

**EuP Directive (Directive on Eco-Design of Energy-using Products)
establishing a framework for the setting of eco-design requirements for
energy-using products**

- National Implementation -

On 8 August 2007, the Federal Cabinet adopted the government bill for a “law on eco-design requirements for energy-using products” (EBPG).

Main points of the government bill:

- Energy-using products covered by the eco-design requirements due to an implementing measure may be placed on the market or, if they have not yet been placed on the market, may be put into service only if they comply with the relevant requirements. In addition, a CE conformity marking shall be affixed to them and a declaration of conformity issued.
- The implementing measures usually provide that manufacturers themselves verify compliance with the eco-design requirements. If the conformity needs to be verified by a third body, the Länder shall designate the responsible authorities upon request.
- Market surveillance shall be incumbent upon the competent Land authorities which are assigned the necessary enforcement powers by law. Furthermore, the regulations on compliance with eco-design requirements provide for the imposition of fines.
- Market surveillance measures shall be reported to the Federal Institute for Materials Research and Testing (BAM) – an agency of the Federal Ministry of Economics and Technology – which shall send the notifications to the European Commission in accordance with the requirements of the eco-design directive and shall further inform the other EEA Member States if the product in question is prohibited or withdrawn from the market. The Federal Institute for Materials Research and Testing is providing information especially directed at small and medium-sized enterprises and micro-enterprises to support the business community in meeting its obligations.

The Bundesrat will probably hold its first debate on the bill on 21 September 2007. The bill shall be ready to come into force by end of this year and certainly in good time before the first implementing measures take effect.

The primary responsibility for the legal enforcement of the implementing measures shall be designated by the Federal government on a case-by-case basis depending on which area of competence is mainly affected by the measure concerned. The Federal Ministry of Economics and Technology or the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety shall usually be responsible.

Point of Contact:

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Further Links:

Federal Institute for Materials Research and Testing:

<http://www.bam.de/>

Federal Environmental Agency:

<http://www.umweltbundesamt.de/>