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NOTE

from: General Secretariat of the Council
to: Permanent Representatives Committee

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Subject: Proposal for a Regulation of the European Parliament and of the Council
on a European Union energy-efficiency labelling programme for office equipment
amending Regulation (EC) No 106/2008 on a Community energy-efficiency
labelling programme for office equipment
- Consideration of draft EP amendments

1. On 15 March 2012, the Commission presented a proposal for a European Union energy-efficiency labelling programme for office equipment amending Regulation (EC) No 106/2008 on a Community energy-efficiency labelling programme for office equipment.
2. On 21 and 29 March and 3 May 2012, the Working Party on Energy examined the proposal, finding it acceptable, bearing in mind that correspondence of specific obligations on public procurement proposed under this Regulation with those being negotiated under the Energy Efficiency Directive should be achieved.

3. On 18 September 2012, the European Parliament's Committee on Industry, Research and Energy voted five draft amendments. The Working Party on Energy examined those at its meeting of 27 September 2012 and found all five amendments acceptable. The Commission indicated that it supports all five amendments.
4. The 4-column text in Annex contains the Commission proposal, the ITRE opinion, the Council position, and a fourth column for Council views on ITRE amendments.¹
5. Coreper is invited to confirm the agreement found at the level of the Working Party that all five draft EP amendments are acceptable.

¹ Changes as compared to the Commission proposal are in **bold underlined**; deletions are reflected by **[...]**. It should be noted that the changes in the third column (carried over to the fourth column) compared to the Commission proposal are exclusively of a legal-linguistic nature and do not alter in any way the substance of the Commission's proposal. In the fourth column, the text of the draft EP amendments is shown in ***bold italics underlined***.

**Proposal for a Regulation of the European Parliament and of the Council
on a European Union energy-efficiency labelling programme for office equipment amending Regulation (EC) No 106/2008 on a Community energy-efficiency
labelling programme for office equipment**

COMMISSION PROPOSAL	ITRE OPINION	COUNCIL POSITION	COUNCIL VIEWS ON ITRE AMENDMENTS
RECITALS			
<p>(1) 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 equipment¹ implements the Energy Star Programme in the Union on the basis of the Agreement between the Government of the United States of America and the European Community on the coordination of energy-efficiency labelling programs for office equipment². This Agreement expired on 28 December 2011 and the Council adopted a decision authorising the Commission to negotiate a new five-year agreement with the United States. Negotiations regarding a new agreement were concluded on 29 November 2011. Therefore, the reference to the new agreement should be inserted.</p>		<p>(1) 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 equipment³ implements the Energy Star Programme in the Union on the basis of the Agreement between the Government of the United States of America and the European Community on the coordination of energy-efficiency labelling programs for office equipment⁴. This Agreement expired on 28 December 2011 and the Council adopted a decision authorising the Commission to negotiate a new five-year agreement with the United States. Negotiations regarding a new agreement were concluded on 29 November 2011. Therefore, the reference to the new agreement should be inserted.</p>	<p>(1) 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 equipment⁵ implements the Energy Star Programme in the Union on the basis of the Agreement between the Government of the United States of America and the European Community on the coordination of energy-efficiency labelling programs for office equipment⁶. This Agreement expired on 28 December 2011 and the Council adopted a decision authorising the Commission to negotiate a new five-year agreement with the United States. Negotiations regarding a new agreement were concluded on 29 November 2011. Therefore, the reference to the new agreement should be inserted.</p>

¹ OJ L 39, 13.2.2008, p. 1.

² OJ L 381, 28.12.2006, p. 26.

³ OJ L 39, 13.2.2008, p. 1.

⁴ OJ L 381, 28.12.2006, p. 26.

⁵ OJ L 39, 13.2.2008, p. 1.

⁶ OJ L 381, 28.12.2006, p. 26.

