

Manual of European Environmental Policy

The following pages are a section from the Manual of European Environmental Policy written by the Institute for European Environmental Policy.

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This section is the text of the Manual as published in 2012. It is therefore important to note the following:

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Energy labelling

Formal references	
Energy Labelling of energy-related products	
Directive 2010/30/EU (OJ L153 18.06.2010)	Directive 2010/30/EU of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products (recast of the Directive 92/75/EEC)
Proposed 13.11.2008 - COM(2008)778	
Directive 92/75/EEC (OJ L297 13.10.92)	Directive 92/75/EEC on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances
Proposed 8.4.92 – COM(91)285	
The European Energy Star Programme	
Regulation (EC) No 2422/2001 (OJ L332 15.12.2001)	Regulation on a Community energy proposed labelling programme for office equipment
Proposed 28.1.2000 – COM(2000)18	
Regulation (EC) No 106/2008 (OJ L 39/1 13.2.2008)	Regulation on a Community energy-efficiency proposed labelling programme for office equipment (recast version)
Proposed 4.10.2006 – COM(2006)576	
Legal base	
Directive 2010/30/EU	Article 194(2) TFEU
Directive 92/75/EEC	Article 114 TFEU (originally Article 100a EEC Treaty)
Regulation (EC) No 2422/2001 and (EC) No 106/2008	Article 192 TFEU (originally Article 175(1) TEC)
Binding dates	
2010/30/EU	
Entry into force	19 May 2010. Points (d), (g) and (h) of Article 5 shall apply from 31 July 2011.
Date of transposition	20 June 2011
92/75/EEC	
Notification date	22 September 1992
Formal compliance	1 January 1994
National provisions to be in place	1 July 1993
Commission report to Council and Parliament on implementation	1 January 1997
Regulation (EC) No 2422/2001	
Entry into force	14 January 2002

Commission working plan to develop programme	14 July 2002
Member States compliance measures	14 January 2003
ECESB report on market penetration	14 January 2003
Review of work plan	Annually from 14 July 2003
Commission report on effectiveness	15 January 2005
Regulation (EC) No 106/2008	
Entry into force	4 March 2008
Review of work plan	Annually from 14 July 2008
Commission report on effectiveness	18 December 2010 Note: Directive 2010/30/EU will replace Directive 92/75/EEC which replaced Directive 79/530/EEC Regulation (EC) No 106/2008 repeals Regulation (EC) No 2422/2001 See Table 1 for details on daughter Directives of Directive 92/75/EEC.

Purpose of the legislation

Directive 92/75/EEC was developed as part of the [SAVE programme](#) on energy efficiency. It introduced an EU-wide energy labelling scheme for household appliances whereby labels and information in product brochures provide potential purchasers with the energy consumption rates for all models available. It was intended to improve market efficiency, by helping consumers to choose the most energy-efficient models, and thereby giving manufacturers the incentive to achieve higher standards of energy efficiency. It is implemented through a series of daughter Directives. Regulation (EC) No 2422/2001 effectively has a similar purpose, but in relation to office equipment, and was adopted through a different approach.

Summary of the legislation

Energy labelling

Directive [2010/30/EU](#)

The revised Energy Labelling Directive, adopted in May 2010, recast and extended the scope of the Directive 92/75/EEC to all energy-related products. Any product that has a direct or indirect impact on energy consumption will come under this Directive. A Commission working group has been designated to determine the energy classes and the specific products to be labelled.

The new energy labelling Directive introduced three new efficiency classes, A+, A++ and A+++, on top of the existing energy class A of the most energy-efficient products. The total number of classes will be limited to seven and the existing "A" to "G" scale will shift up as in the follows:

- If a new product using less energy than existing products is classified as A+, the lowest class will be F.
- If a new product using less energy than existing products is classified as A++, the lowest class will be E.
- If a new product using less energy than existing products is classified as A+++, the lowest class will be D.

