

Basic information

2008/0222(COD)

COD - Ordinary legislative procedure (ex-codecision procedure)
Directive

Procedure completed

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

Repealed by [2015/0149\(COD\)](#)

Amended by [2011/0172\(COD\)](#)

Subject

2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance

3.60.08 Energy efficiency

4.60.02 Consumer information, advertising, labelling

Key players

European Parliament	Committee responsible		Rapporteur	Appointed
	ITRE Industry, Research and Energy		PODIMATA Anni (S&D)	21/07/2009
			Shadow rapporteur BŘEZINA Jan (PPE) EK Lena (ALDE) HASSI Satu (Verts/ALE) CHICHESTER Giles (ECR) REMEK Vladimír (GUE/NGL)	
	Former committee responsible		Former rapporteur	Appointed
	ITRE Industry, Research and Energy		PODIMATA Anni (PSE)	10/12/2008
	Former committee for opinion		Former rapporteur for opinion	Appointed
	JURI Legal Affairs		The committee decided not to give an opinion.	03/11/2008
	Committee for opinion on the legal basis		Rapporteur for opinion	Appointed
	JURI Legal Affairs		LECHNER Kurt (PPE)	23/03/2010

Council of the European Union	Council configuration		Meetings	Date
	Transport, Telecommunications and Energy		2983	2009-12-07
	Transport, Telecommunications and Energy		2949	2009-06-11
European Commission	Commission DG		Commissioner	
	Energy		OETTINGER Günther	

Key events			
Date	Event	Reference	Summary
13/11/2008	Legislative proposal published	COM(2008)0778 	Summary
20/11/2008	Committee referral announced in Parliament, 1st reading		
09/03/2009	Vote in committee, 1st reading		Summary
19/03/2009	Committee report tabled for plenary, 1st reading	A6-0146/2009	
05/05/2009	Decision by Parliament, 1st reading	T6-0345/2009	Summary
05/05/2009	Results of vote in Parliament		
05/05/2009	Debate in Parliament		
11/06/2009	Debate in Council		Summary
07/12/2009	Debate in Council		Summary
14/04/2010	Council position published	05247/1/2010	Summary
19/04/2010	Committee referral announced in Parliament, 2nd reading		
28/04/2010	Vote in committee, 2nd reading		Summary
29/04/2010	Committee recommendation tabled for plenary, 2nd reading	A7-0128/2010	
19/05/2010	Decision by Parliament, 2nd reading	T7-0178/2010	Summary
19/05/2010	Final act signed		
19/05/2010	End of procedure in Parliament		
18/06/2010	Final act published in Official Journal		

Technical information	
Procedure reference	2008/0222(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive
Amendments and repeals	Repealed by 2015/0149(COD) Amended by 2011/0172(COD)

Legal basis	Treaty on the Functioning of the European Union TFEU 114-p1
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/7/02659

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE418.383	27/01/2009	
Amendments tabled in committee		PE420.121	19/02/2009	
Committee report tabled for plenary, 1st reading/single reading		A6-0146/2009	19/03/2009	
Text adopted by Parliament, 1st reading/single reading		T6-0345/2009	05/05/2009	Summary
Committee draft report		PE440.177	13/04/2010	
Specific opinion	JURI	PE440.993	28/04/2010	
Committee recommendation tabled for plenary, 2nd reading		A7-0128/2010	29/04/2010	
Text adopted by Parliament, 2nd reading		T7-0178/2010	19/05/2010	Summary
Council of the EU				
Document type		Reference	Date	Summary
Council position		05247/1/2010	14/04/2010	Summary
Council statement on its position		02460/2010	15/04/2010	
Draft final act		00016/2010/LEX	19/05/2010	
European Commission				
Document type		Reference	Date	Summary
Legislative proposal		COM(2008)0778 	13/11/2008	Summary
Document attached to the procedure		SEC(2008)2862 	13/11/2008	
Document attached to the procedure		SEC(2008)2863 	13/11/2008	
Commission response to text adopted in plenary		SP(2009)3616	07/07/2009	
Commission communication on Council's position		COM(2010)0164 	15/04/2010	Summary
Follow-up document		COM(2015)0345	15/07/2015	Summary
Follow-up document		SWD(2015)0143 	16/07/2015	
National parliaments				

