



27.4.2016

OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Industry, Research and Energy

on the proposal for a regulation of the European Parliament and of the Council
setting a framework for energy efficiency labelling and repealing Directive
2010/30/EU
(COM(2015)0341 – C8-0189/2015 – 2015/0149(COD))

Rapporteur: Aldo Patriciello

PA_Legam

SHORT JUSTIFICATION

Energy labelling is beneficial to the environment, as it allows customers to compare products in terms of their energy efficiency and to take cost-effective and environmentally conscious purchasing decisions.

The energy labelling system in place has however become untransparent and to some extent meaningless, mainly due to the overpopulation and diversification of the highest energy efficiency classes, which evidently confuses consumers. Also, market surveillance in Member States leaves room for improvement and would benefit from a clearer and simpler product information management and labelling system.

Your Rapporteur therefore welcomes the proposal for a Regulation setting a framework for energy efficiency labelling and repealing Directive 2010/30/EU (COM(2015)341), which aims at more transparency for customers and authorities with regard to energy related products on the EU market.

The Commission proposal replaces the current energy labelling framework and introduces a mechanism for the rescaling of energy efficiency classes. The proposal also provides for a product database and lays out the obligations of the economic operators involved.

Your Rapporteur endorses most of the elements mentioned, but suggests amending several aspects of the proposal, most importantly:

- Frequency of rescaling

The Commission suggests a periodic ten year review cycle and bases on this its concept for the rescaling and repopulation of all energy efficiency classes. Your Rapporteur thinks that the frequency of rescaling should be solely evidence based and take into account product specific needs. A fixed cycle will not be able to meet the demands of a changing market. Any rescaling is an adaptation to technical and scientific progress, and should be based on a thorough and specific preparatory study carried out by the Commission. All references to a fixed review cycles should be deleted (Rec. 11; Art. 7(3) and (4)).

- Population of top classes

As an answer to the overpopulation and diversification of class A for many products, the Commission suggests to delete the new classes A+ etc. and to empty the top two product classes A and B completely. Your rapporteur is firmly convinced that emptying the top classes would send the wrong message to customers and possibly have a detrimental ecological effect, as it suggests that no commendable products are available. Understanding the need for a long-term solution, he suggests introducing a percentage limit for energy classes A and B, the exceedance of which would trigger a new rescaling (Rec. 11; Art. 7(3)).

- Maintenance of the database:

Your Rapporteur wants to emphasise that the database is only a technical tool and cannot replace market surveillance. The generation of product data sheets and upload or input of data sets in an external database can pose a high financial and administrative burden in particular

to small and medium sized enterprises. The submission of traditional formats in electronic form to the Commission should be legally viable, on condition that the information is complete and standardised and the supplier can be held responsible for the information in the database. The supplier should be entitled to decide how he wants to submit his data (Rec. 16; Art. 3(1); Art. 8).

- Affixing or display of the label:

At some points the Commission proposal is unclear with regard to the use of electronic labels instead of a traditional label affixed to the product. The electronic display of labels in shops is a simplification for all involved parties and should therefore be encouraged (Art. 3(2)).

Your Rapporteur also recommends that a definition of 'energy efficiency' aligned with Energy Efficiency Directive 2012/27/EU be added.

Your Rapporteur welcomes that second hand products are excluded from the scope of the proposal.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Industry, Research and Energy, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The European Union is committed to building an Energy Union with a forward looking climate policy. Energy efficiency is a crucial element of the European Union's 2030 Climate and Energy Policy Framework and is key to moderate energy demand.

Amendment

(1) The European Union is committed to building an Energy Union with a forward looking climate policy. Energy efficiency is a crucial element of the European Union's 2030 Climate and Energy Policy Framework and is key to moderate energy demand ***and limit greenhouse gas emissions.***

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) It is appropriate to replace Directive 2010/30/EU by a Regulation which maintains the same scope, but modifies and enhances some of its provisions in order to clarify and update their content. A ***Regulation is the appropriate legal instrument as it imposes clear and detailed rules which do not give room for divergent transposition by Member States and ensures thus a higher degree of harmonisation across the Union. A harmonised regulatory framework at Union rather than at Member State level brings down costs for manufacturers and ensures a level playing field. Harmonisation across the Union ensures the free movement of goods across the Single Market.***

Amendment

(4) It is appropriate to replace Directive 2010/30/EU by a Regulation which ***mainly*** maintains the same scope, but modifies and enhances some of its provisions in order to clarify and update their content. A ***harmonised regulatory framework at Union rather than Member State level reduces the costs of manufacturers and ensures a level playing field. Harmonisation across the Union ensures the free movement of goods across the internal market. As the energy consumption of means of transport for persons or goods is directly or indirectly regulated by other Union law and policy, it is appropriate to continue to exclude them from the scope of this Regulation. That exclusion includes means of transport in which the motor stays in the same location while it is operated, for example elevators, escalators and conveyor belts.***

Amendment 3

**Proposal for a regulation
Recital 4 a (new)**

Text proposed by the Commission

Amendment

(4a) It is appropriate to exempt second-hand products from this Regulation, which includes all those products that have been put into service before being made available on the market for a second or additional time.

