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**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	11012/15 ENER 284 ENV 493 CONSOM 131 CODEC 1054 + ADD 1 + ADD 2 + ADD 3
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

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In view of the Working Party on Energy on 13 December 2016, delegations will find attached a package of compromise proposals from the European Parliament on Articles 7, 8 and Annex I. The compromise does not include delegated and implementing acts, where the European Parliament firmly insists on the use of delegated acts only.

On the issue of delegated and implementing acts, building on the views expressed at the meeting of the Working Party on Energy on 22 November 2016 the Presidency introduced a further fine-tuning of the Council's hybrid approach in the text, on which delegations are invited to comment.

Delegations are furthermore invited to indicate whether the European Parliament compromise proposal or any of its elements are acceptable to them.

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

<b>COMMISSION PROPOSAL (COD 0149/15 - doc. 11012/15)</b>	<b>EP PLENARY TEXT</b>	<b>COUNCIL GENERAL APPROACH (doc. 14699/15)</b>	<b>Presidency compromise proposal/ comments</b>
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,	
Having regard to the proposal from the European Commission,		Having regard to the proposal from the European Commission,	
After transmission of the draft legislative act to the national Parliaments,		After transmission of the draft legislative act to the national Parliaments,	
Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> ,		Having regard to the opinion of the European Economic and Social Committee	

<sup>1</sup> OJ C , , p. .

Having regard to the opinion of the Committee of the Regions <sup>2</sup> ,		Having regard to the opinion of the Committee of the Regions,	
Acting in accordance with the ordinary legislative procedure,		Acting in accordance with the ordinary legislative procedure,	
Whereas:		Whereas:	

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<sup>2</sup> OJ C , , p . .

<b>Amendment 1</b>			
<b>Recital 1</b>			
<p>(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.</p>	<p>(1) The European Union is committed to building an Energy Union with a forward looking <i>energy and</i> 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 <i>and limiting greenhouse gas emissions.</i></p>	<p>(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.</p>	<p>The EP clarified that notwithstanding the generic agreement on recitals, they all need to be reviewed for consistency following political agreement on the articles.</p>
<b>Amendment 2</b>			
<b>Recital 2</b>			
<p>(2) Energy efficiency labelling allows consumers to make informed choices with regard to energy consumption of products and thereby promotes innovation.</p>	<p>(2) Energy efficiency labelling allows consumers to make informed choices with regard to <i>efficient and sustainable energy-related</i> products and thereby <i>makes a significant contribution to energy savings and to reducing energy bills, while at the same time promoting innovation and investments into the production of more energy efficient products.</i></p>	<p>(2) Energy [ ] labelling allows consumers to make informed choices with regard to energy consumption of products and thereby promotes innovation. <u>Improving the efficiency of energy-related products through informed consumer choice and harmonising related requirements at Union level benefits manufacturers, industry and the EU economy overall.</u></p>	<p><b><u>Presidency compromise proposal:</u></b></p> <p>(2) Energy [ ] labelling allows consumers to make informed choices with regard to the energy consumption of products. <b>Information on efficient and sustainable energy-related products [ ] makes a significant contribution to energy savings and to reducing energy bills, while at the same time promoting innovation and investments into the production of more energy efficient products.</b> Improving</p>

			the efficiency of energy-related products through informed consumer choice and harmonising related requirements at Union level benefits <b>also</b> manufacturers, industry and the EU economy overall.
(3) Directive 2010/30/EU of the European Parliament and of the Council <sup>3</sup> was evaluated for its effectiveness <sup>4</sup> . The evaluation identified the need to update the Energy Labelling framework to improve its effectiveness.		(3) Directive 2010/30/EU of the European Parliament and of the Council was evaluated for its effectiveness. The evaluation identified the need to update the Energy Labelling framework to improve its effectiveness.	

<sup>3</sup> OJ L 153, 18.6.2010, p. 1.

<sup>4</sup> COM(2015) 143

**Amendment 3**

**Recital 4**

(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.

(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.

(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. As the energy consumption of means of transport for persons or goods is directly or indirectly regulated by other Union legislation and policies, it is appropriate to continue to exempt them from the scope of this Regulation. However, it is appropriate to clarify that means of transport whose motor stays in the same location during operation, such as elevators, escalators and conveyor belts, should be within the scope of the Regulation.

**Presidency compromise proposal:**

(4) It is appropriate to replace Directive 2010/30/EU by a Regulation which maintains **essentially** the same scope, but modifies and enhances some of its provisions in order to clarify and update their content **taking into account the [ ] technological progress for energy efficiency in products achieved over recent years**. As the energy consumption of means of transport for persons or goods is directly or indirectly regulated by other Union legislation and policies, it is appropriate to continue to exempt them from the scope of this Regulation, **including means of transport whose motor stays in the same location during operation, such as elevators, escalators and conveyor belts**.

<b>Amendment 4 Recital 4a (new)</b>			
	<i>(4 a) 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.</i>		<b>Clarification recital on second hand products:</b>  <b>(4 a) It is appropriate to clarify that all products placed on the Union market for the first time, including second hand imported products, should fall under the scope of the Regulation. This does not include products that are being made available on the Union market for a second or additional time.</b>
<b>Amendment 5 Recital 4b (new)</b>			
	<i>(4 b) 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.</i>		Linked to the outcome of the second trilogue, see compromise recital 4

		<p>(5) 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.</p>	
<p>(5) Moderating energy demand is recognised as a key action in the European Energy Security Strategy<sup>5</sup>. The Energy Union Framework Strategy<sup>6</sup> further emphasised the energy efficiency first principle and the need to fully implement existing Union energy legislation. Its Roadmap provided for a review of the energy efficiency framework for products in 2015. This Regulation will improve the legislative and enforcement framework for energy labelling.</p>		<p>(6) Moderating energy demand is recognised as a key action in the European Energy Security Strategy. The Energy Union Framework Strategy further emphasised the energy efficiency first principle and the need to fully implement existing Union energy legislation. Its Roadmap provided for a review of the energy efficiency framework for products in 2015. This Regulation will improve the legislative and enforcement framework for energy labelling.</p>	

<sup>5</sup> COM/2014/330

<sup>6</sup> COM(2015) 80 final

Amendment 6

Recital 7

(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.*

(7) Improving the efficiency of energy-related products through informed customer 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 customers to save money.

**EP proposal on environmental performance and resource efficiency**

(7) Improving the efficiency of energy-related products through informed customer choice [ ], **reduces energy demand and saves money on energy bills. It also contributes to [ ]** 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. It also aims to have a positive impact on the environmental performance of the energy-related product and its parts, including its use of resources other than energy.**

			<p><b><u>EP proposal on a recital on smart appliances:</u></b></p> <p><b>(7a) This Regulation should contribute to the development, recognition by customers and market uptake of energy smart products, which can be activated to interact with other appliances and systems, including the energy grid itself, in order to improve energy efficiency or the uptake of renewable energies, reduce energy consumption and foster innovation of the European industry.</b></p>
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**Amendment 7**

**Recital 8**

<p>(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.</p>	<p><i>deleted</i></p>	<p>(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.</p>	<p>Deletion of the recital is agreed.</p>
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## Amendment 8

### Recital 9

(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.

(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 '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 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

(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.

#### **Presidency compromise proposal to underline the relevance of absolute energy consumption and significant energy savings:**

(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 [ ] **efficiency** of energy-related products. **In order for the label to be of real use for consumers looking for energy and cost savings, the steps of the label scale should correspond to energy and cost savings that are significant to consumers. For the majority of product groups, the label, where appropriate, should also indicate the absolute energy**

	<p>efficiency of products.</p>		<p><b>consumption in addition to the label scale, in order to allow consumers to foresee the direct impact of their choices on their energy bills. However, it is impossible to provide this information for energy-related products that do not consume energy themselves. The label 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.</b></p>
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<p><i>(recital 9 continued)</i></p> <p>A classification using letters from A to G has shown to be most effective for customers. In situations where because of ecodesign measures under Directive 2009/125/EC products can no longer fall into classes 'F' or 'G', those classes should not be shown on the label. For exceptional cases this should also be extended to the 'D' and 'E' 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.</p>	<p><i>The known</i> classification using letters from A to G has shown to be most effective for customers. <b><i>Its uniform application across product groups should raise transparency and understanding among customers.</i></b> In situations where because of ecodesign measures under Directive 2009/125/EC products can no longer fall into classes 'F' or 'G', those classes should <b><i>nonetheless</i></b> be shown on the label <b><i>in dark grey, in order to maintain a unified scale from A to G for all product groups.</i></b> <b><i>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.</i></b></p>	<p>(9a) A classification using letters from A to G has shown to be cost effective for customers. <b><u>However, in some cases, such as reaching insufficient savings across the full spectrum of the seven classes, a shorter scale could be appropriate.</u></b> In situations where because of ecodesign measures under Directive 2009/125/EC products can no longer fall into classes 'F' or 'G', those classes should not be shown on the label. For exceptional cases this should also be extended to the 'D' and 'E' classes, although this situation is unlikely to occur given that the label would be <b><u>reviewed in view of rescaling [ ] once 30 percent of the products [ ] sold falls into the top [ ] class and further technological development can be expected soon.</u></b></p>	<p>Linked to Article 7</p>
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		<p><b><u>(9b) When suppliers supply a label with a product they place on the market, it should accompany in a paper form each unit of the product complying with the requirements of the relevant implementing act. If the implementing act allows it, the label may instead be printed on the packaging of the product. The relevant implementing acts should set out the most effective way of displaying the labels, taking into account implications for consumers, suppliers and dealers. The dealer should be able to display the supplied label together with the unit in the position required by the relevant implementing act.</u></b></p>	<p>(9b) When suppliers supply a label with a product they place on the market, it should accompany in a paper form each unit of the product complying with the requirements of the relevant implementing act. If the implementing act allows it, the label may instead be printed on the packaging of the product. The relevant implementing acts should set out the most effective way of displaying the labels, taking into account implications for consumers, suppliers and dealers. The dealer should be able to display the supplied label together with the unit in the position required by the relevant implementing act.</p> <p><b>The displayed label should be clearly visible and identifiable by the consumer as the label belonging to the product in question, without having to read the brand name and model number on the label. It should attract the attention of the consumer browsing through the displayed products.</b></p>
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**Amendment 9**

**Recital 10**

<p>(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 provided at least with the energy class of the product.</p>	<p>(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 <i>printed</i> energy label. <b><i>This provision does not affect the duty of the supplier to accompany each unit of a product with a printed label for the dealer.</i></b> In cases where it is not feasible to display the energy label, potential customers should be provided at least with the energy class of the product <i>model</i>.</p> <p><b><i>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.</i></b></p>	<p>(10) <b><u>Advances</u></b> in digital technology allow for alternative ways of [ ] <b><u>supplying</u></b> and displaying labels <b><u>and product information sheets</u></b> electronically, such as on the internet <b><u>or via the product database</u></b>, but also on electronic displays in shops. <b><u>Without affecting the obligation of the supplier to provide the label in physical form</u></b>, [ ] such <b><u>technological</u></b> advances <b><u>should be taken advantage of</u></b>. <b><u>Therefore</u></b>, this Regulation should allow the use of electronic labels as replacement of or complementary to the physical <b><u>supply of the</u></b> energy label, <b><u>and include the alternative to allow in implementing acts for the product information sheet to be delivered only by means of the information available in the product database</u></b>.</p>	<p><b>Presidency compromise:</b></p> <p>(10) Advances in digital technology allow for alternative ways of [ ] supplying and displaying labels and product information sheets electronically, such as on the internet or via the product database, but also on electronic displays in shops. Without affecting the obligation of the supplier to <b><u>accompany each unit of a product with a printed label</u></b>, [ ] such technological advances should [ ] <b><u>allow for the use of electronic labels complementary to the printed energy label</u></b>. [ ] The alternative <b><u>option for the dealer to download</u></b> [ ] the <b><u>label or product information sheet</u></b> [ ] <b><u>from the product database should also be allowed</u></b>.</p>
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		<p><b><u>(10a)</u></b> 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 provided at least with the energy class of the product, <b><u>the range of the efficiency classes available on the label and, where appropriate, energy consumption. In the case of radio advertising it would be appropriate for implementing acts to provide for less comprehensive details to be included.</u></b></p>	<p><b><u>Presidency compromise proposal:</u></b></p> <p><b>(10a)</b> 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 provided at least with the energy class of the product, <b><u>the range of the efficiency classes available on the label and, where appropriate, energy consumption. [ ]</u></b></p>
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**Amendment 10**

**Recital 11**

<p>(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.</p>	<p>(11) Manufacturers respond to the energy label by <i>developing and placing on the market</i> ever more efficient products. <i>In parallel, they discontinue the production of less efficient products, stimulated to do so by Union law relating to ecodesign.</i> This technological development leads to <i>product models</i> 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 <i>desirable</i>, taking into account the need to avoid over burdening manufacturers <i>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.</i> This Regulation should therefore lay down detailed arrangements for rescaling, in order to maximise legal certainty for suppliers and dealers. <i>Before any rescaling, the Commission should</i></p>	<p>(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. [ ] This Regulation should therefore lay down detailed arrangements for rescaling in order to maximise legal certainty for suppliers and dealers. [ ]</p>	<p>Acceptable, <b>Presidency compromise proposal:</b></p> <p>(11) Manufacturers respond to the energy label by <b>developing and placing on the market</b> [ ] ever more efficient products. <b>In parallel, they will tend to discontinue the production of less efficient products, stimulated to do so by Union law relating to ecodesign.</b> This technological development leads to product <b>models</b> 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. This Regulation should therefore lay down detailed arrangements for rescaling in order to maximise legal certainty for suppliers and dealers.</p>
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	<p><i>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 <b>product models</b> to be developed and recognised. When a label is rescaled, confusion to customers should be avoided by replacing all energy labels within a short <b>and feasible</b> timeframe, <b>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.</b></i></p>		
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**Amendment 11**

**Recital 11a (new)**

		<p><b><u>(11a)</u></b> [ ] The frequency of such rescaling <b><u>should be determined by the percentage of products sold that fall in the top class and should</u></b> [ ] take into account the need to avoid over burdening [ ] <b><u>suppliers and dealers</u></b>, as well as the speed of technological progress. A newly rescaled label should have <b><u>one</u></b> empty top class to encourage technological progress, <b><u>provide for regulatory stability and limit the frequency of rescaling. In exceptional cases, where technology is expected to develop more rapidly, requirements should be laid down so that no products are expected to fall in the top two classes at the moment of the introduction of the label.</u></b></p>	Linked to Article 7
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	<p><i>(11 a) 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-G scale, adapting them to the requirements of this Regulation.</i></p>		<p><b>Presidency compromise proposal:</b></p> <p><b>(11aa) For several labels established by delegated acts adopted pursuant to Directive 2010/30/EU, products are available only or mostly in the top classes, thereby reducing the effectiveness of the label. Existing labels, depending on the product group [ ] have varying scales, where the top class can be anything between A to A+++. As a result, when consumers compare labels across different product groups, they can be [ ] induced to believe that for a given label, energy classes better than the top class are available, only not displayed. To avoid such possible confusion, it is appropriate to carry out an initial rescaling of existing labels, in order to ensure a homogeneous A-G scale, pursuant to the requirements of this Regulation.</b></p>
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			<p><b>Presidency compromise proposal:</b></p> <p><b>(11 ab) Energy labelling of space and water heating products was only introduced recently and the rate of technological progress in those product groups is relatively slow. The current labelling scheme makes a clear distinction between conventional fossil fuel technologies that are at best A class, and the technologies that use renewable energy, for which the A+, A++ and A+++ classes are reserved, but which are significantly more expensive. Substantial energy savings can already be achieved by applying the most efficient fossil fuel technologies, which it would be appropriate to continue promoting as being A class. It is impossible to predict when the market will shift sufficiently to renewable technologies, therefore it is [ ] appropriate to rescale the heating labels at a later stage. [ ]</b></p>
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		<p><b><u>(11b) When rescaling, the Commission should carry out an appropriate preparatory study, and in order to preserve the unity of the label over the long term, the possibility to rescale should be open if it is unlikely that the set conditions for rescaling would be fulfilled.</u></b></p>	<p>Linked to Article 7.</p>
<p>(12) In the case of a rescaled label, suppliers should provide both the old and the rescaled labels to dealers during a certain period. The replacement of the existing labels on products on display, including on the Internet, with the rescaled labels should take place as quickly as possible after the date of replacement specified in the delegated act on the rescaled label. Dealers should not display the rescaled labels before the date of replacement.</p>		<p><b><u>(12) When a label is rescaled, confusion to customers should be avoided by replacing all energy labels within a short timeframe.</u></b> <i>(moved from recital 11)</i> In the case of a rescaled label, suppliers should provide both the old and the rescaled labels to dealers during a certain period. The replacement of the existing labels on products on display, including on the Internet, with the rescaled labels should take place as quickly as possible after the date of replacement specified in the [ ] <b><u>implementing</u></b> act on the rescaled label. Dealers should not display the rescaled labels before the date of replacement.</p>	<p><b><u>Presidency compromise proposal taking elements from Amendment 10:</u></b></p> <p>When a label <b>for a product group</b> is rescaled, <b>customers' confusion</b> should be avoided by replacing [ ] labels <b>displayed in shops on the affected products</b> within a short timeframe, <b>together with adequate consumer information campaigns clearly indicating that a new version has been introduced.</b></p>

<p>(13) It is necessary to provide for a clear and proportionate distribution of obligations corresponding to the role of each operator in the supply and distribution process. Economic operators should be responsible for compliance in relation to their respective roles in the supply chain and should take appropriate measures to ensure that they only make available on the market products which are in conformity with this Regulation and its delegated acts.</p>		<p>(13) It is necessary to provide for a clear and proportionate distribution of obligations corresponding to the role of each operator in the supply and distribution process. Economic operators should be responsible for compliance in relation to their respective roles in the supply chain and should take appropriate measures to ensure that they only make available on the market products which are in conformity with this Regulation and its [ ] <b>implementing</b> acts.</p>	
<p><b>Amendment 12</b></p> <p><b>Recital 14</b></p>			
<p>(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.</p>	<p>(14) In order for customers to retain trust in the energy label, <i>the use of</i> 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 <i>not clearly differentiated from the energy efficiency label and could</i> mislead or confuse customers with respect to the consumption of energy <i>or any other characteristics covered by the relevant delegated act</i>, should not be allowed either.</p>	<p>(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 <b><u>covered by labelling requirements. However, as long as such products are not covered by other energy related requirements at Union level, Member States should be able to maintain or introduce new national schemes for the labelling of products.</u></b> Additional labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the</p>	<p>Not acceptable</p>

		<p>consumption of energy should not be allowed [ ]. <b><u>Labels provided for in EU legislation such as the labelling of tyres with respect to fuel efficiency and other environmental parameters, and additional labels such as the EU Energy Star and EU Ecolabel should not be considered as misleading or confusing.</u></b></p>	
			<p><b><u>Presidency compromise proposal linked to Amendment 33:</u></b></p> <p>Increasingly, customers are offered software or firmware updates of their products after these have been placed on the market and put into use. While such updates are typically intended to improve product performance, they may also impact the energy efficiency and other product parameters indicated on the energy label. If those changes are to the detriment of what is indicated on the label, customers should be informed about those changes and be given the option to accept or refuse the update.</p>

**Amendment 13**  
**Recital 15**

(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 Council<sup>7</sup> 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.

