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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	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 - Outcome of the European Parliament's proceedings (Strasbourg, 4 to 7 July 2016)

I. INTRODUCTION

The Rapporteur, Mr. Dario TAMBURRANO (EFDD, IT) presented a report on the proposal for a Regulation on behalf of the Committee on Industry, Research and Energy. The report contained 84 amendments (amendments 1 - 84) to the proposal.

In addition, the EFDD political group tabled two amendments (amendment 97 and 98), the S&D, EUL/NGL and the Greens/EFA political groups together tabled four amendments (amendments 85, 88, 91, 93), the S&D political group tabled three amendments (amendments 94-96), the EUL/NGL and the Greens/EFA political groups together tabled five amendments (amendments 86, 87, 89, 90, 92).

II. VOTE

When it voted on 6 July 2016, the European Parliament adopted amendments 1-71, 74-84, 96-98, the first part of amendment 72, the corresponding part of amendment 73, and the second part of amendment 86.

The European Parliament thus adopted the proposal as amended. However, as the European Parliament did not proceed to a vote on the legislative resolution, the Commission proposal as amended was referred back to the Committee on Industry, Research and Energy under Rule 61.2, and constitutes the European Parliament negotiating mandate in first reading

The text of the amended proposal is annexed to this note.

Energy efficiency labelling *I**

Amendments adopted by the European Parliament on 6 July 2016 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))¹

(Ordinary legislative procedure: first reading)

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 **energy and** 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 to limiting greenhouse gas emissions**.

Amendment 2

Proposal for a regulation **Recital 2**

Text proposed by the Commission

(2) Energy efficiency labelling allows consumers to make informed choices with regard to **energy consumption of** products and thereby **promotes** innovation.

Amendment

(2) Energy efficiency labelling allows consumers to make informed choices with regard to **efficient and sustainable energy-related** products and thereby **makes a significant contribution to energy savings and to reducing energy bills, while at the same time promoting** innovation **and**

¹ The matter was referred back to the committee responsible for reconsideration pursuant to Rule 61(2), second subparagraph (A8-0213/2016).

Amendment 3

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 maintains the same scope, but modifies and enhances some of its provisions in order to clarify and update their content ***taking into account the rapid technological progress for energy efficiency in products achieved over recent years***. 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 ***over the entire value chain*** and ensures a level playing field. Harmonisation across the Union ensures the free movement of goods across the Single Market.

Amendment 4

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 5

Proposal for a regulation Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) Since the energy consumption of means of transport for persons or goods is directly or indirectly regulated by other Union law and policies, it is appropriate to continue to exclude them from the scope of this Regulation. That exclusion includes means of transport the motor of which remains in the same location during operation, such as elevators, escalators and conveyor belts.

Amendment 6

Proposal for a regulation Recital 7

Text proposed by the Commission

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. ***It will also allow consumers to save money.***

(7) Improving the efficiency of energy-related products through informed consumer choice ***and enhanced societal awareness*** benefits the Union economy overall, ***reduces energy demand and saves money on energy bills. It also contributes to energy security, provides an incentive for research, innovation and investments into energy efficiency, and allows industries which develop and produce the most energy efficient products to gain a competitive advantage. It will also*** contribute to the achievement of the Union's 2020 and 2030 energy efficiency targets, ***as well as to the Union's environmental and climate goals.***

Amendment 7

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) The conclusions of the European Council of 23 and 24 October 2014 set an indicative target at Union level of at least 27% for improving energy efficiency in 2030 compared to projections of future energy consumption. This target will be reviewed by 2020 having in mind an Union level of 30%. They also set a binding EU target of at least 40% domestic reduction in greenhouse gas emissions by 2030 compared to 1990, including a 30% reduction of emissions in non-ETS sectors.

Amendment

deleted

Amendment 8

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

Amendment

(9) The provision of accurate, relevant, **verifiable** 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 **in order to achieve a certain performance, therefore having reduced life-cycle costs**. A standardised mandatory label is an effective mean to provide potential customers with comparable information on the energy **efficiency and absolute energy** consumption of energy-related products. It should be supplemented with a product information sheet, **referred to as a 'product fiche' in the delegated acts adopted pursuant to Directive 2010/30/EU, which may be made available electronically**. The label should be **concise, based on proper measurement and calculation methodology, and easily recognisable and**

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' 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.***

understandable. To this end the ***established set of colours of the label, dark green to red,*** should be retained as the basis to inform customers about the energy efficiency of products. ***The known*** classification using letters from A to G has shown to be most effective for customers. ***Its uniform application across products groups should raise transparency and understanding among customers.*** In situations where because of ecodesign measures under Directive 2009/125/EC^{1a} products can no longer fall into classes 'F' or 'G', those classes should ***nonetheless*** be shown on the label ***in dark grey, in order to maintain a unified scale from A to G for all product groups. In that context, the dark green to red colour scale of the label should be retained for the remaining upper classes and should only apply to new product units placed on the market.***

^{1a} ***Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009).***

Amendment 9

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) Advances in digital technology allow for alternative ways of delivering and displaying labels electronically, such as on the internet, but also on electronic displays in shops. In order to take advantage of such advances, this Regulation should allow the use of electronic labels ***as replacement of or*** complementary to the ***physical*** energy label. In cases where it is not feasible to display the energy label, ***such as certain forms of distance selling and in advertisements and technical promotional material,*** potential customers should be

Amendment

(10) Advances in digital technology allow for alternative ways of delivering and displaying labels electronically, such as on the internet, but also on electronic displays in shops. In order to take advantage of such advances, this Regulation should allow the use of electronic labels complementary to the ***printed*** energy label. ***This does not affect the duty of the supplier to accompany each unit of a product with a printed label for the dealer.*** In cases where it is not feasible to display the energy label, potential customers should be provided at

provided at least with the energy class of the product.

least with the energy class of the product *model*. *The delegated acts for specific product groups could also establish alternative provisions for displaying the label for small-sized products, and when identical products are displayed together in large quantity.*

Amendment 10

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 **developing and placing on the market** ever more efficient products. ***In parallel, they discontinue the production of less efficient products, stimulated to do so by Union law relating to ecodesign.*** This technological development leads to **product models** 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 **desirable**, taking into account the need to avoid over burdening manufacturers **and dealers, with a special consideration for small businesses. Such an approach should avoid unnecessary or inefficient rescaling that would damage both manufacturers and consumers.** This Regulation should therefore lay down detailed arrangements for rescaling, in order to maximise legal certainty for suppliers and dealers. ***Before any rescaling, the Commission should carry out a thorough preparatory study. Depending on the product group and based on a detailed assessment of its potential,*** a newly rescaled label should have empty **space at the top of the scale** to encourage technological progress and enable ever more efficient **product models** to be developed and recognised. When a label is rescaled, confusion to customers

should be avoided by replacing all energy labels within a short *and feasible* timeframe, *and by making the visual appearance of the rescaled label easily distinguishable from the old label, together with adequate consumer information campaigns clearly indicating that a new version has been introduced resulting in an improved appliance classification.*

Amendment 11

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The current evolution of labels established by delegated acts adopted pursuant to Directive 2010/30/EU gives rise to the need for an initial rescaling of existing labels, in order to ensure a homogeneous A to G scale, adapting them to the requirements of this Regulation.