Amendment 4

**Proposal for a regulation
Recital 7**

Text proposed by the Commission

(7) Improving the efficiency of energy-related products through informed consumer choice benefits the Union economy overall, drives innovation and will contribute to the achievement of the Union's 2020 and 2030 energy efficiency targets. It will also allow consumers to save money.

Amendment

(7) Improving the efficiency of energy-related products through informed consumer choice benefits the Union economy overall, drives innovation and will contribute to the achievement of the Union's 2020 and 2030 energy efficiency targets ***and its environmental and climate action objectives***. It will also allow consumers to save money ***by reducing household energy consumption***.

Amendment 5

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) The provision of accurate, relevant and comparable information on the specific energy consumption of energy-related products facilitates the customer's choice in favour of those products which consume less energy and other essential resources during use. A standardised mandatory label is an effective mean to provide potential customers with comparable information on the energy consumption of energy-related products. It should be supplemented with a product information sheet. The label should be easily recognisable, simple and concise. To this end the existing dark green to red colour scale of the label should be retained as the basis to inform customers about the energy efficiency of products. A classification using letters from A to G has shown to be most effective for customers. In situations where because of ecodesign measures under Directive 2009/125/EC products can no longer fall into classes 'F' or 'G', those classes should not be shown on the label. ***For exceptional cases this should also be extended to the 'D' and 'E'***

Amendment

The provision of accurate, relevant and comparable information on the specific energy consumption of energy-related products facilitates the customer's choice in favour of those products which consume less energy and other essential resources during use. A standardised mandatory label is an effective mean to provide potential customers with comparable information on the energy consumption of energy-related products. It should be supplemented with a product information sheet. The label should be easily recognisable, simple and concise. To this end the existing dark green to red colour scale of the label should be retained as the basis to inform customers about the energy efficiency of products. A classification using letters from A to G has shown to be most effective for customers. In situations where because of ecodesign measures under Directive 2009/125/EC products can no longer fall into classes '***D***', '***E***', 'F' or 'G', those classes should not be shown on the label.

classes, although this situation is unlikely to occur given that the label would be rescaled once a majority of product models falls into the top two classes.

Justification

Where classes are empty for legal reasons, they should be removed irrespective of the percentage of products falling into the top two classes.

Amendment 6

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Manufacturers respond to the energy label by creating ever more efficient products. This technological development leads to products populating mainly the highest classes of the energy label. Further product differentiation may be necessary to allow customers a proper comparison, leading to the need to rescale labels. For the frequency of such rescaling *a* timescale ***of approximately ten years would be appropriate***, taking into account the need to avoid over burdening manufacturers. This Regulation should therefore lay down detailed arrangements for rescaling in order to maximise legal certainty for suppliers and dealers. A newly rescaled label should have empty top classes to encourage technological progress and enable ever more efficient products to be developed and recognised. When a label is rescaled, confusion to customers should be avoided by replacing all energy labels within a short timeframe.

Amendment

(11) Manufacturers respond to the energy label by creating ever more efficient products. This technological development leads to products populating mainly the highest classes of the energy label. Further product differentiation may be necessary to allow customers a proper comparison, leading to the need to rescale labels. For the frequency of such rescaling ***the*** timescale ***depends on the overpopulation of the two highest scales which reduces consumer choice and the incentives for developing more energy efficient products***, taking into account the need to avoid over burdening manufacturers. This Regulation should therefore lay down detailed arrangements for rescaling in order to maximise legal certainty for suppliers and dealers. A newly rescaled label should have empty top classes to encourage technological progress and enable ever more efficient products to be developed and recognised. When a label is rescaled, confusion to customers should be avoided by replacing all energy labels within a short timeframe.

Justification

The main reason to rescale the energy efficiency label consists of the overpopulation of the

highest label classes A and B which reduces consumer choice and lowers the incentive to buy energy efficient products. Because the energy efficiency of each product group evolves at a different rate, the suggested 10 years period could be too fast or too slow depending on the product group. In order to ensure the burden of reviewing the label remains reasonable and consumers have enough choice, the top classes A and B should not be emptied, but should have a limited number of products.