(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 Council 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 Group of Experts on Ecodesign and Energy Labelling Administrative Co-operation Working Group (ADCO) should be reinforced and enhanced by the Commission as framework for the cooperation of market surveillance authorities.*

(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 Council 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 to **the Group of Experts on Ecodesign and Energy Labelling Administrative Co-operation Working Group (ADCO)**.

<sup>7</sup> OJ L 218, 13.8.2008, p. 30.

			<p><b><u>Compromise proposal on the ongoing revision of Regulation (EC) 765/2008:</u></b></p> <p><b>(15aa) The Commission proposal for a new regulation on market surveillance of products integrates the provisions of Regulation 765/2008, Directive 2001/95/EC<sup>8</sup> and several sector-specific acts of Union harmonisation legislation<sup>9</sup>. That proposal includes provisions on safeguard clauses contained in Decision No 768/2008/EC<sup>10</sup> that would apply to all Union harmonisation legislation. As long as the new regulation is still under consideration by the co-legislators, it is appropriate to refer to Regulation 765/2008 and to include safeguard clauses in this Regulation.</b></p>
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<sup>8</sup> OJ L 11, 15.1.2002, p. 4.

<sup>9</sup> COM(2013) 75

<sup>10</sup> OJ L 218, 13.8.2008, p. 82

		<p><b><u>(15a) It is recalled that market surveillance activities covered by Regulation (EC) 765/2008 are not directed exclusively towards the protection of health and safety, but also applicable to the enforcement of Union legislation which seeks to safeguard other public interests, including energy efficiency. In line with the market surveillance action plan for safer and compliant products for Europe, the Commission should complete and update the general risk assessment methodology available in the RAPEX Guidelines so that they cover all risks, including those related to energy labelling.</u></b></p>	<p>(15a) It is recalled that market surveillance activities covered by Regulation (EC) 765/2008 are not directed exclusively towards the protection of health and safety, but <b>are</b> also applicable to the enforcement of Union legislation which seeks to safeguard other public interests, including energy efficiency. In line with the <b>Commission's</b> market surveillance action plan for safer and compliant products for Europe, <b>the EU general risk assessment methodology has been updated so that it covers all risks, including those related to energy labelling.</b></p>
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**Amendment 14**

**Recital 15a (new)**

*(15 a) In order to ensure more effective surveillance and, thereof, 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 be shared also when a test does not show that there has been a breach.*

**Presidency compromise proposal on ICSMS:**

**(15c) Coherent and cost-effective market surveillance activity throughout the Union also requires well-structured, comprehensive archiving and sharing of all pertinent information among Member States on national activities in this context, including a reference to notifications required by this Regulation. The Information and Communication System for Market Surveillance' (ICSMS) database established by the Commission is well suited for the purpose of forming a complete database of market surveillance information, and its use should therefore be strongly encouraged.**

			<p><b><u>EP compromise proposal to accompany AM 96:</u></b></p> <p><b><u>It is important to ensure that consumers who purchase energy-related products the actual performance of which is inferior to that displayed on the energy label, have access to adequate redress, including compensation, taking into account that non-conformity may not always be discovered within the two year-limit established in Article 5 of Directive 99/44/EC of the European Parliament and of the Council, and that damage to the consumer is not limited to the purchase price of the product, but may also include the excess energy consumed by the product which, in the case of products such as heating appliances, may be financially significant. Therefore, it is appropriate that this Regulation introduces fair and proportionate financial compensation for consumers.</u></b></p> <p><i>EP: recital should be reviewed once agreement is found on AM 96.</i></p>
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		<p><b><u>(15b) The Commission should, by means of implementing acts, in order to ensure uniform conditions for the implementation of the Union safeguard procedure, determine whether measures taken by Member States in respect of non-compliant energy related products are justified or not.</u></b></p>	
<p><b>Amendment 15</b></p> <p><b>Recital 16</b></p>			
<p>(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.</p>	<p>(16) <i>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</i></p>	<p>(16) <b><u>Without prejudice to the obligation to [ ] check product conformity,</u></b> 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 <b><u>labels, product information sheets and technical documentation [ ]</u></b> electronically in a database established by the Commission. The information <b><u>on energy labels and product information sheets</u></b> should be made publicly available to provide information for customers and to allow for alternative ways for dealers to receive labels. <b><u>The technical documentation should not be made publicly available but only to market surveillance authorities and the Commission [ ];</u></b> <b><u>Where some technical information is so sensitive that it is inappropriate to</u></b></p>	<p>EP: recital is flagged for fine-tuning at technical level once political agreement is found on Article 8 and Annex I.</p> <p><b><u>Presidency compromise proposal:</u></b></p> <p>(16) In order to <b>set up a useful tool for consumers, to allow for alternative ways for dealers to receive labels, 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, the Commission should set up and maintain a product database consisting of a public and a compliance part, accessible via an online portal.</b></p>

	<p><i>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.</i></p>	<p><u>include it in the category of technical documentation as detailed in the relevant implementing acts, market surveillance authorities should retain the power to access this information when necessary in accordance with the duty of cooperation on suppliers. When any changes with relevance for the label and the product information sheet are made to a product already on the market, the product is considered as a new model and the supplier has an obligation to register it in the product database.</u></p>	<p>When any changes with relevance for the label and the product information sheet are made to a product already on the market, the product <b>should be</b> considered as a new model and the supplier <b>should be obliged</b> to register it in the product database.</p> <p><b>Without prejudice to the Member States' market surveillance obligations and to supplier' obligations to check product conformity, suppliers should provide [ ] the required product compliance information electronically in the database. The part of the information [ ] relevant for consumers and dealers should be made publicly available in the public part of the product database. [ ]. That information should be made available as open data so as to give 'app' developers and other</b></p>
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			<p><b>comparison tools the opportunity to use it. Easy direct access to the public part of the product database should be facilitated by user-oriented tools, such as a dynamic quick response code (QR), included on the printed label.</b></p> <p><b>The compliance part of the database should be subject to strict data protection rules. The technical documentation in the compliance part should be made available both to market surveillance authorities and to the Commission. [ ]</b></p> <p>Where some technical information is so sensitive that it is inappropriate to include it in the category of technical documentation as detailed in the relevant implementing acts, market surveillance authorities should retain the power to access this information when necessary in accordance with the duty of cooperation on suppliers.</p>
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<b>Amendment 16 Recital 16a (new)</b>			
	<i>(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.</i>		Not acceptable
			<p><b><u>Presidency compromise proposal:</u></b></p> <p><b>In order for the product database to be of use as soon as possible, all models, the units of which are placed on the market after the date of application of this Regulation should be registered in the database. For models, units of which were placed on the market only before the date of application of this Regulation but are no longer marketed, such registration should only be optional. At the same time, an appropriate transitional period should be given for the development of the database and for suppliers to comply with their registration obligation.</b></p>

<p>(17) The penalties applicable to infringements of the provisions of this Regulation and delegated acts adopted under it should be effective, proportionate and dissuasive.</p>		<p>(17) The penalties applicable to infringements of the provisions of this Regulation and [ ] <b>implementing</b> acts adopted under it should be effective, proportionate and dissuasive.</p>	
<p>(18) In order to promote energy efficiency, climate mitigation and environmental protection, Member States should be able to create incentives for the use of energy efficient products. Member States are free to decide on the nature of such incentives. Such incentives should comply with Union State aid rules and should not constitute unjustifiable market barriers. This Regulation does not prejudice the outcome of any future State aid procedure that may be undertaken in accordance with Articles 107 and 108 of the Treaty on the Functioning of the European Union in respect of such incentives.</p>		<p>(18) In order to promote energy efficiency, climate mitigation and environmental protection, Member States should be able to create incentives for the use of energy efficient products. Member States are free to decide on the nature of such incentives. Such incentives should comply with Union State aid rules and should not constitute unjustifiable market barriers. This Regulation does not prejudice the outcome of any future State aid procedure that may be undertaken in accordance with Articles 107 and 108 of the Treaty on the Functioning of the European Union in respect of such incentives.</p>	

Amendment 17

Recital 19

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

(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 harmonized 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 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***

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

Partially acceptable. **Presidency compromise proposal:**

(19) Energy consumption, performance 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.

**Such methods and standards should as much as possible take into account the real-life usage of a given product, reflect average consumer behaviour and be robust in order to deter intentional and unintentional circumvention.**

	<p><b><i>deviations between tested and declared results should be limited to the statistical measurement uncertainty.</i></b> 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.</p>		<p><b>Energy labels should reflect the comparative performance of the actual use of products, within the constraints due to the need of reliable and reproducible laboratory testing. Therefore, suppliers should not be allowed to include software or hardware that automatically alters the performance of the product in test conditions.</b></p> <p>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.</p>
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**Amendment 18**

**Recital 20**

<p>(20) The Commission should provide a working plan for the revision of labels of particular products including an indicative list of further energy-related products for which an energy label could be established. The working plan should be implemented starting with a technical, environmental and economic analysis of the product groups concerned. This analysis should also look at supplementary information including the possibility and cost to provide consumers with information on the performance of an energy-related product, such as its absolute energy consumption, durability or environmental performance, in coherence with the objective to promote a circular economy. Such supplementary information should improve the intelligibility and effectiveness of the label towards consumers and should not lead to any negative impact on consumers.</p>	<p>(20) <b><i>Based on the scope of this regulation, the Commission should provide a <b>long-term</b> 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 <b>and should update this working plan periodically. The Commission should inform the European Parliament and the Council annually about the progress of the working plan.</b></i></b></p>	<p>(20) The Commission should provide a working plan for the revision of labels of particular products including an indicative list of further energy-related products for which an energy label could be established. The working plan should be implemented starting with a technical, environmental and economic analysis of the product groups concerned. This analysis should also look at supplementary information including the possibility and cost to provide consumers with information on the performance of an energy-related product, such as its [ ] energy consumption, durability or environmental performance, in coherence with the objective to promote a circular economy. Such supplementary information should improve the intelligibility and effectiveness of the label towards consumers and should not lead to any negative impact on consumers.</p>	<p>Not acceptable due to the regular updates and information.</p>
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		<p><b><u>(20a) In spite of the repeal of Directive 2010/30/EU, suppliers of products marketed in accordance with that Directive before the date of application of this Regulation should continue to be subject to the obligation to make available an electronic version of the technical documentation of the products concerned upon request of the market surveillance authorities. Appropriate transitional provisions should ensure legal certainty and continuity in this respect.</u></b></p>	
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**Amendment 19**

**Recital 20a (new)**

*(20 a) 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.*

Not acceptable. These aspects should be taken up by the preparatory studies prior to a delegated/implementing act.

Recital to be reviewed following agreement on Article 11.

<p>(21) In order to establish product-specific labels and information sheets and operational details relating to the product database, the power to adopt acts in accordance with Article 290 on the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and with the Consultation Forum.</p>		<p>(21) In order to establish [ ] <b><u>specific product groups of energy related products in accordance with a set of specific criteria</u></b>, the power to adopt acts in accordance with Article 290 on the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and with the Consultation Forum. <b><u>The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.</u></b></p>	<p><b><u>Presidency compromise proposal:</u></b>  (21) In order to establish specific product groups of energy related products in accordance with a set of specific criteria, the power to adopt acts in accordance with Article 290 on the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and with the Consultation Forum. <b>The European Parliament's participation in the work of the Consultation Forum, an expert group, should take place in accordance with the Framework Agreement on relations between the European Parliament and the European Commission.</b><sup>11</sup> The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.</p>
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<sup>11</sup> **footnote OJ L 304, 20.11.2010, p. 47.**

		<p><u>(21a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers on establishing detailed requirements relating to labels for the specific products groups and operational details relating to the product database should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.</u></p>	
		<p><u>(21b) Since the objectives of this Regulation, namely allowing customers to choose more efficient products by supplying relevant information, cannot be sufficiently achieved by the Member States but can rather, by further developing the harmonised regulatory framework and ensuring a level playing field for manufacturers, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.</u></p>	

(22) This Regulation should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of Directive 2010/30/EU.		(22) This Regulation should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of Directive 2010/30/EU.	
(23) Directive 2010/30/EU should therefore be repealed.		(23) Directive 2010/30/EU should therefore be repealed.	
HAVE ADOPTED THIS REGULATION:		HAVE ADOPTED THIS REGULATION:	

**Amendment 20**

**Article 1 - paragraph 1 and 2**

<p align="center"><i>Article 1</i></p> <p align="center"><b>Subject matter and scope</b></p>		<p align="center"><i>Article 1</i></p> <p align="center"><b>Scope and subject matter</b></p>	
<p>1. This Regulation lays down a framework on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products during use and supplementary information concerning energy-related products in order to allow customers to choose more efficient products.</p>	<p>1. This Regulation lays down a framework <i>that applies to energy-related products and provides them with a label regarding energy efficiency, absolute consumption of energy and other environmental and performance characteristics. It allows customers to choose more energy-efficient</i> products in order to <i>reduce their energy consumption.</i></p>	<p>1. This Regulation shall <u>apply to energy related products [ ] placed on the Union market or put into service on the Union market. These products shall comply with this Regulation and the relevant implementing acts.</u></p>	<p><b><u>Outcome of the second trilogue:</u></b></p> <p>1. This Regulation lays down a framework that applies to energy-related products (<b>hereinafter "products"</b>) and provides them with a label and standard product information regarding energy efficiency, consumption of energy and of other resources by [ ] products during use and supplementary information concerning [ ] products, thereby allowing customers to choose more efficient products in order to reduce energy consumption.</p>

2. This Regulation shall not apply to:	2. This Regulation <i>does</i> not apply to:	2. <b><u>It shall</u></b> not apply to:	2. It shall not apply to:
(a) Second hand products	(a) Second hand products;	(a) [ ]	<b><u>Outcome of the second trilogue:</u></b>  (a) Second hand products, with the exception of imported second hand products;
(b) Means of transport for persons or goods other than those operated by a stationary motor.	(b) Means of transport for persons or goods [ ].	(b) Means of transport for persons or goods other than those operated by a stationary motor.	(b) Means of transport for persons or goods.
		3. This Regulation lays down a framework on the indication by labelling and standard product information of the <b><u>energy efficiency</u></b> , consumption of energy and <b><u>of</u></b> other resources by energy-related products during use and supplementary information concerning energy-related products in order to allow customers to choose more efficient products <b><u>and reduce</u></b> [ ] <b><u>energy consumption</u></b> .	Council text moved from paragraph 1:  3. This Regulation shall apply to [ ] products placed on the Union market or put into service on the Union market. These products shall comply with this Regulation and the relevant implementing acts.

