) In accordance with the applicable implementing measure, manufacturers of products shall ensure, in the form they deem appropriate, that consumers of products are provided with:

- (a) the requisite information on the roles that they can play in the sustainable use of the product, and
- (b) when required by the implementing measures, the ecological profile of the product and the benefits of ecodesign.

Confidentiality.

9. Where implementing measures require the supply of information, as referred to in regulation 8(1) or Schedule I Part 2, by the manufacturer or its authorised representative, such requirements shall be proportionate and shall take into account the legitimate confidentiality of commercially sensitive information.

Withdrawal and
prohibition from
market.
Amended by:
L.N. 224 of 2010;
L.N. 433 of 2010.

10. (1) Where it is ascertained that a product bearing the CE marking referred to in regulation 5 and used in accordance with its intended use does not comply with all the relevant provisions of the applicable implementing measure, the manufacturer or its authorised representative shall be obliged to make the product comply with the provisions of the applicable implementing measure or with the CE marking and to end the infringement under conditions imposed by the Director of Market Surveillance.

(2) Where there is sufficient evidence that a product might be non-compliant, the Director of Market Surveillance shall take the necessary measures which, depending on the gravity of the non-compliance, can go as far as the prohibition of the placing on the market of the product until compliance is established.

(3) Where non-compliance continues, the Director of Market Surveillance shall take a decision restricting or prohibiting the placing on the market or putting into service of the product in

question or ensure that it is withdrawn from the market.

(4) (a) Any decision by the Director of Market Surveillance pursuant to these regulations which restricts or prohibits the placing on the market or putting into service of a product shall state the exact grounds on which it is based and the Director of Market Surveillance shall so inform the Directorate thereof.

(b) The Director of Market Surveillance shall forthwith notify the decision to the party concerned, who shall at the same time be informed of the legal remedies available under the laws in force in Malta concerned and of the time limits to which such remedies are subject.

(5) The Director of Market Surveillance shall immediately inform the Directorate of any decision taken pursuant to regulation 10(1), and in particular, whether non-compliance is due to:

(a) failure to satisfy the requirements of the applicable implementing measure;

(b) incorrect application of harmonised standards;

(c) shortcomings in the harmonised standards.

(6) The Directorate shall immediately inform the Commission of any measures taken in pursuance of subregulations (1) to (5).

11. The Method for Designating Conformity Assessment Bodies Regulations, as applied to these regulations and the corresponding implementing measure, shall set out the conditions for the recognition of competence and the subsequent approval of notified bodies.

Notified bodies.
S.L. 427.45

12. The penalties as provided by the Product Safety Act shall apply in respect of the infringement of these regulations.

Penalties.
Added by:
L.N. 433 of 2010.
Cap. 427.

*Substituted by:
L.N. 433 of 2010.*

Schedule I

Based on Annex I of the Directive
**METHOD FOR SETTING GENERIC
ECODESIGN REQUIREMENTS**
(Referred to in regulations 4 and 9)

Generic ecodesign requirements aim at improving the environmental performance of products, focusing on significant environmental aspects thereof without setting limit values. The method referred to in this Schedule must be applied when it is not appropriate to set limit values for the product group under examination. The Commission must, when preparing a draft implementing measure to be submitted to the Committee referred to in Article 19(1) of the Directive, identify significant environmental aspects which must be specified in the implementing measure.

In preparing implementing measures laying down generic ecodesign requirements pursuant to Article 15 of the Directive and Schedule I, the Commission must identify, as appropriate to the product covered by the implementing measure, the relevant ecodesign parameters from among those listed in Part 1, the information supply requirements from among those listed in Part 2 and the requirements for the manufacturer listed in Part 3.

Part 1. Ecodesign parameters for energy-using products

1.1. In so far as they relate to product design, significant environmental aspects must be identified with reference to the following phases of the lifecycle of the product:

- (a) raw material selection and use;
- (b) manufacturing;
- (c) packaging, transport, and distribution;
- (d) installation and maintenance;
- (e) use; and
- (f) end of life, meaning the state of a product having reached the end of its first use until its final disposal.