The labelling colour scheme will be adjusted accordingly, so that the highest energy efficiency class will remain dark green and the lowest energy efficient class will be red.

The Directive complements the Ecodesign Directive, the Energy Star and the Eco-label Regulation. Energy labelling requirements are already in force for a number of products (see Table 1 below) and the Commission will adopt *delegated regulations* for energy labelling in parallel with the adoption of the Ecodesign regulations under the [Ecodesign](#) Directive. The new labels will be mandatory for products placed on the market one year after the Regulation has been published in the Official Journal.

Directive 92/75/EEC

This framework Directive sets out the basic provisions for the energy labelling scheme. Implementing Directives are intended to provide the detailed methodologies for measuring energy consumption for each type of household appliance listed in the Directive, standardize the labels and supplementary information in product brochures and give the location for where the labels are to be placed. They must also make suitable provision for mail order purchase, where the customer will not see the product or its documentation directly.

In principle, appliances using all energy sources (in significant quantities) are included. Only new equipment still in production is covered. The Directive stipulates that the labels should also provide information on noise emissions, for relevant appliances, in accordance with [Directive 86/594/EEC](#) (see section on noise from household appliances). These provisions are not mandatory, however. Provision is also to be made for the inclusion of information required under other Community legislation.

Member States are required to establish a relevant authority to oversee the implementation of the Directive. The Member States must also provide supporting educational and promotional information.

Under the scheme manufacturers are responsible for compiling technical documentation on energy consumption. This information needs to include a general description of the product as well as evidence of tests undertaken on the models to show their energy consumption. This documentation must ensure that the accuracy of the information supplied on the labels can be properly assessed and must be available for inspection by the authorities up to five years after the product has ceased to be manufactured. Manufacturers are also responsible for the provision of the required labels and fiches to dealers.

Dealers in turn are responsible for affixing the labels onto the products and are accountable to the authority and their customers for the accuracy of the information.

The framework Directive foresaw daughter Directives on the following appliance types (see Table 1 for details of the daughter Directives).

Table 1. Energy labelling – daughter Directives

<i>Directive 79/531/EEC – Electric ovens</i>
This Directive was already in force before the framework Directive 92/75 was adopted. However, the latter redefined it as a daughter Directive of 92/75/EEC. Its requirements were not binding on Member States, and a new Directive brought its provisions into line with the new labelling system, and made them compulsory, in 2002. The Directive is accordingly repealed with effect from 1 January 2003.
<i>Commission Directive 94/2/EC – Fridges and freezers</i>
This Directive covers all mains electric fridges and freezers. Appliance categories, energy-efficiency bands and the design of labels are set out. There is also provision for inclusion of the Ecolabel symbol (see section on eco-labelling) where one has been awarded.
<i>Commission Directive 95/12/EC – Household washing machines</i>
This Directive covers mains operated household washing machines. Appliances that can use other energy sources, those without spin dryers or with a separate dryer and combined washer driers, are excluded. The Directive also requires information to be displayed on the relative washing and spin drying performance of the appliance; on water consumption and on noise levels. Necessary provisions must be published by the Member States by 1 March 1996, and come into force on 1 April 1996. A transition period up to 30 September 1996 is allowed.
<i>Commission Directive 95/13/EC – Household electric tumble driers</i>
This Directive covers all mains operated tumble driers. Appliances that can use other energy sources, and combined washer driers, are excluded. Necessary provisions must be published by the Member States by 1 March 1996, and come into force on 1 April 1996. A transition period up to 30 September 1996 is allowed.
<i>Commission Directive 96/60/EC – Household combined washer driers</i>
This Directive covers combined washer driers, which were excluded from Directive 95/12/EC (see above). As with the earlier ‘daughters’, this Directive requires information to be displayed on the relative washing and drying performance of the appliance; on water consumption and on noise levels. Necessary provisions must be published by the Member States by 15 July 1997, and come into force on 1 August 1997. A transition period up to 31 January 1998 is included, during which sales of non-complying appliances are allowed.
<i>Commission Directive 96/89/EC – Household washing machines</i>
This Directive amends Directive 95/12/EC (see above) to exclude washing machines with no internal means to heat their own water.
<i>Commission Directive 97/17/EC – Household dishwashers</i>
This Directive covers all electric mains-operated dishwashers, excluding those that can also operate from other energy sources. As well as the energy-efficiency class, the Directive requires information to be displayed on the cleaning and drying performance classes of the appliance; on the capacity of the machine; and on water consumption and noise levels. Necessary provisions must be published by the Member States by 15 June 1998, and come into force on 1 July 1998. A transition period up to 31 December 1998 is included, during which sales of non-complying appliances are allowed.
<i>Commission Directive 98/11/EC – Household lamps</i>
This Directive covers all electric mains-operated household lamps, including household fluorescent lamps marketed for non-household purposes. For some specialized types of lamp, the provisions are voluntary. As well as the energy-efficiency class, the Directive requires information to be displayed on the luminous flux of the lamp, its input power and its rated life in hours. Necessary provisions must be published by the Member States by 15 June 1999, and come into force on 1 July 1999. A transition period up to 31 December 2000 is included,

