

Energy-related products: indication of the consumption of energy. Recast

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The Committee on Industry, Research and Energy adopted the report drawn up by Anni PODIMATA (PES, EL) amending, under the first reading of the codecision procedure, the proposal for a directive of the European Parliament and of the Council on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products (recast).

The main amendments are as follows:

Scope: it is clarified that the Directive will apply to energy-related products which have a significant impact on the consumption of energy and, where relevant, on other essential resources during use. It will apply to energy-related products, including construction products, which have a significant direct or indirect impact on the consumption of energy and, where relevant, other essential resources during use.

Definitions: the committee inserted several new terms, including construction product; 'direct impact', 'indirect impact' and 'end-user'.

Responsibilities of Member States: Members feel that the provisions on market surveillance need to be reinforced in order to ensure proper enforcement of the Directive. Member States must be required to take action against non-compliant suppliers and dealers as soon as this non-compliance is observed. They stipulate in the text that with regard to the products which have already been purchased, consumers shall have the rights already prescribed in Community and national legislation on consumer protection, including compensation or exchange of the product. Where there is sufficient evidence that a product may be non-compliant, the Member State concerned shall within a specific timeframe, take the necessary preventive measures to ensure compliance with the requirements of this Directive, taking into account any damage caused by the non-compliance.

Member States must also ensure that reports detailing their enforcement activities are available to the public.

Information requirements: Members add that any advertisement for a specific model of energy related products covered by an implementing measure under this Directive, where technical specifications are disclosed, shall provide end-users with the necessary information regarding energy consumption or energy savings or include a reference to the energy class of the product.

They also add that any technical promotional literature concerning energy-related products which describes the specific technical parameters of a product, namely, technical manuals and manufacturers' brochures, whether printed or online, shall provide end users with the necessary information regarding energy consumption or shall include a reference to the energy label of the product.

The committee notes in this regard that advertisement plays a pivotal role in the decision of the end-users regarding the purchase/use of a specific product. Therefore, it becomes essential to provide to them the same energy-related information that they will find accompanying the product. It is noteworthy that similar actions have been endorsed in other groups of products (e.g. the car advertisements display the specific model's carbon emissions).

Responsibilities of suppliers: suppliers must make available an electronic version of the technical documentation on request within 30 calendar days at the latest.

Distance selling: in cases of distance selling, implementing measures shall specify the way that the label and the fiche shall be displayed.

Public procurement and incentives: the committee stipulates that the criteria for setting minimum performance levels for public procurement in implementing measures shall include the following: the potential for energy savings; and the promotion of innovation, in accordance with the Lisbon Strategy Agenda.

It adds that incentives may, inter alia, include tax credits, both for end-users using highly energy-efficient products and for industries who promote and produce such products, and reduced value added tax on materials and components, which improve energy efficiency. The incentives provided by Member States shall be effective and efficient.

Implementing measures: these will cover the design and content of labels and must in all cases be clearly visible and legible, and at the same time retain as a basis the main elements of the current label (closed-scale A- G classification), which are simple and recognisable. Where appropriate the label shall also indicate a period of validity. Implementing measures must also specify the duration of the label classification(s), which cannot exceed a three-year period, and the next date of their review taking into consideration the pace of innovation of the product.

Priority list for implementation : a new clause states that no later than 6 months after the entry into force of the Directive, the Commission will communicate a list of priority products, including construction products, which are proposed for labelling, based on their energy saving potential.

Feasibility for extension of scope: no later than 2010, the Commission shall carry out a feasibility study to examine whether, through adoption of implementing measures, the label shall also provide information to end-users regarding the product's impact on significant energy and other essential resources throughout its entire life cycle.

The committee considers that the feasibility study is necessary in order to ensure that the Implementing measures of the Directive will move towards the right group of products for optimal results.

Penalties: Member States shall also be responsible for strengthening the legal protection against unauthorised use of labelling. The report states that as more and more end-users trust the energy labelling scheme and use it as a major criterion for their decisions, it is critical for the Member-States to make sure that there is no fraudulent use of the label.