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2010)0164	26/07/2010	
Other institutions and bodies				
Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0622/2009	24/03/2009	

Additional information			
Source	Document	Date	
National parliaments	IPEX		
European Commission	EUR-Lex		

Final act
Directive 2010/0030 OJ L 153 18.06.2010, p. 0001 Summary

Delegated acts	
Reference	Subject
2013/2854(DEA)	Examination of delegated act
2013/2856(DEA)	Examination of delegated act
2013/2855(DEA)	Examination of delegated act
2013/2745(DEA)	Examination of delegated act
2013/2768(DEA)	Examination of delegated act
2013/2778(DEA)	Examination of delegated act
2013/2779(DEA)	Examination of delegated act
2013/2867(DEA)	Examination of delegated act
2013/2885(DEA)	Examination of delegated act
2013/2811(DEA)	Examination of delegated act
2014/2626(DEA)	Examination of delegated act
2013/2858(DEA)	Examination of delegated act
2014/2761(DEA)	Examination of delegated act
2015/2670(DEA)	Examination of delegated act
2015/2674(DEA)	Examination of delegated act

2015/2690(DEA)	Examination of delegated act
2017/2862(DEA)	Examination of delegated act

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

2008/0222(COD) - 15/07/2015 - Follow-up document

The Commission presents a report on the review of Directive 2010/30/EU of the European Parliament and of the Council on the indication of labelling and standard product information of the consumption of energy and other resources by energy-related products.

It is recalled that the 2012 report on the review of the [Directive 2009/125/EC](#) (Ecodesign Directive) concluded that an immediate revision of that Directive was not necessary, but that specific aspects for which insufficient information was available at the time of the review could be reassessed in the review of the Energy Labelling Directive in 2014, such as the effectiveness of implementing measures and harmonised standards and a closer coordination between the implementation of two Directives.

This report fulfils these requirements.

Assessment of the effectiveness of the Ecodesign and Energy Labelling Directives: the assessment shows that:

- the ecodesign and energy labelling measures in place are effective in that they **bring tangible and substantial energy and cost savings**. These policies will deliver almost half of the 20% energy efficiency target by 2020. In total, the ecodesign and energy labelling measures in place to date are estimated to save end-users of products **EUR 100 billion per year in 2020** through lower utility bills (translated to EUR 400-500 yearly savings in each household);
- there are **no obstacles to the free movement** of energy-related products in the European Union internal market;
- **benefits outweigh the costs**, both for businesses and for society as a whole;
- the vast majority of consumers (around 85%) **recognise and understand the energy label**, and use it in their purchasing decisions;
- the energy labelling regulations have recently been adapted to show the energy label also on the **internet**;
- the two Directives are **complementary** and their implementation is largely done in a coherent way;
- EU-added value derives from the **harmonised regulatory framework** bringing down costs for manufacturers and **this policy has continued relevance** in reaching the EU's energy efficiency target beyond 2020. It can also contribute to resource efficiency and the circular economy.

However, the report also stresses the following weak points:

- the **introduction of A+ and higher classes under the 2010 Energy labelling Directive reduced the effectiveness of the energy label** in motivating consumers to buy more efficient products. The design amendment that uses additional '+' signs to indicate higher efficiency classes beyond the A class is less effective in motivating the purchase of higher efficiency products than the original A to G scale. Some of the pictograms used to represent other parameters in the label are also difficult to understand, for example the 'switch logo' on the television label and the drying efficiency on the dishwasher label;
- **weak enforcement by national market surveillance authorities** contributes to noncompliance, which is estimated at 20%, leading to some 10% of envisaged energy savings being lost. The information submitted shows that in 2009 and 2010, about a third of the Member States undertook little or no market surveillance activity on energy labelling and ecodesign. Not all Member States test products in laboratories because it is expensive;
- measures for some products have shown **levels of ambition that are too low** compared to what is technically and economically feasible;
- **potential for further reduction of environmental impacts exists**, for example on aspects of durability, reparability, reusability, recyclability, and recoverability, recycled content, use of priority materials, hazardous substances;
- in terms of efficiency, **the rulemaking process is too long** (on average 49 months), sometimes leading to outdated technical and preparatory work at the time of policy decisions, especially for fast developing electronic products;
- lastly, from **media coverage** in recent years, it is clear that the benefits of the policy have not been sufficiently communicated.

