



COMMISSION OF THE EUROPEAN COMMUNITIES

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2006/0187 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on a Community energy-efficiency labelling programme for office equipment (Recast)

(presented by the Commission)

EXPLANATORY MEMORANDUM

PURPOSE OF THE PROPOSAL

Based on an Agreement with the Government of the United States of America on the coordination of energy-efficiency labelling programmes for office equipment, Regulation (EC) 2422/2001 lays down the rules for implementing the Energy Star programme for office equipment (computers, computer monitors, printers, copiers, scanners, fax machines) in the Community. The purpose of this proposal to recast Regulation (EC) 2422/2001 is to adapt implementation of the Energy Star programme to the new Agreement between the Government of the United States of America and the European Community on the coordination of energy-efficiency labelling programmes for office equipment. The new Agreement provides the basis to continue the Energy Star programme in the Community for a second period of five years. A proposal for a Council Decision on signature and conclusion of the new Energy Star Agreement is being submitted to the Council in parallel to this proposal to recast Regulation (EC) 2422/2001.

The proposals on the new Agreement and to recast Regulation (EC) 2422/2001 take into account the experience gained during the first period of implementation of the Energy Star programme in the Community, from 2001 to 2006, and of the consultations of the European Community Energy Star Board. The objective is further to improve implementation of the Energy Star programme in order to make the programme more effective and to reap the potential energy savings.

REASONS FOR CONTINUING THE ENERGY STAR PROGRAMME

The detailed reasons for continuing the Energy Star programme for a second period of five years are set out in the Communication on the implementation of the Energy Star programme in the period 2001-2005¹ and in the Recommendation from the Commission to the Council to open negotiations on the second Energy Star Agreement². The main points are summarised below:

- Efficient use of energy is one of the main pillars for a sustainable energy policy in the EC. The Commission's Green Paper on energy efficiency³ identifies the following major benefits from efficient use of energy: securing the competitiveness of the European economy due to lower spending on energy, environmental protection due to a reduction of carbon dioxide emissions caused by energy use, security of energy supply due to a reduction of energy demand and, hence, reduction of dependence on energy imports.
- Office equipment takes a significant share of electricity consumption in the EC. If no measures are taken, consumption could increase as functionality is enhanced and stock in offices and households increases. In order to meet the targets set in

¹ COM(2006) 140 final.

² SEC(2006) 381 final.

³ COM(2005) 265 final.

the Green Paper on energy efficiency, the energy performance of office equipment must be further optimised.

- The EC Energy Star programme provides a framework for coordinating the national efforts of the EC Member States to improve the energy efficiency of office equipment. A coordinated approach is necessary in order to minimise the adverse impact on industry and trade, since uncoordinated national requirements would impose additional costs on manufacturers, traders and, consequently, purchasers and users of office equipment.
- Since office equipment is traded worldwide, measures to optimise its energy efficiency should be implemented together with global partners and decision-makers. A harmonised approach reduces programme implementation costs and avoids confusion for consumers. The Energy Star programme provides a framework for coordinating action to improve the energy efficiency of office equipment with the USA, Japan and other key market players. The Energy Star programme owned by the US Environmental Protection Agency (USEPA) and managed by the European Commission for the EC and for the EEA is therefore the natural platform for measures aiming at improving the energy efficiency of office equipment through labelling.
- The voluntary Energy Star programme is widely accepted by manufacturers. Furthermore, in the USA it is important for public procurement since the technical specifications have to be observed in public procurement procedures. This provides an incentive for manufacturers to put on the market products complying with the programme's requirements. As a consequence, the market is driven towards energy-efficient products and significant energy savings could be achieved, provided the technical specifications are demanding (e.g. cover 25% of the models) at the time the criteria are set. The Commission believes that the input of EC experts is an important contribution to developing consistent and demanding technical specifications.
- Although it is not possible to quantify the energy savings, the Commission and the stakeholders consider that the Energy Star programme for office equipment has contributed to improving the energy efficiency of office equipment sold in the EU. On the other hand, significant potential to improve the energy performance of office equipment in a cost-effective manner still exists. However, the fast pace of innovation and product development cycles require highly flexible instruments, such as voluntary labelling schemes, which can be adapted more swiftly to technological progress and developments on the market.
- The programme enhances transparency on the office equipment market, particularly regarding the energy performance of office equipment. This is a prerequisite for motivating consumers, the tertiary sector and public procurement authorities to include energy efficiency and the total cost of ownership, including the electricity bill, in their purchasing decisions. In particular, the Energy Star database managed by the Commission may be used by national, regional and local authorities as a basis for activities to promote particularly energy-efficient office equipment.

