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COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**Amending**

**Directive 2005/32/EC establishing a framework for the setting of ecodesign requirements for energy-using products, and Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council, as regards the implementing powers conferred on the Commission**

(presented by the Commission)

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

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**Directive 2005/32/EC establishing a framework for the setting of ecodesign requirements for energy-using products, and Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council, as regards the implementing powers conferred on the Commission**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the opinion of the European Economic and Social Committee<sup>2</sup>,

Having regard to the opinion of the Committee of the Regions<sup>3</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>4</sup>,

Whereas:

- (1) Directive 2005/32/EC of the European Parliament and of the Council<sup>5</sup>, and three directives which constitute implementing measures within the meaning of Article 15 of Directive 2005/32/EC (Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels<sup>6</sup>, Directive 96/57/EC of the European Parliament and of the Council of 3 September 1996 on energy efficiency requirements for household electric refrigerators, freezers and combinations thereof<sup>7</sup> and Directive 2000/55/EC of the European Parliament and of the Council of 18 September 2000 on energy efficiency requirements for ballasts for fluorescent lighting<sup>8</sup>), stipulate that certain measures should be adopted in accordance

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

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

<sup>3</sup> OJ C [...], [...], p. [...].

<sup>4</sup> OJ C [...], [...], p. [...].

<sup>5</sup> OJ L 191, 22.7.2005, p. 29.

<sup>6</sup> OJ L 167, 22.6.1992, p.17. Directive as last amended by Directive 2005/32/EC.

<sup>7</sup> OJ L 236, 18.9.1996, p.36. Directive as amended by Directive 2005/32/EC.

<sup>8</sup> OJ L 279, 1.11.2000, p.33. Directive as amended by Directive 2005/32/EC.

with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>9</sup>.

- (2) Decision 1999/468/EC has been amended by Decision 2006/512/EC, which introduced the regulatory procedure with scrutiny for measures of general scope intended to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, including by deleting some of those elements or by supplementing them by the addition of new non-essential elements.
- (3) In accordance with the joint statement of the European Parliament, the Council and the Commission on Decision 2006/512/EC<sup>10</sup>, instruments which are already in force must be adjusted in accordance with the applicable procedures in order to replace the regulatory procedure provided for in Article 5 of Decision 1999/468/EC by the regulatory procedure with scrutiny, in all cases where measures fall within its scope.
- (4) The statement comprises a list of instruments to be adapted as a priority, including Directive 2005/32/CE. Adapting this Directive requires adapting Directives 92/42/EEC, 96/57/EC and 2000/55/EC.
- (5) In particular, power should be conferred on the Commission to amend or repeal Directives 92/42/EEC, 96/57/EC and 2000/55/EC. Such amendment or repeal shall be decided in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (6) Directive 2005/32/EC and Directives 92/42/EEC, 96/57/EC and 2000/55/EC must be amended accordingly.
- (7) Since the amendments made to Directive 2005/32/EC, as well as to Directives 92/42/EEC, 96/57/EC and 2000/55/EC, by this Directive are technical in nature and concern committee procedures only, they do not require transposition by the Member States. Therefore it is not necessary to establish provisions for this purpose,

HAVE ADOPTED THIS DIRECTIVE:

#### *Article 1*

The following paragraph 2a is inserted in Article 19 of Directive 2005/32/EC:

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

#### *Article 2*

In Article 10a of Directive 92/42/EEC, the words "in accordance with Article 19(2) of Directive 2005/32/EC" are replaced by the words "in accordance with Article 19(2a) of Directive 2005/32/EC".

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<sup>9</sup> OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

<sup>10</sup> OJ C 255, 21.10.2006, p.1.

### *Article 3*

In Article 9a of Directive 96/57/EC, the words "in accordance with Article 19(2) of Directive 2005/32/EC" are replaced by the words "in accordance with Article 19(2a) of Directive 2005/32/EC".

### *Article 4*

In Article 9a of Directive 2000/55/EC, the words "in accordance with Article 19(2) of Directive 2005/32/EC" are replaced by the words "in accordance with Article 19(2a) of Directive 2005/32/EC".

### *Article 5*

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

### *Article 6*

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament  
President*

*For the Council  
President*