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P6_TC1-COD(2008)0055

Position of the European Parliament adopted at first reading on 5 May 2009 with a view to the adoption of Directive 2009/.../EC of the European Parliament and of the Council amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements

(As an agreement was reached between Parliament and Council, Parliament's position at first reading corresponds to the final legislative act, Directive 2009/123/EC.)

Energy labelling and standard product information (recast) *I**

P6_TA(2009)0345

European Parliament legislative resolution of 5 May 2009 on the proposal for a directive of the European Parliament and of the Council on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products (recast) (COM(2008)0778 – C6-0412/2008 – 2008/0222(COD))

(2010/C 212 E/33)

(Codecision procedure – recast)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2008)0778),
- having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0412/2008),
- having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts⁽¹⁾,
- having regard to the letter of 11 March 2009 from the Committee on Legal Affairs to the Committee on Industry, Research and Energy in accordance with Rule 80a(3) of its Rules of Procedure,
- having regard to Rules 80a and 51 of its Rules of Procedure,
- having regard to the report of the Committee on Industry, Research and Energy (A6-0146/2009),

A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance,

1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission as amended below;

⁽¹⁾ OJ C 77, 28.3.2002, p. 1.

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2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
3. Instructs its President to forward its position to the Council and Commission.

P6_TC1-cod(2008)0222

Position of the European Parliament adopted at first reading on 5 May 2009 with a view to the adoption of Directive 2009/.../EC of the European Parliament and of the Council on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products (recast)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) Council Directive 92/75/EEC of 22 September 1992 on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances ⁽⁴⁾ has been substantially amended ⁽⁵⁾. Since further *substantive changes* are to be made, that Directive should be recast in the interests of clarity.
- (2) The scope of Directive 92/75/EEC is restricted to household appliances. *The Commission Communication of 16 July 2008 on the Sustainable Consumption and Production and Sustainable Industrial Policy Action Plan* has shown that the extension of the scope of Directive 92/75/EEC to energy-related products, **including construction products**, which have **a significant direct or indirect** impact on energy consumption during use, could reinforce potential synergies between existing legislative measures, and in particular with 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 ⁽⁶⁾. **This Directive should complement and in no way prejudice the application of Directive 2005/32/EC. By targeting through a holistic approach and bringing about**

⁽¹⁾ Opinion of 24 March 2009.

⁽²⁾ OJ C ...

⁽³⁾ Position of the European Parliament of 5 May 2009.

⁽⁴⁾ OJ L 297, 13.10.1992, p 16.

⁽⁵⁾ See Annex I part A.

⁽⁶⁾ OJ L 191, 22.7.2005, p. 29.

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additional energy savings and environmental gains, this Directive should be seen as part of an even broader legal framework, which includes Regulation (EC) No 1980/2000 of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme ⁽¹⁾ and Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings ⁽²⁾.

- (3) *The Presidency conclusions of the European Council of 8 and 9 March 2007 emphasised the need to increase energy efficiency in the Community so as to achieve the objective of saving 20 % of the Community's energy consumption by 2020 and called for a thorough and rapid implementation of the key areas identified in the Commission Communication of 19 October 2006 entitled Action Plan for Energy Efficiency: Realising the Potential. The action plan highlighted the enormous energy savings opportunities in the products sector.*
- (4) *In order to promote energy efficiency and energy savings, it is, furthermore, essential that the EU and Member States make legally binding the 2020 energy saving target of 20 %, and propose and implement consistent measures to secure its achievement.*
- (5) *Improving efficiency of energy-related products through informed consumer choice benefits the EU economy overall and also the manufacturing industry through reducing the carbon price in the emissions trading scheme.*
- (6) *The provision of accurate, relevant and comparable information on the specific energy consumption of energy-related products **should** influence the end-user's choice in favour of those products which consume or indirectly result in consuming less energy and other essential resources during use, thus prompting manufacturers to take steps to reduce the consumption of **the** energy and other essential resources of the products which they manufacture. It should also, indirectly, encourage the efficient use of these products **in order to contribute to the EU's 20 % energy efficiency target**. In the absence of this information, the operation of market forces alone will fail to promote the rational use of energy and other essential resources for these products.*
- (7) *Given that buildings account for 40 % of total energy consumption in the EU and that the revision of Directive 2002/91/EC aims at promoting cost-effective improvement of the overall energy performance of buildings, the inclusion in this context of certain energy-related construction products within the scope of this Directive should assist private households in choosing the most energy- and cost-efficient product when renovating their buildings.*
- (8) *In order to ensure predictability for manufacturers and clarity for end-users, the Commission should produce a priority list of energy-related products, including construction products, that fall within the scope of this Directive, and which consequently will be covered by the Member States and the Commission's implementation measures.*
- (9) *Information plays a key role in the operation of market forces and it is therefore necessary to introduce a uniform label for all products of the same type, to provide potential purchasers with supplementary standardised information on *the cost of those products* ¶ in terms of energy and the consumption of other essential resources and to take measures to ensure that potential end-users who do not see the product displayed, and thus have no opportunity to see the label, are also supplied with this information. In order to be efficient and successful, the label should be *simple, concise and easily recognisable* to end-users ¶. To this end the **existing layout of the label should be retained as the basis to inform end-users about the energy efficiency of products**. Energy consumption of and other information concerning the products should be measured in accordance with harmonised standards and methods.*
- (10) *As pointed out in the Commission Impact Assessment accompanying its proposal for this Directive, the original, successful A-G label has been followed as a model in different countries around the world, such as Argentina, Brazil, Chile, China, Iran, Israel and South Africa.*