during which sales of non-complying lamps are allowed.
<i>Commission Directive 1999/9/EC – Household dishwashers</i>
This Directive amends Directive 97/17/EC to delay the date from which the provisions of that Directive come into force as a result of delays in the development and adoption of suitable measurement procedures.
<i>Commission Directive 2002/40/EC – Household electric ovens</i>
This Directive supersedes Directive 79/531/EEC, which is repealed with effect from 1 January 2003. The new Directive covers domestic electric ovens, with some exceptions. Necessary provisions must be published by the Member States by 31 December 2002, and be applied from the following day. The Directive came into force on 4 June 2002.
<i>Commission Directive 2002/31/EC – Household air conditioners</i>
This Directive covers domestic air conditioners, with some exclusions, including larger units with an output above 12 kW. Necessary provisions must be published by the Member States by 1 January 2003, and be applied from the same date. The Directive came into force on 23 April 2002.
<i>Commission Directive 2003/66/EC – Fridges and freezers</i>
This Directive amends 94/2 in several technical matters which align it more closely with later daughter Directives, but primarily it adds two new high-efficiency categories denoted ‘A + ’ and ‘A + +’. This change was needed to reflect the improvement in average efficiency of new fridges, freezers and combinations, and hence the growing proportion in the existing ‘A’ category.

The European Energy Star Programme

[The European Energy Star Programme](#) is a voluntary energy labelling programme for office equipment. The Energy Star logo helps consumers identify office equipment products that save them money and help protect the environment by saving energy.

Regulations (EC) No 2422/2001 and No 106/2008

Based on an agreement with the United States, Regulation (EC) No 2422/2001 lays down the rules for implementing the Energy Star programme for office equipment (computers, computer monitors, printers, copiers, scanners, fax machines) in the Community. The Regulation extends the existing US Energy Star Programme to the EU rather than establishing a new Community-based scheme. Any products for which the use of the logo has been granted by the US Environmental Protection Agency (USEPA) is deemed to comply with the Regulation, and the same logo is used. The Energy Star programme is voluntary and any organization wanting to participate is required to apply to the Commission. The Commission decides whether to accept an application once it has verified that the applicant has agreed to comply with the guidelines for using the logo as set out in Annex B of the Regulation. Existing national schemes to promote the energy efficiency of office equipment are allowed to coexist with the Energy Star Programme, but the Commission and Member States are required to ensure that consumers and other interested parties are made aware of the Programme in order to encourage its wider use.