<p style="text-align: center;"><i>Article 2</i></p> <p style="text-align: center;"><b>Definitions</b></p>		<p style="text-align: center;"><i>Article 2</i></p> <p style="text-align: center;"><b>Definitions</b></p>	
<p>For the purposes of this Regulation the following definitions apply:</p>		<p>For the purposes of this Regulation the following definitions apply:</p>	
<p>(1) 'Customer' means any natural or legal person who buys or hires a product covered by this Regulation for his own use whether or not acting for purposes which are outside his trade, business, craft or profession</p>		<p>(1) 'Customer' means any natural or legal person who buys or hires <b><u>or receives</u></b> a product covered by this Regulation for their own use whether or not acting for purposes which are outside his trade, business, craft or profession;</p>	<p>Council text accepted</p>
<p>(2) 'Placing on the market' means the first making available of a product on the Union market</p>		<p>(2) 'Placing on the market' means the first making available of a product on the Union market;</p>	

(3) 'Making available on the market' means any supply of a product for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge		(3) 'Making available on the market' means any supply of a product for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	
(4) 'Putting into service' means the first use of a product for its intended purpose on the Union market		(4) 'Putting into service' means the first use of a product for its intended purpose on the Union market;	
(5) 'Supplier' means the manufacturer in the Union, the authorised representative of a manufacturer who is not established in the Union, or the importer, who places products covered by this Regulation on the market within the Union		(5) 'Supplier' means the manufacturer in the Union, the authorised representative of a manufacturer who is not established in the Union, or the importer, who places products covered by this Regulation on the <b>Union</b> market [ ];	Council text accepted
<b>Amendment 21</b>			
<b>Article 2 – paragraph 1 – point 6</b>			
(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	(6) 'Manufacturer' means any natural or legal person who manufactures an energy-related product or has <b>such</b> a product designed or manufactured, and markets that energy-related product under his name or trademark;	(6) 'Manufacturer' means any natural or legal person who manufactures a [ ] product or has a product designed or manufactured, and markets that [ ] product under his name or trademark;	<b><u>Outcome of the second trilogue</u></b>  (6) 'Manufacturer' means any natural or legal person who manufactures a [ ] product or has [ ] a product designed or manufactured, and markets that product under his name or trademark;

(7) 'Authorised representative' means any natural or legal person established in the Union who has received a written mandate from the manufacturer to act on his behalf in relation to specified tasks		(7) 'Authorised representative' means any natural or legal person established in the Union who has received a written mandate from the manufacturer to act on his behalf in relation to specified tasks;	
(8) 'Importer' means any natural or legal person established in the Union who places an energy-related product from a third country on the Union market		(8) 'Importer' means any natural or legal person established in the Union who places a [ ] product from a third country on the Union market;	
<b>Amendment 22</b>			
<b>Article 2 - paragraph 1 - point 9</b>			
(9) 'Dealer' means a retailer or other person who sells, hires, offers for hire purchase or displays products to customers	(9) 'Dealer' means a retailer or other <i>natural or legal</i> person who sells, hires, offers for hire purchase or displays products to customers;	(9) 'Dealer' means a retailer or other person who sells, hires, offers for hire purchase or displays products to customers <b><u>or installers in the course of a commercial activity, whether in return for payment or free of charge;</u></b>	<b><u>Outcome of the second trilogue</u></b>  (9) 'Dealer' means a retailer or other natural or legal person who sells, hires, offers for hire purchase or displays products to customers or installers in the course of a commercial activity, whether in return for payment or free of charge;
(10) 'Distance selling' means sale, hire or hire purchase by mail order, catalogue, Internet, telemarketing or any other method where the potential end user cannot be expected to see the product displayed		(10) 'Distance selling' means sale, hire or hire purchase by mail order, catalogue, Internet, telemarketing or any other method where the potential <b><u>[ ] customer</u></b> cannot be expected to see the product displayed;	

<b>Amendment 23</b>			
<b>Article 2 - paragraph 1 - point 10a (new)</b>			
	<i>(10 a) 'Energy efficiency' means the ratio of output of performance, service, goods or energy, to input of energy;</i>	<b><u>(10a) 'Energy efficiency' means the ratio of output of performance, service, goods or energy to input of energy;</u></b>	EP and Council text identical, accepted
<b>Amendment 24</b>			
<b>Article 2 - paragraph 1 - point 11</b>			
(11) 'Energy-related product' means any good or system or service with an impact on energy consumption during use, which is placed on the market and put into service in the Union, including parts to be incorporated into energy-related products which are placed on the market and put into service	(11) 'Energy-related product', <b><i>hereinafter 'product'</i></b> , 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 <b><i>intended</i></b> to be incorporated into energy-related products which are placed on the market and put into service <b><i>as individual parts for customers and of which the energy and environmental performance can be assessed independently;</i></b>	(11) 'Energy-related product' ( <b><u>hereinafter 'product'</u></b> ) means any good or system [ ] with an impact on energy consumption during use, which is placed on the market [ ] <b><u>or</u></b> put into service in the Union [ ];	<b><u>Outcome of the second trilogue:</u></b>  (11) 'Energy-related product or 'product' means any good or system with an impact on energy consumption during use, which is placed on the market or put into service in the Union, including parts with an impact on energy consumption during use which are placed on the market or put into service for customers and that are intended to be incorporated into energy-related products.

<p>(12) ‘Harmonised standard’ means a European standard as defined in Article 2(1)(c) of Regulation (EU) No 1025/2012<sup>12</sup></p>		<p>(12) ‘Harmonised standard’ means a European standard as defined in Article 2(1)(c) of Regulation (EU) No 1025/2012;</p>	
<p><b>Amendment 25</b></p> <p><b>Article 2 - paragraph 1 - point 13</b></p>			
<p>(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</p>	<p>(13) 'Label' means a graphic diagram, <i>in printed or electronic form</i>, including a <i>closed scale</i> using <i>only</i> letters from A to G, <i>each class corresponding to significant energy savings</i>, in seven different colours from dark green to red, in order to <i>inform customers about energy efficiency and energy consumption</i>;</p>	<p>(13) ‘Label’ means a graphic diagram, <b><u>either in printed or electronic form</u></b>, including a classification using letters from A to G in seven different colours from dark green to red in order to show <b><u>energy efficiency and</u></b> consumption of energy. <b><u>It includes rescaled labels and labels with fewer classes and colours in accordance with Article 7(1b) and (4)</u></b>;</p>	<p><b><u>Outcome of the second trilogue:</u></b></p> <p>(13) 'Label' means a graphic diagram, either in printed or electronic form, including a closed scale using only letters from A to G, each class corresponding to energy savings, in seven different colours from dark green to red, in order to inform customers about energy efficiency and energy consumption. It includes rescaled labels and labels with fewer classes and colours in accordance with [Article 7(1b) and (4)]<sup>13</sup>;</p>

<sup>12</sup> Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European standardisation (OJ L 316, 14.11.2012, p.12).

<sup>13</sup> References to be updated subject to the outcome of the negotiations on Article 7.

**Amendment 26**

**Article 2 - paragraph 1 - point 13a (new)**

	<i>(13 a) 'Product group' means a group of energy-related products which have the same main functionality;</i>		EP text accepted  (13 a) 'Product group' means a group of [ ] products which have the same main functionality;
(14) 'Model' means a version of a product of which all units share the same technical characteristics relevant for the label and the product information sheet and share the same model identifier		(14) 'Model' means a version of a product of which all units share the same technical characteristics relevant for the label and the product information sheet and share the same model identifier;	
(15) 'Model identifier' means the code, usually alphanumeric, which distinguishes a specific product model from other models with the same trade mark or supplier's name		(15) 'Model identifier' means the code, usually alphanumeric, which distinguishes a specific product model from other models with the same trade mark or supplier's name;	
(16) 'Equivalent model' means a model placed on the market by the same supplier and with the same label and product information as another model, but with a different model identifier		(16) 'Equivalent model' means a model <b><u>which has the same technical characteristics relevant for the label and the product information sheet, but is</u></b> placed on the market by the same supplier [ ] as another model [ ] with a different model identifier;	Council text accepted:  (16) 'Equivalent model' means a model which has the same technical characteristics relevant for the label and the <b><u>same</u></b> product information sheet, but is placed on the market by the same supplier [ ] as another model [ ] with a different model identifier;

<b>Amendment 27</b>			
<b>Article 2 - paragraph 1 - point 17</b>			
(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, <i>either in printed or electronic form</i> ;	(17) 'Product information sheet' means a standard table of information relating to a product, <b><u>either in printed or electronic form</u></b> ;	EP and Council text identical
<b>Amendment 28</b>			
<b>Article 2 - paragraph 1 - point 18</b>			
(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) ' <b>Rescaling</b> ' means <i>an</i> exercise to make more stringent the requirements for achieving the energy class on a label for a particular product <b>group</b> ;	(18) 'Rescale' means an [ ] exercise to make more stringent the requirements for achieving the energy class on a label for a particular product;	Acceptable  (18) 'Rescale' means an exercise to make more stringent the requirements for achieving the energy class on a label for a particular product <b>group</b> ;

**Amendment 29**

**Article 2 - paragraph 1 - point 19**

<p>(19) 'Rescaled label' means a label for a particular product that has undergone a rescaling exercise.</p>	<p>(19) 'Rescaled label' means a label for a particular product <i>group</i> that has undergone a rescaling exercise, <i>which is clearly distinguishable from the labels before rescaling;</i></p>	<p>(19) [ ]</p>	<p><b>Outcome of the second trilogue:</b></p> <p>(19) 'Rescaled label' means a label for a particular product group that has undergone a rescaling exercise, and is distinguishable from labels before rescaling while preserving a visual and perceptive coherence of all labels.</p>
	<p><i>(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;</i></p>		<p>See Article 12(3) (ca) for the outcome of the second trilogue</p>

**Amendment 30**

**Article 2 - paragraph 1 - point 20**

<p>(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.</p>	<p>(20) 'Supplementary information' means <i>any</i> information <i>specified by the relevant delegated act</i> on the functional, <i>environmental and resource-efficiency</i> performance of an energy-related product, which is based on data that are measurable <i>and verifiable</i> by market surveillance authorities, is <i>easily understandable</i> and has no significant negative impact on the effectiveness of the label as a whole towards customers;</p>	<p>(20) 'Supplementary information' means information on the functional and environmental performance of a [ ] product, such as its [ ] energy consumption;</p>	<p><b><u>Outcome of the second trilogue:</u></b></p> <p>(20) 'Supplementary information' means information specified by the relevant implementing act on the functional and environmental performance of a [ ] product.</p>
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**Amendment 31**

**Article 2 - paragraph 1 - point 20a (new)**

	<p><i>(20 a) '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.</i></p>		<p><i>Pending, linked to Article 8</i></p> <p>(20 a) 'Product database' means a collection of data concerning the [ ] products covered by this Regulation and the <b>implementing</b> acts adopted pursuant thereto, arranged in a systematic manner and consisting of a <b>consumer oriented public part, [ ]</b> where information <b>concerning individual product parameters is</b> accessible by electronic means, <b>an online portal for accessibility</b> and a compliance <b>part, [ ]</b> with clearly specified accessibility and security requirements.</p>
		<p><b><u>(21) 'Technical documentation' means documentation sufficient to enable to assess the accuracy of a label and product information sheet of a product, including a test report or similar technical evidence;</u></b></p>	<p><b>Presidency compromise proposal:</b></p> <p>(21) 'Technical documentation' means documentation sufficient to enable <b>market surveillance authorities</b> to assess the accuracy of a label and product information sheet</p>

			<p>of a product, including test reports or similar technical evidence;</p> <p>EP accepts deleting the exclusion of confidential, IPR related, etc. related information, but insists on including results of tests only.</p>
		<p><b><u>(22) 'System' means a combination of several goods which when put together perform a specific function in an expected environment and of which the energy efficiency can then be determined as a single entity;</u></b></p>	<p>Council text accepted</p>
		<p><b><u>(23) 'Verification tolerance' means the maximum admissible deviation of the measurement and calculation results of the verification tests performed by, or on behalf of, market surveillance authorities, compared to the values of the declared or published parameters, reflecting interlaboratory variation deviation;</u></b></p>	<p>Council text accepted</p>

		<b><u>(24) 'Product group' means a group of similar products with related functions.</u></b>	AM 26 accepted so Council text falls
<i>Article 3</i> <b>Obligations of suppliers' and dealers'</b>		<i>Article 3</i> <b>Obligations of suppliers and dealers</b>	
<b>Amendment 32</b>			
<b>Article 3 - paragraph 1</b>			
1. Suppliers shall comply with the following:	1. Suppliers shall:	1. Suppliers shall [ ]:	
(a) they shall ensure that products placed on the market are provided, free of charge, with accurate labels and product information sheets in accordance with this Regulation and the relevant delegated acts	(a) ensure that products placed on the market are provided, free of charge, with accurate <i>printed</i> labels and <i>with</i> product information sheets <b><i>for each individual unit;</i></b>	(a) [ ] ensure that products placed on the market are [ ] <b>supplied</b> , free of charge, with accurate labels and product information sheets <b>for each unit</b> in accordance with this Regulation and the relevant [ ] <b>implementing</b> acts <b>adopted under Article 12 of this Regulation</b> [ ]. <b><u>As an alternative to supplying the product information sheet with the product, implementing acts may [ ] provide that entering the parameters of such product information sheets into the product database established under Article 8 (hereinafter: 'the product database') is sufficient.</u></b>	<b><u>Outcome of the second trilogue:</u></b>  (a) ensure that products placed on the market are supplied, free of charge, with accurate printed labels and with product information sheets for each individual unit in accordance with this Regulation and the relevant implementing acts adopted under Article 12 of this Regulation <sup>14</sup> ;

<sup>14</sup> All references to implementing or delegated acts should be understood as pending and linked to the agreement reached on this horizontal issue.

			(aa) As an alternative to supplying the product information sheet with the product, implementing acts may provide that entering the parameters of such product information sheets into the product database is sufficient. In such case, they shall provide the product information sheet in printed form to the dealer on request.
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		<b><u>Implementing acts may provide that the label is printed on the packaging of the product.</u></b>	Implementing acts may provide that the label is printed on the packaging of the product.
(b) they shall deliver labels promptly and free of charge on request from dealers	(b) deliver labels and <i>product information sheets</i> , free of charge, <i>within five working days upon request from dealers</i> ;	(b) [ ] deliver labels, <b><u>including rescaled labels in accordance with Article 7(5), and product information sheets</u></b> promptly and free of charge on request from dealers.	<b><u>EP compromise proposal accepted, text agreed.</u></b>  (b) deliver <b><u>printed</u></b> labels, including rescaled labels in accordance with Article 7( <del>7</del> ), and product information sheets free of charge, promptly and at the latest within five working days upon request from dealers;
	<i>(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 relevant delegated act;</i>	<i>See Article 7(5) a): six months</i>	<i>See outcome of the second trilogue in Article 7(5) a): <b><u>four</u></b> months</i>

<p>(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</p>	<p>(c) ensure the accuracy of the labels and product information sheets, and produce technical documentation sufficient to enable the accuracy to be assessed;</p>	<p>(c) [ ] 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.</p>	<p>Acceptable</p>
			<p><b><u>Presidency compromise proposal on AM 33:</u></b></p> <p>(ca) once a unit of a model is in service, request <b>explicit consent</b> from the customer on any changes intended to be introduced to the unit in service by means of updates that would be to the detriment of the parameters of the energy efficiency label for the unit, as defined by the relevant implementing act. The customer shall be informed of the objective of the update and of the changes in the parameters, including any change in the label class. <b>For a period proportionate to the average lifespan of the product</b>, the customer shall be given the option to refuse the update without <b>avoidable</b> loss of functionality [L].</p> <p><b><u>Council deletion at the end of the sentence accepted, text agreed.</u></b></p>

		<b><u>(d) not place on the market products designed so that a model's performance is automatically altered in test conditions with the objective of reaching a more favourable level for any of the parameters specified in the implementing act or included in any of the documentation provided with the product.</u></b>	Corresponds to AM 33
		<b><u>(1a) In relation to the product database suppliers :</u></b>	<b>(1a) In relation to the product database suppliers:</b>
(d) they shall, prior to placing a product model on the market, enter into the product database established in accordance with Article 8 the information detailed in Annex I.	(d) <i>enter the information set out in Annex I into the public and compliance interfaces of the product database established pursuant to Article 8;</i>  (i) <i>for all new models, before placing a unit of the model on the market,</i>	(a) <b><u>shall [ ] prior to placing a unit of a [ ] model covered by an implementing act under this Regulation on the market, enter for that model into the product database [ ] the information detailed in Annex I. A product for which any changes with relevance for the label and the product information sheet are made shall be considered as a new product model. They shall indicate in the database when units of a model are no longer being placed on the market.</u></b>	EP: the dates in points (a) and (b) should be reviewed once Article 16 is agreed. <b><u>Presidency compromise proposal:</u></b>  (a) shall, <b>as from 1 July 2019 [the date by which the Commission has to set up the database]</b> , prior to placing a unit of a <b>new</b> model covered by an implementing act under this Regulation on the market, enter for that model into the <b>public and compliance parts of the</b> product database the information detailed in Annex I.