<p>(2) It is also necessary to update the references to Union labelling or quality-certification schemes established by Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products¹, Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products² and by Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel³.</p>	<p>(2) It is also necessary to update the references to Union labelling or quality-certification schemes established by Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products⁴, Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products⁵ and by Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel⁶.</p>	<p>(2) It is also necessary to update the references to Union labelling or quality-certification schemes established by Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products⁷, Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products⁸ and by Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel⁹.</p>
<p>(3) This amending Regulation provides a useful opportunity to insert a new name of the Energy Star Board.</p> <p>(4) Article 4(4) should be deleted to take into account Article VI of the new agreement which provides for two separate product certification schemes (self-certification for products placed on the Union market and third-party certification for products placed on the United States market).</p>	<p>(3) This amending Regulation provides a useful opportunity to insert a new name of the Energy Star Board.</p> <p>(4) <u>[...]</u> Article VI of the new agreement which provides for two separate product certification schemes (self-certification for products placed on the Union market and third-party certification for products placed on the United States market) should be taken into account.</p>	<p>(3) This amending Regulation provides a useful opportunity to insert a new name of the Energy Star Board.</p> <p>(4) <u>[...]</u> Article VI of the new agreement which provides for two separate product certification schemes (self-certification for products placed on the Union market and third-party certification for products placed on the United States market) should be taken into account.</p>

¹ OJ L 285, 31.10.2009, p. 10.
² OJ L 153, 18.6.2010, p. 1.
³ OJ L 27, 30.1.2010, p. 1.
⁴ OJ L 285, 31.10.2009, p. 10.
⁵ OJ L 153, 18.6.2010, p. 1.
⁶ OJ L 27, 30.1.2010, p. 1.
⁷ OJ L 285, 31.10.2009, p. 10.
⁸ OJ L 153, 18.6.2010, p. 1.
⁹ OJ L 27, 30.1.2010, p. 1.

<p>(5) The link with the relevant provisions of Directive [...] of the European Parliament and of the Council on energy efficiency and repealing Directive 2004/8/EC and 2006/32/EC¹ should be clarified in Article 6.</p>		<p>(5) The link with the relevant provisions of Directive 2012/.../EU [...] of the European Parliament and of the Council on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directive 2004/8/EC and 2006/32/EC², should be clarified [...].</p>	<p>(5) The link with the relevant provisions of Directive 2012/.../EU [...] of the European Parliament and of the Council on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directive 2004/8/EC and 2006/32/EC³, should be clarified [...].</p>
<p>(6) The respective obligations of the Commission and Member States for the enforcement of the Energy Star Programme set out in Article 12(3) should be clarified.</p>		<p>(6) The respective obligations of the Commission and Member States for the enforcement of the Energy Star Programme [...] should be clarified.</p>	<p>(6) The respective obligations of the Commission and Member States for the enforcement of the Energy Star Programme [...] should be clarified.</p>
<p>(7) The assessment of the Programme should include a consideration of alternative policy options and provide sufficient time for an informed decision on a possible renewal of the agreement.</p>		<p>(7) The assessment of the Programme should include a consideration of alternative policy options and provide sufficient time for an informed decision on a possible renewal of the agreement.</p>	<p>(7) The assessment of the Programme should include a consideration of alternative policy options and provide sufficient time for an informed decision on a possible renewal of the agreement.</p>
<p>(8) Regulation (EC) No 106/2008 should therefore be amended accordingly</p>		<p>(8) Regulation (EC) No 106/2008 should therefore be amended accordingly</p>	<p>(8) Regulation (EC) No 106/2008 should therefore be amended accordingly</p>
ARTICLES			
<p><i>Article 1</i> (1) Regulation (EC) No 106/2008 shall be amended as follows:</p>		<p><i>Article 1</i> [...] Regulation (EC) No 106/2008 is hereby amended as follows:</p>	<p><i>Article 1</i> [...] Regulation (EC) No 106/2008 is hereby amended as follows:</p>
		<p>(-1) the title is replaced by the following: "Regulation (EC) No 106/2008 of the European Parliament and of the Council of 15 January 2008 on a European Union energy-efficiency labelling programme for office equipment.";</p>	<p>(-1) the title is replaced by the following: "Regulation (EC) No 106/2008 of the European Parliament and of the Council of 15 January 2008 on a European Union energy-efficiency labelling programme for office equipment.";</p>

¹ OJ L [...], [...], p. [...].
² OJ L [...], [...], p. [...].
³ OJ L [...], [...], p. [...].

