

Proposal for a regulation of the European Parliament and of the Council on a Community Energy Efficiency Labelling Programme For Office and Communication Technology Equipment

(2000/C 150 E/08)

(Text with EEA relevance)

COM(2000) 18 final — 2000/0033(COD)

(Submitted by the Commission on 28 January 2000)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) It is important to promote measures aimed at the proper functioning of the internal market.
- (2) Information and communication technology equipment accounts for a significant share of total electricity consumption; the most effective measures for reducing electrical consumption of this equipment is to reduce the stand-by consumption; the various models available on the Community market have very different levels of consumption in stand-by mode.
- (3) Some Member States might be on the point of adopting provisions relating to the energy labelling of information and communication technology equipment, which might create barriers to trade in these products in the Community; it is desirable to harmonise these initiatives to minimise the impact on industry.
- (4) It is appropriate to take as a base a high level of protection in proposals for the approximation of the provisions laid down by law, regulation or administrative action in Member States concerning health, safety, environmental protection and consumer protection; this Regulation ensures a high level of protection for both the environment and the consumer, in aiming at a significant improvement of the energy efficiency of this type of equipment.

(5) The adoption of such measures falls within Community competence; the requirements of this Regulation are within the limits of its objectives, thus conforming to the requirements of Article 5 of the Treaty.

(6) Moreover, Article 174 of the Treaty calls for the protection and improvement of the environment and prudent and rational utilisation of natural resources, these two objectives being among those of the Community policy on the environment; electricity generation and consumption account for 30 % of man-made carbon dioxides (CO₂) emissions and some 35 % of primary energy consumption in the Community, these percentages are increasing.

(7) Furthermore, Council Decision 89/364/EC of 5 June 1989 on a Community action programme for improving the efficiency of electricity use ⁽¹⁾ has as its twin objectives to encourage consumers to favour appliances and equipment with high electrical efficiency and to improve the efficiency of appliances and equipment.

(8) The UNFCCC Protocol agreed in Kyoto on 10 December 1997 calls for a greenhouse gases emission reduction for the Community of 8 % by year 2012; in order to achieve this objective stronger measures are required to stabilise CO₂ emissions within the Community.

(9) Decision 91/565/EC ⁽²⁾ established a programme to promote energy efficiency in the Community (the SAVE programme); and Decision 96/737/EC ⁽³⁾ established a new multi-annual programme (the SAVE II programme) to continue and strengthen the action of the original SAVE programme.

(10) Furthermore, the European Parliament and Council Decision 2179/98/EC ⁽⁴⁾ of 24 September 1998 on the review of the European Community programme of policy and action in relation to the environment and sustainable development 'Towards sustainability' indicated as key priority for the integration of environmental requirements in relation to energy to strengthen energy efficiency labelling of equipment.

⁽¹⁾ OJ L 157, 9.6.1989, p. 32.

⁽²⁾ OJ L 307, 8.11.1991, p. 34.

⁽³⁾ OJ L 335, 24.12.1996, p. 50.

⁽⁴⁾ OJ L 275, 10.10.1998, p. 1.

- (11) The Council Resolution ⁽¹⁾ of 7 December 1998 on energy efficiency in the European Community called on the increased use of labelling of appliances and equipment.
- (12) Most energy-efficient information and communication technology equipment are available at little or no-extra cost and they can pay for their initial cost through electricity savings within a few years.
- (13) In the interest of international trade, energy efficiency requirements, labels and test methods should be harmonised wherever appropriate.
- (14) Information and communication technology equipment is world-wide traded. The Community and the United States of America have negotiated an agreement on the co-ordination of Energy-Efficient Labelling programmes, known as the Energy Star Programme. This agreement has been concluded by Council Decision of . . . , would facilitate international trade for this equipment. This Regulation is aimed at implementing the above agreement in the Community.
- (15) An effective enforcement system is necessary to ensure that the Energy Star Labelling Programme is implemented properly, guarantees fair conditions of competition for producers and protects consumer rights.
- (16) This Regulation is confined to information and communication technology equipment.
- (17) Directive ⁽²⁾ (92/75/EEC) on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances would not be the most appropriate instrument for information and communication technology equipment; the most cost effective measures for promoting energy efficiency of information and communication technology equipment is a voluntary labelling programme.
- (18) It is necessary to assign the task of contributing to setting and reviewing the technical specifications to an appropriate body, the European Union Energy Star Board (EUESB), in order to achieve an efficient and neutral implementation of the scheme. The EUESB should be composed of the national bodies.
- (19) It is necessary to ensure that the Energy Star Program is consistent and co-ordinated with the priorities of the Community policy and with other Community labelling or quality-certification schemes such as those established by Council Directive 92/75/EEC of 22 September 1992 on the indication by labelling and standard product information of the consumption of energy and other

resources by household appliances and by Council Regulation ⁽³⁾ (EEC) No 880/92 of 23 March 1992 on a Community eco-label award scheme.

