

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

2008/0222(COD) - 05/05/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 566 votes to 28 with 39 abstentions a legislative resolution 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). Parliament stressed the need for a review of the energy label classifications.

The main amendments are as follows:

Scope: it is clarified that the Directive 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: Parliament 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. 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.

Information requirements: Parliament adds 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.

It also adds 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.

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: Parliament stipulates that the criteria for setting minimum performance levels for public procurement in implementing measures shall include the following: (i) the potential for energy savings; (ii) 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.

Review of the energy label classification(s): a new article provides that the Commission shall be responsible for reviewing the energy label classification(s) on a recurring regular basis, in accordance with the fixed duration of the classification(s) as determined through the implementing measures. It must base the review of the classification efficiency index thresholds on the most recently available figures, taking into account the speed of technological progress of the product in question, and shall well in advance of the review carry out appropriate consultation with stakeholders. Suppliers shall be obliged to supply the latest version of the label, at the latest upon expiration of the validity period, to the dealers. Dealers shall be obliged to replace the old label with the energy label with the reviewed classifications for the relevant product on the same day as the old label expires.

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. The label shall also indicate a **period of validity**. Implementing measures must also specify the fixed duration of the label classification (s), which shall be a time period of **at least 3 years**, but not exceeding 5 years, taking into consideration the pace of innovation of the product, and the date of their next review, based on their fixed duration.

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.

Penalties: Parliament added that Member States shall also take the necessary measures to strengthen the legal protection against unauthorised use of labelling.