Delegated powers: the Commission considers that the delegation of powers with respect to energy labelling effectively contributes to the establishment of the necessary detailed rules on the energy labelling of products and appliances. To date, **12 delegated acts** on energy labelling have been adopted. Neither the European Parliament nor the

Council has to date issued any objection to the delegated act within the four-month objection period.

Conclusions: based on the outcome of the evaluation, the Commission considers that a **revision of the Energy Labelling Directive is appropriate**. A [legislative proposal](#) for the revision of the Energy Labelling Directive accompanies this report, and addresses particularly the decreased effectiveness of the label and weak enforcement. With respect to the **Ecodesign Directive**, addressing the issues identified during the evaluation **requires no legislative changes**.

The Commission will take the following action:

- **improve the understanding of the energy label:** the Commission intends to carry out consumer testing when developing product-specific energy labels, in particular to ensure any pictograms and the label as a whole are comprehensible;
- **improve enforcement** by facilitating further cooperation between national market surveillance authorities through the Administrative Cooperation groups on ecodesign and on energy labelling and through dedicated joint projects, such as the EU funded project 'EEpliant';
-

address the challenge of the long rulemaking process: the Commission intends to notify draft delegated regulations to Members of the World Trade Organisation pursuant to the Agreement on Technical Barriers to Trade at an earlier stage in the process, in parallel with consulting the Consultation Forum;

- **examine the problems related to the fast development of the electronic products and the absence of a clear relationship between purchase price and energy efficiency:** the Commission plans to carry out this review in the context of the upcoming evaluation of the EU *Energy Star* programme in 2016, and also address electronic equipment not covered by the programme.

Lastly, the Commission will continue to **strengthen communication activities** around the product-specific ecodesign and energy labelling measures in an effort to improve public knowledge and acceptance of the policy.

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.

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

2008/0222(COD) - 11/06/2009

In a public deliberation, the Council took note of a **progress report** summarising the work done so far on the energy efficiency package, which contains the following three proposals: an **energy labelling directive**, a [tyres labelling directive](#) and an [energy performance of buildings directive](#).

This report also lists the implementing measures submitted by the Commission, under the regulatory procedure with scrutiny, to the Council and the European Parliament during this Presidency, in the context of the framework directives on eco-design requirements and energy labelling.

The purpose of the three proposals on energy efficiency is to contribute to the achievement of the objective of a 20% reduction in the EU's energy consumption by 2020, as called for by the 2007 spring European Council conclusions.

The work on these files will continue under the Swedish Presidency, which intends to reach agreement with the European Parliament on these proposals.

Energy labelling directive: this proposal recasts Directive 92/75/EEC on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances and repeals Directive 79/530/EEC. Its objective is to extend its scope, currently restricted to household appliances, to allow (after the adoption of implementing measures per product group) for the labelling of all energy-related products: this could include products used in the household, commercial and industrial sectors and non-energy using products such as windows which have a significant potential to save energy once in use or installed.

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

2008/0222(COD) - 19/05/2010 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution on the Council's position at first reading for adopting 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 European Parliament adopted the act in accordance with the Council position.

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

2008/0222(COD) - 15/04/2010 - Commission communication on Council's position

The text of the negotiated Council Position at first reading, in substance and to a large extent, is in line with the Commission's proposal and therefore can be supported.

The negotiated Council Position is the result of inter-institutional negotiations in two stage process. The first stage covered the technical substance of the proposal and the second the adaptation of the proposal to the Treaty on the Functioning of the European Union (TFEU) as regards its legal basis and comitology provisions.

The main subjects of negotiation on which an agreement was reached are as follows:

Change of legal basis (preamble): due to the entry into force of the Lisbon Treaty, Council and Parliament agreed to change the legal basis to Article 194 TFEU (instead of article 114 TFEU).

Delegated acts: the Council and Parliament agreed on the provisions regarding the delegated acts. A Commission statement will be attached to clarify that notification of delegated acts shall take into account the periods of recess in institutions. A joint Council, Parliament and Commission statement will also be attached indicating that the provisions of this Directive do not constitute a precedent as regards the implementation of Article 290 TFEU (Annex II)

Extension of scope: the scope is extended to cover all energy-related products of the household, commercial and industrial sector, as proposed by the Commission.

Unauthorised use of label: language is inserted to clarify what constitutes legitimate and illegitimate use of the label.