THE NEW ENERGY STAR AGREEMENT

The first Agreement with the United States expired in June 2006. The Commission proposed to renew the Agreement for a second period of five years. On 5 May 2006 it was authorised to negotiate a new Agreement. The European Parliament was informed of the negotiations on the new Energy Star Agreement at the meeting of the Industry, Research and Energy Committee on 30 May 2006.

The proposal on the new Agreement contains the explicit requirement that the common technical specifications must be demanding at the time the energy-efficiency criteria are set. This is a prerequisite to foster the energy efficiency of office equipment effectively. Furthermore, the energy-efficiency criteria have to address energy consumption not only in standby but also in other relevant modes, in particular on-mode.

Consequently, Annex C to the proposed new Agreement contains demanding and innovative common technical specifications for monitors and imaging equipment (copiers, printers, scanners, faxes) covering both standby and on-mode energy consumption. Estimates suggest that the new common technical specifications for imaging equipment which were endorsed by the EC Energy Star Board (a consultative forum made up of the Member States, industry and environmental and consumer NGOs) on 24 May 2006 will save 17 TWh in EU-25 during the next three years. Details of the calculation are available at www.eu-energystar.org. New common technical specifications for computers are being developed and are foreseen to come into force in 2007.

PROPOSED CHANGES TO REGULATION (EC) 2422/2001

During the consultations on the rationale for renewing the Energy Star Agreement, the EC Energy Star Board (ECESB) requested that the Energy Star programme should be implemented more efficiently in the EC if the Agreement were renewed. Several simplifications are therefore proposed, both in this recast of Regulation (EC) 2422/2001 and in the draft Council Decision on conclusion of the new Agreement – in particular streamlining of the process for updating the energy-efficiency criteria to make the programme more flexible and easier to adapt to rapid technological progress and developments on the market.

As far as the recast of Regulation (EC) 2422/2001 is concerned, the proposed changes aim at reducing the implementation costs for the Community institutions and for the Member States, in accordance with the voluntary nature of the programme. The proposed changes reflect the results of exploratory discussions in the ECESB.

Article 6: Promotion of the logo

The proposal is to abolish the obligations for the Member States and the Commission to promote the logo because the Energy Star programme is a voluntary labelling scheme for manufacturers. Product registration and promotion are therefore the responsibility of the manufacturers. However, the Commission will continue to provide lists of participating manufacturers and registered products plus an internet portal including a database of registered products, information for purchasers/users of office equipment, etc.

Article 8: European Community Energy Star Board (ECESB)

The proposal is to abolish the obligation for the ECESB to produce a report on the market penetration of Energy Star products and on the technology available. Experience has shown that the ECESB is not in a position to perform these tasks (e.g. due to lack of resources). Instead, the Commission plans to launch a tender for a market survey on office equipment to support future upgrades of the energy-efficiency criteria.

The proposal is to abolish the requirement that the Commission should keep the European Parliament and the Council informed of the Board's activities. This is considered redundant because the Commission's Energy Star internet portal contains all information relevant to implementation of the programme including information on the ECESB's activities, i.e. minutes of meetings, working documents, working plan, etc.

Article 10: Working plan

This Article has been reworded to bring it into line with the current stage of implementation of the programme (a working plan for 2006 has been issued) and make it consistent with the proposed amendments to Articles 6 and 8.

A further proposal is to provide for the Commission to issue an annual working plan in consultation with the ECESB and to publish it. This arrangement has been used over the last few years and is considered appropriate as it ensures full transparency.

Article 11: Preparatory procedures for the revision of technical criteria

This amendment makes it clear that the ECESB and the Commission may take the initiative to amend the Agreement and, in particular, the common technical specifications.

Furthermore, the obligations for the ECESB regarding revision of technical specifications have been reduced because practice has shown that the ECESB has limited resources and cannot comply with these provisions.

Article 13 of Regulation (EC) 2422/2001: Implementation

This Article is repealed because no duties that should be reported upon are placed on the Member States.