Amendment 7

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) It is necessary to provide for a clear and proportionate distribution of obligations corresponding to the role of each operator in the supply and distribution process. Economic operators should be responsible for compliance in relation to their respective roles in the supply chain and should take appropriate measures to ensure that they only make available on the market products which are in conformity with this Regulation and its delegated acts

Amendment

(13) It is necessary to provide for a clear and proportionate distribution of obligations corresponding to the role of each operator in the supply and distribution process. Economic operators should be responsible for compliance in relation to their respective roles in the supply chain and should take appropriate measures to ensure that they only make available on the market products which are in conformity with this Regulation and its delegated acts. ***The supervisory authorities should carry out spot checks on the conformity of energy products with the requirements of this Regulation.***

Amendment 8

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) In order to ensure legal certainty, it is necessary to clarify that rules on Union market surveillance and control of products entering the Union market provided for in Regulation (EC) No 765/2008 of the European Parliament and of the Council²¹ apply to energy-related products. Given the principle of free movement of goods, it is imperative that the market surveillance authorities of the Member States cooperate

Amendment

(15) In order to ensure legal certainty, it is necessary to clarify that rules on Union market surveillance and control of products entering the Union market provided for in Regulation (EC) No 765/2008 of the European Parliament and of the Council²¹ apply to energy-related products. Given the principle of free movement of goods, it is imperative that the market surveillance authorities of the Member States cooperate

with each other effectively. Such cooperation on energy labelling should be reinforced through support by the Commission.

²¹ OJ L 218, 13.8.2008, p. 30.

with each other effectively ***through ongoing exchanges of information, particularly regarding the outcome of product conformity assessments and the marketing, or withdrawal from the market, of certain products.*** Such cooperation on energy labelling should be reinforced through support by the Commission.

²¹ OJ L 218, 13.8.2008, p. 30.

Amendment 9

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) In order to facilitate the monitoring of compliance and to provide up-to-date market data for the regulatory process on revisions of product-specific labels and information sheets, suppliers should provide ***their*** product compliance information electronically in a database established by the Commission. The information should be made publicly available to provide information ***for*** customers and to allow for alternative ways for dealers to receive labels. Market surveillance authorities should have access to the information in the database.

Amendment

(16) ***Without prejudice to the Member States' market surveillance obligations,*** in order to facilitate the monitoring of compliance and to provide up-to-date market data for the regulatory process on revisions of product-specific labels and information sheets, suppliers should provide ***the required*** product compliance information electronically in a database established ***and maintained*** by the Commission. The information should be made publicly available, ***including through the use of apps and other information technology,*** in order to provide ***the required*** information to customers and to allow for alternative ways for dealers to receive labels. Market surveillance authorities should have access to the information in the database.

Amendment 10

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) Energy consumption and other information concerning the products covered by product-specific requirements under this Regulation should be measured by using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurements and calculation methods. It is in the interests of the functioning of the internal market to have standards which have been harmonised at Union level. In the absence of published standards at the time of application of product-specific requirements the Commission should publish in the Official Journal of the European Union transitional measurement and calculation methods in relation to those product-specific requirements. Once a reference to such a standard has been published in the Official Journal of the European Union compliance with it should provide a presumption of conformity with measurement methods for those product-specific requirements adopted on the basis of this Regulation.

Amendment

(19) Energy consumption and other information concerning the products covered by product-specific requirements under this Regulation should be measured ***in accordance with harmonised standards and*** by using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurements and calculation methods. ***Those methods should reflect, as far as possible, real-life usage conditions in order for consumers to be able to relate and trust the information conveyed by the labels. They should also be clear and robust in order to deter intentional and unintentional circumvention.*** It is in the interests of the functioning of the internal market to have standards which have been harmonised at Union level. In the absence of published standards at the time of application of product-specific requirements the Commission should publish in the Official Journal of the European Union transitional measurement and calculation methods in relation to those product-specific requirements. Once a reference to such a standard has been published in the Official Journal of the European Union compliance with it should provide a presumption of conformity with measurement methods for those product-specific requirements adopted on the basis of this Regulation.

Amendment 11

**Proposal for a regulation
Recital 19 a (new)**

Text proposed by the Commission

Amendment

(19a) The supervisory authorities should check whether products conform with the requirements of this Regulation and, in particular, with harmonised rules for the

calculation and measurement of product standards. Those checks should be carried out in such a way so as to reflect real conditions of product use. Design features intended to falsify test results should be specifically prohibited.

Amendment 12

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) The Commission should provide a working plan for the revision of labels of particular products including an indicative list of further energy-related products for which an energy label could be established. The working plan should be implemented starting with a technical, environmental and economic analysis of the product groups concerned. This analysis should also look at supplementary information including the possibility and cost to provide consumers with information on the performance of an energy-related product, such as its *absolute* energy consumption, durability or environmental performance, in coherence with the objective to promote a circular economy. Such supplementary information should improve the intelligibility and effectiveness of the label towards consumers and should not lead to any negative impact on consumers.

Amendment

(20) The Commission should provide a working plan for the revision of labels of particular products including an indicative list of further energy-related products for which an energy label could be established. The working plan should be implemented starting with a technical, environmental and economic analysis of the product groups concerned. This analysis should also look at supplementary information including the possibility and cost to provide consumers with information on the performance of an energy-related product, such as its energy consumption, durability or environmental performance, in coherence with the objective to promote a circular economy. Such supplementary information should improve the intelligibility and effectiveness of the label for consumers and should not lead to any negative impact to consumers.

Justification

"Absolute energy consumption" is unclear and will invite unfocused discussions about product life cycles and ecological footprints, and therefore complicate decision-making enormously.