The Regulation establishes a European Community Energy Star Board (ECESB) to monitor and annually report on the implementation and market penetration of the Energy Star Programme and to advise and assist the Commission with the management of the

Programme. It also requires the Commission to establish a working plan for the following three years, in consultation with the ECESB, to be approved by the Parliament and the Council. This plan should set the objectives for energy-efficiency improvements; specify a non-exhaustive list of office equipment products which should be considered as priorities for inclusion in the Energy Star programme; outline proposals for educational and promotional campaigns and other necessary actions; and proposals for coordination and cooperation between the Energy Star programme and other voluntary labelling schemes in Member States. The Regulation also provides a means of working between the Commission and the ECESB if either considers that a revision to the agreement with the US EPA is necessary, or if the ECESB receives a similar request from the US EPA.

In 2006, a second agreement with the United States was concluded in 2006 and this forms the basis for the recast of Regulation (EC) No 2422/2001 as Regulation (EC) No 106/2008.

Development of the legislation

Directive 92/75/EEC

This energy labelling Directive was one of the measures adopted as part of the SAVE programme. However, its origins precede the EC's commitments on CO₂. The Directive replaced the earlier Directive 79/530/EEC which sought to introduce a similar scheme but which proved to be ineffective because only one implementing Directive (on electric ovens) was ever adopted; and even this was poorly taken up by Member States.

There had, however been pressure on the Commission to re-introduce such a scheme because some Member States were already taking the initiative by introducing their own voluntary labelling schemes which were not compatible with each other. Compulsory schemes were also under consideration, and these threatened to act as non-tariff barriers to trade.

The European Parliament wanted to modify the proposed Directive so that the labels would carry information to enable an environmental assessment of the product but their proposed amendments were rejected. The Parliament also wanted to extend the list of appliances explicitly covered, and was concerned that responsibility for monitoring the scheme had been moved from the Commission to the Member States, and therefore rejected the Council's common position. The Directive was finally adopted through a unanimous agreement by the Council.

Directive [2010/30/EU](#)

Following the success of the Directive 92/75/EEC and implementing the 2006 energy efficiency action plan, the European Commission proposed a new energy labelling Directive in 2008 ([COM\(2008\)778](#)). The Commission proposal sought to extend the scope of the labelling Directive to all energy-related products and proposed a new labelling scheme, replacing the existing format. In May 2009 the European Parliament voted in favour of extending the EU's energy label to all products that have an impact on energy use, but rejected a move away from the well-known 'A-G' format. In September 2009, the label was modified to one built on the existing format, to which additional 'A' classes could be added on top of the traditional best-performing 'A' category, with A+++ the highest possible class.

In October 2006, the Commission had published the Action Plan for Energy Efficiency which included plans for reinforcing the effectiveness of the energy labelling Directive ([COM\(2006\)545](#)). ‘Priority Action’ 1 of the Action Plan concerned appliance and equipment labelling and minimum performance standards. In particular, the development from 2007 of ‘updated and dynamic labelling and minimum energy performance standards’ based on energy labelling and the eco-design Directives. The importance of ‘updated’ and ‘dynamic’ related to concerned that labelling classifications and minimum performance standards had to keep pace with changes in the market in order to be meaningful to market actors and to ensure continued improvements in energy performance. Priority Action 1 of the Action Plan therefore also mentioned the upgrading of existing labelling classifications - specifically that these would be upgraded and re-scaled every five years or when new technological developments justify it, based on eco-design studies. This was to be done ‘with a view to’ reserving the A-label for the top 10–20 per cent best performing equipment. In addition, the framework Directive was to be revised to enlarge its scope to include other energy-using equipment such as commercial refrigeration.

The extension of the energy labelling Directive should be seen as part of the 2006 Energy Efficiency Action Plan as well as the 2008 [Sustainable Consumption and Production/Sustainable Industrial Policy Communication and Action Plan](#) published in July 2008. The Communication addressed, among other issues, the role of the Energy Labelling Directive and provided an overview of possible requirements and measures to be put forward by an upcoming revised legislation.