		<p>(-1a) Article 1 is replaced by the following: "Article 1 Objective</p> <p><u>This Regulation establishes the rules for the European Union energy efficiency labelling programme for office equipment (hereinafter referred to as the Energy Star programme) as defined in the Agreement."</u></p>	<p>(-1a) Article 1 is replaced by the following: "Article 1 Objective</p> <p><u>This Regulation establishes the rules for the European Union energy efficiency labelling programme for office equipment (hereinafter referred to as the Energy Star programme) as defined in the Agreement."</u></p>
<p>(1) Article 4 is replaced by the following:</p>		<p>(1) Article 4 is amended as follows: a) paragraph 1 is replaced by the following:</p> <p style="text-align: center;">"[...]"</p>	<p>(1) Article 4 is amended as follows: a) paragraph 1 is replaced by the following:</p> <p style="text-align: center;">"[...]"</p>
<p>"Article 4 General principles</p> <p>1. The Energy Star programme shall be coordinated, as appropriate, with other European Union labelling or quality certification arrangements as well as with schemes such as, in particular, the European Union Ecolabel award scheme, established by Regulation (EC) No 66/2010, the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products, established by Directive 2010/30/EC and measures</p>	<p style="text-align: center;">AM 1</p> <p>1. The Energy Star programme shall <i>contribute to fulfilling the Member States' and the Union's energy efficiency targets as referred to in Articles 1 and 3 of Directive/2012/EU of the European Parliament and of the Council of ... [on energy efficiency and repealing Directive 2004/8/EC and 2006/32/EC]</i>. <i>It shall</i> be coordinated, as appropriate, with other European Union labelling or quality certification arrangements as well as with schemes such as, in particular, the European Union Ecolabel award scheme, established by Regulation (EC) No 66/2010, the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products, established by Directive 2010/30/EC and measures</p>	<p>1. The Energy Star programme shall be coordinated, as appropriate, with other [...] Union labelling or quality certification arrangements as well as with schemes such as, in particular, the European Union Ecolabel award scheme, established by Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel*, the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products, established by Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related</p>	<p>1. The Energy Star programme shall <i>contribute to fulfilling the Member States' and the Union's energy efficiency targets as referred to in Articles 1 and 3 of Directive/2012/EU of the European Parliament and of the Council on energy efficiency*. It shall</i> be coordinated, as appropriate, with other [...] Union labelling or quality certification arrangements as well as with schemes such as, in particular, the European Union Ecolabel award scheme, established by Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel**, the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products,</p>

	<p>implementing Directive 2009/125/EC. This coordination shall include the exchange of evidence and, if appropriate, the setting of common levels of specifications and requirements across the different schemes.</p> <p><i>OJL</i></p>	<p>products** and measures implementing Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products***. That coordination shall include the exchange of evidence and, if appropriate, the setting of common levels of specifications and requirements across the different schemes.</p> <p>* <u>OJ L 27, 30.1.2010, p. 1.</u> ** <u>OJ L 153, 18.6.2010, p. 1.</u> *** <u>OJ L 285, 31.10.2009, p. 10.</u>;</p>	<p>established by Directive 2010/30/EU of the European Parliament and of the Council 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** and measures implementing Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products***. That coordination shall include the exchange of evidence and, if appropriate, the setting of common levels of specifications and requirements across the different schemes.</p> <p>* <i>OJL</i> ... ** <u>OJ L 27, 30.1.2010, p. 1.</u> *** <u>OJ L 153, 18.6.2010, p. 1.</u> **** <u>OJ L 285, 31.10.2009, p. 10.</u>;</p>
<p>2. Other existing and new voluntary energy-efficiency labelling schemes for office equipment products in the Member States may co-exist with the Energy Star programme.</p>		<p>b) paragraphs 4 and 5 are replaced by the following:</p> <p>4. Other existing and new voluntary energy-efficiency labelling schemes for office equipment products in the Member States may co-exist with the Energy Star programme.</p>	<p>b) paragraphs 4 and 5 are replaced by the following:</p> <p>4. Other existing and new voluntary energy-efficiency labelling schemes for office equipment products in the Member States may co-exist with the Energy Star programme.</p>
<p>3. The Common Logo may be used by programme participants on their individual office equipment products and on associated promotional material.</p>		<p>b) paragraphs 4 and 5 are replaced by the following:</p> <p>4. Other existing and new voluntary energy-efficiency labelling schemes for office equipment products in the Member States may co-exist with the Energy Star programme.</p>	<p>b) paragraphs 4 and 5 are replaced by the following:</p> <p>4. Other existing and new voluntary energy-efficiency labelling schemes for office equipment products in the Member States may co-exist with the Energy Star programme.</p>

