

Eco-Label, New Generation Instrument of Environmental Protection

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Abstract: The overall objective of Community policy on the environment and business is to contribute to sustainable development. The EU eco-label scheme (as laid down in the new Regulation (EC) No 1980/2000) is now part of a wider approach on Integrated Product Policy (IPP) within the new Action Programme. The Commission has published a Green Paper on IPP that will be a key innovative element of future environmental policy and sustainable consumption and production. Strategically, the European eco-label Scheme is, and will be, in line with the principles, goals and priorities of the 6th action Programme "Our Future, Our Choice". Following the Rio Summit in 1992, preparations by the EU on the overall objectives of sustainable development are underway as the year 2002 will be the year of RIO+10. 2002 will also see the 10th anniversary of the Flower label. The European eco-label is based on the vision of greening non-food products all over Europe in a joint and common approach of all European stakeholders brought together in the European Union Eco-labelling Board (EUEB).

Keywords: environmental impact; competent bodies; certificated products

The positive law has two instruments that allow the enterprises adhere to voluntary instruments: environmental management and audit scheme on one hand and the eco-label on the other hand, which assimilate in regards to their logics with the ecological instruments.

The enterprisers that take this „voluntary commitment” actually bear both the expenses of the intercession and the environmental measures that result from them, if there is the case and the consumers, in exchange, should prefer them in the choice they make, being informed on these aspects. (Thieffry, 2008, p. 124) These two European environmental instruments that govern the voluntary commitments were deeply reformed, partly due to their relative lack of success.

A high attention from the consumers, the market and the entire community paid to the issue regarding the environment and certain institutions understanding the fact that just „command and control” was no longer enough to determine economic agents attain effective ecological performances, resulted in the creation of new generation instrument of environmental management, that would answer market requests and at the same time would be capable to accompany and support the existing ones in other economic fields. We already mentioned the main voluntary instruments of environmental protection at European Union level which are a part of the eco certifications of the product, or eco labels, as they are called.

These consist of norms with different territorial values, which establish criteria and limits that a product should abide within the impact that it causes to environment. Within this evaluation method, an approach regarding the whole life cycle is adopted, therefore having in view all the types of impact

resulting from production, use and the potential recycling or elimination processes of the product that makes the object of assessment.

Eco-labelling schemes may be of different types, for example „The blue angel“ mark may be mentioned, a German ecological scheme that fulfilled a barrier function for the products which did not bear this mark, as they were not bought by a high percentage of German consumers, known for their well-developed ecological beliefs.

In the present European context, the most important mark of this type is the „Eco-label“ award, established by the EC Regulation number 880 from 23th of March, subsequently modified by the EC Regulation number 1980 from 17th of July 2000.

In Romania, in order to implement the eco-label scheme, the National Commission for Eco-Label Awarding was created, as a consultative institution competent in decision-making regarding the eco-label awarding. According to the EC Regulation No. 1980/2000 of the European Parliament and Council from 17th of July 2000, regarding the granting scheme for European eco-label, transposed in the Romanian legislation by Governmental Decision no. 189/28.02.2002 (repealed by) Governmental Decision no. 236/07.03.2007, regarding the revised system of the European eco-label awarding.

It concerns an eco-label for products which meet the conditions established for a given product group, subsequently a mark that may be used by a company that succeeds to fulfil the necessary criteria to be awarded. This is acquired thanks to a process of certification that verifies the conformity of a product with the pre-established ecological requirements, for the respective product group. This may be seen as a commercial-policy instrument, aiming at reducing the environmental impact of the industrial products. The eco-label is also a marketing opportunity, being an useful instrument for satisfying the „green“ requirements and thus an answer to the increasing demand of eco-products, also functioning as an incentive for competition between different products, by providing the consumers with major information regarding the impact of the product on the environment. (Bellomo, 2008, p. 144)

The eco-label, created by the European Commission in 1992, is a unique scheme of certification in order to help the consumers distinguish the green products and services, which do not affect the environment. It is a voluntary agreement, conceived to encourage trading of goods and services having a decreased impact on the environment and helping European consumers – public and private consumers as well – to easily identify them¹. The flower – which is the logo of the eco-label – may be found in the entire European Union as well as a part of Norway, Lichtenstein and Iceland. The European eco-label is part of a larger strategy, oriented to promote sustainable consumption and production.