Amendment 12

Proposal for a regulation

Recital 14

Text proposed by the Commission

Amendment

(14) In order for customers to retain trust in the energy label, other labels that mimic the energy label should not be allowed to be used for energy-related products. Additional labels, marks, symbols or inscriptions that are *likely to* mislead or confuse customers with respect to the consumption of energy should not be allowed either.

(14) In order for customers to retain trust in the energy label, *the use of* other labels that mimic the energy label should not be allowed to be used for energy-related products. Additional labels, marks, symbols or inscriptions that are *not clearly differentiated from the energy efficiency label and could* mislead or confuse customers with respect to the consumption of energy *or any other characteristics covered by the relevant delegated act,* should not be allowed either.

Amendment 13

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 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.

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, ***through ongoing exchanges of information, particularly regarding the outcome of product conformity assessments and their consequences. Furthermore, custom authorities of the Member States should be involved in the exchange of information on energy-related imported products from third countries into the Union. The Administrative Co-operation ('ADCO') Working Groups on Ecodesign and Energy Labelling should be reinforced and enhanced*** by the Commission ***as framework for the cooperation of market surveillance authorities.***

²¹ OJ L 218, 13.8.2008, p. 30.

Amendment 14

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) In order to ensure more effective surveillance and fair competition in the Union market, and to use scarce resources in the most efficient way,

national market surveillance authorities should perform compliance monitoring also through physical product testing, and the Information and Communication System on Market Surveillance (ICSMS) to exchange information about planned and completed product testing, to make available testing protocols and to share the outcome of their tests, thus avoiding double testing and paving the way for regional centres of excellence for physical testing. Results should also be shared when a test does not show that there has been a breach.

Amendment 15

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 ***set up a useful tool for consumers, 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 ***part of the*** information ***addressed to consumers*** should be made publicly available ***on the public interface of the product database. That*** information ***should be made available as open data so as to give 'app' developers and other comparison tools the opportunity to use it. Easy direct access to the public interface of the product database should be facilitated by a dynamic quick response code (QR) or other user-oriented tools included on the printed label. Additional information should be made available by suppliers on the compliance interface of the product database both to market surveillance authorities and to the Commission. The database should be***

*subject to strict data protection rules.
Where the technical information is sensitive, market surveillance authorities should retain the power to access the information when necessary in accordance with the suppliers' duty of cooperation.*

Amendment 16

Proposal for a regulation Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) The Commission should set up and maintain an online portal that provides market surveillance authorities access to detailed product information on the servers of suppliers.

Amendment 17

Proposal for a regulation Recital 19

Text proposed by the Commission

Amendment

(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

(19) ***The absolute*** energy consumption and other ***environmental and performance*** information concerning the products covered by product-specific requirements under this Regulation should be measured ***in accordance with harmonised standards and methods*** 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 and testing environment, both for suppliers and market surveillance authorities, should be as close as possible to the real-life usage of a given product by the average consumer and robust in order to deter intentional and unintentional circumvention. The energy efficiency class should not be exclusively based on***

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.

the most energy efficient setting or eco-mode, where this is not likely to reflect average consumer behaviour. Tolerance values and optional testing parameters should be established in such a way that they do not lead to significant variations of efficiency gains that might possibly alter the energy efficiency class of a product. Permitted deviations between tested and declared results should be limited to the statistical measurement uncertainty. 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 18

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.***

Amendment

(20) ***Based on the scope of this Regulation,*** the Commission should provide a ***long-term*** 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 ***and should update that working plan periodically. The Commission should inform the European Parliament and the Council annually about the progress of the working plan.***

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 19

Proposal for a regulation Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) The working plan should be implemented starting with a technical, environmental and economic analysis of the product groups concerned. That analysis should also consider supplementary information including the possibility and cost to provide consumers with accurate information on the performance of an energy-related product model, such as life-cycle cost, reparability, connectivity, recycled material content, durability, and environmental performance or combined energy efficiency performance index, 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

Proposal for a regulation Article 1 – paragraphs 1 and 2

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*

1. This Regulation lays down a framework *that applies to energy-related products and provides them with a label regarding energy efficiency, absolute* consumption of energy and other *environmental and performance*

energy-related products in order to *allow customers to choose more efficient products*.

2. This Regulation *shall* not apply to:
- (a) Second hand products;
 - (b) Means of transport for persons or goods *other than those operated by a stationary motor*.

Amendment 21

Proposal for a regulation Article 2 – paragraph 1 – point 6

Text proposed by the Commission

- (6) 'Manufacturer' means any natural or legal person who manufactures an energy-related product or has a product designed or manufactured, and markets that energy-related product under his name or trademark;

Amendment 22

Proposal for a regulation Article 2 – paragraph 1 – point 9

Text proposed by the Commission

- (9) 'Dealer' means a retailer or other person who sells, hires, offers for hire purchase or displays products to customers;

Amendment 23

Proposal for a regulation Article 2 – paragraph 1 – point 10 a (new)

characteristics. It allows customers to choose more energy-efficient products in order to *reduce their energy consumption*.