<p>4. Participation in the Energy Star programme shall be on a voluntary basis.</p>		<p>[...]</p>	<p>[...]</p>
<p>5. Without prejudice to any European Union rules on conformity assessment and conformity marking and/or to any international agreement concluded between the European Union and third countries as regards access to the European Union market, products covered by this Regulation which are placed on the European Union market may be tested by the Commission or Member States in order to verify their compliance with the requirements of this Regulation.</p>		<p>5. Without prejudice to any [...] Union rules on conformity assessment and conformity marking and/or to any international agreement concluded between the [...] Union and third countries as regards access to the [...] Union market, products covered by this Regulation which are placed on the [...] Union market may be tested by the Commission or Member States in order to verify their compliance with the requirements of this Regulation.";</p>	<p>5. Without prejudice to any [...] Union rules on conformity assessment and conformity marking and/or to any international agreement concluded between the [...] Union and third countries as regards access to the [...] Union market, products covered by this Regulation which are placed on the [...] Union market may be tested by the Commission or Member States in order to verify their compliance with the requirements of this Regulation.";</p>
<p>(2) Article 6 is replaced by the following:</p>		<p>(2) Article 6 is replaced by the following:</p>	<p>(2) Article 6 is replaced by the following:</p>
<p>Promotion of energy-efficiency criteria</p>	<p>AM 2</p>	<p>Promotion of energy-efficiency criteria</p>	<p>Promotion of energy-efficiency criteria</p>
<p>1. For the duration of the Agreement central government authorities within the meaning of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, shall, without prejudice to Union and national law and economic criteria,</p>	<p>1. For the duration of the Agreement central government authorities within the meaning of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, shall, without prejudice to Union and national law and economic criteria,</p>	<p>1. For the duration of the Agreement central government authorities within the meaning of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts[...]*, shall, without prejudice to Union and national law and economic criteria, specify energy-efficiency</p>	<p>1. For the duration of the Agreement central government authorities within the meaning of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts[...]*, shall, without prejudice to Union and national law and economic criteria, specify energy-efficiency</p>

¹ OJ L 134, 30.4.2004, p. 114. Directive as last amended by Commission Regulation (EC) No 1422/2007 (OJ L 317, 5.12.2007, p. 34).