The Action Plan also referred to the adoption, in 2007, of a Work Plan to realise an internal market for additional energy-using products by 2010. The purpose of such a Work Plan was to ensure that products consuming a significant part of total energy consumption would be covered by EU-wide minimum standards and performance rating/labelling, on the basis of the Eco-design Directive and/or the Labelling Directive. The Action Plan envisioned that by 2010, a significant share of such products would be covered.

At the end of 2007 and early 2008, stakeholders were consulted on the review of the Directive. A range of policy options were considered and views were fed into the impact assessment of the revision of the Directive. Options put forward as part of the consultation included:

- Upgrading the existing labels and introducing new ones for other household appliances not yet covered, but without legislative changes.
- Amending the Energy Labelling Directive by broadening its scope and reinforcing selected provisions.
- Repealing the Directive and implementing its provisions by amending other existing legislation such as the Eco-design Directive and/or voluntary action or other suitable means.

The consultation outcome suggested that most stakeholders supported the extension of the EU’s energy labelling scheme for household appliances to other energy-using products, as well as a limited number of ‘energy-relevant’ products, such as windows. The option of adding information such as carbon dioxide emissions and annual running costs to the energy label though was strongly opposed.

The Commission’s Impact Assessment considered the following options:

- No extension of the scope and fully implement the present energy labelling Directive.
- Non-regulatory action (i.e. voluntary agreements/self-commitments).
- Amend the Directive, including coverage of all energy-related products.
- Repeal the Directive and implement energy labelling within the [Ecodesign Directive](#), including coverage of all energy-related products.

Industry was opposed to the idea of voluntary action giving preference to a regulatory approach under Article 95 of the Treaty (now Article 114 TFEU), which contributes to a level playing field. The option of implementing energy labelling through the Ecodesign Directive was rejected by the Commission on the basis that due to their differences in nature, merging the two Directives into one single legal instrument would lead to complications instead of simplifications of the legal framework ([COM\(2008\)778](#)). As a result only the options of fully implementing the present labelling Directive, limited to household appliances, or extending its scope to access additional saving potential in other significant energy-related products were considered. The Impact Assessment indicated that, while the full implementation of the existing framework Directive would lead to a saving of some 22 Mtoe by 2020 (65 MtCO₂), extending the scope to all energy-related products could lead to substantial additional saving, 5 Mtoe (18 Mt CO₂), for the three priority groups considered in the impact assessment alone ([COM\(2008\)778](#), p. 5).

In November 2008, the Commission published its proposal for a ‘recast’ of the Energy Labelling Directive ([COM\(2008\)778](#)), as part of a broader energy-efficiency package. The proposal aimed to extend the scope of the Directive to cover all energy-related products including household, commercial and industrial sectors and some non-energy using products such as windows which have a significant potential to save energy once in use and installed. The proposal left it to implementing measures, after consultation with stakeholders and the Impact Assessment, to define the exact type of products to be labelled in the implementing measures, although means of transport were explicitly excluded. In addition to extending the scope of the Directive, the proposal also included a number of changes intended to increase the effectiveness of the Directive. These included:

- New provisions on compliance checking, strengthening of enforcement and the cooperation and exchange of information between Member States. Member States are required to submit a report every two years to the Commission on their enforcement activities and the level of compliance.
- The possibility to implement the framework Directive through Regulations or Decisions instead of Directives (to be adopted through ‘regulatory procedure with scrutiny’).
- Minimum energy performance levels for public procurement and incentive programmes to be specified in implementing measures. Such minimum performance levels should be articulated in terms of the energy performance classes set out in the implementing measure.
- Duration of the label classification to be specified in the implementing measure.
- Requirement on Member States to lay down rules on penalties applicable to infringements.