Amendment 13

Proposal for a regulation

Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) Ecodesign has achieved significant results in improving energy efficiency and the energy consumption of products, and thereby decreasing household energy costs and consumption and reducing greenhouse gas emissions. The list of products covered by this legislation therefore needs to be extended and all resource efficiency characteristics should be included, as soon as possible, in product design requirements, by determining horizontal requirements which relate, inter alia, to the durability of products and the extent to which they can be repaired, reused or recycled.

Amendment 14

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation lays down a framework on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products during use and supplementary information concerning energy-related products in order to allow customers to choose more efficient products.

1. This Regulation lays down a framework on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products during use, and supplementary ***environmental and performance*** information concerning energy-related products in order to allow customers to choose more efficient ***and sustainable*** products.

Amendment 15

Proposal for a regulation Article 1 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. This Regulation shall not apply to:

2. This Regulation shall ***apply to energy related products to be placed on the Union market or put into service in the Union. It*** shall not apply to:

Justification

A positive scope definition is required.

Amendment 16

Proposal for a regulation Article 2 –point 11

Text proposed by the Commission

Amendment

(11) ‘Energy-related product’ means any good ***or*** system or service with an impact on energy consumption during use, which is placed on the market ***and*** put into service in the Union, including parts to be incorporated into energy-related products which are placed on the market ***and*** put into service;

(11) ‘Energy-related product’ means any good, system or service with an impact on energy consumption during use, which is placed on the market ***or*** put into service in the Union, including parts ***intended*** to be incorporated into energy-related products which are placed on the market ***or*** put into service ***in the Union as individual parts for customers, and the environmental performance of which can be assessed independently***;

Amendment 17

Proposal for a regulation Article 2 –point 11 a (new)

Text proposed by the Commission

Amendment

(11a) ‘Energy consumption’ means the quantity of energy that a product consumes to perform its duty, measured on a cyclical, annual or life-time basis, in a technologically neutral manner, comparable within a product category;

Amendment 18

Proposal for a regulation Article 2 –point 11 b (new)

Text proposed by the Commission

Amendment

(11b) 'Product group' means any energy-related products with the same functionality and, in the case of multipurpose energy-related products, with the same main functionality or the same set of main functionalities;

Amendment 19

Proposal for a regulation Article 2 –point 13

Text proposed by the Commission

Amendment

(13) 'Label' means a graphic diagram including a classification using letters from A to G in seven different colours from dark green to red in order to show consumption of energy;

(13) 'Label' means a graphic diagram, in printed or electronic form, including a classification to show the consumption of energy of a product, in order to allow products comparison;

Justification

For clarity the definition should not set requirements. It is therefore better to have a general definition that does not contradict with other articles of the proposal. The elements describing the label should be listed in Art. 12, where the label is analysed. Suppliers should have the flexibility to be able to make available labels and information sheets in the format that they choose. Electronic and online means are becoming more and more widespread. A future-proof Framework text should consider the possibility for electronic form. Manufacturers use many different marketing routes for products being placed on the market and different means of providing the label needs to be in line with this.

Amendment 20

Proposal for a regulation Article 2 –point 17

Text proposed by the Commission

Amendment

(17) 'Product information sheet' means a standard table of information relating to a product;

(17) 'Product information sheet' means a standard table, ***in printed or electronic form***, of information relating to a product;

Justification

Suppliers should have the flexibility to be able to make available labels and information sheets in the format that they choose. Electronic and online means are becoming more and more widespread. A future-proof Framework text should consider the possibility for electronic form. Manufacturers use many different marketing routes for products being placed on the market and different means of providing the label needs to be in line with this.

Amendment 21

Proposal for a regulation
Article 2 –point 18

Text proposed by the Commission

Amendment

(18) 'Rescale' means ***a periodic exercise*** to make more stringent the requirements for achieving the energy class ***on*** a label for a particular product, ***which, for existing labels may imply the deletion of certain energy classes***;

(18) 'Rescale' means ***an exercise that changes the correlation between energy efficiency and the class of a label scheme in order*** to make more stringent the requirements for achieving the energy class ***of*** a label for a particular product;

Amendment 22

Proposal for a regulation
Article 2 –point 20

Text proposed by the Commission

Amendment

(20) 'Supplementary information' means information on the functional and ***environmental*** performance of an energy-related product, such as its absolute energy consumption or ***durability***, which is based on data that are measurable by market surveillance authorities, is unambiguous and has no significant negative impact on the clear intelligibility and effectiveness of

(20) 'Supplementary information' means information on the functional, ***environmental*** and ***resource-efficient*** performance of an energy-related product, such as its absolute energy consumption, ***durability, expected lifespan, the extent to which it can be repaired***, or ***its recycled material content***, which is based on data that are measurable by market surveillance

the label as a whole towards customers.

authorities, is unambiguous and has no significant negative impact on the clear intelligibility and effectiveness of the label as a whole towards customers;

Amendment 23

Proposal for a regulation Article 2 –point 20a (new)

Text proposed by the Commission

Amendment

(20a) ‘Energy efficiency’ means the ratio of output of performance, service, goods or energy, to input of energy.