1.2. For each phase, the following environmental aspects must be assessed where relevant:

- (a) predicted consumption of materials, of energy and of other resources such as fresh water;
- (b) anticipated emissions to air, water or soil;
- (c) anticipated pollution through physical effects such as noise, vibration, radiation, electromagnetic fields;
- (d) expected generation of waste material; and
- (e) possibilities for reuse, recycling and recovery of materials and/or of energy, taking into account Directive 2002/96/EC*.

1.3. In particular, the following parameters must be used, as appropriate, and supplemented by others, where necessary, for evaluating the potential for improving the environmental aspects referred to in point 1.2:

*O.J. No. L 218, 13-08-2008, p 82

- (a) weight and volume of the product;
- (b) use of materials issued from recycling activities;
- (c) consumption of energy, water and other resources throughout the life cycle;
- (d) use of substances classified as hazardous to health and/or the environment according to Council Directive 67/548/EEC of 27th June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packing and labelling of dangerous substances* and taking into account legislation on the marketing and use of specific substances, such as Council Directives 76/769/EEC† of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations or Directive 2002/95/EC‡;
- (e) quantity and nature of consumables needed for proper use and maintenance;
- (f) ease for reuse and recycling as expressed through: number of materials and components used, use of standard components, time necessary for disassembly, complexity of tools necessary for disassembly, use of component and material coding standards for the identification of components and materials suitable for reuse and recycling (including marking of plastic parts in accordance with ISO standards), use of easily recyclable materials, easy access to valuable and other recyclable components and materials; easy access to components and materials containing hazardous substances;
- (g) incorporation of used components;
- (h) avoidance of technical solutions detrimental to reuse and recycling of components and whole appliances;
- (i) extension of lifetime as expressed through: minimum guaranteed lifetime, minimum time for availability of spare parts, modularity, upgradeability, reparability;
- (j) amounts of waste generated and amounts of hazardous waste generated;
- (k) emissions to air (greenhouse gases, acidifying agents, volatile organic compounds, ozone depleting substances, persistent organic pollutants, heavy metals, fine particulate and suspended particulate matter) without prejudice to Directive 97/68/EC of the European Parliament and of the Council of 16th December 1997 relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non road mobile machinery§;
- (l) emissions to water (heavy metals, substances with an adverse effect on the oxygen balance, persistent organic pollutants); and
- (m) emissions to soil (especially leakage and spills of dangerous substances during the use phase of the product, and the potential for leaching upon its disposal as waste).

*O.J. No. L 114, 24-04-2001, p 1.

†OJ No. L262, 27-09-1976, p. 201-203.

‡OJ No. L037, 13-02-2003, p. 19-23.

§OJ No. L59, 27-02-1998, p. 1. Directive as last amended by Directive 2004/26/EC (OJ NO. L146, 30-04-2004, p. 1).

Part 2. Requirements relating to the supply of information

Implementing measures may require information to be supplied by the manufacturer that may influence the way the product is handled, used or recycled by parties other than the manufacturer. This information may include, where applicable:

- (a) information from the designer relating to the manufacturing process;
- (b) information for consumers on the significant environmental characteristics and performance of a product, accompanying the product when it is placed on the market to allow consumers to compare these aspects of the products;
- (c) information for consumers on how to install, use and maintain the product in order to minimise its impact on the environment and to ensure optimal life expectancy, as well as on how to return the product at end of life, and, where appropriate, information on the period of availability of spare parts and the possibilities of upgrading products; and
- (d) information for treatment facilities concerning disassembly, recycling, or disposal at end of life.

Information should be given on the product itself wherever possible.

This information must take into account the obligations under the other Community legislation, such as Directive 2002/96/EC.

Part 3. Requirements for the manufacturer

1. Addressing the environmental aspects identified in the implementing measure as capable of being influenced in a substantial manner through product design, manufacturers of products must perform an assessment of the product model throughout its lifecycle, based upon realistic assumptions about normal conditions and purposes of use. Other environmental aspects may be examined on a voluntary basis.