In March 2009, the European Parliament's Industry Committee voted on the Commission’s proposals. A key issue of disagreement between the Committee and the Commission related to the rating to be adopted in the new labelling. While the Commission, in agreement with a committee of Member States, favoured a new open ended scale for fridges and televisions

(e.g. A-20 or A-40 per cent for appliances 20–40 per cent more efficient than a current A class model), the Parliamentary Committee preferred to retain the existing closed A to G scale efficiency rating, arguing that a change in rating would confuse consumers. The full Parliamentary plenary voted on the proposals in May 2009. MEPs supported the proposed extension of the scope of the labelling scheme to energy-related products. Backing its Committee, the Parliament rejected the proposed new open-ended energy label for televisions. A sufficient majority, however, was not reached to reject a similar label for fridges.

During November 2009, an agreement was reached between the Council and the European Parliament at an informal trialogue on the substance of the recast Directive. In May 2010 the Commission proposal was voted by the Parliament and became Directive 2010/30/EU.

The European Commission has adopted a number of Delegated Regulations under Directive 2010/30/EU with regard to energy labelling of specific products (see Table 2).

Table 2. Delegated Regulations under Directive 2010/30/EU

Commission Delegated Regulation (EU) No 1059/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household dishwashers
Commission Delegated Regulation (EU) No 1060/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household refrigerating appliances
Commission Delegated Regulation (EU) No 1061/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household washing machines
Commission Delegated Regulation (EU) No 1062/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of televisions
Commission Delegated Regulation (EU) No 626/2011 of 4 May 2011 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of air conditioners

Development of Regulation (EC) No 2422/2001

The Commission adopted a different approach in relation to the development of energy-efficiency labels for office and communications equipment. Rather than developing its own scheme, and after consultation with Member States and European industry, the Commission decided to use the US Energy Star labelling scheme in the EU. This option was considered to have several advantages. Several manufacturers were already familiar with it, the scheme was already well developed and, as it was an international programme, there would be no reduced barriers to trade.

The Commission sought and, in September 1996, received a mandate from the Council to negotiate an agreement with the United States and Japan to extend the Energy Star Programme. In February 1998, Japan withdrew from the negotiations, but the Commission continued bilateral negotiations until a draft agreement was reached, which was submitted to

the Council in July 1999. Ministers backed the agreement in December 2000, but the Decision (2001/469/EC) to conclude the agreement with the United States was not adopted until May 2001. The agreement implies that future revisions to the Energy Star Programme will have to be agreed jointly by the Commission and the US EPA. Legislation was needed in order to establish the management responsibilities and the internal EU procedures governing any revisions to the Programme. These were outside of the scope of the agreement with the US authorities. Consequently, the Commission published a proposal for a Regulation to introduce the Energy Star Programme in the EU in January 2000.

The development of the Regulation was relatively uncontroversial. In its first reading in February 2001 the European Parliament backed the main objectives of the proposal, but put forward 15 amendments. These concerned the monitoring and reporting requirements, including a more regular review of the Programme and a requirement on the ECESB to draw up an annual report on market penetration of equipment using the Energy Star logo. MEPs also made minor amendments in relation to the promotion of the Programme and requested that action be taken to withdraw particularly inefficient equipment from the market.

In its common position of May 2001, the Council accepted all of Parliament's proposed amendments, with the exception of the final one regarding the withdrawal of particularly inefficient equipment. However, the Commission promised that if no voluntary arrangement could be concluded with manufacturers to withdraw such equipment, then it would bring forward a legislative proposal to do so. As a result, Parliament approved the Council's common position at its second reading without amendment. Regulation (EC) No 2422/2001 was finally adopted in November 2001.

However, Decision 2001/469/EC (approving the bilateral agreement with the United States) was subsequently annulled by the European Court of Justice in December 2002 on the grounds that the wrong legal base had been used (environment rather than trade). This did not affect the legality of Regulation (EC) No 2422/2001, but a new Decision was needed, as well as to impart the necessary powers on the Commission. Council Decision [2003/269/EC](#) was accordingly adopted soon afterwards.