Amendment 24

Proposal for a regulation Article 3 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) they shall ensure that products placed on the market are provided, free of charge, with accurate labels and product information sheets in accordance with this Regulation and the relevant delegated acts;

(a) they shall ensure that products placed on the market are provided, free of charge, with accurate labels, ***made available in printed or electronic form***, and with product information sheets in accordance with this Regulation and the relevant delegated acts;

Justification

Article 3.1 should clarify how the label and the information sheet need to be delivered. Label should be provided with the product as today but possibly in the future, delegated acts could define electronic solution, provided all stakeholders agree. This is to ensure that the framework is future proof. In current legislation for Product Information Sheets, there is legal uncertainty how to provide them. In contrast to labels, these are unlikely to be language neutral, therefore we propose that they should be made available to the final customer through catalogues or websites or other adequate means. For some product groups, “labels in the box” mislead consumers because the energy class of the product changes according to its combination with components/parts (e.g. air conditioners, heat pumps) and because manufacturers cannot predict what combination retailer shops choose to display or consumers choose to buy through installers. For these kinds of product groups, suppliers should be allowed to deliver labels by other means than ‘in the box’, in order to make sure that dealers and therefore consumers, receive accurate labels in time.

Amendment 25

Proposal for a regulation

Article 3 – paragraph 1 – point aa (new)

Text proposed by the Commission

Amendment

(aa) for product groups where the product consists of several parts or components, and the energy efficiency class of the product is a function of such combination, they shall make accurate labels available, free of charge, to dealers at the point of display without prejudice to the supplier's choice of delivery of labels;

Justification

Article 3.1 should clarify how the label and the information sheet need to be delivered. Label should be provided with the product as today but possibly in the future, delegated acts could define electronic solution, provided all stakeholders agree. This is to ensure that the framework is future proof. In current legislation for Product Information Sheets, there is legal uncertainty how to provide them. In contrast to labels, these are unlikely to be language neutral, therefore we propose that they should be made available to the final customer through catalogues or websites or other adequate means. For some product groups, “labels in the box” mislead consumers because the energy class of the product changes according to its combination with components/parts (e.g. air conditioners, heat pumps) and because manufacturers cannot predict what combination retailer shops choose to display or consumers choose to buy through installers. For these kinds of product groups, suppliers should be allowed to deliver labels by other means than ‘in the box’, in order to make sure that dealers and therefore consumers, receive accurate labels in time.

Amendment 26

Proposal for a regulation

Article 3 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) they shall deliver labels promptly and free of charge on request from dealers;

(b) they shall deliver labels promptly and free of charge on request from dealers ***in accordance with the relevant delegated acts which may specify the form of the label (printed or electronic) considering the needs of dealers;***

Justification

Article 3.1 should clarify how the label and the information sheet need to be delivered. Label can be requested as today in printed form but in the future, it may prove more practical to use electronic means to be more responsive to dealer's needs compared to sending printed labels by post. Delegated acts could define an electronic solution, provided dealers agree. This is to ensure that the framework is future proof.

Amendment 27

Proposal for a regulation

Article 3 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) they shall make available, free of charge, the product information sheet (in printed or electronic form) to the dealer without prejudice to the suppliers' choice of form of the product information sheet, in accordance with the relevant delegated acts;

Justification

Article 3.1(ba) clarifies how the information sheet need to be delivered. In current legislation for Product Information Sheets, there is legal uncertainty how to provide them. In contrast to labels, these are unlikely to be language neutral, therefore we propose that they should be made available to the final customer through catalogues or websites or other adequate means.

Amendment 28

Proposal for a regulation

Article 3 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) they shall not place on the market products designed in a such a way that any of the product performance is automatically altered in test conditions with the objective of reaching a more favourable level for any of the parameters specified in the implementing act or included in any of the documentation provided with the product;

Amendment 29

Proposal for a regulation

Article 3 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) they shall not by means of software updates, manually, remotely, through automatic or required updates, introduce changes that would have the effect of altering performance leading to an increase in the energy consumption during a product life-time, either in the use-phases, or standby modes after the product is in use;

Amendment 30

Proposal for a regulation

Article 3 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) they shall, prior to placing a product model on the market, enter into the product database established in accordance with Article 8 the information detailed in Annex I.