		<p><b><u>(b) shall, for models, units of which are placed on the market between 1 January 2017 and 31 December 2018, enter into the product database the information set out in Annex I, no later than 1 July 2019. Until the time of data entry into the product database, they shall make an electronic version of the technical documentation available for inspection within 10 days of a request received from market surveillance authorities or the Commission.</u></b></p>	<p>(b) shall, <input type="checkbox"/> for models covered by an implementing act under this Regulation, units of which are placed on the market between 1 July 2017 and 1 July 2019 enter into the product database the information set out in Annex I, no later than 31 December 2019.</p> <p>Until the time of data entry into the product database, <b>suppliers</b> shall make an electronic version of the technical documentation available for inspection within 10 days of a request received from market surveillance authorities or the Commission.</p>
	<p><i>(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;</i></p>	<p><b><u>(c) may for models, units of which are placed on the market before 1 January 2017, enter into the product database the information set out in Annex I.</u></b></p>	<p><b><u>Outcome of the second trilogue:</u></b></p> <p>(c) may for models, units of which <b>were exclusively</b> placed on the market before <b>the date of application of this Regulation</b>, enter into the product database the information set out in Annex I.</p>

			<p>A product for which any changes with relevance for the label and the product information sheet are made shall be considered as a new <input type="checkbox"/> model. They shall indicate in the database when units of a model are no longer being placed on the market.</p> <p><b>The obligations in paragraphs (a) and (b) shall not apply to packages of heaters referred to in Commission delegated Regulations (EU) 811/2013, 812/2013 and 1187/2015, and any subsequent revisions of these regulations, where the provision of labels for these packages is the sole responsibility of dealers.</b></p> <p><i>With the addition of the word 'subsequent', the text is acceptable to the EP: agreed.</i></p>
	<p><i>(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;</i></p>		<p><b>Agreed text:</b></p> <p>(da) after the last unit of a model was placed on the market, keep the information in the compliance part of the database for a period of 15 years. Where appropriate in relation to the average life</p>

			span of a product, the relevant [implementing / delegated] act may specify a shorter data conservation period. The information in the public part of the database shall not be deleted;
	<i>(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;</i>		Not acceptable, such requirements, where relevant for the product group, exist in delegated acts in force.

Amendment 33

Article 3 - paragraph 1a (new)

	<i>1 a. Suppliers shall not:</i>		
	<i>(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;</i>		Acceptable, but keep Council text in paragraph 1(d) above
	<i>(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.</i>		Accepted, see compromise proposal in paragraph 1(ca) above

**Amendment 34**

**Article 3 - paragraph 2**

<p>2. Dealers shall comply with the following:</p>	<p>Dealers shall:</p>	<p>2. Dealers shall [ ]:</p>	
<p>(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</p>	<p>(a) <i>where the product is for sale, including online, display the label in a visible and prominent manner, as specified by the relevant</i> delegated act;</p>	<p>(a) [ ] display in a visible manner, <b><u>including in distance selling via the Internet</u></b>, the label provided by the supplier or [ ] made available <b><u>in accordance with subparagraph 2 (b)</u></b> for a product covered by an [ ] <b><u>implementing</u></b> act;</p>	<p><b><u>Outcome of the second trilogue:</u></b></p> <p>(a) [ ] display in a visible manner, including in online distance selling, the label provided by the supplier or [ ] made available in accordance with subparagraph 2(b) for <b>units of a [ ] model</b> covered by an [ ] implementing act;</p> <p><i>Concept of 'prominent' is clarified in recital 9b, see also Presidency compromise proposal in Article 12(2)(d)</i></p>
		<p><b><u>(aa) make available to customers the product information sheet;</u></b></p>	<p><b><u>Outome of the second trilogue:</u></b></p> <p>(aa) make available to customers the product information sheet, including in physical form at the point of sale upon request;</p>

	<p><i>(aa) replace existing labels with rescaled labels, both in shops and online, within three weeks following the date specified in the relevant delegated act;</i></p>	<p>See Article 7(5) b): 10 days</p>	<p><b><u>Outcome of the second trilogue:</u></b></p> <p>(b) dealers shall replace existing labels with rescaled labels, both in shops and online, within 14 working days following the date specified in the relevant implementing act for the start of displaying the rescaled label. Dealers shall not display the rescaled labels before that date;</p>
<p>(b) they shall, where they do not have a label or a rescaled label</p>	<p>(b) where they do not have a label or a rescaled label, <i>request it from the supplier;</i></p>	<p>(b) [ ] where, <b><u>despite the provisions of paragraph 1(a)</u></b> they do not have a label [ ] <b><u>or product information sheet, they shall [ ]:</u></b></p>	<p><b><u>EP compromise proposal accepted, text agreed.</u></b></p> <p>(b) where, despite the provisions of paragraph 1(a) they do not have a label [ ], they shall <b><u>request it from the supplier in accordance with Article 3(1)(b);</u></b></p> <p><b><u>(ba) where, despite the provisions of paragraph 1(a) they do not have a product information sheet, they shall:</u></b></p>

(i) request the label or a rescaled label from the supplier	<i>deleted</i>	(i) request [ ] <b>them</b> from the supplier; or	(i) request [ ] <b>it</b> from the supplier or, if they choose to do so,
(ii) print out the label from the product database established in accordance with Article 8 if that function is available for that product	<i>deleted</i>	(ii) print [ ] <b>or download them for electronic display</b> from the product database [ ], if <b>these</b> functions <b>are</b> available for that product; or	(ii) print [ ] or download <b>it</b> for electronic display from the product database [ ], if these functions are available for that product.
(iii) print out the label or a rescaled label from the supplier's website if that function is available for that product.	<i>deleted</i>	(iii) print <b>them</b> out [ ] <b>or download them for electronic display</b> from the supplier's website, if <b>these</b> functions <b>are</b> available for that product.	Delete (iii)
(c) they shall make available to customers the product information sheet.	(c) <b>upon request</b> , make available to customers the product information sheet, <b>including in printed form</b> .	<i>(moved to point (aa) above)</i>	EP text falls, see compromise in point (aa)

**Amendment 35**

**Article 3 - paragraph 3**

3. Suppliers and dealers shall comply with the following:	Suppliers and dealers shall:	3. Suppliers and dealers shall [ ]:	
(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	(a) make reference to the energy efficiency class of the product in any <i>visual</i> advertisement or technical promotional material for a specific model of products in accordance with the relevant delegated act;	(a) [ ] make reference to the energy efficiency class of the product <b><u>and the range of the efficiency classes available on the label</u></b> in any advertisement or technical promotional material for a specific model [ ] in accordance with the relevant implementing act <b><u>and to the [ ] energy consumption, unless this is stipulated otherwise by the relevant implementing act;</u></b>	<b><u>EP compromise proposal accepted, text agreed.</u></b>  (a) make reference to the energy efficiency class of the product and the range of the efficiency classes available on the label in any <b><u>visual</u></b> advertisement or technical promotional material for a specific model [ ] in accordance with the relevant implementing act <b><u>[ ]</u></b> .
(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	(b) cooperate with market surveillance authorities and take immediate action to remedy any situation of non-compliance, <b><i>pursuant to Article 5;</i></b>	(b) [ ] 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 [ ] <b><u>implementing</u></b> acts falling under their responsibility, at their own initiative or when required to do so by market surveillance authorities;	Council text kept

<p>(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</p>	<p>(c) <i>refrain</i>, for products covered by this Regulation, <i>from providing or displaying any misleading, confusing or mimicking</i> labels, marks, symbols or inscriptions, <i>regarding</i> the consumption of energy or other resources during use;</p>	<p>(c) [ ] for products covered by [ ] <b><u>implementing acts under</u></b> this Regulation, <b><u>not</u></b> provide or display other labels, marks, symbols or inscriptions which do not comply with the requirements of this Regulation and of the relevant [ ] <b><u>implementing</u></b> acts, if this is likely to mislead or confuse customers with respect to the consumption of energy or other resources during use;</p>	<p>Council text kept</p>
<p>(d) they shall, for products not covered by this Regulation, not supply or display labels which mimic the label as defined in this Regulation.</p>	<p>(d) for products not covered by this Regulation, not supply or display labels which mimic the label as defined in this Regulation.</p>	<p>(d) [ ] for products not covered by [ ] <b><u>implementing acts under</u></b> this Regulation, not supply or display labels which mimic the label as defined in this Regulation. <b><u>This does not affect labels provided for in Member States' legislation, as long as they are not covered by implementing acts under this Regulation.</u></b></p>	<p><b><u>Outcome of the second trilogue:</u></b></p> <p>(d) [ ] for products not covered by [ ] implementing acts under this Regulation, not supply or display labels which mimic the labels as defined in this Regulation and its implementing acts. This does not affect labels provided for in Member States' legislation, as long as they are not covered by implementing acts under this Regulation.</p> <p>(e) for non energy related products, not supply or display labels which mimic the labels as defined in this Regulation and its implementing acts.</p>

<b>Amendment 36</b>			
<b>Article 3 - paragraph 3a (new)</b>			
	<i>3a. All general obligations regarding labels as of paragraphs 1 to 3 shall apply equally to existing, new and rescaled labels.</i>		EP text falls
<i>Article 4</i> <b>Obligations of Member States</b>		<i>Article 4</i> <b>Obligations of Member States</b>	
<b>Amendment 37</b>			
<b>Article 4 - paragraph 1</b>			
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.	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 [ ].	1. Member States shall not [ ] impede, <b><u>in relation to matters covered by this Regulation,</u></b> the placing on the market or putting into service, within their territories, of [ ] products which comply with [ ] <b><u>this Regulation and the</u></b> relevant [ ] <b><u>implementing</u></b> acts <b><u>under this Regulation.</u></b>	Acceptable in principle, but keep Council text.

<b>Amendment 38</b>			
<b>Article 4 - paragraph 2</b>			
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.	2. Member States shall take all appropriate measures to ensure that suppliers and dealers comply with the obligations and requirements of this Regulation [ ].	2. [ ]	AM covered by Article 1(1), Article 4(5) and Article 5 and 6. Agreed.
<b>Amendment 39</b>			
<b>Article 4 - paragraph 3</b>			
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.	3. Where Member States provide any incentives for <i>a</i> product covered by this Regulation and specified in a delegated act, <i>those incentives</i> shall aim at the highest <i>two populated classes</i> of energy efficiency, <i>as</i> laid down in the applicable delegated act.	3. Where Member States provide any incentives for a [ ] product covered by this Regulation and specified in an [ ] <b>implementing</b> act, these shall aim at the highest classes of energy efficiency, <b>in which products are available</b> , laid down in the applicable [ ] <b>implementing</b> act[ ].	<b><u>Presidency compromise proposal:</u></b> 3. Where Member States provide any incentives for a product covered by this Regulation and specified in an <b>implementing</b> act, these shall aim at the <b>highest two significantly populated</b> classes of energy efficiency, <b>or at higher classes</b> [ ] <b>as</b> laid down in the applicable <b>implementing</b> act.

Amendment 40

Article 4 - paragraph 4

<p>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.</p>	<p>4. Member States shall ensure that the introduction <i>and rescaling of labels</i> is accompanied by educational and promotional information campaigns <i>on energy labelling</i>.</p> <p><i>The Commission shall coordinate those campaigns, supporting close cooperation with suppliers and dealers and the exchange of best practices.</i></p>	<p>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 <u>on energy labelling</u> [ ], if appropriate in cooperation with dealers and <u>suppliers. The Commission shall support cooperation and the exchange of best practices in relation to these campaigns, including through the provision of a core script.</u></p>	<p><b><u>Agreed text:</u></b></p> <p>4. Member States shall ensure that the introduction of labels and rescaling of labels is accompanied by educational and promotional information campaigns on energy labelling, if appropriate in cooperation with dealers and suppliers. The Commission shall support cooperation and the exchange of best practices in relation to these campaigns, including through the recommendation of common key messages.</p>
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Amendment 41

Article 4 - paragraph 5

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.

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.

5. Member States shall lay down the rules on penalties and enforcement mechanisms applicable to infringements of the provisions of this Regulation and its **implementing** acts, and shall take all measures necessary to ensure that they are implemented. The penalties must be effective, proportionate and dissuasive. **Rules fulfilling the requirements of Article 15 of Directive 2010/30/EU shall be considered to fulfil these requirements as regards penalties.** Member States shall notify [ ] **rules on penalties and enforcement mechanisms that had not previously been notified** to the Commission by the date of application of this Regulation and shall notify without delay any subsequent amendment affecting them.

**Agreed text:**

5. Member States shall lay down the rules on penalties and enforcement mechanisms applicable to infringements of the provisions of this Regulation and its implementing acts, and shall take all measures necessary to ensure that they are implemented. The penalties shall be effective, proportionate and dissuasive. Rules fulfilling the requirements of Article 15 of Directive 2010/30/EU shall be considered to fulfil these requirements as regards penalties. Member States shall notify [ ] rules on penalties and enforcement mechanisms that had not previously been notified to the Commission by the date of application of this Regulation and shall notify without delay any subsequent amendment affecting them.

<p style="text-align: center;"><i>Article 5</i></p> <p style="text-align: center;"><b>Union market surveillance and control of energy-related products entering the Union market</b></p>		<p style="text-align: center;"><i>Article 5</i></p> <p style="text-align: center;"><b>Union market surveillance and control of products entering the Union market</b></p>	
<p>1. Articles 16 to 29 of Regulation (EC) No 765/2008 shall apply to energy-related products covered by this Regulation and its delegated acts.</p>		<p>1. Articles 16 to 29 of Regulation (EC) No 765/2008 shall apply to [ ] products covered by this Regulation and its [ ] <b>implementing</b> acts.</p>	
<p><b>Amendment 42</b> <b>Article 5 - paragraph 2</b></p>			
<p>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.</p>	<p>2. The Commission shall <b>encourage and coordinate</b> cooperation and exchange of information on market surveillance of energy labelling <b>regarding</b> products <b>covered by this Regulation</b> among national authorities of the Member States responsible for market surveillance or <b>in charge of the control of products entering the Union market</b> and between <b>them</b> and the Commission <b>by strengthening the Group of Experts on Ecodesign and Energy Labelling Administrative Co-operation Working Group (ADCO).</b></p> <p><i>Such exchanges of information shall also be conducted when test results indicate that the producer is in compliance with the relevant law.</i></p>	<p>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.</p>	<p><b><u>Outcome of the second trilogue:</u></b></p> <p>2. The Commission shall encourage and support 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, inter alia by involving more strongly the Administrative Co-operation Group (ADCO) on Ecodesign and Energy Labelling.</p> <p>Such exchanges of information shall also be conducted when test results indicate that the producer is in compliance with the relevant law.</p>

Amendment 43

Article 5 - paragraph 2a (new)

	<p><i>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 plan at least every three years.</i></p> <p><i>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.</i></p> <p><i>Member States shall make the use of the Information and Communication System on Market Surveillance (ICSMS) compulsory for all national market surveillance authorities.</i></p>		<p><b><u>Outcome of the second trilogue:</u></b></p> <p>Member States' general market surveillance programmes or sector specific programmes established under Article 18 of Regulation (EC) 765/2008 shall include actions in order to ensure the effective enforcement of this Regulation.</p> <p>Additionally, a recital could be added to reinforce the full applicability of the general product legislation <b>and the ongoing revision of Regulation (EC) 765/2008.</b></p> <p>An encouragement to use ICSMS is offered in recital 15a.</p>
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Amendment 44

Article 5 - paragraph 2b (new)

*2 b. National market surveillance authority shall carry out physical product testing, covering at least one product group per year in accordance with the delegated acts 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.*

**Presidency compromise proposal:**

2b. The Commission shall, in cooperation with the Administrative Co-operation Group (ADCO) on Ecodesign and Energy Labelling, elaborate guidelines for the enforcement of this Regulation, in particular as regards **best practices of** product testing and the sharing of information between national market surveillance authorities and the Commission.

EP does not accept best practices and proposes '**minimum frequency of product testing**'.

