

ANNEX VIII

Self-regulation

(referred to in Article 17)

In addition to the basic legal requirement that self-regulatory initiatives must comply with all provisions of the Treaty (in particular internal market and competition rules), as well as with the international engagements of the Community, including multilateral trade rules, the following non-exhaustive list of indicative criteria may be used to evaluate the admissibility of self-regulatory initiatives as an alternative to an implementing measure in the context of this Directive:

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.

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.

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.

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.

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.

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.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

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.

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.

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.