2. This Regulation *does* not apply to:
- (a) Second hand products;
 - (b) Means of transport for persons or goods.

Amendment

- (6) 'Manufacturer' means any natural or legal person who manufactures an energy-related product or has *such* a product designed or manufactured, and markets that energy-related product under his name or trademark;

Amendment

- (9) 'Dealer' means a retailer or other *natural or legal* person who sells, hires, offers for hire purchase or displays products to customers;

(10a) 'Energy efficiency' means the ratio of output of performance, service, goods or energy, to input of energy;

Amendment 24

Proposal for a regulation

Article 2 – paragraph 1 – point 11

Text proposed by the Commission

(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;

Amendment

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

Amendment 25

Proposal for a regulation

Article 2 – paragraph 1 – point 13

Text proposed by the Commission

(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;

Amendment

(13) 'Label' means a graphic diagram, **in printed or electronic form**, including a **closed scale** using **only** letters from A to G, **each class corresponding to significant energy savings**, in seven different colours from dark green to red, in order to **inform customers about energy efficiency and energy consumption**;

Amendment 26

Proposal for a regulation
Article 2 – paragraph 1 – point 13 a (new)

Text proposed by the Commission

Amendment

(13a) 'Product group' means a group of energy-related products which have the same main functionality;

Amendment 27

Proposal for a regulation
Article 2 – paragraph 1 – 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 of information relating to a product, **in printed or electronic form**;

Amendment 28

Proposal for a regulation
Article 2 – paragraph 1 – 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) '**Rescaling**' means **an** exercise to make more stringent the requirements for achieving the energy class on a label for a particular product **group**;

Amendment 29

Proposal for a regulation
Article 2 – paragraph 1 – point 19

Text proposed by the Commission

Amendment

(19) 'Rescaled label' means a label for a particular product that has undergone a

(19) 'Rescaled label' means a label for a particular product **group** that has

rescaling exercise.

undergone a rescaling exercise, *which is clearly distinguishable from the labels applicable before rescaling*;

Amendment 97

Proposal for a regulation

Article 2 – paragraph 1 – point 19 a (new)

Text proposed by the Commission

Amendment

(19a) 'Smart appliance' means an appliance that, using advanced information and communications technologies and a standardised reference ontology, can be activated to respond to external stimuli such as price information, direct control signals sent through wireless or apps, and/or local measurements, and to automatically change its energy consumption pattern for a more efficient use;

Amendment 30

Proposal for a regulation

Article 2 – paragraph 1 – 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 the label as a whole towards customers.

(20) 'Supplementary information' means *any* information *specified by the relevant delegated act* on the functional, *environmental and resource-efficiency* performance of an energy-related product, which is based on data that are measurable *and verifiable* by market surveillance authorities, is *easily understandable* and has no significant negative impact on the effectiveness of the label as a whole towards customers;

Amendment 31

Proposal for a regulation

Article 2 – paragraph 1 – point 20 a (new)

Text proposed by the Commission

Amendment

(20a) 'Product database' means a collection of data concerning the energy-related products covered by this Regulation and the delegated acts adopted pursuant thereto, arranged in a systematic manner and consisting of a public interface, organised as a consumer-oriented website, where information is individually accessible by electronic means, and a compliance interface, structured as a electronic platform supporting the activities of national market surveillance authorities, with clearly specified accessibility and security requirements.

Amendment 32

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. Suppliers shall ***comply with the following:***

(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;***

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

1. Suppliers shall:

(a) ensure that products placed on the market are provided, free of charge, with accurate ***printed*** labels and ***with*** product information sheets ***for each individual unit;***

(b) deliver labels and ***product information sheets***, free of charge, ***within five working days upon*** request from dealers;

(ba) provide both the current and the rescaled labels and product information sheets to dealers for a period of three months before the date specified in the

(c) ***they shall*** ensure the accuracy of the labels and product information sheets ***that they provide*** and produce technical documentation sufficient to enable the accuracy to be assessed;

(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.***

relevant delegated act;

(c) ensure the accuracy of the labels and product information sheets, and produce technical documentation sufficient to enable the accuracy to be assessed;

(d) ***enter the information set out in Annex I into the public and compliance interfaces of the product database established pursuant to Article 8:***

(i) ***for all new models, before*** placing a ***unit of the*** model on the market,

(ii) ***for all models placed on the market after 1 January 2014 that are still being supplied, no later than 18 months after the database is fully operational in accordance with Article 16;***

(da) ***keep on the database pursuant to Article 8 the product information sheets and the technical documentation for a period of at least 10 years after the last product unit has been placed on the market;***

(db) ***provide labels for product groups where the product consists of several subassemblies or components, the energy efficiency of which depends on the specific combination of those components;***

Amendment 33

Proposal for a regulation

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Suppliers shall not:

(a) ***place on the market products designed so that their performance is automatically altered in test conditions, by means of either hardware or software incorporated into the product, with the objective of reaching a more favourable level;***

(b) once the product is in service, introduce changes by means of software updates that would be to the detriment of the parameters of the original energy efficiency label, as defined by the relevant delegated act.

Amendment 34

Proposal for a regulation Article 3 – paragraph 2

Text proposed by the Commission

2. Dealers shall ***comply with the following:***
- (a) ***they shall display in a visible manner the label provided by the supplier or otherwise made available for a product covered by a delegated act;***
- (b) ***they shall***, where they do not have a label or a rescaled label;
- (i) ***request the label or a rescaled label from the supplier;***
- (ii) ***print out the label from the product database established in accordance with Article 8 if that function is available for that product; or***
- (iii) ***print out the label or a rescaled label from the supplier's website if that function is available for that product.***
- (c) ***they shall*** make available to customers the product information sheet.

Amendment

2. Dealers shall:
- (a) ***where the product is for sale, including online, display the label in a visible and prominent manner, as specified by the relevant delegated act;***
- (aa) ***replace existing labels with rescaled labels, both in shops and online, within three weeks following the date specified in the relevant delegated act;***
- (b) where they do not have a label or a rescaled label, ***request it from the supplier;***
- (c) ***upon request***, make available to customers the product information sheet, ***including in printed form.***

Amendments 35 and 86

Proposal for a regulation Article 3 – paragraph 3

3. Suppliers and dealers shall ***comply with the following***:

(a) ***they shall*** make reference to the energy efficiency class of the product in any advertisement or technical promotional material for a specific model of products in accordance with the relevant delegated act;

(b) ***they shall*** cooperate with market surveillance authorities and take immediate action to remedy any situation of non-compliance ***with the requirements set out in this Regulation and its delegated acts falling under their responsibility, at their own initiative or when required to do so by market surveillance authorities***;

(c) ***they shall not***, for products covered by this Regulation, ***provide or display other*** labels, marks, symbols or inscriptions ***which do not comply with the requirements of this Regulation and of the relevant delegated acts, if this is likely to mislead or confuse customers with respect to*** the consumption of energy or other resources during use;

(d) ***they shall***, for products not covered by this Regulation, not supply or display labels which mimic the label as defined in this Regulation.