On the basis of this assessment manufacturers will establish the product's ecological profile. It will be based on environmentally relevant product characteristics and inputs/outputs throughout the product life cycle expressed in physical quantities that can be measured.

2. Manufacturers must make use of this assessment to evaluate alternative design solutions and the achieved environmental performance of the product against benchmarks.

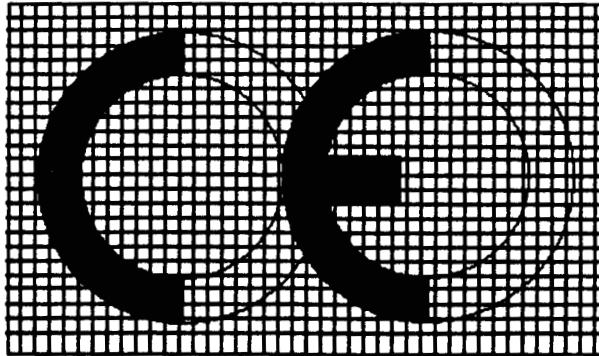
The benchmarks must be identified by the Commission in the implementing measure on the basis of information gathered during the preparation of the measure.

The choice of a specific design solution will achieve a reasonable balance between the various environmental aspects and between environmental aspects and other relevant considerations, such as safety and health, technical requirements for functionality, quality, and performance, and economic aspects, including manufacturing costs and marketability, while complying with all relevant legislation.

Schedule II
Based on Annex III of the Directive
CE MARKING
(Referred to in regulation 5)

*Amended by:
L.N. 433 of 2010*

The CE conformity marking shall consist of the initials 'CE' taking the following form:



The CE marking must have a height of at least 5 mm. If the CE marking is reduced or enlarged the proportions given in the above graduated drawing must be respected.

The CE marking must be affixed visibly, legibly and indelibly to the product. Where this is not possible, it must be affixed to the packaging and to the accompanying documents.

Schedule III
Based on Annex VI of the Directive
DECLARATION OF CONFORMITY
(Referred to in regulation 5(3))

The EC declaration of conformity must contain the following elements:

1. the name and address of the manufacturer or of its authorised representative;
2. a description of the model sufficient for unambiguous identification;
3. where appropriate, the references of the harmonised standards applied;
4. where appropriate, the other technical standards and specifications used;
5. where appropriate, the reference to other Community legislation providing for the affixing of the CE mark that is applied;
6. identification and signature of the person empowered to bind the manufacturer or its authorised representative.

*Substituted by:
L.N. 433 of 2010.*

Schedule IV

Based on Annex IV of the Directive

INTERNAL DESIGN CONTROL

(Referred to in regulation 6)

1. This Schedule describes the procedure whereby the manufacturer or its authorised representative who carries out the obligations laid down in section 2 of this Schedule ensures and declares that the product satisfies the relevant requirements of the applicable implementing measure. The declaration of conformity may cover one or more products and must be kept by the manufacturer.

2. A technical documentation file making possible an assessment of the conformity of the product with the requirements of the applicable implementing measure will be compiled by the manufacturer.

The documentation must contain, in particular:

- (a) a general description of the and of its intended use;
- (b) the results of relevant environmental assessment studies carried out by the manufacturer, and/or references to environmental assessment literature or case studies, which are used by the manufacturer in evaluating, documenting and determining product design solutions;
- (c) the ecological profile, where required by the implementing measure;
- (d) elements of the product design specification relating to environmental design aspects of the product;
- (e) a list of the appropriate standards referred to in regulation 7(2) of these regulations, applied in full or in part, and a description of the solutions adopted to meet the requirements of the applicable implementing measure where the standards referred to in regulation 7(2) of these regulations have not been applied or where those standards do not cover entirely the requirements of the applicable implementing measure;
- (f) a copy of the information concerning the environmental design aspects of the product provided in accordance with the requirements specified in Annex I, Part 2 of the Directive, which is set out in Schedule I, Part 2 to these regulations; and
- (g) the results of measurements on the ecodesign requirements carried out, including details of the conformity of these measurements as compared with the ecodesign requirements set out in the applicable implementing measure.