Article 14 of Regulation (EC) 2422/2001 - Article 13 of the recast version: Revision

This Article has been reworded to lighten the burden of programme implementation on the Commission and to make it consistent with the voluntary nature of the Energy Star scheme.

Annex

The Annex depicting the logo has been deleted because the Energy Star marks are already contained in the Agreement and there is no need to repeat them. In addition, changes to the design of the logo belonging to the US Environmental Protection Agency should not be subject to a Community co-decision procedure.

RECAST

This proposal recasts Regulation (EC) 2422/2001 in line with the Interinstitutional Agreement on the recasting technique for legal acts⁴. This means that it incorporates in a single text both the substantive amendments to Regulation (EC) 2422/2001 and the unchanged provisions thereof. This proposal will replace and repeal Regulation (EC) 2422/2001. This should help to make the Community legislation more accessible and transparent.

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Interinstitutional Agreement of 28 March 2001 on a more structured use of the recasting technique for legal acts, OJ C 77, 28.3.2002.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on a Community energy=efficiency labelling programme for office equipment (Recast)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission⁵,

Having regard to the opinion of the European Economic and Social Committee⁶,

~~After consulting~~ ☒ Having regard ☒ to the opinion of the Committee of the Regions⁷,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁸,

Whereas:

- (1) A number of substantial changes are to be made to Regulation (EC) No 2422/2001 of the European Parliament and of the Council of 6 November 2001⁹. In the interests of clarity, that Regulation should be recast.

⁵ ~~OJ C 150 E, 30.5.2000, p. 73 and OJ C 180 E, 26.6.2001, p. 262 [...].~~

⁶ ~~OJ C 204, 18.7.2000, p. 18 [...].~~

⁷ ~~OJ C [...].~~

⁸ ~~Opinion of the European Parliament of 1 February 2001 (OJ C 267, 21.9.2001, p. 49), Council Common Position of 31 May 2001 (not yet published in the Official Journal) and Decision of the European Parliament of 3 October 2001 OJ C [...].~~

⁹ ~~OJ L 332, 15.12.2001, p. 1.~~

↓ 2422/2001 recital (1) (adapted)
⇒ new

- (2) Office equipment accounts for a significant share of total electricity consumption. ~~The most effective measure for reducing electrical consumption of office equipment is to reduce the standby consumption in accordance with the Council conclusions of May 1999 on standby losses of consumer electronic equipment.~~ The various models available on the Community market have very different levels of ☒ energy ☒ consumption ~~in standby mode~~ ⇒ for similar functionalities and there is significant potential for optimising their energy efficiency ⇐ .

↓ 2422/2001 recital (2)
⇒ new

- (3) ~~There are, however, other measures for reducing electricity consumption from such equipment, such as switching it off when not needed, without compromising functionality. The Commission should ascertain which measures are appropriate in order also to exploit this energy saving potential~~ ⇒ Improving the energy efficiency of office equipment contributes to improving the competitiveness of the Community and the security of its energy supply and to protecting the environment ⇐ .

↓ 2422/2001 recital (3)

- (4) It is important to promote measures aimed at the proper functioning of the internal market.

↓ 2422/2001 recital (4) (adapted)

- (5) It is desirable to coordinate the national energy labelling initiatives to minimise the adverse impact ☒ of the measures taken to implement them ☒ on industry and trade.

↓ 2422/2001 recital (5)

- ~~(5) 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 contributes to 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.~~

↓ 2422/2001 recital (6)

- (6) Since the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
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↓ 2422/2001 recital (7) (adapted)

- ~~(7) 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 dioxide (CO₂) emissions and some 35 % of primary energy consumption in the Community. These percentages are increasing, and standby losses from electrical equipment account for about 10 % of its consumption.~~
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↓ 2422/2001 recital (8) (adapted)

- ~~(8) Furthermore, Council Decision 89/364/EEC of 5 June 1989 on a Community action programme for improving the efficiency of electricity use⁴⁰ 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. Further steps are needed to improve consumer information.~~
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↓ 2422/2001 recital (9)

- (7) The ~~UNFCCC~~ United Nations Framework Convention on Climate Change Protocol agreed in Kyoto on 10 December 1997 calls for a greenhouse gases emission reduction for the Community of 8% at the latest during the period 2008 to 2012. In order to achieve this objective, stronger measures are required to reduce ~~CO₂~~ carbon dioxide emissions within the Community.
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↓ 2422/2001 recital (10)

- (8) Furthermore, Decision No 2179/98/EC of the European Parliament and of the Council of 24 September 1998 on the review of the European Community programme of policy and action in relation to the environment and sustainable development

¹⁰ ~~OJL 157, 9.6.1989, p. 32.~~

"Towards sustainability"¹¹ indicated as a key priority for the integration of environmental requirements in relation to energy the provision of energy efficiency labelling of appliances.