⁽¹⁾ OJ L 237, 21.9.2000, p. 1.

⁽²⁾ OJ L 1, 4.1.2003, p. 65.

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- (11) Member States should **regularly** monitor compliance with this Directive, **and include relevant information in the biennial report that they are obliged to submit to the Commission under this Directive**, with special regard to the responsibilities of suppliers and dealers.
- (12) A completely voluntary scheme would lead to only some products being labelled, or supplied with standard product information, with the risk that this might result in confusion **or even misinformation** for some end-users. The present scheme should therefore ensure that for all the products concerned, the consumption of energy and other essential resources is indicated by **mandatory** labelling and standard product fiches.
- (13) Energy-related products have **a direct or indirect** impact on the consumption of a wide variety of forms of energy during use; electricity and gas being the most important. This Directive should therefore cover energy-related products having **a direct or indirect** impact on the consumption of any form of energy **during use, in accordance with the EU's targets for energy efficiency improvements, the promotion of renewable energy sources (RES) and the reduction of greenhouse gas (GHG) emissions**.
- (14) ■ Energy-related products which have a significant **direct or indirect** impact on consumption of energy or, where relevant, of essential resources during use ■ should be covered by an implementing measure, *where* provision of information through labelling *might* stimulate end-users to purchase more efficient products.
- (15) **Given that buildings account for 40 % of total energy consumption in the EU and that, in the context of its commitments in the Kyoto Protocol, the EU has set a target of improving its energy efficiency by 20 % by the year 2020, it is essential to prioritise development of implementing measures for construction products, such as windows.**
- (16) **The** number of Member States **having** public procurement policies in place which require contracting authorities to procure energy efficient products, **should continually be increased until the goal of covering the entire territory of the European Union is achieved**. The **same should apply to the** number of Member States **that** have ■ in place incentives for energy efficient products. **In order to avoid distortion of the market, and although the** criteria for products to be eligible for public procurement or incentives can substantially differ from one Member State to another, **they should comply with the strategic targets of the European Union regarding energy efficiency**. To refer to performance classes as levels for particular products as set out in implementing measures to the Directive, may reduce fragmentation of public procurement and incentives and facilitate the uptake of efficient products.
- (17) When laying down public procurement provisions in implementing measures under this Directive, proportionate thresholds in terms of value and volume of public procurement should be set, taking into account the administrative burden and enforceability of procurement rules *in* Member States.
- (18) Incentives which Member States may provide for the promotion of efficient products might constitute *State aid*. This Directive does not prejudice the outcome of any future *State aid* procedure that may be undertaken in accordance with Articles 87 and 88 of the Treaty ||. **However, State aid for environmental protection, and in particular for energy savings, that serves a common European interest is subject to exemptions pursuant to different Community instruments and under the conditions prescribed therein as provided for in the Community guidelines on State aid for environmental protection** ⁽¹⁾.
- (19) The promotion of energy efficient products through labelling, public procurement and incentives should not be to the detriment of the overall environmental performance *of such products*.

⁽¹⁾ OJ C 82, 1.4.2008, p. 1.