**Amendment 45**

**Article 5 - paragraph 2c (new)**

	<p><i>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.</i></p> <p><i>The Commission may check independently compliance, directly or through a third party.</i></p>		<p>EP: in addition to the text below, EP still wishes to maintain the last paragraph of its position on the Commission checking compliance.</p> <p>2c. Market surveillance authorities shall have the right to recover <b>from suppliers</b> the costs of document inspection and physical product testing in case of non-compliance with this Regulation or its implementing acts.</p>
<p align="center"><i>Article 6</i></p> <p align="center"><b>Union safeguard procedure</b></p>		<p align="center"><i>Article 6</i></p> <p align="center"><b>[ ] Procedure at national level for dealing with products presenting a risk [ ]</b></p>	

**Amendment 46**

**Article 6 - paragraph 1**

<p>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</p>	<p>1. Where the market surveillance authorities of one Member State have sufficient reason to believe that <b>a</b> [ ] product covered by a delegated act under this Regulation presents a risk to aspects of public interest protection covered by this Regulation, they shall</p>	<p>1. Where the market surveillance authorities of one Member State have sufficient reason to believe that a [ ] product covered <b>by this Regulation</b> [ ] presents a risk to aspects of public interest protection covered by this Regulation, <b>such as environmental</b></p>	<p>Keep Council text</p>
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<p>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.</p>	<p><i>immediately notify the Commission and</i> carry out an evaluation in relation to the <i>product model</i> concerned, covering all the requirements laid down in this Regulation and <i>the</i> relevant delegated acts, <i>also assessing whether it is advisable to extend the evaluation to other product models.</i> The supplier shall cooperate as necessary with the market surveillance authorities [ ].</p>	<p><u>and consumer protection</u> [ ] <u>aspects</u>, they shall carry out an evaluation in relation to the [ ] product concerned covering all [ ] <u>energy labelling</u> requirements <u>relevant to the risk and</u> laid down in this Regulation <u>or its</u> [ ] <u>implementing</u> acts. [ ] Suppliers <u>and dealers</u> shall cooperate as necessary with the market surveillance authorities for that purpose.</p>	
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**Amendment 47**

**Article 6 - paragraph 2**

<p>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 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.</p>	<p>2. Where in the course of that evaluation, the market surveillance authorities find that the <i>product model</i> 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 <i>product model</i> into compliance <i>without delay, and they may prescribe</i> to withdraw the <i>product model</i> from the market, or to recall <i>the units put into service</i> within a reasonable period, commensurate with the nature of the risk, <i>extending such measures to the equivalent models available on the market</i>. Article 21 of Regulation (EC) No 765/2008 shall apply to the measures referred to in this paragraph.</p>	<p>2. Where, in the course of that evaluation, the market surveillance authorities find that the [ ] product does not comply with the requirements laid down in this Regulation and its relevant [ ] <u>implementing</u> acts, they shall without delay require the supplier <u>or dealer</u> to take all appropriate corrective action to bring the [ ] product into compliance with those requirements, <u>where appropriate</u> to withdraw the [ ] product from the market, or <u>where appropriate</u>, 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.</p>	<p><b><u>EP compromise proposal accepted, text agreed:</u></b></p> <p>2. Where, in the course of that evaluation, the market surveillance authorities find that the product does not comply with the requirements laid down in this Regulation and its relevant implementing acts, they shall without delay require the supplier, <u>or where appropriate, the dealer</u> to take all appropriate corrective action to bring the product into compliance with those requirements, where appropriate to withdraw the product from the market, or where appropriate, 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.</p>
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<b>Amendment 48</b>			
<b>Article 6 - paragraph 3</b>			
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.	3. The market surveillance authorities <b><i>shall inform through the ICSMS</i></b> the Commission and other Member States, <b><i>of any</i></b> results of the evaluation and of <b><i>any</i></b> actions which they have required the supplier to take <b><i>pursuant to paragraph 2.</i></b>	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 or dealer to take.	Keep Council text
<b>Amendment 49</b>			
<b>Article 6 - paragraph 4</b>			
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.	4. The supplier shall ensure that <b><i>any restrictive measure prescribed in accordance with paragraph 2</i></b> is taken, in respect of all the <b><i>product models</i></b> concerned that it has made available on the market throughout the Union.	4. The supplier <b><u>or dealer</u></b> shall ensure that all appropriate corrective action is taken in respect of all the [ ] products concerned that it has made available on the market throughout the Union.	<b>EP compromise proposal accepted, text agreed:</b>  4. The supplier, <b><u>or where appropriate, the dealer</u></b> shall ensure that all appropriate corrective or restrictive action in accordance with paragraph 2 is taken in respect of all the [ ] products concerned that it has made available on the market throughout the Union.

**Amendment 50**

**Article 6 - paragraph 5**

<p>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-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.</p>	<p>5. Where the supplier does not <b><i>implement the</i></b> 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 <b><i>making available of the product model</i></b> on their national market <b><i>or</i></b> to withdraw <b><i>or recall the product model</i></b> from that market. The market surveillance authorities shall <b><i>immediately notify</i></b> the Commission and the other Member States <b><i>of those measures, and shall upload the information in the compliance interface of the product database established pursuant to Article 8.</i></b></p>	<p>5. Where the supplier <b><u>or dealer</u></b> 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 [ ] product's being made available on their national market, to withdraw the [ ] 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.</p>	<p><b><u>EP compromise proposal accepted, text agreed:</u></b></p> <p>5. Where the supplier, <b><u>or where appropriate, the dealer</u></b> 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 [ ] product's being made available on their national market, to withdraw the [ ] 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.</p>
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Amendment 51

Article 6 - paragraph 6

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.

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.**

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 [ ] product, the origin of the [ ] 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 **or dealer**. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either failure of the [ ] 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.

**EP compromise proposal accepted, text agreed:**

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 [ ] product, the origin of the [ ] 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, **or where appropriate, the dealer**. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either failure of the [ ] 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 52**

**Article 6 - paragraph 7**

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.	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 <i>product model</i> concerned and, in the event of disagreement with the notified national measure, of their objections.	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 [ ] product concerned, and, in the event of disagreement with the notified national measure, of their objections.	Keep Council text
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**Amendment 53**

**Article 6 - paragraph 8**

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.	8. Where, within <i>four weeks</i> of the <i>notification</i> 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 <i>to be</i> justified.	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.	Keep Council text
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<b>Amendment 54</b>			
<b>Article 6 - paragraph 9</b>			
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.	9. Member States shall ensure that <i>parallel</i> restrictive measures, <i>proportionate to their specific national situation</i> , are taken <i>without delay</i> in respect of the <i>product model</i> concerned, <i>and shall inform the Commission accordingly</i> .	9. Member States shall ensure that appropriate restrictive measures, such as withdrawal of the [ ] product from their market, are taken in respect of the [ ] product concerned, without delay.	Keep Council text
<b>Article 6a</b>			
<b>Union safeguard procedure</b>			
<b>Amendment 55</b>			
<b>Article 6 - paragraph 10</b>			
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	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 <i>such</i> national measure to be contrary to Union <i>law</i> , 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 <i>which it</i> shall decide whether the national measure is justified or not, <i>and may</i>	1. Where, on completion of the procedure set out in [ ] <b>Article 6(4)</b> 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 <b>or dealer</b> and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission	<b>EP compromise proposal accepted, text agreed:</b>  1. Where, on completion of the procedure set out in [ ] Article 6(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, <b>or where appropriate, the dealer</b> and shall evaluate the national measure. On the basis of the results of that

<p>the national measure is justified or not.</p>	<p><i>propose an appropriate alternative measure.</i></p>	<p>shall <b><u>adopt an implementing act determining</u></b> whether the national measure is justified or not. <b><u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12a(2).</u></b></p>	<p>evaluation, the Commission shall adopt an implementing act determining whether the national measure is justified or not <b>and may suggest an appropriate alternative measure.</b> Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12a(2).</p>
<p><b>Amendment 56</b></p> <p><b>Article 6 - paragraph 11</b></p>			
<p>11. The Commission shall address its decision to all Member States and shall immediately communicate it to them and the supplier.</p>	<p>11. The Commission shall address its decision to all Member States and shall immediately <i>notify</i> it to them and <i>to</i> the supplier <i>concerned</i>.</p>	<p>2. The Commission shall address its decision to all Member States and shall immediately communicate it to them and the supplier <b>or dealer</b>.</p>	<p><b><u>Presidency compromise proposal:</u></b></p> <p>11. The Commission shall address its decision to all Member States and shall immediately <b>communicate</b> it to them and <b>to</b> the supplier or dealer <b>concerned</b>.</p>
<p><b>Amendment 57</b></p> <p><b>Article 6 - paragraph 12</b></p>			
<p>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 withdraw the measure.</p>	<p>12. If the national measure is considered <i>to be</i> justified, all Member States shall take the measures necessary to ensure that the non-compliant <i>product model</i> is withdrawn from their <i>national markets</i>, and shall inform the Commission accordingly. If the national measure is considered <i>to be</i> unjustified, the Member State concerned shall withdraw the measure.</p>	<p>3. If the national measure is considered justified, all Member States shall take the measures necessary to ensure that the non-compliant [ ] product is withdrawn from their market, and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw the measure.</p>	<p>3. If the national measure is considered <b>to be</b> justified, all Member States shall take the measures necessary to ensure that the non-compliant [ ] product is withdrawn from their market, and shall inform the Commission accordingly. [ ] If the national measure is considered <b>to be</b> unjustified, the Member State concerned shall withdraw the measure.</p>

**Amendment 58**

**Article 6 - paragraph 13**

<p>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.</p>	<p>13. Where national measure is considered <i>to be</i> justified and the non-compliance of the <i>product model</i> 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.</p>	<p>4. Where the national measure is considered justified and the non-compliance of the [ ] product is attributed to shortcomings in the harmonised standards referred to in [ ] <b>Article 6(6)</b>, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.</p>	<p>Acceptable</p> <p>4. Where the national measure is considered <b>to be</b> justified and the non-compliance of the [ ] product is attributed to shortcomings in the harmonised standards referred to in [ ] <b>Article 6(6)</b>, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.</p>
			<p><b>(14) Corrective or restrictive measures pursuant to paragraphs 2, 4, 5, 9 or 12 above shall be extended to all units of a non-compliant model and of its equivalent models, except those units for which the supplier demonstrates that they are compliant.</b></p>

Amendment 96

Article 6 - paragraph 13

*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.*

**New EP compromise proposal:**

**13a. Without prejudice to Directive 99/44/EC, in the case of non-compliance with the requirements laid down in this Regulation with regard to energy class displayed on the label the consumers shall have the right entitled to receive from the supplier fair and proportionate appropriate financial compensation, which takes into account the damage caused by the purchase of a non-compliant product, including the additional energy consumed by that product. Alternatively, the supplier may compensate the consumer only for the additional cost of energy used for the time which has elapsed since the consumer purchased the product, if it is able to replace the existing product with an equivalent one that corresponds to the energy class originally displayed.**

**Amendment 59**  
**Article 7 - title and paragraph 1**

<i>Article 7</i>	<i>Article 7</i>	<i>Article 7</i>	<i>Article 7</i>
<b>Labels and rescaling</b>	<b><i>Procedure for the introduction and rescaling of labels</i></b>	<b>Labels and rescaling</b>	<b>Procedure for the introduction and rescaling of labels</b>
<p>1. The Commission may, by means of delegated acts adopted pursuant to Articles 12 and 13, introduce labels or rescale existing labels.</p>	<p>1. The Commission <b><i>is empowered to adopt</i></b> delegated acts <b><i>in accordance with Article 13 in order to supplement this Regulation by introducing or rescaling</i></b> labels.</p> <p><b><i>Labels introduced by delegated acts adopted in accordance with Article 10 of Directive 2010/30/EU before 1 January 2017 shall be considered as labels for the purposes of this Regulation.</i></b></p>	<p>1. The Commission may, <b><u>in accordance with the procedures set out in to Articles 11a and 12,</u></b> introduce labels or rescale existing labels.</p>	<p>The text in yellow shows EP divergences from the Council offer. The remainder of the text is acceptable to the EP.</p> <p>1. [ ] As regards the products referred to in paragraphs (2) and (2a), the Commission shall rescale labels which were in force at the date of application of this Regulation <b><u>subject to paragraphs 4 to 6a.</u></b></p> <p>By way of derogation from the requirement of achieving significant energy and cost savings set out in Article 12(2) <b>(ba) and (c)</b>, where the rescaling cannot achieve such savings, it shall ensure at least a homogenous A-G scale.</p>
		<p>1a. Labels shall be re-scaled [ ] when technological progress in the relevant product group makes it appropriate. The Commission shall carry out a preparatory study in advance with the aim of launching a label review process. It shall review the label once it</p>	<p><b>1a. Where a label did not exist for a product group prior to the date of application of this Regulation, the Commission may introduce labels subject to 4 to 6a.</b></p>

		<p><b><u>a) estimates that 30 percent of the products sold within the Union market fall into the top energy class and further technological development can be expected soon; or</u></b></p>	<p>1b. The Commission may further rescale labels rescaled in accordance with paragraph 1 or introduced in accordance with paragraph 1a where the conditions of paragraph 3, points (a) or (b) are satisfied, and subject to paragraphs 4 to 6a.</p>
		<p><b><u>b) demonstrates that after the functioning of the existing label for eight years with the current division of classes, the conditions in point (a) are unlikely to be fulfilled within the following seven years.</u></b></p>	

Amendment 60

Article 7 - paragraph 2

<p>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.</p>	<p>2. <i>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.</i></p> <p><i>Product groups covered by Commission Delegated Regulations 811/2013 (space heaters, combination heaters, packages of space heater, temperature control and solar device and packages of combination heater, temperature control and solar device) and 812/2013 (water heaters, hot water storage tanks and packages of water heater and solar device) shall be reviewed 6 years after the entry into force of this regulation with a view to rescaling them.</i></p> <p><i>For product groups covered by Commission Delegated Regulations</i></p>	<p><u>2. When it is, for technical reasons, impossible to define seven energy classes that correspond to significant energy and cost savings from a customer’s perspective, the label may, in exception to Article 2(13), contain fewer classes. In that case, the dark green to red spectrum of the label shall be retained.</u></p>	<p>2. In order to ensure a homogenous A to G scale, the Commission shall <del>present to the Committee referred to in Article 12a</del> <b>draft implementing adopt delegated</b> acts introducing rescaled labels for product groups covered by delegated acts adopted pursuant to Directive 2010/30, <del>by</del> <b>XXXX]<sup>15</sup>, no later than 4 years after the entry into force of this Regulation. The implementing delegated act shall aim at displaying the rescaled label in shops as soon as possible but no later than 18 months following the delegated acts’ entry into force.</b></p> <p><i>It could be clarified in a recital that the implementing act will contain a concrete date, aiming at displaying the label in the shops as soon as possible.</i></p> <p>When determining the order of product groups to be rescaled, the Commission shall take into account the proportion of products in the highest classes.</p>
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<sup>15</sup> 6 years after the date of application of this Regulation.

	<p><i>1059/2010 (household dishwashers), 1060/2010 (household refrigerating appliances), 1061/2010 (household washing machines), 1062/2010 (televisions) and 874/2012 (electrical lamps and luminaires) where preparatory studies are finalized, the Commission shall introduce rescaled labels no later than 21 months after the entry into force of this Regulation.</i></p>		<p>(2a) By way of derogation from paragraph 2:</p> <p>(a) The Commission shall <b>present</b> reviews <b>for</b> the product groups covered by Commission Delegated Regulations 811/2013 and 812/2013 and 2015/1187 <b>by [XXXX]<sup>16</sup></b> with a view to rescaling them, and where appropriate, shall <b>present draft implementing acts to the Committee referred to in Article 12a by [XXXX]. adopt delegated acts</b></p> <p><b>In any case, the draft implementing acts shall be presented to the Committee referred to in Article 12a no later than 12 years after the entry into force of this Regulation. The <b>implementing delegated acts</b> shall aim at displaying the rescaled label in shops as soon as possible <b>following its entry into force, no later than 01.01.2031.</b></b></p> <p>(b) The Commission shall <b>present to the Committee referred to in Article 12a a draft implementing adopt delegated acts</b> introducing rescaled labels for product groups covered by Commission Directive 96/60 and Commission Delegated</p>
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<sup>16</sup> 8 years after the date of application of this Regulation.

