



**COUNCIL OF
THE EUROPEAN UNION**

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the signing and conclusion of the Agreement between the Government of the United States of America and the European Union on the coordination of energy-efficiency labelling programmes for office equipment
COMMON GUIDELINES
Consultation deadline for Croatia: 13.6.2012

COUNCIL DECISION No.../2012/EU

of...

**on the signing and conclusion of the Agreement
between the Government of the United States of America
and the European Union
on the coordination of energy-efficiency labelling programmes
for office equipment**

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 194 and 207, in conjunction with point (a) of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

¹ OJ ...

Whereas:

- (1) On 12 July 2011 the Council authorised the Commission to negotiate an Agreement between the Government of the United States of America and the European Union on the coordination of energy-efficiency labelling programmes for office equipment (hereinafter referred to as "the Agreement").
- (2) In line with the authorisation of the Council, the Energy Working Group of the Council was consulted and assisted the Commission in the negotiations.
- (3) The negotiations have been concluded and the Agreement was initialled on 29 November 2011.
- (4) The appropriate internal Union procedures should be established to ensure the proper functioning of the Agreement.
- (5) Office equipment will account for a growing share of energy consumption in the future as new applications and functionalities appear. In order to meet the Union objective of saving 20 % of its energy consumption compared to projections for 2020, as endorsed at the Spring 2007 European Council, the energy performance of office equipment has to be further optimised.

- (6) Since office equipment is a fast evolving market, it is essential to frequently reassess the potential for maximising energy savings and environmental benefits by stimulating the supply of, and demand for, energy-efficient products. It is therefore necessary to empower the Commission, assisted by a Union advisory board composed of national representatives and of all interested parties, to regularly reassess and upgrade the Common Specifications of office equipment set out in the Agreement.
- (7) Given that manufacturers participating in the EU ENERGY STAR Programme are mostly small and medium-sized enterprises, product registration in the Union should continue to be unburdensome and based on self-certification. This should be coupled with stronger enforcement of the EU ENERGY STAR Programme by the Commission in cooperation with Member States.
- (8) The Technical Commission established by the Agreement should be responsible for reviewing the implementation of the Agreement.
- (9) Pursuant to the Agreement, the United States of America and the Union are each to designate a management entity responsible for implementation of the Agreement. To that effect the Union should designate the Commission as a management entity,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the Government of the United States of America and the European Union on the coordination of energy-efficiency labelling programmes for office equipment, including its Annexes (hereinafter referred to as "the Agreement"), is hereby approved on behalf of the Union.

The text of the Agreement and the Annexes thereto are attached to this Decision.*

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Union.

Article 3

The President of the Council shall, on behalf of the Union, give the notification in writing provided for in Article XIV(1) of the Agreement.

* The text of the Agreement is in document st 10193/12.

Article 4

The Commission shall represent the Union in the Technical Commission provided for in Article VII of the Agreement, after having heard the views of the members of the European Union Energy Star Board referred to in Article 8 of Regulation (EC) No 106/2008 of the European Parliament and of the Council of 15 January 2008 on a Community energy-efficiency labelling programme for office equipment ¹. The Commission shall proceed, after consulting with the European Union Energy Star Board, to the communications, cooperation, review of the implementation and notifications referred to in Articles VI(4), VII(1) and (2), and IX(4) of the Agreement.

With a view to preparing the Union position as regards amendments to the list of office equipment in Annex C of the Agreement, the Commission shall take into account any opinion given by the European Union Energy Star Board.

The position of the Union with regard to decisions to be taken by the management entities shall be determined, with regard to amendments to Annex A (ENERGY STAR name and common logo), Annex B (Guidelines for proper use of the ENERGY STAR name and common logo) and Annex C (Common Specifications) of the Agreement, by the Commission, after consulting with the European Union Energy Star Board.

In all other cases, the position of the Union with regard to decisions to be taken by the Parties to the Agreement shall be determined by the Council, acting on a proposal from the Commission in accordance with Article 218(9) of the Treaty.

¹ OJ L 39 13.2.2008, p. 1.

Article 5

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

Done at Brussels,

For the Council

The President