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- (20) **The provisions of this Directive concerning the content of advertisements should only be considered as an extraordinary measure. These provisions should therefore not restrict advertising in any other way under any other Community legislation.**
- (21) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (22) *In particular, the Commission should be empowered to adopt implementing measures in respect of labelling and standard product information of the consumption of energy and other essential resources by energy-related products **during use. In order to create a system that is both predictable for the industry and comprehensible for consumers, the Commission should be responsible for setting a fixed duration period for energy label classification(s) and for updating the classification efficiency index thresholds on a recurring and regular basis.** Since those measures are of general scope and are designed to amend non-essential elements of this Directive by supplementing it with new non-essential elements, they shall be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC. **The Commission should, every two years, submit to the European Parliament a report, covering the EU and each Member State separately, containing detailed information on the adoption of the implementing measures, as well as standard product information.***
- (23) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive change as compared with the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.
- (24) **When Member States implement the relevant provisions of this Directive, they should strive to refrain from measures that could impose unnecessarily bureaucratic and unwieldy obligations on small and medium-sized enterprises (SMEs), and, to the extent feasible, take into consideration the special needs and financial and administrative limits of SMEs.**
- (25) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directive set out in Annex I, Part B,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Scope

1. This Directive establishes a framework for the *harmonisation* of national measures on end-user information, particularly by means of labelling and of product information, on the consumption of energy and of other essential resources **during use**, and supplementary information concerning energy-related products, thereby allowing end-users to choose more efficient products.
2. This Directive shall apply to energy-related products, **including construction products**, which have a significant **direct or indirect** impact on the consumption of energy and, where relevant, || other essential resources during use.
3. This Directive shall not apply to:
 - (a) second-hand products;
 - (b) any means of transport for persons or goods;
 - (c) the rating plate or its equivalent affixed for safety purposes to products.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

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Article 2

Definitions

For the purpose of this Directive:

- ‘energy-related product’ (product), means any good having an impact on energy consumption during use, which is placed on the market and/or put into service in the Community, including parts intended to be incorporated into energy-related products covered by this Directive which are placed on the market and/or put into service as individual parts for end-users and of which the environmental performance can be assessed independently;
- **‘construction product’ means: an energy-related product used in the construction or renovation of buildings;**
- ‘fiche’ means a standard table of information relating to a product;
- ‘other essential resources’ means water, **raw materials** chemicals or any other substance consumed by a product in normal use;
- ‘supplementary information’ means other information concerning the performance and features of a product, which relate to, or are helpful in evaluating, its use of energy **per unit time** or other essential resources, **based on measurable data including that relating to its manufacture or any other significant environmental aspect thereof;**
- ‘significant environmental aspects’ means those aspects identified as significant for an energy-related product in an implementing measure adopted pursuant to Directive 2005/32/EC with respect to that product;
- **‘direct impact’ means the impact of products that actually consume energy;**
- **‘indirect impact’ means the impact of products that do not consume energy, but contribute to energy consumption whereby the evaluation of the performance of these products shall be based on objective and independent parameters that do not present a climatic variation;**
- ‘dealer’ means a retailer or other person who sells, hires, offers for hire-purchase or displays products to end-users;
- ‘supplier’ means the manufacturer, importer or its *authorised* representative in the Community or the person who places the product on the Community market;
- **‘end-user’ means the legal or natural person who uses a product for professional or personal purposes. This person is the ultimate consumer of a product, and in particular the person for whom the product has been designed, and may differ from the person who purchases the product. This definition covers private consumers and groups of consumers. When purchasing energy-related products, public authorities shall also be regarded as ‘end-users’ for the purposes of this Directive.**

Article 3

Responsibilities of Member States

1. Member States shall take all necessary measures to ensure that:
 - (a) all suppliers and dealers established in their territory fulfil the obligations *laid down in Articles 5 and 6 and Article 10 (3) and (4)* of this Directive;

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- (b) with respect to products covered by this Directive, the display of other labels, marks, symbols or inscriptions which do not comply with the requirements of this Directive and of the relevant implementing measures is prohibited, if such display is likely to mislead or confuse end-users with respect to the consumption of energy or, where relevant, other essential resources **during use**;
- (c) the introduction of the system of labels and fiches concerning energy consumption or conservation **shall be** accompanied by educational and promotional information campaigns aimed at **promoting energy efficiency and** more responsible use of energy by end-users;
- (d) appropriate measures are taken in order to encourage the **Commission and national** authorities responsible for implementing this Directive to co-operate ¶ and provide each other with information in order to assist the *application* of this Directive.