			<p>Regulations 1059/2010, 1060/2010, 1061/2010, 1062/2010 and 874/2012 by <del>[XXXX]</del><sup>17</sup> <b>no later than 1 year after the entry into force of this Regulation. The implementing delegated acts shall aim at displaying the rescaled label in shops as soon as possible but no later than 12 months following its the delegated acts' entry into force.</b></p>
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<sup>17</sup> **24 months after date of application of this Regulation.**

**Amendment 61**

**Article 7 - paragraph 3**

<p>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.</p>	<p>3. The Commission shall ensure that <i>any subsequent rescaling for new labels</i> or rescaled <i>labels referred to in paragraph (2)</i> is initiated once <i>the following conditions are met, showing the appropriate technological progress in the relevant product group:</i></p>	<p>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 class A [ ] at the moment of the introduction of the label and so that the estimated time within which a majority of models falls into that class shall be at least ten years later.</p>	<p><b>Agreed text:</b></p> <p>As regards the products referred to in paragraph (1b), the Commission shall review the label with a view to rescaling once it estimates that:</p>
	<p><i>(a) 25% of the products sold within the Union market fall into the top energy efficiency class A; or</i></p>		<p><b>Agreed text:</b></p> <p>(a) 30 % of the [ ] units of models belonging to a product group sold within the Union market fall into the top energy efficiency class A and further technological development can be expected [ ];</p> <p>or</p>
	<p><i>(b) 50% of the products sold within the Union market fall into the top two energy efficiency classes A+B.</i></p>		<p>(b) 50% of the [ ] units of models belonging to a product group sold within the Union market fall into the top two energy efficiency classes A+B and further technological development can be expected [ ].</p>

**Amendment 62**

**Article 7 - paragraph 3a (new)**

	<p><i>3a. The Commission shall ensure, through the inclusion of the product group in the working plan pursuant to Article 11, that:</i></p>		<p><b>Agreed text, <b>except delegated acts:</b></b></p>
	<p><i>(a) the preparatory study for rescaling is completed no later than 18 months after the conditions of paragraph 3 are met;</i></p>		<p>The Commission shall carry out a review study after it estimated that the conditions of subparagraphs (a) or (b) are met.</p>
	<p><i>(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 of paragraph 3 are met.</i></p>		<p>If, for a specific product group, these conditions are not met within 8 years, the Commission shall identify which barriers, if any, have prevented the label to fulfil its role.</p> <p>In the case of new labels it shall carry out a preparatory study based on the indicative list of product groups set out in the working plan.</p> <p>The Commission shall finalise the review or preparatory study and present the results and, where appropriate, a draft <b>implementing delegated</b> act to the Consultation Forum in 36 months. The Consultation Forum shall discuss the review and the estimate of the Commission on subparagraphs (a) or (b).</p>

Amendment 63

Article 7 - paragraph 4

<p>4. Labels shall be re-scaled periodically.</p>	<p>4. <i>The Commission shall lay out the requirements for new or rescaled labels aiming for an expected validity of at least ten years.</i></p> <p><i>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.</i></p> <p><i>For product groups where the preparatory study referred to in (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.</i></p>	<p>4. 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.</p>	<p><b>Agreed text:</b></p> <p>4. 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 class A at the moment of the introduction of the label and so that the estimated time within which a majority of models falls into that class shall be at least ten years later.</p> <p><b>Agreed text:</b></p> <p>4a. By way of derogation from paragraph 4, where technology is expected to develop more rapidly, requirements shall be laid down so that no products are expected to fall in energy classes A and B at the moment of the introduction of the label.</p>
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**Amendment 64**

**Article 7 - paragraph 5**

<p>5. When a label is rescaled:</p>	<p>5. When, <i>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.</i></p>	<p>5. When a label is rescaled:</p>	<p><b>Agreed text:</b></p> <p>5. When, for a given product group, no models belonging to energy classes E, F or G are allowed to be placed on the market any more 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 implementing act. The label with the grey classes shall apply only to new product units placed on the market.</p>
			<p>Council text, former paragraph 2:</p> <p>6. When it is, for technical reasons, impossible to define seven energy classes that correspond to significant energy and cost savings from a customer's perspective, the label may, by way of derogation from Article 2(13), contain fewer classes. In that case, the dark green to red spectrum of the label shall be retained.</p>

			<p><b>6a. Every time the Commission exercises the powers and obligations conferred on it by this Article, it shall act in accordance with Articles 11a and 12.</b></p> <p>EP: this paragraph is to be reviewed after agreement on delegated/implementing acts.</p>
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<p>(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).</p>	<p><i>Deleted (moved to Article 3)</i></p>	<p>(a) suppliers shall [ ] <b><u>supply in accordance with Article 3(1) (a)</u></b> both the current and the rescaled labels [ ] for a period of six months before the date specified in paragraph (b).</p>	<p><b>Agreed text:</b></p> <p>7. When, pursuant to paragraphs 1 or 1b, a label is rescaled:</p> <p>(a) suppliers shall, when placing a unit of models on the market, provide both the current and the rescaled labels and product information sheets to dealers for a period of four months before the date specified in the relevant implementing act for starting the display of the rescaled label;</p> <p><b><u>Presidency compromise proposal:</u></b></p> <p><b>If the current and the rescaled label require different testing, suppliers may choose not to supply the current label with units of models newly placed on the market within the four months before the date specified in the relevant implementing act for starting the display of the rescaled label. In that case, dealers shall not offer for sale those units before that date. <u>Suppliers shall notify the dealers concerned of this consequence as soon as possible, including when when they include such units in their offers to dealers.</u></b></p> <p>No EP comments received.</p>
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		<p><u>In addition, suppliers shall deliver the rescaled label on request from dealers in accordance with Article 3(1) (b) for units placed on the market earlier than the period referred to in the first subparagraph.</u></p>	<p>(ab) In addition, suppliers shall, <b>for units of models placed on the market before the period referred to in point (a)</b>, deliver the rescaled label on request from dealers in accordance with Article 3(1) (b) <b>as from the start of that period [ ]</b>.</p> <p>For such products, dealers shall obtain a rescaled label in accordance with Article 3(2) (b).</p>
		<p><u>The second subparagraph of this point shall apply to models, units of which are not placed on the market any more after the start of that period, only if no new testing is required.</u></p>	<p><b>EP compromise proposal:</b></p> <p>The <b>first and</b> second subparagraph of this point shall <b>not</b> apply to <b>models product units</b>, units of which are <b>no longer</b> placed on the market [ ] after the start of the period in point (a),</p> <p><b>(i)</b> if the non rescaled and the rescaled label require different testing of the model, <b>or</b></p> <p><b>(ii) for which rescaled label has never been produced and the supplier has (ultimately) ceased its activities, as long as no other supplier places these products on the market (as a legal successor);</b></p> <p><b>In these cases</b>, dealers shall be permitted to sell products exclusively with the non rescaled label.</p>

		<b><u>Dealers shall obtain a rescaled label in accordance with Article 3(2) (b) for the products referred to in the second and third subparagraph.</u></b>	Moved up to the paragraph (ab) for clarity.
(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.	<i>Deleted (moved to Article 3)</i>	(b) dealers shall replace the existing labels on products on display including on the Internet with the rescaled labels within [ ] <b><u>10 days</u></b> following the date specified for that purpose in the relevant [ ] <b><u>implementing</u></b> act. Dealers shall not display the rescaled labels before that date.	<b>Agreed text:</b>  (b) dealers shall replace the existing labels on products on display both in shops and online with the rescaled labels within 14 working days following the date specified in the relevant implementing act for starting the display of the rescaled label. Dealers shall not display the rescaled labels before that date.
		<b><u>(c) By way of derogation from points (a) and (b), implementing acts may provide for specific rules to address the case where energy labels are printed on the packaging.</u></b>	Keep Council text
	<i>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.</i>		<i>Covered by the compromise proposal in Article 7(7) (ab) fourth subparagraph</i>

<b>Amendment 65</b>			
<b>Article 7 - paragraph 6</b>			
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.	<i>Deleted (moved to Article 7(1))</i>	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. [ ]	Paragraph to be reassessed when discussing transitional arrangements.
<b>Amendment 66</b>			
<b>Article 8</b>			
<i>Article 8</i> <b>Product database</b>		<i>Article 8</i> <b>Product database</b>	
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.	<p><b>1.</b> The Commission shall establish and maintain a product database, <i>consisting of two different interfaces, the public interface and the compliance interface.</i></p> <p><i>The public interface shall contain</i> the information <i>set out in point 1 of</i></p>	1. The Commission shall establish and maintain a product database [ ] <b>for the following purposes:</b>	<p>The text in yellow shows EP divergences from the Council offer. The remainder of the text is acceptable to the EP.</p> <p>1.The Commission shall establish and maintain a product database consisting of a public part, a compliance part and an online portal giving access to these two parts.</p> <p>The product database does not replace or</p>

	<p><i>Annex I, respecting the functional requirements set out in point 3 of Annex I.</i></p> <p><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.</i></p>		<p>modify the responsibilities of the market surveillance authorities.</p> <p>2. The product database shall serve the following purposes:</p>
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	<p><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.</i></p> <p><i>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 be prohibited from unintended use.</i></p> <p><i>Suppliers shall be entitled 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.</i></p> <p><i>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.</i></p>		
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	<i>The product database does not replace or modify the responsibilities of the market surveillance authorities.</i>		
	<i>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.</i>		<b>EP accepts the following recital:</b>  The Commission, in cooperation with market surveillance authorities and suppliers, should pay special attention to the transitional process until the full implementation of the public and compliance parts.
	<i>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.</i>		Not acceptable
		<b><u>(a) to facilitate the market surveillance authorities in carrying out their tasks under this Regulation;</u></b>	(a) to support market surveillance authorities in carrying out their tasks under this Regulation and its <b>implementing delegated</b> acts, including their enforcement;
		<b><u>(b) to provide the Commission with up-to-date energy efficiency information of products for reviews of energy labels;</u></b>	(b) to provide the public with information about products placed on the market, their energy labels and product information sheets;

		<b><u>(c) to provide the public with information about products placed on the market, their energy labels and product information sheets;</u></b>	(c) to provide the Commission with up-to-date energy efficiency information of products for reviews of energy labels;
		<b><u>(d) to enable suppliers to comply with their obligations under Article 3(1a) points (a) and (b);</u></b>	Keep Council text EP: text seems superfluous and could be deleted.
		<b><u>(e) to enable dealers to comply with their obligations under Article 3(2) point (b) (ii).</u></b>	Keep Council text EP: text seems superfluous and could be deleted.
		2. <b><u>The database shall include</u></b> the information referred to in Annex I.	2. The product database referred to in paragraph 1 shall consist of an online portal for accessibility, and of two different parts, a public part and a compliance part. The online portal and the public part of the database shall contain the information set out <b>respectively</b> in points 1 and 2 of Annex I, which shall be made publicly available. EP: text agreed, one word added for clarity.
		3. <b><u>The information shall be entered into the database by suppliers as specified in Article 3(1a) points (a) and (b). Suppliers shall have access and editing rights</u></b>	3. The compliance part of the product database shall contain the information set out in point 3 of Annex I, including the technical documentation as referred to in paragraph 3a <b>and as defined in Article 2(21).</b>

		<p><b><u>to the information they entered. A record of changes shall be kept for market surveillance purposes, keeping track of dates of any editing.</u></b></p>	<p>This documentation shall only be accessible to market surveillance authorities and the Commission. The compliance part shall meet the functional requirements set out in <b>point paragraphs 4a and 4b of Annex I.</b></p>
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			<p>3a. The technical documentation that suppliers shall enter into the database shall cover only:</p> <p>(a) a general description of the model, sufficient for it to be unequivocally and easily identified;</p> <p>(b) the references of the harmonised standards applied or other measurement standards used;</p> <p>(c) specific precautions that shall be taken when the model is assembled, installed, maintained or tested;</p> <p><b>(d) the measured technical parameters of the model those parts of the test report that enable the assessment of the accuracy of the claims made in the energy label and the information sheet; and</b></p> <p><b>EP rejects point (d).</b></p> <p>(e) the calculations performed with the measured parameters;</p> <p>(f) testing conditions if not described sufficiently in point (b).</p>
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			<p>3b. When data other than those specified in paragraph 3a or not available in the public part of the database would become necessary for market surveillance authorities and/or the Commission for carrying out their tasks under this Regulation, they shall be able to obtain them from suppliers on request.</p>
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		<p>4. The information listed under point 1 of Annex I shall be made publicly available. <i>(moved from paragraph 1)</i> <b><u>The market surveillance authorities and the Commission shall have access to the information listed under point 2 of Annex I, while ensuring the safeguarding of confidential information.</u></b></p>	<p>4. The establishment of the product database shall follow criteria that ensure:</p> <ul style="list-style-type: none"> <li>- minimising the administrative burden for suppliers and other database users;</li> <li>- user-friendliness and cost-effectiveness; and</li> <li>- automatic avoidance of redundant registration.</li> </ul> <p>4a. The establishment of the compliance part of the database shall follow criteria that ensure:</p> <ul style="list-style-type: none"> <li>- protection from unintended use and the safeguarding of confidential information by way of strict security arrangements;</li> <li>- access rights based on the need-to-know principle;</li> <li>- that personal data are processed in accordance with Regulation (EC) No 45/2001 and Directive 95/46/EC, as applicable;</li> <li>- that data access is limited in scope to prevent copying larger data sets;</li> <li>- that data access is traceable for suppliers with regard to their technical documentation.</li> </ul>
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			4b. The data in the compliance part of the database shall be treated in accordance with Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission <sup>18</sup> . In particular, the specific cyber-security arrangements of Commission Decision C(2006) 3602 <sup>19</sup> and its implementing rules shall apply. The confidentiality level shall reflect the consequential harm resulting from disclosure of the data to unauthorised persons.
		<b><u>5. The Commission and market surveillance authorities shall ensure that personal data are processed in accordance with Regulation (EC) No 45/2001 and Directive 95/46/EC, as applicable.</u></b>	5. Suppliers shall have access and editing rights to the information they entered in the product database pursuant to Article 3(1a) points (a) and (b). A record of changes shall be kept for market surveillance purposes, keeping track of dates of any editing.
		<b><u>6. The establishment of the database shall take into account the criteria of minimising administrative burden for suppliers and other database users, user-friendliness and cost-effectiveness, and shall ensure appropriate security arrangements and access rights based on the need-to-know principle.</u></b>	5a. Customers using the public part of the product database shall be able 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.

<sup>18</sup> OJ L 72, 17.3.2015, p. 41.

<sup>19</sup> C(2006) 3602 of 16 August 2006 concerning the security of information systems used by the European Commission

		<p><b><u>7. The Commission shall be empowered, by means of implementing acts, to specify operational details relating to the product database, including any obligations on suppliers and dealers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12a(2).</u></b></p>	<p>Keep Council text</p> <p><b>EP counterproposal:</b></p> <p><b><u>The Commission shall be entitled to adopt delegated acts in accordance with Article 13 supplementing this Regulation by specifying the operational details relating to the establishment of the database.</u></b></p>
<p><b>Amendment 67</b> <b>Article 9 - paragraph 2</b></p>			
<p><i>Article 9</i></p> <p><b>Harmonised standards</b></p>		<p><i>Article 9</i></p> <p><b>Harmonised standards</b></p>	
<p>After the adoption of a delegated act under this Regulation setting specific labelling requirements adopted in accordance with Article 13 of this Regulation, the Commission shall, in accordance with Regulation (EU) No 1025/2012<sup>20</sup>, publish references to harmonised standards that satisfy the relevant measurement and calculation requirements of the delegated act in the <i>Official Journal of the European Union</i>.</p>		<p>After the adoption of an [ ] <b>implementing</b> act under this Regulation setting specific labelling requirements [ ] the Commission shall, in accordance with Regulation (EU) No 1025/2012, publish references to harmonised standards that satisfy the relevant measurement and calculation requirements of the [ ] <b>implementing</b> act in the <i>Official Journal of the European Union</i>.</p>	

<sup>20</sup> OJ L 316, 14.11.2012, p12

<p>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.</p>	<p>2. When during the conformity assessment of a product such harmonised standards are applied, the product <i>model</i> shall be deemed to comply with the relevant measurement and calculation requirements of the delegated act.</p>	<p>When during the conformity assessment of a product such harmonised standards are applied, the product shall be [ ] <b>presumed to be in conformity</b> [ ] with the relevant measurement and calculation requirements of the [ ] <b>implementing</b> act.</p>	<p><b><u>Presidency compromise proposal:</u></b></p> <p>When during the conformity assessment of a product such harmonised standards are applied, the [ ] <b>model</b> shall be presumed to be in conformity with the relevant measurement and calculation requirements of the implementing act.</p>
		<p><b><u>Until the relevant measurement and calculation requirements and references to harmonised standards referred to in paragraph 1 have been established, the Commission may publish transitional measurement and calculation methods.</u></b></p>	
	<p><i>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.</i></p>		<p>Agreed text:</p> <p>2a. Harmonised standards shall aim to simulate real-life usage as far as possible while maintaining a standard test method.</p> <p>Test methods shall furthermore take into account the associated costs for Industry and Small and Medium Sized Enterprises.</p>

	<p><i>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).</i></p>		<p>Agreed text:</p> <p>2b. Measurement and calculation methods included in the harmonised standards shall be reliable, accurate and reproducible, and aligned with the requirements of Article 3(1) (ca) and 1(d).</p>
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**Amendment 68**  
**Article 10 - paragraph 1**

<i>Article 10</i> <b>Consultation</b>		<i>Article 10</i> <b>Consultation <u>Forum</u></b>	
<p>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, retailers, importers, environmental protection groups and consumer organisations. For this purpose, the Commission shall establish a Consultation Forum in which these parties shall meet. This Consultation Forum may be combined with the Consultation Forum referred to in Article 18 of Directive 2009/125/EC.</p>	<p><b>1.</b> In the conduct of its activities under this Regulation, <b><i>for the introduction or rescaling of labels under Article 7, and for the setup of the database under Article 8, the Commission shall ensure</i></b> a balanced participation of Member States' representatives, <b><i>including market surveillance authorities,</i></b> and interested 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, <b><i>as well as the involvement of the European Parliament.</i></b></p>	<p>In the conduct of its activities under this Regulation the Commission shall ensure in respect of each delegated <b><u>and implementing</u></b> act, <b><u>as well as for the identification of sectors where the condition of 30 percent of the products sold within the Union market falling into the top energy class is unlikely to be fulfilled,</u></b> 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, retailers, importers, environmental protection groups and consumer organisations. For this purpose, the Commission shall establish a Consultation Forum in which these parties shall meet. This Consultation Forum [ ] <b><u>shall</u></b> be combined with the Consultation Forum referred to in Article 18 of Directive 2009/125/EC.</p>	<p><b><u>Agreed text, except for the reference to implementing acts:</u></b></p> <p>In the conduct of its activities under this Regulation the Commission shall ensure in respect of each delegated <b><u>and implementing</u></b> 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, retailers, importers, environmental protection groups and consumer organisations, as well as the involvement of the European Parliament. For this purpose, the Commission shall establish a Consultation Forum in which these parties shall meet. This Consultation Forum shall be combined with the Consultation Forum referred to in Article 18 of Directive 2009/125/EC.</p>