<p>specify energy-efficiency requirements not less demanding than the Common Specifications for public supply contracts having a value equal to or greater than the thresholds laid down in Article 7 of that Directive. This Article shall apply without prejudice to the provisions laid down in Article 5 and Annex III(f) of the Directive [.../.../EU] of the European Parliament and of the Council on energy efficiency and repealing Directive 2004/8/EC and 2006/32/EC¹.</p>	<p>specify energy-efficiency requirements not less demanding than the Common Specifications for public supply contracts having a value equal to or greater than the thresholds laid down in Article 7 of that Directive. Contracting authorities at regional and local level shall be encouraged by Member States to use these requirements. This Article shall apply without prejudice to the provisions laid down in Article 5 of and point (f) of <i>Annex III</i> to Directive/2012/EU/ of the European Parliament and of the Council on energy efficiency and repealing Directive 2004/8/EC and 2006/32/EC/.</p>	<p>requirements not less demanding than the Common Specifications for public supply contracts having a value equal to or greater than the thresholds laid down in Article 7 of that Directive. This Article shall apply without prejudice to the provisions laid down in Article 5 [.../.../EU] of the European Parliament and of the Council on energy efficiency** [.../.../EU] and in point (f) of Annex III to that Directive.</p> <p style="text-align: center;">* <u>OJ L 134, 30.4.2004, p. 114.</u> ** <u>OJ L ..."</u></p>	<p>requirements not less demanding than the Common Specifications for public supply contracts having a value equal to or greater than the thresholds laid down in Article 7 of that Directive. Contracting authorities at regional and local level shall be encouraged by Member States to use these requirements. This Article shall apply without prejudice to the provisions laid down in Article 5 [.../.../EU] of the Directive 2012/.../EU[...] of the European Parliament and of the Council on energy efficiency** [.../.../EU] and in point (f) of Annex III to that Directive.</p> <p style="text-align: center;">* <u>OJ L 134, 30.4.2004, p. 114.</u> ** <u>OJ L ..."</u></p>
<p>2. For the duration of the Agreement the Commission and the other Union institutions shall, without prejudice to Union and national law and economic criteria, specify energy-efficiency requirements not less demanding than the Common Specifications for public supply contracts having a value equal to or greater than the thresholds laid down in Article 7 of Directive 2004/18/EC.</p>		<p>2. For the duration of the Agreement the Commission and the other Union institutions shall, without prejudice to Union and national law and economic criteria, specify energy-efficiency requirements not less demanding than the Common Specifications for public supply contracts having a value equal to or greater than the thresholds laid down in Article 7 of Directive 2004/18/EC.</p>	<p>2. For the duration of the Agreement the Commission and the other Union institutions shall, without prejudice to Union and national law and economic criteria, specify energy-efficiency requirements not less demanding than the Common Specifications for public supply contracts having a value equal to or greater than the thresholds laid down in Article 7 of Directive 2004/18/EC.</p>
<p>(3) Article 7 is deleted.</p>		<p>(3) Article 7 is deleted;</p>	<p>(3) Article 7 is deleted;</p>

¹ OJ L [...], [...], p. [...].

<p>(4) Article 8 is replaced by the following:</p> <p>European Union Energy Star Board</p> <p><i>"Article 8</i></p> <p>1. The Commission shall establish a European Union Energy Star Board (EUESB) consisting of national representatives referred to in Article 9 and representatives of interested parties. The EUESB shall review the implementation of the Energy Star programme within the Union and shall provide the Commission with advice and assistance, as appropriate, to enable it to carry out its role as Management Entity, as referred to in Article IV of the Agreement.</p>		<p>(4) Article 8 is replaced by the following:</p> <p>European Union Energy Star Board</p> <p><i>"Article 8</i></p> <p>1. The Commission shall establish a European Union Energy Star Board (EUESB) consisting of national representatives referred to in Article 9 and representatives of interested parties. The EUESB shall review the implementation of the Energy Star programme within the Union and shall provide the Commission with advice and assistance, as appropriate, to enable it to carry out its role as Management Entity, as referred to in Article IV of the Agreement.</p>	<p>(4) Article 8 is replaced by the following:</p> <p>European Union Energy Star Board</p> <p><i>"Article 8</i></p> <p>1. The Commission shall establish a European Union Energy Star Board (EUESB) consisting of national representatives referred to in Article 9 and representatives of interested parties. The EUESB shall review the implementation of the Energy Star programme within the Union and shall provide the Commission with advice and assistance, as appropriate, to enable it to carry out its role as Management Entity, as referred to in Article IV of the Agreement.</p>
<p>2. The Commission shall ensure that, to the extent possible in the conduct of its activities, the EUESB observes, in respect of each office equipment product group, the balanced participation of all relevant interested parties concerned with that product group, such as manufacturers, retailers, importers, environmental protection groups and consumer organisations.</p>		<p>2. The Commission shall ensure that, to the extent possible in the conduct of its activities, the EUESB observes, in respect of each office equipment product group, the balanced participation of all relevant interested parties concerned with that product group, such as manufacturers, retailers, importers, environmental protection groups and consumer organisations.</p>	<p>2. The Commission shall ensure that, to the extent possible in the conduct of its activities, the EUESB observes, in respect of each office equipment product group, the balanced participation of all relevant interested parties concerned with that product group, such as manufacturers, retailers, importers, environmental protection groups and consumer organisations.</p>
<p>3. The Commission, assisted by the EUESB, shall monitor the market penetration of products bearing the Common Logo and developments in the energy efficiency of office equipment, with a view to the timely revision of the Common Specifications.</p>		<p>3. The Commission, assisted by the EUESB, shall monitor the market penetration of products bearing the Common Logo and developments in the energy efficiency of office equipment, with a view to the timely revision of the Common Specifications.</p>	<p>3. The Commission, assisted by the EUESB, shall monitor the market penetration of products bearing the Common Logo and developments in the energy efficiency of office equipment, with a view to the timely revision of the Common Specifications.</p>