↓ 2422/2001 recital (11)

- (9) The Council Resolution of 7 December 1998 on energy efficiency in the European Community¹² called for the increased use of labelling of appliances and equipment.

↓ 2422/2001 recital (12)

- (10) It is desirable to coordinate energy-efficiency requirements, labels and test methods wherever appropriate.

↓ 2422/2001 recital (13)

- (11) Most energy-efficient office equipment is available at little or no extra cost and may therefore in many cases pay for any additional cost through electricity savings within a reasonably short time. Energy-saving and ~~CO₂~~ carbon dioxide reduction objectives can therefore be achieved in a cost-effective manner in this area, without disadvantages for consumers or industry.

↓ 2422/2001 recital (14)
(adapted)
⇒ new

- (12) Office equipment is traded worldwide. The Agreement ☒ of [...] 2006 ☒ between the Government of the United States of America and the European Community on the coordination of ~~energy-efficient~~ ☒ energy-efficiency ☒ labelling programmes for office equipment¹³ will facilitate international trade and environmental protection for this equipment. ~~This Regulation is aimed at implementing the abovementioned~~ ☒ That ☒ Agreement ☒ should be implemented ☒ in the Community.

¹¹ OJ L 275, 10.10.1998, p. 1.

¹² OJ C 394, 17.12.1998, p. 1.

¹³ OJ [...].

↓ 2422/2001 recital (15)
(adapted)
⇒ new

- (13) ~~In order to influence the requirements of the Energy Star label, which is used worldwide,~~ ☒ In order to influence the requirements of the Energy Star labelling scheme ☒, the Community should participate in this labelling scheme and in drawing up the necessary technical specifications. ~~However, regular reviews must be carried out by the Commission to ascertain whether the technical criteria set are ambitious enough and take sufficient account of the Community's concerns~~ ⇒ When setting the technical criteria together with the US Environmental Protection Agency the Commission should aim at ambitious levels of energy efficiency ⇐ .

↓ 2422/2001 recital (16)
(adapted)

- (14) An effective enforcement system is necessary to ensure that the ~~energy-efficient~~ ☒ energy-efficiency ☒ labelling programme for office equipment is implemented properly, guarantees fair conditions of competition for producers and protects consumer rights.

↓ 2422/2001 recital (17)
(adapted)

- (15) This Regulation ~~is confined~~ ☒ will apply only ☒ to office equipment products.

↓ 2422/2001 recital (18)

- (16) 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 appliances¹⁴ is not the most appropriate instrument for office equipment. The most cost-effective measure for promoting energy efficiency of office equipment is a voluntary labelling programme.

↓ 2422/2001 recital (19)
(adapted)
⇒ new

- (17) It is necessary to assign the task of contributing to setting and reviewing the ☒ common ☒ technical specifications to an appropriate body, the European

¹⁴ OJ L 297, 13.10.1992, p. 16.

Community Energy Star Board (ECESB), in order to achieve an efficient and neutral implementation of the scheme. The ECESB should be ~~made up~~ ☒ composed ☒ of national representatives ☒ and representatives of interested parties ☒.