3. Suppliers and dealers shall:

(a) make reference to the energy efficiency class of the product in any ***visual*** advertisement or technical promotional material for a specific model of products in accordance with the relevant delegated act;

(b) cooperate with market surveillance authorities and take immediate action to remedy any situation of non-compliance, ***pursuant to Article 5***;

(c) ***refrain***, for products covered by this Regulation, ***from providing or displaying any misleading, confusing or mimicking*** labels, marks, symbols or inscriptions, ***regarding*** the consumption of energy or other resources during use;

(d) for products not covered by this Regulation, not supply or display labels which mimic the label as defined in this Regulation.

Amendment 36

Proposal for a regulation

Article 3 – paragraph 3 a (new)

3a. All general obligations regarding labels set out in paragraphs 1 to 3 shall apply equally to existing, new and rescaled labels.

Amendment 37

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. Member States shall not ***prohibit, restrict or*** impede the placing on the market or putting into service, within their territories, of ***energy-related*** products which comply with this Regulation ***and its relevant delegated acts***.

Amendment

1. Member States shall not impede the placing on the market or putting into service, within their territories, of products which comply with this Regulation.

Amendment 38

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.

Amendment 39

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 incentives for ***a*** product covered by this Regulation and specified in a delegated act, ***those incentives*** shall aim at the highest ***two populated classes*** of energy efficiency, ***as*** laid down in the applicable delegated act.

Amendment 40

Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the introduction *of labels including rescaled labels and product information sheets* is accompanied by educational and promotional information campaigns *aimed at promoting energy efficiency and more responsible use of energy by customers, if appropriate in cooperation with dealers.*

Amendment

4. Member States shall ensure that the introduction *and rescaling of labels* is accompanied by educational and promotional information campaigns *on energy labelling.*

The Commission shall coordinate those campaigns, supporting close cooperation with suppliers and dealers and the exchange of best practices.

Amendment 41

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 shall take all measures necessary to ensure that they are implemented. The penalties *shall* be effective, proportionate and dissuasive, *and proportionate to 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 42

Proposal for a regulation
Article 5 – paragraph 2

2. The Commission shall **support** cooperation and exchange of information on market surveillance of energy labelling **of** products among national authorities of the Member States responsible for market surveillance or **external border controls** and between **such authorities** and the Commission.

2. The Commission shall **encourage and coordinate** cooperation and exchange of information on market surveillance of energy labelling **regarding** products **covered by this Regulation** among national authorities of the Member States responsible for market surveillance or **in charge of the control of products entering the Union market** and between **them** and the Commission **by strengthening the Administrative Co-operation ('ADCO') Working Groups on Ecodesign and Energy** .

Such exchanges of information shall also be conducted when test results indicate that the producer is in compliance with the relevant law.

Amendment 43

Proposal for a regulation Article 5 – paragraph 2 a (new)

2a. By 1 January 2018, Member States shall establish and implement a market surveillance plan for monitoring the enforcement of the requirements of this Regulation. Member States shall review their market surveillance plans at least every three years.

By 1 January 2020 and thereafter on an annual basis, Member States shall draw up a report on market surveillance, evaluating compliance trends with this Regulation and with Directive 2009/125/EC.

Member States shall make the use of the Information and Communication System on Market Surveillance (ICSMS) compulsory for all national market surveillance authorities.

Amendment 44

Proposal for a regulation

Article 5 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. National market surveillance authorities shall carry out physical product testing, covering at least one product group per year in accordance with the delegated acts adopted pursuant to this Regulation.

Market surveillance authorities shall inform the other Member States and the Commission of their planned and completed physical tests, through the compliance interface of the product database established pursuant to Article 8.

They shall use reliable, accurate and reproducible measurement procedures, pursuant to Article 9, aiming to simulate real-life conditions of use and excluding intentional or unintentional manipulation or alteration of the test results.

Amendment 45

Proposal for a regulation

Article 5 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. Market surveillance authorities shall have the right to recover the costs of a physical product testing from suppliers in case of an infringement of this Regulation.

The Commission may check independently compliance, directly or through a third party.

Amendment 46

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. Where the market surveillance authorities of one Member State have sufficient reason to believe that ***an energy-related*** product covered by a delegated act under this Regulation presents a risk to aspects of public interest protection covered by this Regulation, they shall carry out an evaluation in relation to the ***energy-related*** product concerned covering all the requirements laid down in this Regulation and ***its*** relevant delegated acts. The supplier shall cooperate as necessary with the market surveillance authorities ***for that purpose***.

Amendment

1. Where the market surveillance authorities of one Member State have sufficient reason to believe that ***a*** product covered by a delegated act under this Regulation presents a risk to aspects of public interest protection covered by this Regulation, they shall ***immediately notify the Commission and*** carry out an evaluation in relation to the product ***model*** concerned, covering all the requirements laid down in this Regulation and ***the*** relevant delegated acts, ***also assessing whether it is advisable to extend the evaluation to other product models***. The supplier shall cooperate as necessary with the market surveillance authorities.

Amendment 47

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. Where, in the course of that evaluation, the market surveillance authorities find that the ***energy-related product*** does not comply with the requirements laid down in this ***this*** Regulation ***and its relevant delegated acts***, they shall ***without delay*** require the supplier to take all appropriate corrective action to bring the ***energy-related*** product into compliance ***with those requirements***, to withdraw the ***energy-related product*** from the market, or to recall ***it*** within a reasonable period, commensurate with the nature of the risk, ***as they may prescribe***. Article 21 of Regulation (EC) No 765/2008 shall apply to the measures referred to in this paragraph.

Amendment

2. Where in the course of that evaluation, the market surveillance authorities find that the ***product model*** does not comply with the requirements laid down in this Regulation, they shall require the supplier to take all appropriate corrective action to bring the product ***model*** into compliance ***without delay, and they may prescribe*** to withdraw the ***product model*** from the market, or to recall ***the units put into service*** within a reasonable period, commensurate with the nature of the risk, ***extending such measures to the equivalent models available on the market***. Article 21 of Regulation (EC) No 765/2008 shall apply to the measures referred to in this paragraph.

Amendment 48

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The market surveillance authorities ***shall inform through the ICSMS*** the Commission and other Member States, ***of any*** results of the evaluation and of ***any*** actions which they have required the supplier to take ***pursuant to paragraph 2.***

Amendment 49

Proposal for a regulation Article 6 – paragraph 4

Text proposed by the Commission

4. The supplier shall ensure that ***all appropriate corrective action*** is taken in respect of all the ***energy-related products*** concerned that it has made available on the market throughout the Union.

Amendment

4. The supplier shall ensure that ***any restrictive measure prescribed in accordance with paragraph 2*** is taken, in respect of all the ***product models*** concerned that it has made available on the market throughout the Union.