<p>4. The Commission shall establish the EUESB's rules of procedure, taking account of the views of national representatives in the EUESB."</p>		<p>4. The Commission shall establish the EUESB's rules of procedure, taking account of the views of national representatives in the EUESB."</p>	<p>4. The Commission shall establish the EUESB's rules of procedure, taking account of the views of national representatives in the EUESB."</p>
<p>(5) Article 11 is replaced by the following:</p>		<p><u>(4a) point (a) in Article 10 is replaced by the following:</u> <u>"(a) the objectives for energy-efficiency improvement, bearing in mind the need to pursue a high standard of consumer and environmental protection and the market penetration which the Energy Star programme should seek to achieve at Union level;"</u>;</p> <p>(5) Article 11 is replaced by the following:</p>	<p><u>(4a) point (a) in Article 10 is replaced by the following:</u> <u>"(a) the objectives for energy-efficiency improvement, bearing in mind the need to pursue a high standard of consumer and environmental protection and the market penetration which the Energy Star programme should seek to achieve at Union level;"</u>;</p> <p>(5) Article 11 is replaced by the following:</p>

<p><i>"Article 11</i> Preparatory procedures for the revision of technical criteria</p> <p>1. With a view to preparing for the revision of the Common Specifications and of the office equipment product groups covered by Annex C to the Agreement, and before submitting a draft proposal or replying to USEPA in accordance with the procedures laid down in the Agreement and in Council Decision [...] of [...] concerning 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 equipment¹, the steps set out in paragraphs 2 to 5 shall be taken.</p> <p>2. The Commission may request the EUESB to make a proposal for the revision of the Agreement or of the Common Specifications for a product. The Commission may make a proposal to the EUESB for the revision of the Common Specifications for a product or the Agreement. The EUESB may also make a proposal to the Commission on its own initiative.</p>		<p><i>"Article 11</i> Preparatory procedures for the revision of technical criteria</p> <p>1. With a view to preparing for the revision of the Common Specifications and of the office equipment product groups covered by Annex C to the Agreement, and before submitting a draft proposal or replying to USEPA in accordance with the procedures laid down in the Agreement and in Council Decision [...] of [...] concerning 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*, the steps set out in paragraphs 2 to 5 shall be taken.</p> <p>2. The Commission may request the EUESB to make a proposal for the revision of the Agreement or of the Common Specifications for a product. The Commission may make a proposal to the EUESB for the revision of the Common Specifications for a product or the Agreement. The EUESB may also make a proposal to the Commission on its own initiative.</p>	<p><i>"Article 11</i> Preparatory procedures for the revision of technical criteria</p> <p>1. With a view to preparing for the revision of the Common Specifications and of the office equipment product groups covered by Annex C to the Agreement, and before submitting a draft proposal or replying to USEPA in accordance with the procedures laid down in the Agreement and in Council Decision [...] of [...] concerning 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*, the steps set out in paragraphs 2 to 5 shall be taken.</p> <p>2. The Commission may request the EUESB to make a proposal for the revision of the Agreement or of the Common Specifications for a product. The Commission may make a proposal to the EUESB for the revision of the Common Specifications for a product or the Agreement. The EUESB may also make a proposal to the Commission on its own initiative.</p>
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¹ OJL [...], [...], p. [...].