3. The manufacturer must take all measures necessary to ensure that the product will be manufactured in compliance with the design specifications referred to in section 2 and with the requirements of the measure which apply to it.

Schedule V
Based on Annex V of the Directive
MANAGEMENT SYSTEM
FOR ASSESSING CONFORMITY
(Referred to in regulation 6)

*Substituted by:
L.N. 433 of 2010.*

1. This Schedule describes the procedure whereby the manufacturer who satisfies the obligations of section 2 of this Schedule ensures and declares that the product satisfies the requirements of the applicable implementing measure. The declaration of conformity may cover one or more products and must be kept by the manufacturer.

2. A management system may be used for the conformity assessment of a product provided that the manufacturer implements the environmental elements specified in section 3 of this Schedule.

3. Environmental elements of the management system This section specifies the elements of a management system and the procedures by which the manufacturer can demonstrate that the complies with the requirements of the applicable implementing measure.

3.1. The environmental product performance policy

The manufacturer must be able to demonstrate conformity with the requirements of the applicable implementing measure. The manufacturer must also be able to provide a framework for setting and reviewing environmental product performance objectives and indicators with a view to improving the overall environmental product performance.

All the measures adopted by the manufacturer to improve the overall environmental performance of and to establish the ecological profile of a product, if required by the implementing measure, through design and manufacturing, must be documented in a systematic and orderly manner in the form of written procedures and instructions.

These procedures and instructions must contain, in particular, an adequate description of:

- (a) the list of documents that must be prepared to demonstrate the product's conformity, and, if relevant, that have to be made available;
- (b) the environmental product performance objectives and indicators and the organisational structure, responsibilities, powers of the management and allocation of resources with regard to their implementation and maintenance;
- (c) the checks and tests to be carried out after manufacture to verify product performance against environmental performance indicators;
- (d) the procedures for controlling the required documentation and ensuring that it is kept up to date; and
- (e) the method of verifying the implementation and effectiveness of the environmental elements of the management system.

3.2. Planning

The manufacturer must establish and maintain:

- (a) procedures for establishing the ecological profile of the product;

- (b) environmental product performance objectives and indicators, which consider technological options taking into account technical options and economic requirements; and
- (c) a programme for achieving these objectives.

3.3. Implementation and documentation

3.3.1. The documentation concerning the management system must in particular, comply with the following:

- (a) responsibilities and authorities will be defined and documented in order to ensure effective environmental product performance and reporting on its operation for review and improvement;
- (b) documents must be established indicating the design control and verification techniques implemented and processes and systematic measures used when designing the product; and
- (c) the manufacturer must establish and maintain information to describe the core environmental elements of the management system and the procedures for controlling all documents required.

3.3.2. The documentation concerning the must contain, in particular:

- (a) a general description of the product and of its intended use;
- (b) the results of relevant environmental assessment studies carried out by the manufacturer, and/or references to environmental assessment literature or case studies, which are used by the manufacturer in evaluating, documenting and determining product design solutions;
- (c) the ecological profile, where required by the implementing measure;
- (d) documents describing the results of measurements on the ecodesign requirements carried out including details of the conformity of these measurements as compared with the ecodesign requirements set out in the applicable implementing measure;
- (e) the manufacturer must establish specifications indicating, in particular, standards which have been applied; where standards referred to in regulation 8(5) of these regulations are not applied or where they do not cover entirely the requirements of the relevant implementing measure, the means used to ensure compliance; and
- (f) a copy of the information concerning the environmental design aspects of the product provided in accordance with the requirements specified in Annex I, Part 2 of the Directive, which is set out in Schedule I, Part 2 to these regulations.

3.4. Checking and corrective action

3.4.1 The manufacturer must:

- (a) take all measures necessary to ensure that the product is manufactured in compliance with its design specification and with the requirements of the implementing measure which applies to it;
- (b) establish and maintain procedures to investigate and respond to non conformity, and implement changes in the documented procedures resulting from corrective action; and
- (c) carry out at least every three years a full internal audit of the management system with regard to its environmental elements.