The five-year long agreement with the United States expired in June 2006. In March 2006 the Commission launched the procedure to negotiate a new Agreement, in order to include more ambitious energy-efficiency standards for office equipment.

The new agreement was formally adopted by Council Decision [2006/1005/EC](#), and is valid for another period of five years. It contains new energy-efficiency criteria, which cover the energy consumption both in the standby and in the use phase, and will be further developed and adapted to future technology and market evolution. The Decision integrates, *inter alia*, the new computer specifications approved by the Energy Star Board, with a view to bringing the agreement in line with the latest technological developments in the field of energy efficiency. Overall, the new criteria are expected to be met by only 25 per cent of the market and to yield 30 TWh electricity savings.

In parallel, the Commission tabled a proposal for a Regulation implementing the Energy Star agreement ([COM\(2006\)576](#)), designed to replace and repeal Regulation (EC) No 2422/2001. The proposed changes to the previous Regulation included:

- Abolishing the obligations for the Member States and the Commission to promote the logo; the responsibility should instead fall on the manufacturers.
- Abolishing the obligation for the European Community Energy Star Board (ECESB) to produce a report on the market penetration of Energy Star products and on the technology available, and launch instead a tender for a market survey on office equipment to support future upgrades of the energy-efficiency criteria.
- Clarifying that the ECESB and the Commission have the initiative to amend the Agreement and, in particular, the common technical specifications – although the obligations for the ECESB will be reduced due to its limited resources.
- Abolishing the obligation for Member States to inform the Commission of the measures taken to ensure compliance.

In July 2007 the European Parliament voted in favour of a set of ten amendments proposed by the ITRE Committee. The main points covered by the amendments included:

- Requiring the Commission and the other Community institutions, as well as central government authorities to specify energy-efficiency requirements not less demanding than the Energy Star requirements for public supply contracts of a certain size.
- Requiring the Commission, assisted by the EC Energy Star Board, to follow market penetration of products bearing the Energy Star logo and development in of energy efficiency of office equipment with a view of a timely revision of the technical specifications.
- Before giving its views on new specifications, the ECESB shall take into account the latest results of the eco-design studies.
- Ensuring the promotion of Energy Star labelled products in educational and promotional initiatives.
- Requiring the Commission to produce and submit to the European Parliament and the Council, one year before the expiry of the agreement, a report monitoring the energy efficiency of the office equipment market in the Community and giving an evaluation of the effectiveness of the Energy Star programme.

These amendments were incorporated into Regulation (EC) No 106/2008 adopted by the Council in December 2007.

Implementation of Directive and Regulations

Directive 92/75/EEC

Information on the measures taken by the Member States to transpose Directive 92/75/EEC can be found in their national [execution measures](#).

Directive 92/75/EEC required the Commission to make an assessment of the implementation of the Directive after three years of its operation. Two studies were commissioned to support this, one which focussed on the implementation of the Directive, *Cool Labels*¹, and a second study which examined the results of the Directive regarding its impact on sales and energy savings. The former examined a number of issues relating to the implementation and promotion of the scheme including whether Member States had translated the relevant directives into their national laws in a timely way; whether labels were being applied to domestic refrigeration appliances in the shops; whether the labels were accurate; and whether

the labelling scheme had been properly supported by advertising and promotional efforts as required by the Directive. The study found that the number of appliances fully labelled in the shops was low, although there were very large differences between national markets. The proportion labelled averaged 56 per cent across the EU, varying from 17 to 95 per cent in different Member States. Unlabelled (or incompletely labelled) appliances in shops suggested a lack of commitment by either manufacturers or retailers or both. There was also uncertainty about the accuracy of the manufacturers' information on many labels. Enforcement by Member States was found to have been minimal. While, there was evidence that, at least for some of these appliances, labelling had a considerable impact in persuading consumers to buy more energy-efficient appliances, concerns remained that compliance with the Energy Labelling Directive was not fully satisfactory at the level of both the retailers and the manufacturers.