<p>3. The Commission shall consult the EUESB whenever it receives a proposal for revision of the Agreement from USEPA.</p>		<p>3. The Commission shall consult the EUESB whenever it receives a proposal for revision of the Agreement from USEPA.</p>	<p>3. The Commission shall consult the EUESB whenever it receives a proposal for revision of the Agreement from USEPA.</p>
<p>4. When giving their views to the Commission, the members of the EUESB shall take into account the results of feasibility and market studies and available technology for reducing energy consumption.</p>	<p>AM 3</p> <p>4. When giving their views to the Commission, the members of the EUESB shall take into account the results of feasibility and market studies and <i>best</i> available technology for reducing energy consumption.</p>	<p>4. When giving their views to the Commission, the members of the EUESB shall take into account the results of feasibility and market studies and available technology for reducing energy consumption.</p>	<p>4. When giving their views to the Commission, the members of the EUESB shall take into account the results of feasibility and market studies and <i>best</i> available technology for reducing energy consumption.</p>
<p>5. The Commission shall take particular account of the objective of setting Common Specifications at an ambitious level, as provided for in Article I, paragraph 3, of the Agreement, with the aim of reducing energy consumption and shall have due regard for the technology available and the associated costs. In particular, the EUESB shall, before giving its views on any new Common Specifications, take into account the latest results of ecodesign studies."</p>	<p>AM 4</p> <p>5. The Commission shall take particular account of the objective of setting Common Specifications at an ambitious level, as provided for in Article I, paragraph 3, of the Agreement, with the aim of reducing energy consumption and shall have due regard for the technology available and the associated <i>life-cycle</i> costs. In particular, the EUESB shall, before giving its views on any new Common Specifications, take into account the latest results of ecodesign studies.</p>	<p>5. The Commission shall take particular account of the objective of setting Common Specifications at an ambitious level, as provided for in Article I, paragraph 3, of the Agreement, with the aim of reducing energy consumption and shall have due regard for the technology available and the associated costs. In particular, the EUESB shall, before giving its views on any new Common Specifications, take into account the latest results of ecodesign studies."</p>	<p>5. The Commission shall take particular account of the objective of setting Common Specifications at an ambitious level, as provided for in Article I, paragraph 3, of the Agreement, with the aim of reducing energy consumption and shall have due regard for the technology available and the associated <i>life-cycle</i> costs. In particular, the EUESB shall, before giving its views on any new Common Specifications, take into account the latest results of ecodesign studies."</p>
<p>(6) Articles 12 and 13 are replaced by the following:</p>		<p>* O J L ..."; (6) Article[...]12(3) is replaced by the following:</p>	<p>* O J L ..."; (6) Article[...]12(3) is replaced by the following:</p>