Administrative co-operation and exchange of information shall take the utmost advantage of electronic means of communication and may be supported by relevant Community programmes. Such co-operation shall guarantee the security and confidentiality of processing and the protection of sensitive information provided during that procedure, where necessary. The Commission shall take appropriate measures in order to encourage and contribute to ¶ cooperation between Member States ¶.

2. Where a Member State ascertains that a product does not comply with all the relevant requirements set out in this Directive and its implementing measures *relating to* the label and the fiche, the supplier shall *ensure that* the product *complies* with those requirements and any **effective and proportionate** conditions imposed by the Member States. **With regard to the products which have already been purchased, consumers shall have the rights already prescribed in Community and national legislation on consumer protection, including compensation or product exchange.**

Where there is sufficient evidence that a product may be non-compliant, the Member State concerned shall, **within a specific timeframe**, take the necessary preventive measures **to ensure compliance with the requirements of this Directive, taking into account any damage caused by the non-compliance.**

In the case of persistent non-compliance ¶, the Member State shall take a decision restricting or prohibiting the placing on the market and/or putting into service of the product in question or ensuring that it is withdrawn from the market. In cases of **restriction**, withdrawal of the product from the market or prohibition on placing the product on the market, the Commission and the other Member States shall be immediately informed.

3. Every two years, the Member States shall submit a report to the Commission detailing their enforcement activities and the level of compliance in their territory.

The Commission may specify the details of the common content of these reports, **through the setting of minimum requirements for a harmonised template.** Such measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in *Article 11(2)*.

Article 4

Information requirements

Member States shall ensure that:

- (1) information relating to the consumption of electric energy, other forms of energy and other essential resources **during use**, and supplementary information is, in accordance with implementing measures pursuant to this Directive, brought to the attention of end-users by means of a fiche and a label related to products offered for sale, hire, hire-purchase or displayed to end-users directly or indirectly by any means of distance selling including the internet;

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- (2) the information referred to in point 1 shall be provided in respect of built-in or installed products where required by the applicable implementing measure;
- (3) **any advertisement for a specific model of energy related products covered by an implementing measure under this Directive, where technical specifications are disclosed, shall provide end-users with the necessary information regarding energy consumption or energy savings or include a reference to the energy class of the product;**
- (4) **any technical promotional literature concerning energy-related products which describes the specific technical parameters of a product, namely, technical manuals and manufacturers' brochures, whether printed or online, shall provide end users with the necessary information regarding energy consumption or shall include a reference to the energy label of the product.**

Article 5

Responsibilities of suppliers

Member States shall ensure that:

- (1) suppliers placing on the market or putting into service products covered by an implementing measure supply a label and a fiche in accordance with this Directive and *any such* implementing measure;
- (2) suppliers *produce* technical documentation which is sufficient to enable the accuracy of the information contained in the label and the fiche to be assessed. *That* technical documentation shall include:
 - (a) a general description of the product,
 - (b) *where relevant*, the results of design calculations carried out, ||
 - (c) test reports, where available, including those carried out by relevant notified *organisations* as defined under other Community legislation,
 - (d) where values are used for similar models, the references allowing identification of those models.

To this end suppliers may use documentation already *produced* in accordance with requirements laid down in relevant Community legislation;

- (3) suppliers make the technical documentation available for inspection purposes for a period ending five years after the last product concerned has been manufactured.

Suppliers make available an electronic version of the technical documentation on request to the market surveillance authorities of the Member States and to the Commission;

- (4) in respect of labelling and product information, suppliers supply the necessary labels free of charge to dealers. Without prejudice to the suppliers' choice of system for delivery of labels, suppliers *shall* promptly deliver labels on request from dealers;
- (5) in addition to the labels, suppliers provide a product fiche ■;
- (6) suppliers include a product fiche in all product brochures. Where product brochures are not provided by the supplier, the supplier *shall supply* fiches with other literature provided with the product;

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- (7) suppliers are responsible for the accuracy of the labels and fiches that they supply;
- (8) suppliers are considered to have given consent to the publication of the information given on the label or in the fiche.

Article 6

Responsibilities of dealers

Member States shall ensure that:

- (1) dealers display labels properly, **in a visible and legible manner**, and make the fiche available in the product brochure or other literature that accompanies products when sold to end-users;
- (2) in respect of labelling and product information, whenever a product specified in an implementing measure is displayed, dealers attach **the latest version of the** appropriate label **upon expiration of the validity period of the old label**, in the clearly visible position specified in the applicable implementing measure, and in the relevant language version.