Market surveillance: market surveillance provisions are reinforced to provide better enforcement on the Directive.

Advertising requirements: a new provision is inserted requiring that the energy efficiency class must be shown in any advertisement which contains energy related information or the price of those products covered by delegated acts.

Public procurement: Member States are encouraged to use the highest energy efficiency class for procurement (subject to cost-effectiveness, economic feasibility, technical suitability and sufficient competition).

Incentives: Member States are encouraged to apply the highest energy efficiency class or even aim higher by applying the highest performance levels when providing incentives for their citizens. Taxation and fiscal measures are excluded as incentives from this Directive.

Label Layout: three more classes (A+, A++, A+++) can be added to the A-G scale which remains the basis. There could be a review by the Commission when a significant proportion of products will be in the two highest energy efficiency classes (A++/+++), and further differentiation is justified. A Commission statement will be attached to clarify what is meant by "a significant proportion of products". A recital will indicate that at the time (by 2014) of reviewing the framework Directive, the label review will consider the option of rescaling.

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.

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

2008/0222(COD) - 07/12/2009

In a public deliberation, the Council took note of the state of play and procedures concerning the so-called "energy efficiency package", which includes the following three proposals:

- an energy labelling directive;
- an [energy performance of buildings directive](#);
- a [regulation on labelling of tyres with respect to fuel efficiency](#).

The Council has been working intensively on the proposals and has already adopted the regulation on labelling of tyres and reached an informal agreement with the European Parliament on the two directives. Nevertheless, the entry into force of the Lisbon Treaty requires some adaptations mainly concerning the legal basis and the comitology provisions. Consultations are ongoing between the institutions on these issues.

The **energy labelling** proposal recasts directive 92/75 on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances. Its objective is to extend its scope, providing for the labelling of all energy-related products including for the

household, commercial and industrial sectors and of some non-energy using products, such as windows which have a significant potential to save energy once in use or installed.

The basis of labelling will continue to be the scale A–G, from dark green (the most energy efficient) to red, which is well understood by consumers. For products that are already subject to labelling requirements and where a majority of the products on the market are in the highest energy classes, up to three more energy classes can be added to the label (A+, A++ and A+++). Advertising should also indicate, as appropriate, the energy class, where energy-related or price information is disclosed.

In **public procurement**, Member States should endeavour to procure only the highest energy class of labelled products.

Incentives which Member States may provide for the promotion of efficient products should not cover taxation and fiscal matters.

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

2008/0222(COD) - 19/05/2010 - Final act

PURPOSE: to recast Council Directive 92/75/EEC (“the Energy Labelling” Directive) and, inter alia, extending its scope.

LEGISLATIVE ACT : Directive 2010/30/EU 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.

CONTENT: this Directive recasts Directive 92/75/EEC on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances. Its objective is to extend the scope of the latter Directive, providing for the labelling of all energy-related products including for the household, commercial and industrial sectors and of some non-energy using products, such as windows which have a significant potential to save energy once in use or installed. The text states that the Directive establishes a framework for the harmonisation of national measures on end-user information, particularly by means of labelling and standard product information, on the consumption of energy and where relevant of other essential resources during use, and supplementary information concerning energy-related products, thereby allowing end-users to choose more efficient products. It shall apply to energy-related products which have a significant direct or indirect impact on the consumption of energy and, where relevant, on other essential resources during use. It shall not apply to: (a) second-hand products; (b) any means of transport for persons or goods; (c) the rating plate or its equivalent affixed for safety purposes to products.

Labelling: the basis of labelling will continue to be the scale A–G, from dark green (the most energy-efficient) to red, which is well understood by consumers. For products that are already subject to labelling requirements and where a majority of the products on the market are in the highest energy classes, three additional classes may be added to the classification if required by technological progress. Those additional classes will be A+, A++, and A+++ for the most efficient class. In principle the total number of classes will be limited to seven, unless more classes are still populated.