Amendment 50

Proposal for a regulation Article 6 – paragraph 5

Text proposed by the Commission

5. Where the supplier does not ***take adequate*** corrective action within the period referred to in the paragraph 2, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the ***energy-related product's being made available*** on their national market, to withdraw ***the energy-***

Amendment

5. Where the supplier does not ***implement the*** corrective action within the period referred to in the paragraph 2, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the ***making available of the product model*** on their national market ***or*** to withdraw ***or recall the*** product ***model***

related product from that market *or to recall it*. The market surveillance authorities shall **inform** the Commission and the other Member States, *without delay, of those measures*.

from that market. The market surveillance authorities shall **immediately notify** the Commission and the other Member States *of those measures, and shall upload the information in the compliance interface of the product database established pursuant to Article 8*.

Amendment 51

Proposal for a regulation Article 6 – paragraph 6

Text proposed by the Commission

6. The **information** referred to in *the* paragraph 5 shall include all available details, in particular the data necessary for the identification of the non-compliant **energy-related** product, *the origin of the energy-related product*, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the supplier. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either failure of the **energy-related product** to meet requirements relating to aspects of public interest protection laid down in this Regulation or shortcomings in the harmonised standards referred to in Article 9 conferring a presumption of conformity.

Amendment

6. The **notification** referred to in paragraph 5 shall include all available details, in particular the data necessary for the identification of the non-compliant product, *its* origin, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the supplier. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either failure of the **product model** to meet requirements relating to aspects of public interest protection laid down in this Regulation or *to* shortcomings in the harmonised standards referred to in Article 9 conferring a presumption of conformity. ***In this case, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.***

Amendment 52

Proposal for a regulation Article 6 – paragraph 7

Text proposed by the Commission

7. Member States other than the Member State initiating the procedure shall without delay inform the Commission and the other Member States of any measures

Amendment

7. Member States other than the Member State initiating the procedure shall without delay inform the Commission and the other Member States of any measures

adopted and of any additional information at their disposal relating to the non-compliance of the **energy-related product** concerned, and, in the event of disagreement with the notified national measure, of their objections.

adopted and of any additional information at their disposal relating to the non-compliance of the **product model** concerned and, in the event of disagreement with the notified national measure, of their objections.

Amendment 53

Proposal for a regulation Article 6 – paragraph 8

Text proposed by the Commission

8. Where, within **60 days of receipt** of the **information** referred to in paragraph 5, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.

Amendment

8. Where, within **four weeks** of the **notification** referred to in paragraph 5, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed **to be** justified.

Amendment 54

Proposal for a regulation Article 6 – paragraph 9

Text proposed by the Commission

9. Member States shall ensure that **appropriate** restrictive measures, **such as withdrawal of the energy-related product from their market**, are taken in respect of the **energy-related product** concerned, **without delay**.

Amendment

9. Member States shall ensure that **parallel** restrictive measures, **proportionate to their specific national situation**, are taken **without delay** in respect of the **product model** concerned, **and shall inform the Commission accordingly**.

Amendment 55

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 **such** national measure to be contrary to Union **law**, 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 **which it** shall decide whether the national measure is justified or not, **and may propose an appropriate alternative measure.**

Amendment 56

Proposal for a regulation
Article 6 – paragraph 11

Text proposed by the Commission

11. The Commission shall address its decision to all Member States and shall immediately **communicate** it to them and the supplier.

Amendment

11. The Commission shall address its decision to all Member States and shall immediately **notify** it to them and **to** the supplier **concerned**.

Amendment 57

Proposal for a regulation
Article 6 – paragraph 12

Text proposed by the Commission

12. If the national measure is considered justified, all Member States shall take the measures necessary to ensure that the non-compliant **energy-related** product is withdrawn from their **market**, and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall

Amendment

12. If the national measure is considered **to be** justified, all Member States shall take the measures necessary to ensure that the non-compliant product **model** is withdrawn from their **national markets**, and shall inform the Commission accordingly. If the national measure is considered **to be** unjustified, the Member State concerned

withdraw the measure.

shall withdraw the measure.

Amendment 58

Proposal for a regulation Article 6 – paragraph 13

Text proposed by the Commission

13. Where **the** national measure is considered justified and the non-compliance of the **energy-related product** is attributed to shortcomings in the harmonised standards referred to in paragraph 6, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.

Amendment

13. Where **a** national measure is considered **to be** justified and the non-compliance of the **product model** is attributed to shortcomings in the harmonised standards referred to in paragraph 6, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.

Amendment 96

Proposal for a regulation Article 6 – paragraph 13 a (new)

Text proposed by the Commission

Amendment

13a. In the case of proven non-compliance of the product with the requirements laid down in this Regulation and its relevant delegated acts, customers shall have the right to return the product to the dealer free-of-charge and receive from the supplier a full refund of the original purchase price.

In cooperation with the market surveillance authorities, the suppliers shall make all reasonable efforts to contact affected customers, in accordance with applicable consumer rights law.

Amendment 59

Proposal for a regulation Article 7 – title and paragraph 1

Labels and rescaling

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

Procedure for the introduction and rescaling of labels

1. The Commission *is empowered to adopt* delegated acts *in accordance with Article 13 in order to supplement this Regulation by introducing or rescaling labels.*

Labels introduced by delegated acts adopted in accordance with Article 10 of Directive 2010/30/EU before 1 January 2017 shall be considered to be labels for the purposes of this Regulation.

Amendment 60

**Proposal for a regulation
Article 7 – paragraph 2**

2. *When, for a given product group, no models belonging to energy classes D, E, F or G are allowed to be placed on the market any more because of an implementing measure adopted under Directive 2009/125/EC, the class or classes in question shall no longer be shown on the label.*

2. *In order to ensure a homogenous A to G scale, the Commission shall introduce rescaled labels for existing product groups, as referred to in paragraph 1, within 5 years after the entry into force of this Regulation, respecting the requirements of paragraph 4.*

Product groups covered by Commission Delegated Regulations (EU) No 811/2013^{1a} and 812/2013^{1b} shall be reviewed 6 years after the entry into force of this Regulation with a view to rescaling them.

For product groups covered by Commission Delegated Regulations (EU) No 1059/2010^{1c}, 1060/2010^{1d}, 1061/2010^{1e}, 1062/2010^{1f} and 874/2012^{1g}, where preparatory studies are finalised, the Commission shall introduce rescaled labels no later than 21 months after the entry into force of this Regulation.