Article 7

Distance selling

Where products are offered for sale, hire or hire-purchase by mail order, by catalogue, *through the internet, telemarketing* or by any other means which imply that the potential end-user cannot be expected to see the product displayed, implementing measures shall make provision to ensure that potential end-users are provided with the information specified on **the latest version of the label for the product** and in the fiche before buying the product. **In cases of distance selling, implementing measures shall specify the way that the label and the fiche shall be displayed.**

Article 8

Free movement

1. Member States shall not prohibit, restrict or impede the placing on the market or putting into service, within their territories, of products which are covered by and **fully** comply with **this Directive and** the applicable implementing **measures**.
2. **Provided that Member States monitor the market regularly and** unless they have evidence to the contrary, **they** shall consider labels and fiches to comply with the provisions of this Directive and the implementing measures. Member States shall require suppliers to provide evidence within the meaning of Article 5 concerning the accuracy of the information supplied on their labels or fiches when they have reason to suspect *that such information* is incorrect.

Article 9

Public procurement and incentives

1. Contracting authorities which conclude public works, supply || or service contracts || referred to in Directive 2004/18/EC of the European Parliament and of the Council ⁽¹⁾, which are not excluded by virtue of Articles 12 to 18 of that Directive, shall not procure products which do not meet the minimum performance levels laid down in the applicable implementing measure, **and aiming at the highest class of efficiency, which do not meet the criteria set out in paragraph 2.**
2. The criteria for setting minimum performance levels for public procurement in implementing measures shall be the following:

- (a) cost-effectiveness in relation to public finance,

⁽¹⁾ OJ L 134, 30.4.2004, p. 114.

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- (b) the relevance of the products for public procurement,
- (c) *the potential for energy savings,*
- (d) *the promotion of innovation, in accordance with the Lisbon Strategy,*
- (e) the likelihood of stimulating market transformation towards better performing products,
- (f) the need to ensure sufficient competition.

3. Paragraph 1 shall apply to contracts having a value exclusive of value-added tax (VAT) estimated to be equal to or greater than EUR 15 000. Implementing measures may set the threshold at a || value *higher* than EUR 15 000 exclusive of VAT, taking into account normal purchase prices and volumes.

4. Member States shall not provide incentives *in relation* to products which do not meet the minimum performance levels laid down in the applicable implementing measure.

5. When Member States publicly procure or provide incentives *in relation* to products, they shall express the performance levels in terms of classes as defined in the applicable implementing measure.

Incentives may, inter alia, include tax credits, both for end-users using highly energy-efficient products and for industries which promote and produce such products, and reduced VAT on materials and components, which improve energy efficiency. The incentives provided by Member States shall be effective and efficient.

Article 10

Review of the energy label classification(s)

1. *The Commission shall be responsible for reviewing the energy label classification(s) on a recurring regular basis, in accordance with the fixed duration of the classification(s) as determined through the implementing measures under Article 12.*

2. *The Commission shall base the review of the classification efficiency index thresholds on the most recently available figures, taking into account the speed of technological progress of the product in question, and shall, well in advance of the review, carry out appropriate consultation with stakeholders in accordance with Article 12(3).*

3. *Suppliers shall be obliged to supply to dealers the latest version of the label, at the latest upon expiration of the validity period of the old label.*

4. *Dealers shall be obliged to replace the old label with the energy label containing the reviewed classifications for the relevant product on the same day as the validity period of the old label expires in accordance with Article 6(2).*

Article 11

Committee procedure

1. The Commission shall be assisted by a committee.
2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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Article 12

Implementing measures

1. Details relating to the label and the fiche shall be laid down in implementing measures. Those implementing measures designed to amend non-essential elements of this Directive by supplementing it shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(2), relating to each type of product in accordance with this Article.

When a product meets the criteria listed under paragraph 2, it shall be covered by an implementing measure in accordance with paragraph 4.

Provisions in implementing measures regarding information provided on the label and in the fiche on the consumption of energy and other essential resources during use shall enable end-users to make better informed purchasing decisions and shall enable market surveillance authorities to verify whether products comply with the information provided.

When an implementing measure lays down provisions with respect to both energy efficiency and consumption of essential resources of a product, the design and content of the label shall *emphasise* the energy efficiency of the product.