	<p>2. The Commission shall establish a Consultation Forum in which <i>the parties listed in paragraph 1</i> shall <i>meet to that purpose. That Consultation Forum may coincide, fully or in part,</i> with the Consultation Forum referred to in Article 18 of Directive 2009/125/EC. <i>The minutes of the Consultation Forum meetings shall be published in the public interface of the database established pursuant to Article 8.</i></p>		<p>Not acceptable</p> <p>The publication of minutes is acceptable in principle, see point 3 of Annex I.</p>
<p><b>Amendment 69</b></p> <p><b>Article 10 – paragraph 2</b></p>			
<p>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.</p>	<p>3. Where appropriate, prior to the adoption of delegated acts <i>adopted pursuant this Regulation</i>, the Commission shall test the design and content of the labels for specific product groups with <i>representative groups of Union</i> consumers to ensure their clear understanding of the labels.</p>	<p>Where appropriate, [ ] <u>when preparing implementing</u> acts, the Commission shall test the design and content of the labels for specific product groups with [ ] <u>customers</u> to ensure their clear understanding of the labels.</p>	<p><b><u>Presidency compromise proposal:</u></b></p> <p>Where appropriate, when preparing implementing acts, the Commission shall test the design and content of the labels for specific product groups with <b>representative groups of Union customers</b> to ensure their clear understanding of the labels.</p>

**Amendment 70  
Article 11 - paragraph 1**

<p align="center"><i>Article 11</i></p> <p align="center"><b>Working plan</b></p>		<p align="center"><i>Article 11</i></p> <p align="center"><b>Working plan</b></p>	
<p>The Commission shall, having consulted the Consultation Forum referred to in Article 10, establish a working plan which 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.</p>	<p><b>1.</b> The Commission shall <i>adopt delegated acts pursuant to Article 13 supplementing this Regulation, after</i> having consulted the Consultation Forum referred to in Article 10, <i>in order to</i> establish a <i>long-term</i> working plan which shall be made publicly available, <i>including through the public interface of the database established pursuant to Article 8.</i></p>	<p>The Commission shall, having consulted the Consultation Forum referred to in Article 10, establish a working plan which 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 the <u>specific product groups under Article 11a, and detailed energy labelling requirements under Article 12.</u> The working plan shall also set out plans for the revision and rescaling of labels of products or product groups. The working plan [ ] <b>shall</b> be amended periodically by the Commission after consultation with the Consultation Forum. The working plan [ ] <b>shall</b> be combined with the working plan required by Article 16 of Directive 2009/125/EC <b>and reviewed every three years.</b></p>	<p><b>Agreed text, except for the use of delegated acts to adopt the working plan:</b></p> <p>The Commission shall, having consulted the Consultation Forum referred to in Article 10, establish a long-term working plan which 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 the specific product groups under Article 11a, and detailed energy labelling requirements under Article 12. The working plan shall also set out plans for the revision and rescaling of labels of [ ] product groups, with the exception of the rescaling of labels which were in force at the date of application of this Regulation for which the rescaling is provided for in Article 7. The working plan [ ] shall be updated 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 and reviewed every three years. The European Parliament and the Council shall be informed annually of the progress made by the Commission in the implementation of the working plan.</p>

	<p><b>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.</b></p> <p><i>The Commission shall ensure the necessary resources to the plan and its coherence.</i></p> <p><i>This working plan may be combined with the Ecodesign working plan required by Article 16 of Directive 2009/125/EC.</i></p> <p>The Commission <i>shall update the working plan periodically, having consulted</i> the Consultation Forum. The <i>European Parliament and the Council shall be informed annually of its progress and shall be formally notified of any changes thereto.</i></p>		Partially covered by paragraph 1.
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<b>Amedment 71</b>			
<b>Article 12 - paragraph 1</b>			
<i>Article 12</i> <b>Delegated Acts</b>		<i>Article 11a</i> <b><u>Specification of product groups</u></b>	The EP considers that the use of delegated acts must be settled in a comprehensive political agreement and did not comment on the proposed changes in Article 12.
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.	1. The Commission <i>is</i> empowered to adopt delegated acts <b><i>in accordance with Article 13 to supplement this Regulation by laying down</i></b> detailed requirements relating to labels for specific groups of energy-related products ('specific product groups').	1. The Commission shall be empowered to adopt delegated acts, <b><u>in accordance with Article 13, to establish specific product groups of energy related products</u></b> ('specific product groups') <b><u>which satisfy the following criteria:</u></b>	Not acceptable.  <i>Council text simplified according to product/product group differentiation:</i>  1. The Commission shall be empowered to adopt delegated acts, <b>in accordance with Article 13, to establish set out specific product groups [ ] which satisfy the following criteria:</b>
<b>Amendment 72</b>			
<b>Article 12 - paragraph 2</b>			
2. Delegated acts shall specify product groups which satisfy the following criteria:	2. Delegated acts shall specify products 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	(a) according to the <b><i>actual penetration in</i></b> the Union market, <b><i>there is</i></b> significant potential for saving energy and where relevant, other resources;	(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;	Not acceptable, ask for clarifications from EP

<p>(b) product groups with equivalent functionality shall differ significantly in the relevant performance levels</p>	<p>(b) <i>within the product group, models</i> with equivalent functionality <i>have</i> significantly <i>different energy efficiency</i> levels;</p>	<p>(b) product groups with equivalent functionality shall differ significantly in the relevant performance levels;</p>	<p><b>Presidency compromise proposal:</b>  (b) <b>within the product group, models</b> with equivalent functionality shall differ significantly in the relevant performance levels</p>
<p>(c) there shall be no significant negative impact as regards the affordability and the life cycle cost of the product group</p>	<p>(c) there <i>are</i> no significant negative <i>impacts regarding affordability, life cycle cost and functionality of the product from the perspective of the user;</i></p>	<p>(c) there shall be no significant negative impact as regards the affordability and the life cycle cost of the product group.</p>	<p>Covered by point (d). Keep Council text</p>
		<p><b><u>(d) the introduction of energy labelling requirements [ ] for a product group [ ] shall not have a significant negative impact on the functionality of the product [ ] in use.</u></b></p>	<p>Acceptable for EP</p>

			<p><b>Presidency compromise proposal moving some implementing acts to delegated acts:</b></p> <p><b>Delegated acts shall also specify for the product group concerned:</b></p> <p>(b <del>a</del>) 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 shall in all cases be clear and legible. The A-G steps of the classification shall correspond to significant energy and cost savings and appropriate product differentiation from the customer's perspective <b>and shall be displayed in a prominent position on the label;</b></p>
			<p>(<del>a</del> <b>b</b>) that the label shall display, where appropriate, the absolute energy consumption in kWh, displayed per year or per any relevant period of time. <b>If absolute energy consumption is displayed, it shall also appear in a prominent position on the label;</b></p>

			<p>(c) where appropriate, the use of other resources and supplementary information concerning [ ] <b>the</b> product, in which case the label shall emphasise the energy efficiency of the product. Supplementary information shall be unambiguous and with no negative impact on the clear intelligibility and effectiveness of the label as a whole towards customers. <del>It shall be based on data relating to physical product characteristics that are measurable and verifiable by market surveillance authorities;</del></p>
			<p>(ca) where appropriate, the inclusion of a reference in the label allowing customers to identify products that are <b>energy smart, that is to say</b>, capable of automatically changing and optimising their consumption patterns in response to external stimuli (such as signals from and via a central home energy managing system, price signals, direct control signals, local measurement) and/or capable of delivering other services which increase energy efficiency and the uptake of renewable energy, with the aim to improve the environmental impact of energy use over the whole energy system.</p>

			(d) the locations where the label shall be displayed, such as attached to the product <b>unit where no damage is caused to it</b> , printed on the packaging, provided in electronic format or displayed on line, taking into account the <b>requirements of Article 3(1) a)</b> , and the implications for consumers, suppliers and dealers;
			(e) where appropriate, electronic means for labelling products;
			(f) the manner in which the label and [ ] <b>product information sheet</b> are to be provided in the case of distance selling;
			(ga) that it is prohibited to place on the market products designed so that a model's performance is automatically altered in test conditions with the objective of reaching a more favourable figure for any of the parameters specified in the implementing act or included in any of the documentation provided with the product;
			(h) the obligations on suppliers and dealers in relation to the product database;
			(j i) <b>where appropriate</b> , the specific indication of the energy class to be included in <b>visual</b> advertisements and technical promotional material, including requirements for this to be in a legible and visible form;

			( <del>h</del> j) 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. <b>The format of these references</b> may take the form of a website address, a <b>dynamic</b> Quick Response (QR) code, a link on on-line labels or any other appropriate consumer-oriented means.
			( <del>h</del> k) whether and how energy classes describing the product's energy consumption during use should be shown [ ] or on the product's interactive display;
			( <del>ha</del> l) Where appropriate, the manner in which the customer shall be consulted before updates are introduced that would be to the detriment of the parameters of the original energy efficiency label, according to subparagraph (ca) of paragraph 1 of Article 3;
			( <del>e</del> m) the date for the evaluation <b>and</b> possible <b>consequent</b> revision of the [ ] <b>implementing act</b> ;
		[2. Products covered by a delegated act adopted pursuant to Directive 2010/30/EU and Commission Directive 96/60/EC shall be deemed to constitute specific product groups within the meaning of this Article.]	To be reviewed when discussing transitional arrangements.  <i>"Products" should be replaced by "product groups" in the first line to reflect the product/product group differentiation:</i>

		<i>Article 12</i>	
		<b><u>Introduction of energy labelling requirements</u></b>	
		<b><u>1. The Commission shall be empowered to specify, by means of implementing acts the detailed requirements relating to labels for the specific product groups established under Article 11a.</u></b>	<b><u>1. The Commission shall be empowered to specify, by means of implementing acts the detailed requirements relating to labels for the specific product groups <del>establish</del> set out under Article 11a.</u></b>
<b>Amendment 73</b>			
<b>Article 12 - paragraph 3</b>			
3. Delegated acts relating to specific product groups shall specify in particular:	3. Delegated acts relating to specific product groups shall specify in particular <i>for the product group concerned</i> :	2. <b><u>Those implementing acts</u></b> [ ] shall specify in particular:	<b><u>Presidency compromise for a hybrid approach</u></b>
(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;	(a) the definition of the energy-related <i>products</i> to be covered;	(a) the definition of the specific product group falling under the definition of 'energy-related product' set out in Article 2(11) which <b><u>is</u></b> to be covered <b><u>by the detailed labelling requirements</u></b> ;	<b><u>Remains an implementing act</u></b> <i>Council text is simplified according to product/product group differentiation: (a) the definition of the specific product group [ ] which is to be covered by the detailed labelling requirements;</i>

<p>(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 shall in all cases be clear and legible;</p>	<p>(b) the design, <i>dimensions</i>, and content of the label, <b><i>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 following information determined in accordance with the relevant delegated act:</i></b></p>	<p>(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 shall in all cases be clear and legible. <b><u>The A-G steps of the classification shall correspond to significant energy and cost savings and appropriate product differentiation from the customer's perspective;</u></b></p>	<p>Partially moved up to the elements for delegated acts</p> <p><del>(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 shall in all cases be clear and legible. The A-G steps of the classification shall correspond to significant energy and cost savings and appropriate product differentiation from the customer's perspective</del> <b><u>and shall be displayed in a prominent position on the label;</u></b></p>
	<p><b><i>(i) an A to G scale showing the energy efficiency class of the corresponding product model</i></b>, which as far as possible shall have uniform design characteristics across product groups;</p>		<p>Acceptable, covered in point (b)</p>
	<p><b><i>(ii) the absolute energy consumption in kWh, displayed per year or per any relevant period of time;</i></b></p>		<p>Moved up to the elements for delegated acts</p> <p><del>(ab) that the label shall display, where appropriate, the absolute energy consumption in kWh, displayed per year or per any relevant period of time.</del> <b><u>If absolute energy consumption is displayed, it shall also appear in a prominent position on the label;</u></b></p>

<p>(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;</p>	<p>(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;</p>	<p>(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.  <b><u>Supplementary information shall be unambiguous and with no negative impact on the clear intelligibility and effectiveness of the label as a whole towards customers. It shall be based on data relating to physical product characteristics that are measurable by market surveillance authorities;</u></b></p>	<p>Partially moved up to the elements for delegated acts</p> <p><del>(e) where appropriate, the use of other resources and supplementary information concerning [ ] the product, in which case the label shall emphasise the energy efficiency of the product. Supplementary information shall be unambiguous and with no negative impact on the clear intelligibility and effectiveness of the label as a whole towards customers. <b><u>Supplementary information</u></b> shall be based on data relating to physical product characteristics that are measurable <b><u>and verifiable</u></b> by market surveillance authorities;</del></p>
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Amendment 98

Article 12 - paragraph 3 (ca)

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

Moved up to the elements for delegated acts

~~(ca) where appropriate, the inclusion of a reference in the label allowing customers to identify products that are **energy smart, that is to say**, capable of automatically changing and optimising their consumption patterns in response to external stimuli (such as signals from and via a central home energy managing system, price signals, direct control signals, local measurement) and/or capable of delivering other services which increase energy efficiency and the up take of renewable energy, with the aim to improve the environmental impact of energy use over the whole energy system.~~

(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;	(d) the locations where the label shall be displayed, such as attached to the product <b>where no damage is caused to it</b> , printed on the packaging, provided in electronic format or displayed on line;	(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, <b><u>taking into account the implications for consumers, suppliers and dealers;</u></b>	Moved up to the elements for delegated acts  <del>(d) the locations where the label shall be displayed, such as attached to the product <b>unit where no damage is caused to it</b>, printed on the packaging, provided in electronic format or displayed on line, taking into account the <b>requirements of Article 3(1) a</b>), and the implications for consumers, suppliers and dealers;</del>
(e) where appropriate, electronic means for labelling products;	(e) where appropriate, electronic means for labelling products;	(e) where appropriate, electronic means for labelling products;	Moved up to the elements for delegated acts
(f) the manner in which the label and technical information are to be provided in the case of distance selling;	(f) the manner in which the label and technical information are to be provided in the case of distance selling;	(f) the manner in which the label and [ ] <b><u>product information sheet</u></b> are to be provided in the case of distance selling;	Moved up to the elements for delegated acts
(g) the content and, where appropriate, the format and other details concerning the technical documentation and product information sheet;	(g) the <b>required contents</b> and, where appropriate, the format and other details concerning the <b>product information sheet and the technical documentation;</b>	(g) the content and, where appropriate, the format and other details concerning the technical documentation and product information sheet;	Remains an implementing act  (g) the <b>required contents</b> and, where appropriate, the format and other details concerning the <b>product information sheet and the technical documentation;</b>

		<u>(ga) that it is prohibited to place on the market products designed so that a model's performance is automatically altered in test conditions with the objective of reaching a more favourable figure for any of the parameters specified in the implementing act or included in any of the documentation provided with the product;</u>	Moved up to the elements for delegated acts
(h) that when verifying compliance with the requirements, only those verification tolerances that are set out in the delegated act(s) shall apply;	(h) that when verifying compliance with the requirements, only those verification tolerances that are set out in the delegated act(s) shall apply;	(h) that when <b>Member States</b> verify compliance with the requirements, only those verification tolerances that are set out in the [ ] <b>implementing</b> act(s) shall apply;	Remains an implementing act
(i) the obligations on suppliers and dealers in relation to the product database;	(i) the obligations on suppliers and dealers in relation to the product database;	(i) the obligations on suppliers and dealers in relation to the product database;	Moved up to the elements for delegated acts
(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;	(j) <i>where appropriate</i> , 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;	(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;	Moved up to the elements for delegated acts  <del>(j) — <b>where appropriate</b>, the specific indication of the energy class to be included in <b>visual</b> advertisements and technical promotional material, including requirements for this to be in a legible and visible form;</del>