↓ 2422/2001 recital (20)
(adapted)

- (18) It is necessary to ensure that the ~~energy-efficient~~ ☒ energy-efficiency ☒ labelling programme for office equipment is consistent and coordinated with the priorities of the Community policy and with other Community labelling or quality-certification schemes such as those established by Directive 92/75/EEC and by Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme¹⁵.
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↓ new

- (19) The energy-efficiency labelling programme should complement measures taken in the context of Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products and amending Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council¹⁶. It is necessary to ensure that the Energy Star and ecodesign schemes are consistent and coordinated.
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↓ 2422/2001 recital (21)
(adapted)

- (20) It is desirable to coordinate the Community Energy Star programme ☒ based on the Agreement of [...] 2006 ☒ and other voluntary ~~labelling~~ energy ☒ labelling ☒ schemes for office equipment in the Community in order to prevent confusion for consumers and potential market distortions.
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↓ 2422/2001 recital (22)
(adapted)

- (21) It is necessary to guarantee transparency in ~~the~~ implementation of the ☒ Energy Star ☒ scheme and to ensure consistency with relevant international standards in order to facilitate access to, and participation in, the scheme for manufacturers and exporters from countries outside the Community~~s~~.
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¹⁵ OJ L 237, 21.9.2000, p. 1.

¹⁶ OJ L 191, 22.7.2005, p. 29.

↓ new

(22) This Regulation takes into account the experience gained during the initial period of implementation of the Energy Star programme in the Community,

↓ 2422/2001

HAVE ADOPTED THIS REGULATION:

Article 1
Objectives

↓ 2422/2001 (adapted)

This Regulation establishes the rules for the Community energy-efficiency labelling programme for office equipment (hereinafter referred to as “the Energy Star programme”) as defined in the Agreement between the Government of the United States of America and the European Community on the coordination of ~~energy-efficient~~ ☒ energy-efficiency ☒ labelling programmes for office equipment (hereinafter referred to as “the Agreement”).
~~Participation in the Energy Star programme is on a voluntary basis.~~

↓ 2422/2001

Article 2
Scope

This Regulation shall apply to the office equipment product groups defined in Annex C ~~of~~ to the Agreement, subject to any amendments thereof in accordance with Article X of the Agreement.

Article 3
Definitions

For the purposes of this Regulation:

↓ 2422/2001 (adapted)

(a) “Common Logo” means the mark referred to in ~~the Annex~~ ☒ I to the Agreement ☒.

↓ 2422/2001

(b) “programme participants” means manufacturers, assemblers, exporters, importers, retailers and other bodies who commit themselves to promote designated energy-efficient office equipment products that meet the Common Specifications of the Energy Star programme and who have chosen to participate in the Energy Star programme by having registered with the Commission;

↓ 2422/2001 (adapted)

⇒ new

(c) “~~the~~ Common ~~the~~ Specifications” means the energy-efficiency and performance requirements, including testing methods, used to determine qualification of energy-efficient office equipment products for the ~~e~~Common Logo.

Article 4 *General principles*

1. The Energy Star programme shall be coordinated, as appropriate, with other Community labelling or quality certification arrangements as well as with schemes such as, in particular, the Community eco-label award scheme as established by Regulation (EEC) No 880/92, ~~and~~ the indication by labelling and standard product information of the consumption of energy and other resources by household appliances as established by Directive 92/75/EEC ⇒ and measures implementing Directive 2005/32/EC. ⇐

↓ 2422/2001

2. The ~~e~~Common ~~L~~Logo may be used by programme participants and other bodies on their individual office equipment products and on the associated promotion.

↓ 2422/2001 (adapted)

⇔ 3. Participation in the Energy Star programme shall be on a voluntary basis. ⇔

~~3.~~ 4. Office equipment products for which ~~the~~ use of the ~~e~~Common ~~L~~Logo has been granted by the United States Environmental Protection Agency (USEPA) ~~are~~ ⇔ shall be ⇔ deemed to comply with this Regulation, unless there is evidence to the contrary.

↓ 2422/2001

~~4.~~ 5. Without prejudice to any Community rules on conformity assessment and conformity marking and/or to any international agreement concluded between the Community and third

countries as regards access to the Community market, products covered by this Regulation which are placed on the Community market may be tested by the Commission or Member States in order to verify their compliance with the requirements of this Regulation.