<p><i>"Article 12 Market surveillance and control of abuse</i></p> <p>1. The Common Logo shall be used only in connection with the products covered by the Agreement and in accordance with the Common Logo user guidelines contained in Annex B to the Agreement.</p> <p>2. Any false or misleading advertising or use of any label or logo which leads to confusion with the Common Logo shall be prohibited.</p> <p>3. The Commission shall ensure proper use of the Common Logo by undertaking or coordinating action described in Article IX, paragraphs 2, 3 and 4, of the Agreement. Member States shall take action as appropriate, notably described in Article IX, paragraph 5, of the Agreement to ensure conformity with the provisions of this Regulation in their own territory and shall inform the Commission. Member States may refer evidence of non-compliance by programme participants to the Commission for initial action.</p>		[...]	[...]
		[...]	[...]
		<p>"3. The Commission shall ensure proper use of the Common Logo by undertaking or coordinating action described in Article IX, paragraphs 2, 3 and 4, of the Agreement. Member States shall take action as appropriate, notably described in Article IX, paragraph 5, of the Agreement to ensure conformity with the provisions of this Regulation in their own territory and shall inform the Commission. Member States may refer evidence of non-compliance by programme participants to the Commission for initial action."</p>	<p>"3. The Commission shall ensure proper use of the Common Logo by undertaking or coordinating action described in Article IX, paragraphs 2, 3 and 4, of the Agreement. Member States shall take action as appropriate, notably described in Article IX, paragraph 5, of the Agreement to ensure conformity with the provisions of this Regulation in their own territory and shall inform the Commission. Member States may refer evidence of non-compliance by programme participants to the Commission for initial action."</p>

<p>"Article 13 Review and revision</p> <p>Before the Parties to the Agreement discuss its renewal in accordance with Article XIV, paragraph 2 thereof the Commission shall evaluate the effectiveness of the Energy Star programme in improving the energy efficiency of office equipment and in providing market opportunities for manufacturers, and asses alternative policy options such as those provided by Union legislation, notably Directive 2009/125/EC and 2010/30/EC. The results of such an evaluation and assessment shall be reported to the Council at least two years before the expiry of the Agreement."</p> <p>(7) Article 14 is deleted</p>	<p>AM 5</p> <p>Before the Parties to the Agreement discuss its renewal in accordance with Article XIV, paragraph 2 thereof the Commission shall evaluate the effectiveness of the Energy Star programme in improving the energy efficiency of office equipment, in creating new jobs and in providing market opportunities for manufacturers, and asses alternative policy options such as those provided by Union legislation, notably Directive 2009/125/EC and 2010/30/EC. The results of such an evaluation and assessment shall be reported to the European Parliament and to the Council at least two years before the expiry of the Agreement.</p>	<p>(6a) Article 13 is replaced by the following:</p> <p>"Article 13 Review and revision</p> <p>Before the Parties to the Agreement discuss its renewal in accordance with Article XIV, paragraph 2 thereof the Commission shall evaluate the effectiveness of the Energy Star programme in improving the energy efficiency of office equipment and in providing market opportunities for manufacturers, and asses alternative policy options such as those provided by Union legislation, notably Directive 2009/125/EC and 2010/30/EC. The results of such an evaluation and assessment shall be reported to the European Parliament and to the Council at least two years before the expiry of the Agreement." ;</p> <p>(7) Article 14 is deleted.</p>	<p>(6a) Article 13 is replaced by the following:</p> <p>"Article 13 Review and revision</p> <p>Before the Parties to the Agreement discuss its renewal in accordance with Article XIV, paragraph 2 thereof the Commission shall evaluate the effectiveness of the Energy Star programme in improving the energy efficiency of office equipment, in creating new jobs and in providing market opportunities for manufacturers, and asses alternative policy options such as those provided by Union legislation, notably Directive 2009/125/EC and 2010/30/EC. The results of such an evaluation and assessment shall be reported to the European Parliament and to the Council at least two years before the expiry of the Agreement." ;</p> <p>(7) Article 14 is deleted.</p>
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<p><i>Article 2</i> Entry into force</p> <p>This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p> <p>This Regulation shall be binding in its entirety and directly applicable in all Member States.</p> <p>Done at Brussels,</p> <p><i>For the European Parliament</i> <i>The President</i></p>		<p><i>Article 2</i> Entry into force</p> <p>This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p> <p>This Regulation shall be binding in its entirety and directly applicable in all Member States.</p> <p>Done at Brussels,</p> <p><i>For the European Parliament</i> <i>The President</i></p>	<p><i>Article 2</i> Entry into force</p> <p>This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p> <p>This Regulation shall be binding in its entirety and directly applicable in all Member States.</p> <p>Done at Brussels,</p> <p><i>For the European Parliament</i> <i>The President</i></p>
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