EU/US Agreement: coordination of energy-efficiency labelling programmes for office equipment

2012/0048(NLE) - 04/06/2012 - Legislative proposal

PURPOSE: to conclude the Agreement between the United States of America and the European Union on the coordination of energy-efficiency labelling programmes for office equipment.

PROPOSED ACT: Council Decision.

BACKGROUND: office equipment will account for a growing share of energy consumption in future as new applications and functionalities appear. In order to meet the Union target for a 20% reduction in primary energy consumption by 2020 relative to projections, as endorsed at the Spring 2007 European Council, **the energy performance of office equipment has to be further optimised.**

To date, the main means of improving the energy consumption of office equipment has been the **EU Energy Star Programme**. This was established by the US Environmental Protection Agency and is implemented in the EU on the basis of an Agreement between the US and the EU, which was renewed in 2006 for a period of 5 years. From 2008, the programme was reinforced by Regulation (EC) No 106/2008 on a Community energy-efficiency labelling programme for office equipment.

On 12 July 2011 the Council authorised the Commission to negotiate an Agreement between the United States of America and the European Union on the coordination of energy-efficiency labelling programmes for office equipment. The negotiations have been concluded and the Agreement between the United States of America and the European Union on the coordination of energy-efficiency labelling programmes for office equipment was initialled by both Parties on 29 November 2011.

A proposal for the amendment of Regulation (EC) No 106/2008 of the European Parliament and of the Council on a Community energy-efficiency labelling programme for office equipment is presented in parallel with this draft Decision.

IMPACT ASSESSMENT: the proposal takes into account the experience gained during the first two periods of implementation of the Energy Star Programme in the EU from 2001 to 2010, as well as the consultations with the European Union Energy Star Board.

The detailed rationale for **concluding a new Agreement continuing the Energy Star Programme for a third period of five years** is set out in the Recommendation from the Commission to the Council to open negotiations for the third Energy Star Agreement and in the Communication on the implementation of the Energy Star Programme in the period 2006-2010.

The main points are as follows :

- Energy Star has been very effective in steering the office equipment market towards greater energy efficiency. It has succeeded in reducing the electricity consumption of office equipment sold in the last 3 years by around 11 TWh, i.e. by approximately 16 %. As a result, more than EUR 1.8 billion have been saved on energy bills and 3.7 Mt of CO2 emissions have been avoided.
- It provides a flexible and dynamic policy framework which is particularly well suited to fast-evolving products such as ICT (information and communication technology).
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- The EU and the US should continue to cooperate on developing product specifications, so that the same level of requirements can be introduced at approximately the same time by both entities.

LEGAL BASIS: Article 194 and 207, in conjunction with Article 218(6)(a)(iii) of the TFEU.

CONTENT: as required by the negotiating directives provided by the Council to the Commission, Article VI of the new agreement **makes it possible for manufacturers to self-certify their products in the EU**. Under the new agreement there will thus be two separate product-registration systems: **self-certification in the EU and third-party certification in the US.**

The new Agreement now provides greater clarity regarding the respective responsibilities of the Commission and Member States with respect to the enforcement of the EU Energy Star Programme without, however, creating any new obligations as compared with the current agreement and Regulation (EC) 106/2008.

There are no other substantial changes in the new agreement as compared with the current text. Annex C contains the common technical specifications (efficiency criteria for obtaining the Energy Star qualification and label) as amended by Commission Decisions 2009/789/EC, 2009/489/EC and 2009/347 /EC. It will be amended in line with the procedure set out in Article XII of the new agreement should new or updated specifications be established by the US Environmental Protection Agency and the European Commission.

Comitology provisions as regards the management of the Agreement: since office equipment is a fast evolving market, it is essential to frequently reassess the potential for maximising energy savings and environmental benefits by stimulating the supply of, and demand for, energy-efficient products. It is therefore necessary to empower the Commission, assisted by a Union advisory board composed of national representatives and of all interested parties, to regularly reassess and upgrade the Common Specifications of office equipment set out in the Agreement.

Given that manufacturers participating in the EU ENERGY STAR Programme are mostly small and medium-sized enterprises, product registration in the Union should continue to be unburdensome and based on self-certification. This should be coupled with stronger enforcement of the EU ENERGY STAR Programme by the Commission in cooperation with Member States.

The Technical Commission established by the Agreement should be responsible for reviewing the implementation of the Agreement. Pursuant to the Agreement, the United States of America and the Union are each to designate a management entity responsible for implementation of the Agreement. To that effect the Union should designate the Commission as a management entity,

BUDGETARY IMPLICATIONS: the proposal aims at continuing the implementation of an existing programme and therefore has no impact on operational and administrative appropriations and on human resources.