Article 5 *Registration of programme participants*

1. Applications to become a programme participant may be submitted to the Commission.

↓ 2422/2001 (adapted) ⇒ new

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 ☒ Common ☒ Logo user guideline contained in Annex B to the Agreement. The Commission shall publish ⇒ on the internet ⇐ an updated list of programme participants ~~and communicate it to Member States on a regular basis.~~

Article 6 *Promotion and information*

~~1. The Commission shall make the maximum effort to encourage, in cooperation with the Member States and the members of the ECESB, the use of the common logo by appropriate awareness-raising actions and information campaigns for consumers, suppliers, dealers and the general public.~~

~~2. Each Member State shall seek to ensure that consumers and other interested bodies are made aware of, and have access to, detailed information on the Energy Star programme, using all possible Community tools.~~

~~3.~~ In order to encourage the purchase of ☒ energy-efficient ☒ office equipment products ~~with the common logo~~, the Commission and other Community institutions, as well as other public authorities at national level, shall, without prejudice to Community and national law and economic criteria, encourage the use of ~~energy-efficient~~ ☒ energy-efficiency ☒ requirements not less demanding than the Energy Star Common Specifications when defining their requirements for ☒ procurement of ☒ office equipment products.

↓ 2422/2001

Article 7 *Other voluntary energy labelling schemes*

1. Existing and new voluntary energy labelling schemes for office equipment products in the Member States may co-exist with the Energy Star programme.

2. The Commission and the Member States shall act in order to ensure the necessary coordination between the Energy Star programme and national schemes and other labelling schemes in the Community or in the Member States.

↓ 2422/2001 (adapted) (new)

Article 8 *European Community Energy Star Board*

1. The Commission shall establish a European Community Energy Star Board (ECESB) consisting of national representatives as referred to in Article 9 as well as relevant interested parties. The ECESB shall review ~~the implementation within the Community~~ of the Energy Star programme ~~within the Community~~ and shall provide advice and assistance to the Commission, as appropriate, to enable it to carry out its role as management entity.

~~2. One year following the entry into force of this Regulation, and every year thereafter, the ECESB shall draw up a report on the market penetration of products bearing the common logo and on the technology available for reducing energy consumption.~~

~~2.~~ 2. The Commission shall ensure that, to the extent possible in the conduct of its activities, the ECESB observes, in respect of each office equipment product group, a balanced participation ~~of~~ ~~by~~ ~~all~~ relevant interested parties concerned with that product group, such as manufacturers, retailers, importers, environmental protection groups and consumer organisations.

↓ 2422/2001

~~4.~~ 3. The Commission shall establish the ECESB's rules of procedure, taking account of the views of Member States' representatives in the ECESB.

↓ 2422/2001 (new)

~~5. The Commission shall keep the European Parliament and the Council informed of the ECESB's activities.~~

↓ 2422/2001 (adapted)

Article 9 *National representatives*

Each Member State shall designate, as appropriate, national energy policy experts, authorities or persons (hereinafter referred to as "national representatives") responsible for carrying out the tasks provided for in this Regulation. Where more than one national representative is

designated, the Member State shall determine those representatives' respective powers and the coordination requirements applicable to them.

↓ 2422/2001 (adapted)

Article 10
Working plan

In accordance with the objectives set out in Article 1, the Commission shall establish a working plan ~~within six months from the entry into force of this Regulation and propose it to the European Parliament and the Council, following consultation of the ECESB.~~ The working plan shall include a strategy for the development of the Energy Star programme, which shall set out for the subsequent three years:

↓ 2422/2001

(a) 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;

(b) a non-exhaustive list of office equipment products which should be considered as priorities for inclusion in the Energy Star programme;

↓ 2422/2001 (new)

~~outline proposals for educational and promotional campaigns and other necessary actions,~~

↓ 2422/2001

(c) proposals for coordination and cooperation between the Energy Star programme and other voluntary energy labelling schemes in Member States.

↓ 2422/2001 (adapted)

⇒ new

The working plan shall be reviewed ~~periodically~~ ⇒ at least once a year. It shall be made publicly available. ⇐ ~~It shall be reviewed for the first time at the latest 12 months after it is submitted to the European Parliament and the Council, and subsequently at 12-monthly intervals.~~

Article 11
Preparatory procedures for the revision of technical criteria

1. With a view to preparing ~~the~~ ☐ for ☐ revision of the ☐ Common ☐ Specifications and of the office equipment product groups covered by Annex C to the Agreement, and before submitting a draft proposal or replying to the USEPA according to the procedures laid down in the Agreement and in Council Decision ~~2001/469/EC of 14 May 2001 concerning the conclusion on behalf of the European Community of the Agreement between the Government of the United States of America and the European Community on the coordination of energy-efficient labelling programmes for office equipment~~¹⁷, the following steps set out in paragraphs 2, 3 and 4 shall ~~have to~~ be taken.