^{1a} Commission Delegated Regulation (EU) No 811/2013 of 18 February 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of space heaters, combination heaters, packages of space heater, temperature control and solar device and packages of combination heater, temperature control and solar device (OJ L 239, 6.9.2013, p. 1).

^{1b} Commission Delegated Regulation (EU) No 812/2013 of 18 February 2013 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to the energy labelling of water heaters, hot water storage tanks and packages of water heater and solar device (OJ L 239, 6.9.2013, p. 83).

^{1c} Commission Delegated Regulation (EU) No 1059/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household dishwashers (OJ L 314, 30.11.2010, p. 1).

^{1d} Commission Delegated Regulation (EU) No 1060/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household refrigerating appliances (OJ L 314, 30.11.2010, p. 17).

^{1e} Commission Delegated Regulation (EU) No 1061/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household washing machines (OJ L 314, 30.11.2010, p. 47).

^{1f} Commission Delegated Regulation (EU) No 1062/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of televisions (OJ L 314, 30.11.2010, p. 64).

^{1g} Commission Delegated Regulation (EU) No 874/2012 of 12 July 2012 supplementing Directive 2010/30/EU of

Amendment 61

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 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.*

Amendment

3. The Commission shall ensure that *any subsequent rescaling for new labels* or rescaled *labels referred to in paragraph 2 is initiated once the following conditions are met, showing the appropriate technological progress in the relevant product group:*

- (a) 25% of the products sold within the Union market fall into the top energy efficiency class A; or*
- (b) 50% of the products sold within the Union market fall into the top two energy efficiency classes A and B.*

Amendment 62

Proposal for a regulation Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall ensure, through the inclusion of the product group in the working plan pursuant to Article 11, that:

- (a) the preparatory study for rescaling is completed no later than 18 months after the conditions laid down in paragraph 3 are met;*
- (b) rescaling is completed, through the review and entry in force of the relevant*

delegated act in accordance with Article 13, no later than three years after the conditions laid down in paragraph 3 are met.

Amendment 63

Proposal for a regulation Article 7 – paragraph 4

Text proposed by the Commission

4. Labels shall *be re-scaled periodically*.

Amendment

4. *The Commission shall lay out the requirements for new or rescaled labels aiming for an expected validity of at least 10 years.*

To that end, the Commission shall ensure that, when a label is introduced or rescaled, no products are expected to fall in energy class A at the moment of the introduction of the label.

For product groups where the preparatory study referred to in point (a) of paragraph 3a shows a fast technological progress, no products are expected to fall in energy classes A and B at the moment of the introduction of the label.

Amendment 64

Proposal for a regulation Article 7 – paragraph 5

Text proposed by the Commission

5. When *a* label *is rescaled*:

Amendment

5. When, *for a given product group, no models belonging to energy classes F or G are allowed to be placed on the market anymore because of an Ecodesign implementing measure adopted under Directive 2009/125/EC, the class or classes in question shall be shown on the label in grey as specified in the relevant delegated act. The standard dark green to red spectrum of the label shall be retained for the remaining upper classes. The*

changes shall apply only to new product units placed on the market.

(a) suppliers shall provide both the current and the rescaled labels to dealers for a period of six months before the date specified in paragraph (b).

(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.

Dealers shall be permitted to sell energy-related products without a label or a rescaled label, only where a (rescaled) label has never been produced for a given product and the supplier of the product is no longer active on the market.

Amendment 65

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.

deleted

Amendment 66

Proposal for a regulation Article 8

Text proposed by the Commission

Amendment

Product database

Product database

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***.

1. The Commission shall establish and maintain a product database, ***consisting of two different interfaces, the public interface and the compliance interface***.

The public interface shall contain the information set out in point 1 of Annex I, respecting the functional requirements set out in point 3 of Annex I.

The compliance interface shall contain the information set out in point 2 of Annex I, respecting the functional requirements set out in point 4 of Annex I.

2. ***When entering information into the product database, suppliers shall keep access and editing rights to it. Any changes shall be dated and clearly visible to market surveillance authorities.***

Data contained in the compliance interface shall be used only for purposes linked to the enforcement for this Regulation and the delegated acts adopted pursuant thereto, and prohibited from unintended use.

Suppliers shall be permitted to keep on their servers' technical documentation pursuant to point (c) of Article 3(1), test reports or similar conformity assessment documentation, as established by point 2(a) of Annex I corresponding to tests carried by the suppliers themselves, accessible exclusively to market surveillance authorities and the Commission.

The establishment of the database shall follow criteria that allow for minimising the administrative burden for suppliers and other database users, user-friendliness and cost-effectiveness.

The product database does not replace or modify the responsibilities of the market surveillance authorities.

3. ***The Commission, with the support of market surveillance authorities and suppliers, shall pay special attention to the transitional process until the full implementation of the public and compliance interfaces.***

4. The Commission is empowered to adopt delegated acts in accordance with Article 13 supplementing this Regulation by specifying the operational details relating to the establishment of the product database.

Amendment 67

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

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

2a. Harmonised standards shall aim to simulate real-life usage as far as possible while maintaining a standard test method, with no prejudice to comparability within the product group.

2b. Measurement and calculation methods included in the harmonised standards shall be reliable, accurate and reproducible, and aligned with the requirements of Article 3(1a).

Amendment 68

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

In the conduct of its activities under this Regulation **the Commission shall ensure in respect of each delegated act**, a balanced participation of Member States' representatives and interested parties concerned with the product group in question, such as industry, including SMEs and craft industry, trade unions, traders,

Amendment

1. In the conduct of its activities under this Regulation, **for the introduction or rescaling of labels under Article 7, and for the setup of the database under Article 8, the Commission shall ensure** a balanced participation of Member States' representatives, **including market surveillance authorities**, and interested

retailers, importers, environmental protection groups and consumer organisations. ***For this purpose***, the Commission shall establish a Consultation Forum in which ***these*** parties shall ***met***. ***This*** Consultation Forum may ***be combined*** with the Consultation Forum referred to in Article 18 of Directive 2009/125/EC.

parties concerned with the product group in question, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations, ***as well as the involvement of the European Parliament***.

2. The Commission shall establish a Consultation Forum in which ***the*** parties ***listed in paragraph 1*** shall ***meet for that purpose***. ***That*** Consultation Forum may ***coincide, fully or in part***, with the Consultation Forum referred to in Article 18 of Directive 2009/125/EC. ***The minutes of the Consultation Forum meetings shall be published in the public interface of the database established pursuant to Article 8.***

Amendment 69

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

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.