The implementing measures currently in force, which were adopted before the entry into force of this Directive, shall be aligned with the provisions contained in this Directive, notably as regards the layout, design, classes or other features of the Energy Label not later than ... (*)

2. The criteria referred to in paragraph 1 are the following:

- (a) according to most recently available figures and *having regard to* the quantities placed on the Community market, the products have a significant potential for saving energy and, where relevant, other essential resources;
- (b) *|| a significant disparity in the relevant performance levels of such products compared to products with equivalent functionality available on the market;*
- (c) the Commission shall take into account relevant Community legislation and self-regulation, such as voluntary agreements, **where they** are expected to achieve the policy objectives more quickly or at lesser expense than mandatory requirements.

3. In preparing a draft implementing measure, the Commission shall:

- (a) take into account those environmental parameters set out in Annex I, Part 1, to Directive 2005/32/EC which are identified as significant in the relevant implementing measure adopted under Directive 2005/32/EC and which are relevant for the end-user during use;
- (b) assess the impact of the measure on *the* environment, end-users and manufacturers, including SMEs, in terms of competitiveness including on markets outside the Community, innovation, market access and costs and benefits;
- (c) carry out appropriate consultation with stakeholders, **including manufacturers and their suppliers;**
- (d) set implementing date(s), any staged or transitional measure or periods, taking into account in particular possible impacts on SMEs or on specific product groups manufactured primarily by SMEs.

(*) ***Six months after the entry into force of this Directive.***

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4. The implementing measures shall specify in particular:
- (a) the exact definition of the type of products to be included;
 - (b) the measurement standards and methods to be used in obtaining the information referred to in Article 1(1);
 - (c) the details of the technical documentation required under Article 5;
 - (d) the design and content of the label referred to in Article 4, which as far as possible shall have uniform design characteristics across product groups **and shall in all cases be clearly visible and legible, and at the same time retain as a basis the main elements of the current label (closed-scale A-G classification), which are simple and recognisable; the label shall also indicate a period of validity;**
 - (e) the location where the label shall be fixed to the product displayed and the information and manner in which the label and/or information are to be provided in the case of offers for sale || covered by Article 7. Where appropriate, the implementing measures may provide for the label to be attached to the product or printed on the packaging, or for the details of the labelling requirements for printing in catalogues, for distance selling and internet sales;
 - (f) the content and where appropriate the format and other details concerning the fiche or further information specified in Articles 4 and 5(3). The information on the label shall also be included on the fiche;
 - (g) for relevant products, the minimum performance levels and, where appropriate, a threshold higher than EUR 15 000 exclusive of VAT for the purposes of Article 9(1) and (3);
 - (h) for relevant products, the minimum performance levels for the purposes of Article 9(4);
 - (i) the specific content of the label for advertising, including, as appropriate, the energy class and other relevant performance level(s) of the given product in a legible and visible form;
 - (j) the **fixed** duration of **the** label classification(s), **which shall be a time period of at least three years, but not exceeding five years, taking into consideration the pace of innovation of the product, and the date of the next review of those classifications, based on their fixed duration;**
 - (k) the level of accuracy in the declarations on the label and fiches;
 - (l) the date for the evaluation and possible revision of the implementing measure, taking into account the speed of technological progress.

Article 13

Priority list for implementation

The Commission shall, no later than... (*), communicate to the European Parliament and Member States a list of priority products, including construction products, which are proposed for labelling, based on their energy saving potential.

(*). Six months after the entry into force of this Directive.

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Article 14

Feasibility for extension of scope

No later than 2010, the Commission shall carry out a feasibility study to examine whether, through adoption of implementing measures, the label shall also provide information to end-users regarding the product's impact on significant energy and other essential resources throughout its entire life cycle.

Article 15

Penalties

Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and its implementing measures and shall take the necessary measures to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. **Member States shall also take the necessary measures to strengthen the legal protection against unauthorised use of labelling.** The Member States shall notify these provisions to the Commission by the date specified in Article 16(1) at the latest and shall notify it without delay of any subsequent amendment affecting them.

Article 16

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than ... (*). They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from [...].

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. They shall also include a statement that references in existing laws, regulations and administrative provisions to the directive repealed by this Directive shall be construed as references to this Directive. Member States shall determine how such reference is to be made and how that statement is to be formulated.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 17

Repeal

Council Directive 92/75/EEC, as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council ⁽¹⁾ indicated in Annex I, Part A, is repealed with effect from ... (**), without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directive set out in Annex I, Part B.