Information requirements: Member States shall ensure that:

- information relating to the consumption of electric energy, other forms of energy and where relevant other essential resources during use, and supplementary information is, in accordance with delegated acts under the Directive, brought to the attention of end-users by means of a fiche and a label related to products offered for sale, hire, hire-purchase or displayed to end-users directly or indirectly by any means of distance selling, including the Internet;
- the information referred to above is provided in respect of built-in or installed products only where required by the applicable delegated act;
- any advertisement for a specific model of energy-related products covered by a delegated act under this Directive includes, where energy-related or price information is disclosed, a reference to the energy efficiency class of the product;
- any technical promotional material concerning energy-related products which describes the specific technical parameters of a product, namely, technical manuals and manufacturers’ brochures, whether printed or online, is provided to end-users with the necessary information regarding energy consumption or shall include a reference to the energy efficiency class of the product.

Public procurement: where a product is covered by a delegated act, contracting authorities which conclude public works, supply or service contracts as referred to in Directive 2004/18/EC, which are not excluded by virtue of that Directive, shall endeavour to procure only such products which comply with the criteria of having the highest performance levels and belonging to the highest energy efficiency class. Member States may also require the contracting authorities to procure only products fulfilling those criteria. Member States may make the application of those criteria subject to cost-effectiveness, economical feasibility and technical suitability and sufficient competition.

Incentives: where Member States provide any incentives for a product covered by a delegated act they shall aim at the highest performance levels including the highest class of energy efficiency laid down in the applicable delegated act. Taxation and fiscal measures do not constitute incentives for the purpose of the Directive.

Where Member States provide incentives for products, both for end-users using highly efficient products and for industries which promote and produce such products, they shall express the performance levels in terms of classes as defined in the applicable delegated act, except where they impose higher performance levels than the threshold for the highest energy efficiency class in the delegated act. Member States may impose higher performance levels than the threshold for the highest energy efficiency class in the delegated act.

Evaluation: not later than 31 December 2014, the Commission shall review the effectiveness of the Directive and of its delegated acts and submit a report to the European Parliament and the Council. On that occasion, the Commission shall also assess: (a) the contribution of Article 4(c) to the aim of this Directive (rules on advertising); (b) the effectiveness of Article 9(1) (public procurement); (c) in the light of technical evolution and the understanding by consumers of the label layout, the need for amending Article 10(4)(d) (on content and design of the label).

ENTRY INTO FORCE: 19/06/2010. Points (d), (g) and (h) of Article 5 (Responsibilities of suppliers) shall apply from 31 July 2011.

TRANSPOSITION: 20/06/2011

APPLICATION: 20/07/2011.

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

2008/0222(COD) - 13/11/2008 - Legislative proposal

PURPOSE: to recast Council Directive 92/75/EEC on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products.

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: the recast of the Energy Labelling Directive was announced as a priority of the [Energy Efficiency Action Plan](#) and of the Sustainable Consumption and Production and Sustainable Industrial Policy (SCP/SIP) Action Plan ([COM\(2008\)0397](#)).

The SCP/SIP has shown that the limited scope of the Energy Labelling Directive (ELD) restricts its potential to further mitigate climate change and contribute to the EU-wide target of 20% energy efficiency gains by 2020 and achieve the goals of sustainable production and consumption. The SCP/SIP concluded that the Energy Labelling Directive should be amended to indicate, on the one hand, use phase energy consumption/savings and, on the other hand, other relevant and significant environmental parameters of the product.

The impact assessment study shows that the ELD could deliver more savings in energy and reduction of environmental impacts if extended to all energy-related product groups (i.e. those products that have an impact on energy consumption during use). Some other changes can further increase the effectiveness of the ELD, such as the possibility to implement the framework through regulations or decisions instead of directives, and the possibility to set classes of efficiency under which Member States should not provide incentives or procure. Provisions on market surveillance as already introduced under the Eco-design Directive have been added.

The aim of the recast of Council Directive 92/75/EEC is to extend its scope, currently restricted to household appliances, to allow for the labelling of all energy-related products including the household, commercial and industrial sectors and some non-energy using products such as windows which have a significant potential to save energy once in use or installed (means of transport are excluded).

In doing so, it follows the overall objective to ensure the free movement of products and improve their energy efficiency performance, thereby contributing to the Community objectives of strengthening the internal market, innovation, EU's competitiveness, protecting the environment and combating climate change. This would complement existing environmental policy, such as, with regard to energy use, the energy and climate package adopted by the Commission in January 2008.

The resulting framework Directive on labelling which also includes provisions relating to public procurement and incentives will be an essential building block for an integrated sustainable environmental product policy, promoting and stimulating the demand for better products and helping consumers to make better choices.