(d) they shall, prior to placing *units of* a product model on the market, enter *directly* into the product database established in accordance with Article 8 the information detailed in Annex I, *or submit that information in a standardised electronic form to the Commission.*

Amendment 31

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) they shall, display in a visible manner the label provided by the supplier or

(a) they shall, display in a visible manner, *on the appliance or in its immediate*

otherwise made available for a product covered by a delegated act;

proximity, the label provided by the supplier or otherwise made available for a product covered by a delegated act;

Amendment 32

Proposal for a regulation

Article 3 – paragraph 2 – point b

Text proposed by the Commission

(b) they shall, where they do not have a label or a rescaled label:

Amendment

(b) they shall, where they do not have a label or a rescaled label, *subject to the requirements incumbent on suppliers to provide them with labels promptly and free of charge*:

Amendment 33

Proposal for a regulation

Article 3 – paragraph 2 – point b – point ii

Text proposed by the Commission

(ii) print out *the* label from the product database established in accordance with Article 8 if that function is available for that product; or

Amendment

(ii) print out **that** label *or download it for electronic display* from the product database established in accordance with Article 8 if that function is available for that product; or

Justification

The electronic display of labels in shops is a simplification and one of the key features of this legislative measure.

Amendment 34

Proposal for a regulation

Article 3 – paragraph 2 – point b – point iii

Text proposed by the Commission

(iii) print out *the* label or a *rescaled* label

Amendment

(iii) print out *that* label, or *download it for*

from the supplier's website if that function is available for that product.

electronic display in a form allowing reuse of the electronic label, from the supplier's website if that function is available for that product.

Amendment 35

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

2. Member States shall take all appropriate measures to ensure that suppliers and dealers comply with the obligations and requirements of this Regulation and of the relevant delegated acts.

Amendment

2. Member States shall take all appropriate measures to ensure that suppliers and dealers comply with the obligations and requirements of this Regulation and of the relevant delegated acts. *The market surveillance authorities of each Member State shall ensure, for example by means of random sampling, that products sold on the Union market meet the requirements for the energy class indicated.*

Amendment 36

Proposal for a regulation Article 4 – paragraph 3

Text proposed by the Commission

3. Where Member States provide any *incentives* for an energy-related product covered by this Regulation and specified in a delegated act, *these* shall aim at the highest *class* of energy efficiency laid down in the applicable delegated act.

Amendment

3. Where Member States provide any *incentive* for an energy-related product covered by this Regulation and specified in a delegated act, *that incentive* shall aim at the highest *classes* of energy efficiency, *where products are available*, laid down in the applicable delegated act.

Amendment 37

Proposal for a regulation Article 4 – paragraph 5

Text proposed by the Commission

5. Member States shall lay down the rules on penalties and enforcement mechanisms applicable to infringements of the provisions of this Regulation and its delegated acts, and shall take all measures necessary to ensure that they are implemented. The penalties must be effective, proportionate ***and dissuasive***. Member States shall notify those provisions to the Commission by the date of application of this Regulation and shall notify without delay any subsequent amendment affecting them.

Amendment

5. Member States shall lay down the rules on penalties and enforcement mechanisms applicable to infringements of the provisions of this Regulation and its delegated acts, and shall take all measures necessary to ensure that they are implemented. The penalties must be effective, proportionate ***and dissuasive and compensate for the economic advantage of non-compliance***. Member States shall notify those provisions to the Commission by the date of application of this Regulation and shall notify without delay any subsequent amendment affecting them.

Amendment 38

Proposal for a regulation

Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission may independently test the energy performance of products and verify compliance. The Commission may engage a third party for that purpose.

Amendment 39

Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Energy-related products with energy labels shall be subject to spot checks, to be carried out periodically for each product group by the national market surveillance authorities on the basis of harmonised standards, in order to assess their compliance with the requirements of this Regulation and its delegated acts. In addition, the national market surveillance authorities shall, through spot checks,

ascertain whether all the energy products referred to in this Regulation are actually registered in the database established pursuant to Article 8.

Amendment 40

Proposal for a regulation Article 6 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The Commission shall adopt delegated acts in accordance with Article 13 to lay down rules aiming to harmonise, at Union level, the implementation of tests by the national market surveillance authorities, establishing a timetable and arrangements for conducting the tests. Those tests shall reflect the real conditions of use of the products.

Amendment 41

Proposal for a regulation Article 6 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. The design of products with the aim of altering the test results and thus of defrauding the market surveillance authorities shall be expressly prohibited.

Amendment 42

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. Where the market surveillance authorities consider that ***non-compliance is not restricted to their national territory***, they shall inform the Commission and the other Member States of the results of the

3. Where the market surveillance authorities consider that ***there has been non-compliance***, they shall inform the Commission and the other Member States of the results of the evaluation and of the

evaluation and of the actions which they have required the supplier to take.

actions which they have required the supplier to take ***and upload the information in the product database.***

Amendment 43

Proposal for a regulation Article 6 – paragraph 10

Text proposed by the Commission

10. Where, on completion of the procedure set out in paragraphs 4 and 5, objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay ***enter into consultation with the Member States and the supplier and shall*** evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not.

Amendment

10. Where, on completion of the procedure set out in paragraphs 4 and 5, objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not, ***and may decide on an appropriate alternative measure.***

Amendment 44

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

1. The Commission may, by means of delegated acts adopted pursuant to Articles 12 and 13, introduce labels or rescale existing labels.