- (20) Provisions should be established aimed at ensuring consistency and complementarity between the Community Energy Star Programme and other voluntary labelling energy schemes in the Community, in order to prevent confusion for consumers and potential market distortions and increase the attractiveness of the Energy Star Programme for potential applicants.
- (21) It is necessary to guarantee transparency in the implementation of the Scheme and to ensure consistency with relevant international standards in order to facilitate access and participation in the scheme for manufacturers and exporters of countries outside the Community,

HAVE ADOPTED THIS REGULATION:

Article 1

Objectives

1. This Regulation establishes the rules for the Community voluntary energy labelling programme (hereinafter the 'Energy Star Programme') as defined in the agreement (hereinafter 'the Agreement') between the Community and the United States of America on the co-ordination of energy efficient labelling programmes.
2. The Agreement is intended to stimulate international trade of information and communication technology equipment, by facilitating the procedures for economic operators to participate in the Energy Star Programme. The Energy Star Programme is intended to maximise energy savings as well as consumer and environmental benefits by stimulating the supply of and demand for energy-efficient information and communication technology equipment.
3. The Energy Star Programme shall be co-ordinated with other Community labelling or quality certification arrangements as well as schemes such as, in particular, the Community ECO-label award scheme as established by Council Regulation (EEC) No 880/92.

Article 2

Scope

1. This Regulation shall apply only to the information and communication technology equipment product groups. Product group means any goods which serve similar purposes and are equivalent in terms of use and consumer perception.
2. The list of product groups covered by this Regulation is the one defined at any time in Annex C of the Agreement.

⁽¹⁾ OJ C 394, 17.12.1998, p. 1.

⁽²⁾ OJ L 297, 13.10.1992, p. 16.

⁽³⁾ OJ L 99, 11.4.1992, p. 1.

*Article 3***Definitions**

For the purpose of this Regulation, the following definitions are taken over from the Agreement:

- (a) **'Energy Star Logo'** means the sign or marking designated in Annex A of the Agreement and reproduced in Annex I;
- (b) **'Programme Participants'**, as defined in article 2 of the Agreement, means manufacturers, importers and retailers that commit themselves to sell designated energy-efficient products that meet the specifications of and who have chosen to participate in the Energy Star Labelling Programme by having registered with the Commission;
- (c) **'Specifications'** are the energy-efficiency and performance requirements, including testing methods, used to determine qualification of energy-efficient products for the Energy Star Logo, as defined in Article 2 and Annex C of the Agreement.

*Article 4***General principles**

1. The Energy Star Logo can be used by Programme Participants on their individual products, which they manufacture or place on the Community market.
2. Products which meet the Specifications, and for which the use of the Energy Star Logo has been granted by the 'United States Environmental Protection Agency' (U.S. EPA), are deemed to comply with this Regulation, unless there is evidence to the contrary.
3. Where the provisions of this Regulation are satisfied, Member States cannot prohibit nor restrict the placing on the market of information and communication technology equipment, on the ground that it bears the Energy Star Logo; nevertheless this shall not prevent the prohibition or restriction of equipment which fails to meet any other requirements of Community legislation.
4. Without prejudice to any Community rules as regards conformity assessment and conformity marking and/or to any international agreement concluded between the European Community and third countries as regard access to the Community market, products covered by this Regulation which are placed on the Community market, may be tested in order to verify its compliance with the requirements of the present Regulation.

*Article 5***Registration of Programme Participants**

1. Applications to become a Programme Participant may be submitted either to the National Bodies, as referred in Article 9, or to the Commission by manufacturers, importers and retailers. National Bodies will send the application to the Commission.

2. The decision to authorise an applicant to become a Programme Participant shall be taken by the Commission, after verifying that the applicant has agreed to comply with the Logo User Guideline contained in Annex B of the Agreement.

*Article 6***Promotion of the Energy Star Logo**

1. Member States and the Commission shall in co-operation with the members of the EUESB, as referred in Article 8, promote the use of the Energy Star Logo by awareness-raising actions and information campaigns for consumers, producers, retailers and the general public, thus supporting the development of the Energy Star Programme.
2. In order to encourage the purchase of Energy Star products the Commission and other institutions of the European Community, as well as other public authorities at national level should, without prejudice to Community law, use the Energy Star Specifications when defining their requirements for information and communication technology products.

*Article 7***Other voluntary energy labelling schemes**

1. Existing as well as new voluntary energy schemes in the Member States may co-exist with the Energy Star Programme to the extent that they have been recognised or authorised by the authorities of the Member States and they apply to specific national or regional objectives, or they introduce more stringent requirements than those established by the Energy Star programme.
2. The Commission and the Member States shall act in order to ensure the necessary co-ordination between the Energy Star Programme and national schemes in the Member States, in particular, in the selection of product groups as well as in the development and revision of the Specifications.

