

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

2008/0222(COD) - 14/04/2010 - Council position

In its first reading position, the Council has accepted fully, partly or in spirit the following 40 amendments adopted by the European Parliament. It has not been able to accept 21 amendments.

In view of the tight timetable required in order to reach early agreement on this proposal as called for by the European Council, the Council aimed from the start at identifying elements that would be acceptable to both Parliament and Council, rather than drawing up a complete agreed Council position before entering into negotiations with Parliament. In order to make rapid progress while taking into account the date of entry into force of the Treaty on the Functioning of the EU, it was agreed to proceed in two steps:

- a) reach agreement on the substance of the Directive. Following consultations with the European Parliament, this first step was concluded in November 2009. This agreement was confirmed by Coreper on 19 November 2009 and, on the level of the European Parliament's Committee on Industry, Research and Energy, by means of a letter of its Chairman, dated 2 December 2009;
- b) reach agreement on the modifications resulting from the entry into force of the TFEU, concerning notably the adaptation of the legal basis and the comitology provisions. Following consultations with the European Parliament, this second step was concluded in March 2010.

The Council position incorporates the two agreements recalled above. Its main elements are:

Provisions on the label and the label layout: the Council has based the format of the label on the current label layout with the classes A to G, allowing at the same time for three additional classes, with the total number of classes being limited to seven, and providing for a clear marking of the corresponding colours on the label. When a new class is added, the colour scale will move. In this way, a clearly visible and legible label layout, well comprehensible for the consumer, is guaranteed, as requested by the European Parliament. Moreover, the Council has laid down that the details of a possible reclassification of products are to be determined on a case-by-case basis in the relevant delegated acts.

Lastly, in a review clause, the Commission is asked to assess, by the end of 2014, the need for amending the provisions on the label layout in the light of technical evolution and the understanding by consumers of the label layout.

In line with Parliament's wishes, the Council has also ensured that measures can be taken against unauthorised use of the label.

Provisions on advertisement: the Council has partly followed the European Parliament and has made the inclusion of the energy efficiency class in advertisements mandatory for all cases where energy-related or price information is disclosed. Regarding mandatory information on energy consumption or a reference to the energy efficiency class of the product in technical promotional material, the

Council has fully accepted Parliament's amendment.

Provision on public procurement: the Council has provided for the possibility for Member States to require their contracting authorities to procure only products fulfilling the energy efficiency criteria, i.e. belonging to the highest energy efficiency class and having the highest performance levels, responding in this way partly to an amendment tabled by the Parliament.