A second survey² of compliance was carried out after the Directive had been in place for 15 years. The survey aimed to provide evidence on the degree of compliance with Directive 92/75/EEC, both at the level of retailers and manufacturers in all EU Member States and the EEA countries of Norway and Iceland.

The total share of correctly labelled appliances, that is those in full accordance with the Directive, across all 29 countries included in the analysis was found to be 61 per cent. As in the first compliance study, there were, however, huge differences between countries: the share of correctly labelled appliances ranged from below 10 to 90 per cent. The share of correctly labelled appliances was relatively high for the large white appliances (between 62 and 70 per cent), whereas the main problems occurred in the case of electric ovens (45 per cent) and air-conditioners, which had the lowest level of compliance (26 per cent). Unsurprisingly, a clear difference was found in the degree of compliance between those appliances for which the Implementing Directives came into force more than 10 years previously and electric ovens and air conditioners, for which the Implementing Directives were only adopted in 2002.

The survey also showed that only a few regular and systematic controls were carried out by Member State enforcement authorities with regard to the correct classification of appliances, but most countries stated that they carried out shop inspections to monitor the retail trade. Testing appliances was expensive and required special equipment. Only a few Member States provided detailed information about their monitoring of the compliance with the Directive, including the results of their controls and percentages of compliance at the level of type of appliance and type of shop. One reason for this, the study found, was that checks are often only made in reaction to complaints.

Regulation (EC) No 2422/2001 and No 106/2008

In 2006, the Commission published a communication ([COM\(2006\)140](#)) on the implementation on the Energy Star programme over the period 2001–2005. As the Energy Star is a voluntary scheme aimed at manufacturers, few obligations arose for Member States under Regulation (EC) No 2422/2001 and none arise under the recast Regulation (EC) No 106/2008. Member States did have an obligation to promote the logo under Regulation (EC) No 2422/2001, but this was removed in the recast Regulation (EC) No 106/2008. The Commission's Communication did not address the extent to which Member States had fulfilled this role and is focussed on the Commission's responsibilities for implementing the Energy Star programme with the support of the EC Energy Star Board.

Enforcement and court cases

Two cases have been concluded by the European Court of Justice concerning Directive 92/75/EC:

- [C-79/04](#) 18.11.2004. This was a judgement against Luxembourg for failure to ensure adequate transposition of Directive 2003/66/EC amending Directive 94/2/EC implementing Council Directive 92/75/EEC.
- [C-100/06](#) 21.09.2006. This was a judgement against Luxembourg for failure to ensure adequate transposition of Directive 2002/40/EC implementing Directive 92/75/EEC.

One case concerning Directive 2001/469/EC has been concluded by the European Court of Justice:

- [C- 281/01](#) 12.09.2002. This was an application for the annulment of Council Decision 2001/469/EC of 14 May 2001, concerning the conclusion on behalf of the European Community of the Agreement between the Government of the United States of America and the European Community on the coordination of energy-efficient labelling programmes for office equipment. The Court annulled the Decision. The context of this case is discussed in the discussion on the development of the legislation (above).

Related legislation

The following legislation interacts with the energy labelling Directive:

- Directive [2009/125/EC](#) on establishing a framework for the setting of ecodesign requirements for energy-related products.
- Directive [86/594/EEC](#) on airborne noise emitted by household appliances provides for an indication of noise emission to be included on energy labels.
- Regulation (EC) No [66/2010](#) on a Community eco-label award scheme.

References

1 Winward, J, Schiellerup, P and Boardman, B (1998) *COOL LABELS: The First Three Years of the European Energy Label*. University of Oxford, Oxford.

2 Schlomann, et al. (2009) Survey of Compliance Directive 92/75/EEC (Energy Labelling) Final Report for the European Commission Directorate-General Energy and Transport, 2009.