Amendment

3. Where appropriate, prior to the adoption of delegated acts ***adopted pursuant to this Regulation***, the Commission shall test the design and content of the labels for specific product groups with ***representative groups of Union*** consumers to ensure their clear understanding of the labels.

Amendment 70

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

The Commission shall, having consulted the Consultation Forum referred to in Article 10, establish a working plan which

Amendment

1. The Commission shall ***adopt delegated acts pursuant to Article 13 supplementing this Regulation, after***

shall be made publicly available. *The working plan shall set out an indicative list of product groups which are considered as priorities for the adoption of delegated acts. The working plan shall also set out plans for the revision and rescaling of labels of products or product groups. The working plan may be amended periodically by the Commission after consultation with the Consultation Forum. The working plan may be combined with the working plan required by Article 16 of Directive 2009/125/EC.*

having consulted the Consultation Forum referred to in Article 10, *in order to* establish a *long-term* working plan which shall be made publicly available, *including through the public interface of the database established pursuant to Article 8.*

2. The Commission shall organise the working plan in sections containing priorities for the introduction of energy efficiency labels in new product groups, and for the rescaling of labels of product groups.

The Commission shall ensure the necessary resources to the plan and its coherence.

This working plan may be combined with the Ecodesign working plan required by Article 16 of Directive 2009/125/EC.

The Commission *shall update the working plan periodically, having consulted the Consultation Forum. The European Parliament and the Council shall be informed annually of its progress and shall be formally notified of any changes thereto.*

Amendment 71

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

1. The Commission *shall be* empowered to adopt delegated acts *concerning* detailed requirements relating to labels for specific groups of energy-related products ('specific product groups') *in accordance with Article 13.*

Amendment

1. The Commission *is* empowered to adopt delegated acts *in accordance with Article 13 to supplement this Regulation by laying down* detailed requirements relating to labels for specific groups of energy-related products ('specific product groups').

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. Delegated acts shall specify product groups which satisfy the following criteria:

(a) according to the ***most recently available figures and considering the quantities placed on the Union market, the product group shall have*** significant potential for saving energy and where relevant, other resources;

(b) product ***groups*** with equivalent functionality ***shall differ*** significantly ***in the relevant performance*** levels;

(c) there ***shall be*** no significant negative ***impact as regards the affordability and the life cycle cost*** of the ***product group***.

Amendment

2. Delegated acts shall specify product groups which satisfy the following criteria:

(a) according to the ***actual penetration in*** the Union market, ***there is*** significant potential for saving energy and where relevant, other resources;

(b) ***within the product group, models*** with equivalent functionality ***have*** significantly ***different energy efficiency*** levels;

(c) there ***are*** no significant negative ***impacts regarding affordability, life cycle cost and functionality of the product from the perspective of the user***.

Amendments 73 and 98

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

3. Delegated acts relating to specific product groups shall specify in particular:

(a) the definition of the ***specific product groups falling under the definition of 'energy-related product' set out in Article 2(11) which are*** to be covered;

(b) the design and content of the label, ***including a scale showing consumption of energy consisting of A to G***, which as far as possible shall have uniform design characteristics across product groups ***and***

Amendment

3. Delegated acts relating to specific product groups shall specify in particular ***for the product group concerned***:

(a) the definition of the energy-related ***products*** to be covered;

(b) the design, ***dimensions***, and content of the label, ***which shall in all cases be clear and legible, taking into account the needs of visually impaired customers, and shall contain in a prominent position the***

shall in all cases be clear and legible;

(c) where appropriate, the use of other resources and supplementary information concerning energy related products, in which case the label shall emphasise the energy efficiency of the product;

(d) the locations where the label shall be displayed, such as attached to the product, printed on the packaging, provided in electronic format or displayed on line;

(e) where appropriate, electronic means for labelling products;

(f) the manner in which the label and technical information are to be provided in the case of distance selling;

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

(h) that when verifying compliance with the requirements, only those verification tolerances that are set out in the delegated act(s) shall apply;

(i) the obligations on suppliers and dealers in relation to the product database;

(j) the specific indication of the energy class to be included in advertisements and technical promotional material, including requirements for this to be in a legible and visible form;

following information determined in accordance with the relevant delegated act:

(i) *an A to G scale showing the energy efficiency class of the corresponding product model*, which as far as possible shall have uniform design characteristics across product groups;

(ii) *the absolute energy consumption in kWh, displayed per year or per any relevant period of time.*

(c) where appropriate, the use of other resources and supplementary information concerning energy related products, in which case the label shall emphasise the energy efficiency of the product;

(ca) *where appropriate, the inclusion of a reference on the label allowing customers to identify products with connectivity functions (i.e. smart appliances);*

(d) the locations where the label shall be displayed, such as attached to the product **where no damage is caused to it**, printed on the packaging, provided in electronic format or displayed on line;

(e) where appropriate, electronic means for labelling products;

(f) the manner in which the label and technical information are to be provided in the case of distance selling;

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

(h) that when verifying compliance with the requirements, only those verification tolerances that are set out in the delegated act(s) shall apply;

(i) the obligations on suppliers and dealers in relation to the product database;

(j) *where appropriate*, the specific indication of the energy class to be included in advertisements and technical promotional material, including requirements for this to be in a legible and visible form;

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

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

(m) the format of any additional references on the label allowing customers to access through electronic means more detailed information on the product performance included in the product information sheet;

(n) whether and how energy classes describing the product's energy consumption during use should be shown on smart meters or on the product's interactive display;

(o) the date for the evaluation and possible revision of the delegated act.

For the content of the label as referred to in point (b) of the first subparagraph, the A-G steps of the classification shall correspond to significant energy and cost savings from the customer's perspective.

For the format of references referred to in point (m) of the first subparagraph, those references may take the form of a website address, a Quick Response (QR) code, a link on on-line labels or any other appropriate consumer-oriented means.

The introduction of a label for a product to be covered by a delegated act shall not have a significant negative impact on the functionality of the product from the perspective of the user.

