EC/United States agreement: energy efficient labelling programmes for office equipment, Energy Star

1999/0135(CNS) - 12/12/2002 - Document attached to the procedure

In Case C-281/01, European Commission against the Council, the Court made an application for annulment of Council Decision 2001/469/EC of 14 May 2001 concerning the conclusion on behalf of the European Community on the co-ordination of energy-efficient labelling programs for office equipment. In support of its request, the Commission submits that Decision 2001/469 should have been adopted on the basis of Article 133 EC relating to the common commercial policy, on the ground that the Energy Star Agreement seeks to facilitate trade. The Energy Star Agreement is designed to co-ordinate energy-efficiency labelling programmes for office equipment. The aim of the Agreement is to co-ordinate European and American labelling programmes, resulting in the elimination of any obstacles to trade which would have risen from the existence of concurrent programmes. It pursues a commercial-policy objective and an environmental-protection objective. The Court believes that in the long-term, depending on how manufacturers and consumers in fact behave, the programme should have a positive environmental effect as a result of the reduction in energy consumption which it should achieve. However, that is merely an indirect and distant effect, in contrast to the effect on trade in office equipment which is direct and immediate. In addition, the Court states that the Agreement does not contain new energy-efficiency requirements. It merely renders the specifications initially adopted by the EPA applicable on both the American market and the European market and makes their amendment subject to the agreement of both contracting parties. It follows from the foregoing considerations that the Council should have chosen Article 133 EC, in conjunction with Article 300(3) EC, as the legal basis for the decision concluding the Energy Star Agreement on behalf of the Community. Given that Article 175(1) EC, in conjunction with the first sentence of the first subparagraph of Article 300(2), the first subparagraph of Article 300(3) and Article 300(4) EC, is the only legal basis referred to in that measure, Decision 2001/469 must be annulled and the Council is ordered to pay the costs.