Amendment

1. The Commission may, by means of delegated acts adopted pursuant to Articles 12 and 13, introduce labels or rescale existing labels.

The labels shall be designed in a way that both the absolute product performance (energy consumption) and the relative performance (energy efficiency taking into account relevant aspects of the product model such as size, volume, and/or amenities) are reflected in the calculation to define the energy class. In addition to the energy class, the energy consumption shall be displayed per cycle, per year, per lifetime or any period of time

most relevant to the product category.

The addition to the label, or to the product information sheet, of non-energy related elements shall be considered, including but not limited to the following:

- noise,*
- free warranty period offered to the end user and durability,*
- availability of spare parts, and repair information,*
- chemical contents (as required by article 33 of REACH ‘right to know’),*
- ‘smart’ aspects of the product.*

The label shall include a QR code or any other digital pattern enabling to make best use of internet based technologies.

The label shall be technologically neutral, enabling a comparison between all appliances delivering similar services, independent of energy carrier or technology employed. There shall be only one label for functionally equivalent products, and there shall be no exemptions from labelling duties. When comparing different energy carriers for the purpose of the energy label, primary energy should be referred to, based on the Union average of energy conversion efficiency (primary energy factor), to assess the performances and the energy class of the products.

Amendment 45

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

3. The Commission shall ensure that, when a label is introduced or rescaled, the requirements are laid down so that no products are expected to fall in energy **classes A or B** at the moment of the

Amendment

3. The Commission shall ensure that, when a label is introduced or rescaled, the requirements are laid down so that no products are expected to fall into energy **class A** at the moment of the introduction

introduction of the label *and so that the estimated time within which a majority of models falls into those classes shall be at least ten years later.*

of the label. *In exceptional cases, where technology is expected to develop more rapidly, requirements should be laid down so that no products are expected to fall in energy classes A or B at the time of the introduction or rescaling of the label.*

Amendment 46

Proposal for a regulation Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. Labels shall be re-scaled periodically.

4. The Commission shall launch a review with a view to a rescaling when it considers that:

(a) 25 % of the products sold within the Union market fall into the top energy class A; or

(b) 45 % of the of the products sold within the Union market fall into energy classes A or B.

Amendment 47

Proposal for a regulation Article 7 – paragraph 5 – point b

Text proposed by the Commission

Amendment

(b) dealers shall replace the existing labels on products on display including on the Internet with the rescaled labels within one **week** following the date specified for that purpose in the relevant delegated act. Dealers shall not display the rescaled labels before that date.

(b) dealers shall replace the existing labels on products on display including on the Internet with the rescaled labels within one **month** following the date specified for that purpose in the relevant delegated act. Dealers shall not display the rescaled labels before that date;

Amendment 48

Proposal for a regulation

Article 7 – paragraph 5 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the graphics used on the rescaled label shall be visibly different from those used on the old label and the Commission shall ensure that a communication campaign is conducted by the Member States, in accordance with Article 4(4).

Amendment 49

Proposal for a regulation Article 7 – paragraph 6

Text proposed by the Commission

Amendment

6. Labels introduced by delegated acts adopted in accordance with Article 10 of Directive 2010/30/EU before the date of application of this Regulation shall be ***considered as labels for the purposes of this Regulation. The Commission shall review those labels within five years of the entry into force of this Regulation with a view to rescaling them.***

6. Labels introduced by delegated acts adopted in accordance with Article 10 of Directive 2010/30/EU before the date of application of this Regulation shall be ***rescaled to A-G which shall apply from no later than five years after the entry into force of the relevant delegated act or from ... [the date of application of this Regulation], whichever the earlier, in order to limit the co-existence of labels with different scaling, leading to consumer confusion.***

Amendment 50

Proposal for a regulation Article 8 – paragraph -1 (new)

Text proposed by the Commission

Amendment

Suppliers shall enter the required information directly into the product database or submit that information in a standardised electronic form to the Commission. Suppliers shall verify the

product data in the database.

Amendment 51

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

The Commission shall establish and maintain a product database including the information referred to in Annex I. The information listed under point 1 of Annex I shall be made publicly available.

Amendment

The Commission shall establish and maintain a product database including the information referred to in Annex I. The information listed under point 1 of Annex I shall be made publicly available. ***The information listed in point (2) of Annex I shall be made available only to the Commission and the national market surveillance authorities, who shall ensure that it remains confidential.***

Amendment 52

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

When during the conformity assessment of a product such harmonised standards are applied, the product shall be deemed to comply with the relevant measurement and calculation requirements of the delegated act.

Amendment

When during the conformity assessment of a product such harmonised standards are applied, the product shall be deemed to comply with the relevant measurement and calculation requirements of the delegated act. ***Compliance shall be checked by a relevant market surveillance authority.***

Amendment 53

Proposal for a regulation Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

The Commission shall ensure that those harmonised standards have reflected the full range of modes, functionalities, and variables affecting performance of the product.