~~1.~~ 2. The Commission ~~requests~~ ☐ may request ☐ the ECESB to make ~~suggestions~~ ☐ a proposal ☐ for ~~the~~ revision of the Agreement ☐ or for revision of Common Specifications for a product. The Commission may make a proposal to the ECESB for revision of Common Specifications for a product and for revision of the Agreement ☐. The ECESB may also make ~~suggestions~~ ☐ a proposal ☐ to the Commission on its own initiative.

↓ 2422/2001

~~2.~~ 3. The Commission shall consult the ECESB whenever it receives a proposal for revision of the Agreement from the USEPA.

↓ 2422/2001 (adapted)
☐ new

~~3. When the ECESB gives its opinion to the Commission it shall take into account the results of feasibility and market studies, and the available technology for reducing energy consumption.~~
4. The Commission shall take particular account of the objective of setting ~~technical~~ ☐ Common ☐ ~~s~~Specifications at a ~~high~~ ☐ an ambitious ☐ level, ☐ as provided for in Article I, paragraph 4 of the Agreement ☐ ~~with due regard for the technology available and the associated costs,~~ ☐ with the aim of ☐ ~~for~~ reducing energy consumption ~~analysed in the ECESB report referred to in Article 8(2)~~ ☐ with due regard for the technology available and the associated costs ☐.

¹⁷ OJ L72, 26.6.2001, p. 4[...].

Article 12
Market surveillance and control of abuses

↓ 2422/2001

1. The ~~e~~Common ~~I~~Logo shall be used only in connection with the products covered by the Agreement and in accordance with the logo user guidelines contained in Annex B to the Agreement.

↓ 2422/2001 (adapted)

2. Any false or misleading advertising or ~~the~~ use of any label or logo which leads to confusion with the ~~e~~Common ~~I~~Logo ~~introduced by this Regulation~~, shall be prohibited.

3. The Commission shall ensure proper use of the ~~e~~Common ~~I~~Logo by undertaking or coordinating actions described in Article VIII, paragraphs 2, 3 and 4 of the Agreement. Member States shall take actions as appropriate to ensure conformity with the provisions of this Regulation in their own territory and shall inform the Commission. Member States may refer evidence of non-compliance by programme participants and other bodies to the Commission for initial action.

~~Article 13~~
~~Implementation~~

~~Within 12 months of the entry into force of this Regulation, Member States shall inform the Commission of the measures taken to ensure compliance with it.~~

~~Article 14~~ 13
Revision

Before the Parties to the Agreement ~~are to~~ discuss ~~the~~ renewal of the Agreement in accordance with Article XII ~~thereto~~ thereof, the Commission shall assess the Energy Star programme in the light of the experience gained during its operation.

~~The Commission shall produce and submit to the European Parliament and the Council by 15 January 2005 a report monitoring the energy efficiency of the office equipment market in the Community, giving an evaluation of the effectiveness of the Energy Star programme and proposing, if necessary, measures complementary to the programme. The report shall examine the result of the dialogue between the EU and the USA and in particular whether Energy Star specifications are effective enough.~~

↓ (adapted) (adapted)

Article 14
Repeal

Regulation (EC) No 2422/2001 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in the Annex.

↓ 2422/2001 (adapted)

Article 15
Final provisions

This Regulation shall enter into force on the 30th ☒ twentieth ☐ day following that of its publication in the *Official Journal of the European ~~Communities~~ Union*.

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

↓ 2422/2001 (adapted)

~~Annex~~

~~ENERGY STAR LOGO~~



ANNEX [to fill]

Regulation 2422/2001	This Regulation
Article 6(1)	-
Article 6(2)	-
Article 6(3)	Article 6
Article 8(2)	-
Article 8(3)	Article 8(2)
Article 8(4)	Article 8(3)
Article 8(5)	-
Article 10, third indent	-
Article 10, fourth indent	Article 10, indent (c)
Article 10, second subparagraph, last sentence	-
-	Article 10, second subparagraph, last sentence
Article 11, point 3	-
-	Article 11(3)
Article 13	-
Article 14, first subparagraph	Article 13
Article 14, second subparagraph	-
-	Article 14
Annex	-