*Article 8***European Union Energy Star Board**

1. The Commission shall establish a European Union Energy Star Board consisting of representatives of the National Bodies mentioned in Article 9 as well as relevant interested parties, hereinafter referred to as the 'EUESB'. The EUESB shall in particular contribute to the review of the Specifications as well as the product group coverage. The EUESB shall also advise the Commission on common information and education campaigns, and where appropriate co-ordinate them.
2. The Commission shall ensure that to the extent possible in the conduct of its activities the EUESB observes, in respect of each product group, a balanced participation of all relevant interested parties concerned with that product group such as manufacturers, retailers, importers, environmental protection groups, consumer organisations.

3. The rules of procedure of the EUESB shall be established by the Commission.

Article 9

National bodies

Each Member State shall designate that the body or bodies (hereinafter referred to as the 'National Body' or 'National Bodies'), responsible for carrying out the tasks provided for in this Regulation. Where more than one National Body is designated, the Member State shall determine those bodies' respective powers and the co-ordination requirements applicable to them.

Article 10

Working Plan

In accordance with the objectives set out in Article 1, a Working Plan shall be established by the Commission within six months and presented to the Council and European Parliament from the entry into force of this Regulation, following prior consultation of the European Union Energy Star Board (EUESB). The Working Plan shall include a strategy for the development of the Energy Star Programme, which should set out for the subsequent three years:

- the objectives for the energy efficiency improvements, bearing in mind the need to pursue a high standard of consumer and environmental protection and the market penetration which the Energy Star Programme should seek to achieve at Community level;
- a non-exhaustive list of product groups which should be considered as priorities for inclusion in the Energy Star Programme;
- plans for educational and promotional campaigns and other necessary actions, to be co-financed, mainly, by the SAVE Programme;
- plans for co-ordination and co-operation between the Energy Star Programme and other voluntary energy labelling schemes in Member States.

The Working Plan shall be reviewed periodically.

Article 11

Procedures for the revision of the Agreement

With a view to the revising the Specifications and of the product groups covered by the Agreement, and before submitting a draft proposal or replying to the U.S. EPA according to the procedures laid down in the Agreement, the following steps have to be taken:

1. The Commission may begin the procedure on its own initiative or at the request of the EUESB. If appropriate, the Commission, shall issue a request to the EUESB to make suggestions for the revision of the Specifications as well as the products group covered by the Energy Star Programme. A deadline for completion of work shall be provided in the request. The Commission shall, when drafting the request, take due account of the Working Plan laid down in Article 10.

2. The Commission, shall issue such a request to the EUESB whenever it receives a proposal for revision from the U.S. EPA.

3. On the basis of the request, the EUESB shall draft a proposal for the revision of the Specifications and products groups covered by the Energy Star Programme by taking into account the results of feasibility and market studies, and the available technology for reducing energy consumption as laid down in Article X of the Agreement.

4. The Commission shall take into account the EUESB proposal for the revision of the Specifications and product coverage in the negotiations with the U.S. EPA.

5. Once the negotiations are concluded in accordance with the procedures laid down in the Council Decision, the Commission shall publish the new set of Specifications and product groups covered by the Energy Star Programme in the Official Journal.

Article 12

Market surveillance and control of abuses

1. The Energy Star Logo shall be used only on the products covered by the Agreement and in accordance with the Logo User Guidelines, contained in Annex B of the Agreement.

2. Member States shall put into place a surveillance mechanism to ensure conformity with the provisions of this Regulation.

3. Any false or misleading advertising or the use of any label or logo which leads to confusion with the Energy Star Logo introduced by this Regulation is hereby prohibited.

4. In case of non-compliance with the provisions of this Regulation, Member States shall take effective, proportional and dissuasive sanctions and communicate these to the Commission.

Article 13

Information

Each Member State shall ensure that consumers and undertakings are informed by appropriate means of the following:

- (a) the objectives of the Energy Star Programme;
- (b) the product groups, which are covered;
- (c) the Specifications for each product group;
- (d) the registration procedures to be followed for participating in the Energy Star Programme;
- (e) the National body or bodies in the Member State.

Member States may provide for the insertion of the following explanatory text next to the logo: 'Awarded to products which meet the energy-efficiency requirements of the Energy Star scheme'.

Article 14

Implementation

Member States shall within six months of the entry into force of this Regulation inform the Commission of the measures taken to ensure compliance with this Regulation.

Article 15

Revision

1. Within five years of the entry into force of this Regulation, and prior to any renewal of the Agreement, the

Commission shall review the Energy Star Programme in the light of the experience gained during its operation.

2. If appropriate, the Commission shall thereby propose any amendments to this Regulation, in particular, in the case the Agreement will be terminated.

Article 16

Final provisions

This Regulation shall enter into force thirty days following the date of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

ANNEX 1

ENERGY STAR LOGO



Black & White Version



Colour version