The eco-labelling is an activity that aims at establishing a voluntary system of eco-label awarding for products having a decreased impact on human health and environment, during the whole life cycle of the product. The eco-label is a graphic symbol and/or a descriptive text applied on the product or wrapping, in a brochure or other document that accompanies the product and that offers the necessary information regarding the ecological characteristics of the products on the market.

The aim of introducing the eco-label is promoting the products that have a low impact on the environment considering the fact that the eco-labelling is a voluntary agreement. Eco-label is a certification system, in the sense that a formal procedure is followed, which aims at clarifying the issue of the various eco-marks existing on the market. Beyond all doubt, the eco-label is an environmental policy instrument used in the European Union for barring the entering on the market of

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those products having an increased impact on the environment. This may also be considered, starting from the moment of the certification, as an instrument of mitigating the producer's responsibility, if not even as an instrument of shifting the legal burden of proof in case of ecological accidents or incidents that involve the respective product and as a consequence, this may be regarded as having civil remedial purpose, either as an indemnity for the insurance companies.

The voluntary character of this instrument derives from the fact that the enterprise may decide freely to adhere or not to the eco-labelling scheme. Basically, this certifies a certain level of abidance by the environmental standards superior to the ones provided by law and also, once with the decision of adhesion to the Regulation, it becomes necessary, compulsory for the companies that understand to adopt it. The eco-label is a voluntary award, not a requirement. In other words, products which meet certain requirements may bear the European eco-label but are not required to do so. According to article 11 of the Eco-label Regulation, existing or future national eco-labels are not affected by the regulation and may therefore co-exist (Jans & Vedder, 2008, p. 337). The eco-label is an European mark and therefore it is applicable, valid throughout the whole territory of the European Community. This feature has to be underlined in order to deter or discourage the use and creation – as shown above – of national individual brands that may become real „technical barriers” for a period of many years, preventing other products from entering the national markets. The eco-label has become, after its reformation, highly participative, as it grants large room for expressing the points of view of the different categories of interested subjects, such as ecological organizations, trade unions, consumers, the industry and commerce in defining the ecological criteria for awarding this European mark.

The principle applied for assessing the product which is subject to the eco-labelling is the integral approach, namely a complex evaluation of all the ecological implications of the product, from its creation and during its whole life, including the final stage of elimination of the product.

The scheme is open to all the products and services except for:

- a) substances classified as being very toxic, toxic, harmful for the environment, toxic for reproduction, as well as goods produced by harmful processes for man or for the environment and which may bring damage to the consumer in normal using conditions;
- b) food products, beverages, pharmaceutical products;
- c) medical equipment designated to be used in a professional way or which is prescribed or used by qualified medical staff, according to the legislation into force.

The label may be demanded only for a pre-established category of products, even if the choice is open: both the privates and the competent bodies may inform the Commission with the purpose of introducing new products and new ecological criteria specific for granting the eco-label. The initial list of products that could attain the eco-label originates in 1992, when the Commission put the member states in charge of establishing the ecological criteria specific to certain products in order to allow them to be awarded the eco-label. Italy, for example, was assigned the task to establish the ecological criteria for awarding the eco-label for wrappings, fridges and building materials. Other member states were assigned the research and designation of the ecological criteria for other type of products. (Bellomo, 2008, p. 148).