Amendment 54

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

Amendment

Where appropriate prior to the adoption of delegated acts, the Commission shall test the design and content of the labels for specific product groups with consumers to ensure their clear understanding of the labels.

Prior to the adoption of delegated acts, the Commission shall test the design and content of the labels for specific product groups with consumers to ensure their clear understanding of the labels.

Amendment 55

Proposal for a regulation Article 12 – paragraph 3 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the measurement and calculation methods which will simulate real-life conditions of use in order to allow an accurate assessment of the actual energy efficiency of a product, in part by measuring the input of power under real-life testing conditions and determining where relevant, the time needed for a product to deliver a certain output of performance or service;

Amendment 56

Proposal for a regulation Article 12 – paragraph 3 – subparagraph 1 – point g

Text proposed by the Commission

(g) the content and, where appropriate, the format and other details concerning the technical documentation and product information sheet;

Amendment

(g) the content and, where appropriate, the format and other details concerning the technical documentation and product information sheet, ***including the methodologies and formulas used to establish the information to be provided on the label and the product information sheet, where relevant reflecting geographical variations and the possible need for third-party certification of the declared performances;***

Amendment 57

Proposal for a regulation

Article 12 – paragraph 3 – subparagraph 1 – point k

Text proposed by the Commission

(k) the conformity assessment procedures and the measurement and calculation methods to be used to determine label and product information sheet information;

Amendment

(k) the conformity assessment procedures and the measurement and calculation methods to be used to determine label and product information sheet information ***on the basis of the actual conditions of use;***

Amendment 58

Proposal for a regulation

Article 12 – paragraph 3 – subparagraph 1 – point l

Text proposed by the Commission

(l) ***whether*** for larger appliances a higher level of energy efficiency ***is required*** to reach a given energy class;

Amendment

(l) ***the modalities for requiring*** for larger appliances a higher level of energy efficiency ***in order*** to reach a given energy class;

Amendment 59

Proposal for a regulation

Article 14

Text proposed by the Commission

No later than eight years after the entry into force, the Commission shall assess the application of this Regulation and **transmit** a report to the European Parliament and the Council. That report shall assess how effectively this Regulation has allowed customers to choose more efficient products, taking into account its impacts on business.

Amendment

By... [eight years after the *date of* entry into force **of this Regulation**], the Commission shall assess the application of this Regulation and **shall submit** a report to the European Parliament and **to** the Council. That report shall assess how effectively this Regulation has allowed customers to choose more efficient products, taking into account its impacts on business **and how this Regulation has contributed to the achievement of greenhouse gas emission reduction targets**.

Amendment 60

Proposal for a regulation Annex I – part 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) information on the durability of the product, whether it can be repaired or recycled, and whether spare parts for repair purposes are available on the market;

Amendment 61

Proposal for a regulation Annex I – part 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) supplementary information.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Energy efficiency labelling
References	COM(2015)0341 – C8-0189/2015 – 2015/0149(COD)
Committee responsible Date announced in plenary	ITRE 7.9.2015
Opinion by Date announced in plenary	ENVI 7.9.2015
Rapporteur Date appointed	Aldo Patriciello 25.9.2015
Discussed in committee	17.2.2016
Date adopted	26.4.2016
Result of final vote	+: 63 –: 0 0: 2
Members present for the final vote	Marco Affronte, Margrete Auken, Pilar Ayuso, Zoltán Balczó, Ivo Belet, Simona Bonafè, Biljana Borzan, Lynn Boylan, Soledad Cabezón Ruiz, Nessa Childers, Alberto Cirio, Birgit Collin-Langen, Mireille D’Ornano, Seb Dance, Angélique Delahaye, Jørn Dohrmann, Ian Duncan, Stefan Eck, Bas Eickhout, Eleonora Evi, José Inácio Faria, Francesc Gambús, Elisabetta Gardini, Gerben-Jan Gerbrandy, Jens Gieseke, Julie Girling, Matthias Groote, Françoise Grossetête, Andrzej Grzyb, Anneli Jäätteenmäki, Jean-François Jalkh, Benedek Jávor, Karin Kadenbach, Kateřina Konečná, Giovanni La Via, Peter Liese, Norbert Lins, Susanne Melior, Miroslav Mikolášik, Massimo Paolucci, Gilles Pargneaux, Piernicola Pedicini, Bolesław G. Piecha, Pavel Poc, Daciana Octavia Sârbu, Davor Škrlec, Renate Sommer, Estefanía Torres Martínez, Nils Torvalds, Jadwiga Wiśniewska, Damiano Zoffoli
Substitutes present for the final vote	Clara Eugenia Aguilera García, Nicola Caputo, Fredrick Federley, Giorgos Grammatikakis, Merja Kyllönen, Gesine Meissner, Marijana Petir, Gabriele Preuß, Jasenko Selimovic, Kay Swinburne, Keith Taylor, Mihai Țurcanu, Tom Vandenkendelaere
Substitutes under Rule 200(2) present for the final vote	Marie-Christine Boutonnet