<p>(k) the conformity assessment procedures and the measurement and calculation methods to be used to determine label and product information sheet information;</p>	<p>(k) the conformity assessment procedures and the measurement and calculation methods, <b><i>as established in Article 9</i></b>, to be used to determine label and product information sheet information, <b><i>including the definition of the Energy Efficiency Index (EEI), or equivalent parameter, and its A to G steps setting the energy efficiency classes</i></b>;</p>	<p>(k) [ ] the measurement and calculation methods to be used to determine label and product information sheet information;</p>	<p><b>Remains an implementing act</b></p> <p>(k) [ ] the measurement and calculation methods <b>as established in Article 9</b>, to be used to determine label and product information sheet information, <b>including the definition of the Energy Efficiency Index (EEI), or equivalent parameter</b>;</p>
<p>(l) whether for larger appliances a higher level of energy efficiency is required to reach a given energy class;</p>	<p>(l) whether for larger appliances a higher level of energy efficiency is required to reach a given energy class;</p>	<p>(l) whether for larger appliances a higher level of energy efficiency is required to reach a given energy class;</p>	<p>Agreed text</p> <p><b>Remains an implementing act</b></p>

<p>(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;</p>	<p>(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;</p>	<p>(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;</p>	<p>Moved up to the elements for delegated acts</p> <p><del>(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. <b>The format of these references</b> may take the form of a website address, a <b>dynamic</b> Quick Response (QR) code, a link on on-line labels or any other appropriate consumer-oriented means.</del></p>
<p>(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;</p>	<p>(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;</p>	<p>(n) whether and how energy classes describing the product's energy consumption during use should be shown [ ] or on the product's interactive display;</p>	<p>Moved up to the elements for delegated acts</p>

			Moved up to the elements for delegated acts  <del>(na) Where appropriate, the manner in which the customer shall be consulted before updates are introduced that would be to the detriment of the parameters of the original energy efficiency label, according to subparagraph (ea) of paragraph 1 of Article 3;</del>
(o) the date for the evaluation and possible revision of the delegated act.	(o) the date for the evaluation and possible revision of the delegated act.	(o) the date for the evaluation <b>and</b> possible <b>consequent</b> revision of the [ ] <b>implementing</b> act;	The revision dates should be included both in the delegated and implementing act.
		<b><u>(p) where appropriate, differences in energy performances in different climatic regions;</u></b>	Remains an implementing act
		<b><u>(q) that the model identifier shall be accessible both to customers and national authorities.</u></b>	Delete, since the model identifier is available via the public part of the database.
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.	<b>Deleted</b> (moved to the definition of label)	Moved to point (b) above	Acceptable

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.	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 <i>dynamic</i> Quick Response (QR) code, a link on on-line labels or any other appropriate consumer-oriented means <i>linking to the public interface of the database established pursuant to Article 8.</i>	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.	<i>Presidency compromise proposal merged with point (m) above</i>
		<b><u>3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12a(2).</u></b>	
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 <i>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.</i>	<i>Moved to Article 11a(1) (d)</i>	Not acceptable
The Commission shall be empowered to adopt delegated acts regarding operational details relating to the product database, including any obligations on suppliers and dealers in accordance with Article 13.	The Commission <i>is</i> empowered to adopt delegated acts <i>in accordance with Article 13 supplementing this Regulation by laying down</i> operational details <i>related</i> to the product database, including any obligations on suppliers and dealers.	<i>See Article 8(7)</i>	Not acceptable

	<p><i>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.</i></p>		<p>Not acceptable</p>
<p><b>Amendment 74</b></p> <p><b>Article 12 - paragraph 3a (new)</b></p>			
	<p><i>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 it shall make it publicly available.</i></p>		<p><b><u>Presidency compromise proposal:</u></b></p> <p><b><u>See also compromise in Article 8(1a)</u></b></p> <p>3a. The Commission shall keep an updated inventory of all delegated <b>and implementing acts</b> under this Regulation and those developing the Ecodesign Directive 2009/125/EC, including complete references to all <b>relevant</b> harmonised standards.</p>

		<p><b><u>4. By way of derogation from paragraphs 1 to 3, for each specific product group covered by Article 11a(2), the Commission shall adopt an implementing act, exclusively and entirely reproducing the detailed requirements set out in the delegated acts adopted under Article 10 of Directive 2010/30/EU.</u></b></p>	
		<p><b><u>Any amendment to or replacement of those implementing acts shall follow the procedure set out in paragraphs 1 to 3.</u></b></p>	
		<p style="text-align: center;"><i><u>Article 12a</u></i></p> <p style="text-align: center;"><b><u>Committee procedure</u></b></p>	
		<p><b><u>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [ ] This committee shall be the committee referred to in Article 19 of Directive 2009/125/EC.</u></b></p>	
		<p><b><u>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</u></b></p>	

<p style="text-align: center;"><i>Article 13</i></p> <p style="text-align: center;"><b>Exercise of the delegation</b></p>		<p style="text-align: center;"><i>Article 13</i></p> <p style="text-align: center;"><b>Exercise of the delegation</b></p>	<p>EP considers that Articles 13-16 should be finalised at technical level once a global final agreement is reached on the core issues.</p>
<p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p>	<p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p>	<p>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p>	
<p><b>Amendment 75</b></p> <p><b>Article 13 - paragraph 2</b></p>			
<p>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.</p>	<p>2. The <i>power to adopt delegated acts</i> 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.</p> <p><i>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.</i></p> <p><i>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.</i></p>	<p>2. The delegation of power referred to <b>in Article 11a</b> [ ] shall be conferred on the Commission [ ] <b>for a period of five years from [the date of application of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than six months before the end of the five-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.</b></p>	<p>2. The delegation of power referred to in Article 11a [ ] shall be conferred on the Commission [ ] for a period of six years from [the date of application of this Regulation]. 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.</p>

		<p><b><u>2a. It is of particular importance that the Commission follow its usual practice and carry out consultations with experts, including Member States' experts, before adopting those delegated acts. The consultation of Member States' experts shall take place following the consultation pursuant to Article 10.</u></b></p>	<p><b>Presidency compromise (based on the Interinstitutional Agreement (IIA)):</b></p> <p><b>2a. 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 on Better Law-Making of 13 April 2016. The consultation of Member States' experts shall take place following the consultation pursuant to Article 10.</b></p>
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<b>Amendment 76</b>			
<b>Article 13 - paragraph 3</b>			
<p>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.</p>	<p>3. <i>The</i> delegation of power referred to in Articles 7, <b>8(4), 11(1)</b> 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 <i>that decision</i>. 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.</p>	<p>3. The delegation of power referred to in Article <b>11a</b> [ ] 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.</p>	<p>Linked to DA - IA</p>
<b>Amendment 77</b>			
<b>Article 13 - paragraph 3a (new)</b>			
	<p><b>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 on Better Law-Making of 13 April 2016.</b></p>	<p><i>Corresponds to para 2a above</i></p>	<p>Acceptable, see paragraph 2a</p>

<p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p>		<p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p>	
<p><b>Amendment 78</b></p> <p><b>Article 13 - paragraph 5</b></p>			
<p>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.</p>	<p>5. A delegated act adopted pursuant to Articles 7, <b>8(4)</b>, <b>11(1)</b> 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 <b>shall</b> be extended by two months at the initiative of the European Parliament or of the Council.</p>	<p>5. A delegated act adopted pursuant to Article <b>11a</b> [ ] 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.</p>	<p>Linked to DA - IA, not acceptable</p> <p>'Shall' acceptable, follows from IIA</p>

**Amendment 79**

**Article 14 - paragraph 1**

<p align="center"><i>Article 14</i></p> <p align="center"><b>Evaluation</b></p>		<p align="center"><i>Article 14</i></p> <p align="center"><b>Evaluation and report</b></p>	
<p>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.</p>	<p><b>By ... [6 years after the entry into force of <i>this Regulation</i>],</b> the Commission shall assess the application of this Regulation and <b>submit</b> a report to the European Parliament and the Council. <b>This</b> report shall assess how effectively this Regulation <b>and its delegated acts have</b> allowed customers to choose more <b>energy</b> efficient products, taking into account <b>criteria such as its effect</b> on business, <b>energy consumption, greenhouse gases emissions, market surveillance activities, and the cost to establish and maintain the database.</b></p> <p><i>The evaluation exercise conducted under the first paragraph shall make explicit use of the annual follow-up reports regarding enforcement and market surveillance established by Article 5.</i></p>	<p>No later than eight years after the entry into force <b>of this Regulation,</b> the Commission shall assess the application of this Regulation and transmit a report to the European Parliament and the Council. This report shall assess how effectively this Regulation <b>and its delegated and implementing acts</b> have allowed customers to choose more efficient products, taking into account its impacts on business.</p>	<p><b>Presidency compromise:</b></p> <p>No later than <b>eight</b> years after the entry into force of this Regulation, the Commission shall assess the application of this Regulation and <b>submit</b> a report to the European Parliament and the Council. This report shall assess how effectively this Regulation and its delegated and implementing acts have allowed customers to choose more efficient products, taking into account its impacts on business, <b>energy consumption, greenhouse gases emissions, market surveillance activities, and the cost to establish and maintain the database.</b></p>

<p><i>Article 15</i></p> <p><b>Repeal</b></p>		<p><i>Article 15</i></p> <p><b>Repeal <u>and transitional measures</u></b></p>	
<p>Directive 2010/30/EU is repealed with effect from 1 January 2017.</p>		<p>1. <b><u>Subject to paragraph 2,</u></b> Directive 2010/30/EU is repealed with effect from 1 January 2017.</p>	
		<p>2. <b><u>A delegated act adopted pursuant to Directive 2010/30/EU [ ] and Commission Directive 96/60/EC are repealed with effect from the moment when the corresponding implementing act adopted pursuant to Article 12(4) applies. However, the legal effects of Article 11a(2) shall be maintained as regards the products concerned.</u></b></p>	
<p>References to Directive 2010/30/EU shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex II.</p>		<p>3. References to <b><u>the repealed</u></b> Directive [ ] shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in Annex II.</p>	

		<p><b><u>4. For models, units of which are placed on the market in accordance with Directive 2010/30/EU before the date of application of this Regulation, suppliers shall, for a period ending five years after the last product was manufactured, make an electronic version of the technical documentation available for inspection within 10 days of a request received from market surveillance authorities or the Commission.</u></b></p>	<p><b>4. For models, units of which were placed on the market in accordance with Directive 2010/30/EU before the date of application of this Regulation, suppliers shall, for a period ending five years after the last [ ]-unit was manufactured, make an electronic version of the technical documentation available for inspection within 10 days of a request received from market surveillance authorities or the Commission.</b></p>
<p><b>Amendment 80</b></p> <p><b>Article 16 - paragraph 3</b></p>			
<p><i>Article 16</i></p> <p><b>Entry into force</b></p>		<p><i>Article 16</i></p> <p><b>Entry into force</b></p>	
<p>This Regulation shall enter into force on the day following that of its publication in the <i>Official Journal of the European Union</i>.</p>		<p>This Regulation shall enter into force on the day following that of its publication in the <i>Official Journal of the European Union</i>.</p>	
<p>It shall apply from 1 January 2017.</p>		<p>It shall apply from 1 January 2017.</p>	<p><b><u>Presidency compromise proposal:</u></b></p> <p><b><u>It shall apply from 1 July 2017.</u></b></p>

		Article 11a(2), Article 12(4) and Article 15(2) shall apply from the entry into force of this Regulation.	
However, Article 3(1)(d) shall apply from 1 January 2019.	However, <b><i>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.</i></b>	Article 3(1a) (a) shall apply from 1 January 2019.	<b><i>1 January 2019 is maintained, meaning that the Commission has 18 months after the date of application of the Regulation to set up the database.</i></b>
This Regulation shall be binding in its entirety and directly applicable in all Member States		This Regulation shall be binding in its entirety and directly applicable in all Member States.	
Done at Brussels,		Done at Brussels,	
For the European Parliament For the Council		<i>For the European Parliament For the Council</i>	
The President The President		<i>The President The President</i>	

**Amendment 81**

**Annex I - title and point 1**

<i>ANNEX I</i>		<i>ANNEX I</i>	<b>The EP position on Annex I is part of the overall EP compromise package on Article 7 and 8.</b>
<b>Information to be included in the product database</b>	Information to be included in the product database, <i>plus functional requirements</i>	<b>Information to be included in the product database</b>	Information and functional requirements to be included in the product database
1. Publicly available product information:	1. <i>Information to be included in the public interface of the database:</i>	1. Publicly available product information:	1. Information to be included in the public part of the database by the supplier:
(a) manufacturer's or supplier's name or trademark;	(a) <i>the name or trademark, address, contact details and other legal identification of the supplier;</i>	(a) [ ] the supplier's name or trademark;	(a) the name or trademark, address, contact details and other legal identification of the supplier;
	(aa) <i>contact details of the Member State market surveillance authorities;</i>		Not acceptable

(b) the model identifier(s), including of all equivalent models;	<b>(b)</b> the model identifier(s), including of all equivalent models;	(b) the model identifier [ ];	(b) the model identifier <b>including of all equivalent models already placed on the market;</b>  The EP insists on keeping data on equivalent models in the public database.
(c) the label in electronic format;	<b>(c)</b> the label in electronic format;	(c) the label in electronic format;	(c) the label in electronic format;
(d) the class(es) and other parameters on the label;	<b>(d)</b> the <i>energy efficiency</i> class(es) and other parameters <i>of</i> the label;	(d) the class(es) and other parameters on the label;	(d) the energy efficiency class(es) and other parameters of the label;
(e) the product information sheet in electronic format.	<b>(e)</b> <i>the parameters of</i> the product information sheet in electronic format;	(e) [ ] the parameters of the product information sheet [ ].	(e) the parameters of the product information sheet in electronic format;

	<i>(ea) Member States' education and information campaigns as referred to in Article 4(4);</i>		2. Information to be included in the online portal by the Commission:
			(a) contact details of Member State market surveillance authorities;
	<i>(eb) working-plan of the Commission as referred to in Article 11;</i>		(b) working-plan pursuant to Article 11;
	<i>(ec) minutes of the Consultation Forum;</i>		(c) minutes of the Consultation Forum;
	<i>(ed) inventory of delegated acts and harmonised standards applicable;</i>		(d) an inventory of delegated and implementing acts, transitional measurement and calculation methods and applicable harmonised standards;
<b>Amendment 82</b>			
<b>Annex I - title and point 2</b>			
2. Compliance information, only available to Member States' market surveillance authorities and the Commission:	2. Information <i>to be included in the compliance interface of the database:</i>	2. Compliance information, only available to Member States' market surveillance authorities and the Commission:	3. Information to be included in the compliance <b>interface part</b> of the database by the supplier:
(a) the technical documentation specified in the applicable delegated act;	<i>(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;</i>	(a) the technical documentation specified in the applicable [ ] <b>implementing act;</b>	Not acceptable

		<b><u>(aa) the model identifier of all equivalent models;</u></b>	<b><u>(aa) the model identifier of all equivalent models already placed on the market;</u></b>  Not acceptable for EP, see above.
(b) test report or similar technical evidence enabling compliance with all requirements in the applicable delegated act to be assessed;	<b><i>(b) provisional measures adopted in the frame of market surveillance related to this Regulation;</i></b>	(b) [ ];	Not acceptable
(c) name and address of the supplier;		(c) name, address <b><u>and contact details</u></b> of the supplier;	Delete, already included in the public part
	<b><i>(c) the technical documentation referred to in point (c) of Article 3(1)</i></b>		(c) the technical documentation as specified in Article 8(3a).
(d) the contact details of a representative of the supplier.	<b><i>(ca) direct contact details of the Member State market surveillance authorities and Commission coordination;</i></b>	(d) [ ].	Not acceptable
	<b><i>(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.</i></b>		The Commission shall provide a link to the Information and Communication System on Market Surveillance (ICSMS), which includes the outcome of compliance checks performed by Member States and provisional measures adopted.

**Amendment 83**

**Annex I - point 2a (new)**

	<i>2a. Functional requirements for the public interface of the database:</i>		<b>Agreed text:</b> 4. Functional requirements for the public part of the database:
	<i>(a) each product model shall be organised as an individual record;</i>		(a) each product model shall be retrievable as an individual record;
	<i>(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;</i>		Covered by the compromise in Article 8 (5a)
	<i>(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;</i>		(b) it shall generate a single viewable, downloadable and printable file of the energy label of each model, as well as the linguistic versions of the complete product information sheet, in all official languages of the Union;

	<i>(d) the information shall be machine readable, sortable and searchable, respecting open standards for third party use, free of charge;</i>		(c) the information shall be machine readable, sortable and searchable, respecting open standards for third party use, free of charge;
	<i>(e) redundant registration shall be automatically avoided;</i>		<i>Moved to Article 8</i>
	<i>(f) an online helpdesk or contact point for customers shall be established and maintained, clearly referenced on the interface.</i>		(d) an online helpdesk or contact point for suppliers shall be established and maintained, clearly referenced on the portal.
<b>Amendment 84</b>			
<b>Annex I - point 2b (new)</b>			
	<i>2b. Functional requirements for the compliance interface of the database:</i>		Not acceptable
	<i>(a) strict security arrangements for the safeguarding of confidential information shall be ensured;</i>		Covered by the compromise in Article 8(4)
	<i>(b) access rights shall be based on the need-to-know principle;</i>		Covered by the compromises in Article 8(4)
	<i>(c) a link shall be provided to the Information and Communication System on Market Surveillance (ICSMS).</i>		Not acceptable