The Commission ***shall be*** empowered to adopt delegated acts ***regarding*** operational

(k) the conformity assessment procedures and the measurement and calculation methods, ***as established in Article 9***, to be used to determine label and product information sheet information, ***including the definition of the Energy Efficiency Index (EEL), or equivalent parameter, and its A to G steps setting the energy efficiency classes***;

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

(m) the format of any additional references on the label allowing customers to access through electronic means more detailed information on the product performance included in the product information sheet;

(n) whether and how energy classes describing the product's energy consumption during use should be shown on smart meters or on the product's interactive display;

(o) the date for the evaluation and possible revision of the delegated act;

For the format of references referred to in point (m) of the first subparagraph, those references may take the form of a website address, a ***dynamic*** Quick Response (QR) code, a link on on-line labels or any other appropriate consumer-oriented means ***linking to the public interface of the database established pursuant to Article 8.***

The product information sheet as referred to in point (g) of the first subparagraph, shall provide direct links to the public interface of the database established pursuant to Article 8, and it shall be made available to customers in all the Union official languages of the national markets where the corresponding product model has been made available.

The Commission ***is*** empowered to adopt delegated acts ***in accordance with Article***

details *relating* to the product database, including any obligations on suppliers and dealers *in accordance with Article 13*.

13 supplementing this Regulation by laying down operational details related to the product database, including any obligations on suppliers and dealers.

Regarding information referred to in point (g) of the first subparagraph, in order to ensure proper safeguarding of confidential information and technical documentation, those delegated acts shall specify the information that is to be uploaded in the product database and what information to be available on the request of national authorities and the Commission.

Amendment 74

Proposal for a regulation Article 12 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall keep an updated inventory of all delegated acts supplementing this Regulation and those developing the Ecodesign Directive 2009/125/EC, including complete references to all harmonised standards that satisfy the relevant measurement and calculation methods, as of Article 9, and shall make it publicly available.

Amendment 75

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. The *delegation of power* referred to in Articles 7 and 12 shall be conferred on the Commission for *an indeterminate* period of *time from the date of application of this Regulation*.

2. The *power to adopt delegated acts* referred to in Articles 7, *8(4), 11(1)* and 12 shall be conferred on the Commission for a period of *six years from 1 January 2017*.

The Commission shall draw up a report in respect of the delegation of power not

later than nine months before the end of the six-year period.

The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Amendment 76

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. ***This*** delegation of power referred to in Articles 7 and 12 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in ***this Regulation***. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. ***The*** delegation of power referred to in Articles 7, ***8(4), 11(1)*** and 12 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in ***that decision***. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 77

Proposal for a regulation Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Amendment 78

Proposal for a regulation
Article 13 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Articles 7 and 12 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period **may** be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

5. A delegated act adopted pursuant to Articles 7, **8(4), 11(1)** and 12 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period **shall** be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 79

Proposal for a regulation
Article 14 – paragraph 1

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 ... [6 years after the entry into force **of this Regulation]**, the Commission shall assess the application of this Regulation and **submit** a report to the European Parliament and the Council. That report shall assess how effectively this Regulation **and its delegated acts have** allowed customers to choose more **energy** efficient products, taking into account **criteria such as its effect** on business, **energy consumption, greenhouse gases emissions, market surveillance activities, and the cost to establish and maintain the database.**

The evaluation exercise conducted pursuant to the first paragraph shall make explicit use of the annual follow-up reports regarding enforcement and market surveillance established by Article 5.

Amendment 80

Proposal for a regulation Article 16 – paragraph 3

Text proposed by the Commission

However, Article 3(1)(d) shall apply **from** 1 January **2019**.

Amendment

However, **point (d) of** Article 3(1) shall apply **as soon as the public interface of the product database established pursuant to Article 8 is fully operational, and in any event no later than** 1 January **2018**.

Amendment 81

Proposal for a regulation Annex I – title and point 1

Text proposed by the Commission

Information to be included in the product database

1. **Publicly available product information:**

- (a) **manufacturer's or supplier's** name or trademark;
- (b) the model identifier(s), including of all equivalent models;
- (c) the label in electronic format;
- (d) the class(es) and other parameters **on** the label;
- (e) the product information sheet in electronic format.

Amendment

Information to be included in the product database, **plus functional requirements**

1. **Information to be included in the public interface of the database:**

- (a) **the** name or trademark, **address, contact details and other legal identification of the supplier;**
 - (aa) contact details of the Member State market surveillance authorities;**
- (b) the model identifier(s), including of all equivalent models;
- (c) the label in electronic format;
- (d) the **energy efficiency** class(es) and other parameters **of** the label;
- (e) **the parameters of** the product information sheet in electronic format;
 - (ea) Member States' education and information campaigns as referred to in Article 4(4);**
 - (eb) working-plan of the Commission as referred to in Article 11;**
 - (ec) minutes of the Consultation Forum;**

Amendment 82

Proposal for a regulation Annex I – point 2

Text proposed by the Commission

2. ***Compliance*** information, ***only available to Member States' market surveillance authorities and the Commission:***
- (a) ***the technical*** documentation ***specified*** in the ***applicable*** delegated act;
 - (b) ***test report or similar technical evidence enabling compliance with all requirements*** in the ***applicable delegated act to be assessed***;
 - (c) ***name and address of the supplier***;
 - (d) ***the contact details of a representative of the supplier.***

Amendment

2. Information ***to be included in the compliance interface of the database:***
- (a) ***test report or similar conformity assessment*** documentation ***enabling to assess compliance with all requirements*** in the ***relevant*** delegated act, ***including testing methods and series of measurements***;
 - (b) ***provisional measures adopted*** in the ***frame of market surveillance related to this Regulation***;
 - (c) ***the technical documentation referred to in point (c) of Article 3(1)***;
 - (ca) ***direct contact details of the Member State market surveillance authorities and Commission coordination***;
 - (cb) ***Member States' and Commission's outcome of the compliance checks and, if applicable, corrective action and restrictive measures taken by the market surveillance authorities as referred to in Articles 5 and 6.***

Amendment 83

Proposal for a regulation Annex I – point 2 a (new)

2a. Functional requirements for the public interface of the database:

- (a) each product model shall be organised as an individual record;**
- (b) it shall enable consumers to easily identify the best energy class populated for each product group, allowing them to compare model characteristics and to choose the most energy efficient products;**
- (c) it shall generate as a single viewable and printable file the energy label of each product, as well as the linguistic versions of the complete product information sheet, covering all the official languages of the Union;**
- (d) the information shall be machine readable, sortable and searchable, respecting open standards for third party use, free of charge;**
- (e) redundant registration shall be automatically avoided;**
- (f) an online helpdesk or contact point for customers shall be established and maintained, clearly referenced on the interface.**

Amendment 84

**Proposal for a regulation
Annex I – point 2 b (new)**

2b. Functional requirements for the compliance interface of the database:

- (a) strict security arrangements for the safeguarding of confidential information shall be ensured;**
- (b) access rights shall be based on the need-to-know principle;**
- (c) a link shall be provided to the**