In august 1993, in the Official Journal of the European Commission published the ecological criteria for admission of the washing machines for dishes and clothes was published, this being the starting point of the system. From that moment, different types of products have been added, at present having 473 products certified and the criteria for 25 groups of products established, such as refrigerators,

washing machines for domestic use, dishwashing machines, portable computers, soil and culture breeders, detergents for dish-washing machines, shoes, textiles, dyes for interiors, bed mattresses, electric lamps, universal detergents and cleaning agents for water closets, detergents for dishes, copy paper and graphic paper, absorbent paper, materials for rigid floors, TV sets, accommodation services for tourists, vacuum cleaners, lubricants, camping services, soaps and shampoos, heating pumps. The most important bodies having attributions in the complex managing system of the eco-label at European level are:

The Consultation Forum composed of all the representatives of interested parties, including non-governmental organizations for environment, the consumers associations, trade unions, representatives of small and medium enterprises and of the commerce generally.

The European Union Ecolabelling Board (EUEB) – instituted by the Commission, is made up of the competent bodies of each the member state and the Consultation Forum. It has the task to contribute to establishing and revising the criteria for granting the eco-label, and also has a consultative function.

The Council – This among others has the competence to solve conflicts that may appear in different stages of the procedure.

The European Commission – which is informed by the competent national organs of the intention to grant the eco-label and which publishes the granting on the eco-label website.

The Regulatory Committee consists of governmental experts from the Member States. After the criteria are finalised they are voted upon by the Regulatory Committee. The Commission cannot adopt criteria before voting takes place in the Ecolabel Regulatory Committee by qualified majority.

Each member state has its own **national competent public body** responsible for implementing the EU Ecolabel scheme at national level, which in Romania is the Ministry of the Environment and Sustainable Development, which collaborated with the National Commission for Granting the Eco-Label in making decisions regarding the eco-label and with the National Authority for the Protection of the Consumer, with a view to assess the degree of effectiveness of the eco-label in responding to the customers' needs. In Italy the respective body is the Committee for eco-audit and eco-labelling. (Comitato per l'ecoaudit e l'ecolabel). Regarding the granting of the eco-label, we should mention that the procedure is composed of two fundamental stages: the first stage consists of establishing the groups of products which are to be subject to the certifications and the applicable ecological criteria while the second stage consists of the effective awarding of the certification. The initiative may belong to the producers, importers, service providers, distributors or merchandisers either "en-gross" or "en-detail". The applicant has to submit the request to the competent body of the member state in which the product is produced (or even sold or imported) for the first time. If the product comes from outside the European Union, the request may be submitted to any of the national competent bodies of the states where the product was introduced. When the product originates in the same shape in several member states, the request may be submitted to any of the national competent bodies, and the chosen one has the obligation to consult the other involved counterparts. The competent body verifies the conformity of the product with the mandatory requirements for the awarding of the eco-label, analyses the request, takes counsel to other competent bodies if the situation implies such action and if the answer is positive, it informs the European Commission about its intention of awarding the eco-label.

The Commission publishes the granting of the eco-label on the website, and the competent body concludes a contract with the requester regarding the conditions in which the label is to be used. The eco-label is valid until the awarding criteria expire, usually 3-5 years, but this period may be extended

by a Decision of the Commission. It is interesting to notice that for an effective functioning of the eco-labelling mechanisms, these are to be applied to those products that have a significant impact on the environment considering their features and distribution. These mechanisms are to be used in as many types of products as possible, should be highly visible to the consumers in order to stimulate the use of environmentally friendly products.

Practically, in any case, we have to underline the fact that the companies need and wish procedures to be as simple as possible and having a flexible and pragmatic application, by abiding with the real ecological characteristics of the labelled product.

To conclude, the eco-label links the life-cycle approach to a scheme representing the reduced environmental impact, symbolised by a flower-logo. The eco-label system awarded to products having a reduced environmental impact has as its main purpose drawing the consumers' attention to environmentally friendly products by allowing them to make their choice of products being well-informed of their characteristics concerning the environmental impact of the respective product. As stated in the first article of the Eco-label Regulation, its main objective is to promote products having the potential to reduce negative environmental impact, compared to other products in the same group of products, and by this promoting a high level of environmental protection.

In our opinion, this double-nature instrument, both environmental and commercial is highly effective and should be extended to other product groups covering a constantly increasing area of interest as it has the ability of contributing to a high level of environmental protection.

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