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

Article 18

Entry into force

This Directive shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

(*) 12 months after entry into force of this Directive.

⁽¹⁾ OJ L 284, 31.10.2003, p. 1.

(**) One day after the date set out in the second subparagraph of Article 16(1) of this Directive.

Tuesday 5 May 2009

Articles ... ⁽¹⁾ shall apply from ... ^(*).

Article 19

Addressees

This Directive is addressed to the Member States.

Done at ||

For the European Parliament

The President

||

For the Council

The President

||

⁽¹⁾ *Articles deemed unchanged* || under recast in the final version.

^(*) *One day* after the date set out in the second subparagraph of *Article 16(1)* of this Directive.

ANNEX I

Part A

Repealed Directive with its successive amendment

(referred to in *Article 17*)

Council Directive 92/75/EEC
(OJ L 297, 13.10.1992, p. 16)

Regulation (EC) No 1882/2003
(OJ L 284, 31.10.2003, p. 1)

Only point (32) of Annex III

Part B

|| Time-limits for transposition into national law

(referred to in *Article 17*)

Directive	Deadline for transposition
92/75/EEC	1 January 1994

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ANNEX II

CORRELATION TABLE

Directive 92/75/EEC	This Directive
Article 1(1), introductory wording, first sentence	Article 1(1)
Article 1(1), introductory wording, second sentence	Article 1(2)
Article 1(1), first to seventh indent	—
Article 1(2)	—
—	Article 1(3)(a) and (b)
Article 1(3)	Article 1(3)(c)
—	Article 2, <i>first and third indent</i>
Article 1(4), first and second indents	Article 2, <i>sixth and tenth indent</i>
—	Article 2, first indent
Article 1(4), third indent	—
Article 1(4), fourth indent	Article 2, <i>fourth indent</i>
Article 1(4), fifth indent	Article 2, <i>fifth indent</i>
Article 1(5)	—
Article 2(1)	Article 4(1)
Article 2(2)	—
Article 2(3)	Article 5(2)
Article 2(4)	Article 5(2)-(3)
Article 3(1)	Article 5(1)
Article 3(2)	Article 5(5)-(6)
Article 3(3)	Article 5(7)
Article 3(4)	Article 5(8)
Article (4)(a)	Articles 5(4) and 6(2)
Article (4)(b)	—
Article 5	Article 7
Article 6	—
Article 7(a)	Article 3(1)(a)
Article 7(b)	Article 3(1)(b)
Article 7(c)	Article 3(1)(c)
Article 8(1)	Article 8(1)
Article 8(2)	Article 8(2)
Article 9(a)	—
Article 9(b)	—
Article 10(1)	Article 11(1)
Article 10(2)	Article 11(2)
Article 10(3)	—
Article 11	—
Article 12(a)	Article 12(4)(a)
Article 12(b)	Article 12(4)(b)
Article 12(c)	Article 12(4)(c)

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Directive 92/75/EEC	This Directive
Article 12(d)	Article 12(4)(d)
Article 12(e)	Article 12(4)(e)
Article 12(f)	Article 12(4)(f)
Article 12(g)	—
Article 13	Article 17
Article 14	Article 16
Article 15	Article 19
—	Article 3(1)(d)
—	Article 3(2)
—	Article 3(3)
—	Article 4(2)
—	Article 6(1)
—	Article 9
—	Article 12(1)-(3)
—	Article 12(4)(g)-(l)
—	Article 15
—	Article 18
—	Annex I
—	Annex II

European Parliament's estimates for 2010

P6_TA(2009)0346

European Parliament resolution of 5 May 2009 on the estimates of revenue and expenditure of Parliament for the financial year 2010 (2009/2006(BUD))

(2010/C 212 E/34)

The European Parliament,

- having regard to Article 272(2) of the EC Treaty,
- having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾, and particularly Article 31 thereof,
- having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽²⁾,
- having regard to its resolution of 10 March 2009 on the guidelines for the 2010 budget procedure – Sections I, II, IV, V, VI, VII, VIII and IX ⁽³⁾,
- having regard to the Secretary-General's report to the Bureau on drawing up Parliament's preliminary draft estimates for the financial year 2010,

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ C 139, 14.6.2006, p. 1.

⁽³⁾ Texts adopted, P6_TA(2009)0096.