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#### NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	11960/16 ENER 308 ENV 572 CONSOM 209 CODEC 1235
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL setting a framework for energy efficiency labelling and repealing Directive 2010/30/EU

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**DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (21.10.2016)**

#### I. INTRODUCTION

On 15 July 2015, the Commission transmitted the above proposal to the European Parliament and to the Council.

The examination of the proposal by the Working Party on Energy started under the Luxembourg Presidency, and on 26 November 2015, the Council (Transport, Telecommunications and Energy) adopted a general approach on the proposal.

The European Economic and Social Committee gave its opinion on 20 January 2016. The Committee of the Regions decided not to give an opinion on this proposal.

The ITRE Committee of the European Parliament, has appointed Mr Dario Tamburrano (EFDD-IT) as rapporteur. Following the vote at the ITRE Committee on 14 June, the European Parliament voted its amendments to the text and granted a negotiating mandate at its plenary session on 6 July 2016.

The first introductory trilogue took place under the Slovak Presidency on 14 July 2016, followed by two technical meetings on 31 August and 13 September. The second trilogue took place on 15 September, followed by two technical meetings on 16 and 21 September.

At the second informal trilogue and the two technical meetings that followed, the Council and the Parliament could agree on several important items, such as scope, definitions, suppliers' and dealers' obligations, Member States' obligations, enforcement, harmonised standards, the working plan and consultation forum, as well as reporting. A few minor outstanding issues remain, on which the European Parliament submitted further demands.

In view of the third informal trilogue, scheduled for 11 October 2016, the Presidency prepared a new compromise package on these minor outstanding issues, as well as on the core political issues of rescaling and the product database.

Delegations could accept the majority of the new compromise proposals, which make significant moves towards the European Parliament on these two core political issues, but maintain the Council's two step approach to delegated and implementing acts. The Presidency compromise also includes adapted recitals, aligns the terminology on products and product models following the Commission's clarifications distributed at Working Party level, and improves the text for legal clarity.

In response to delegations' concerns expressed at the last Working Party meeting on 19 September 2016, the Presidency has further fine-tuned the compromise proposals. These latest changes are explained below.

## II. MINOR ISSUES PENDING AFTER THE SECOND TRILOGUE

**DELETED**

### III. CORE POLITICAL ISSUES

**DELETED**

#### **IV. CONCLUSION**

Taking into account the above, the Permanent Representatives Committee is invited to examine the compromise proposals in the annex, confirm the changes proposed and to grant the Presidency a new mandate with a view to negotiating a first reading agreement with the European Parliament.

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL setting a framework for energy efficiency labelling  
and repealing Directive 2010/30/EU

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

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

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

<b>Amendment 1</b>			
<b>Recital 1</b>			
(1) The European Union is committed to building an Energy Union with a forward looking climate policy. Energy efficiency is a crucial element of the European Union's 2030 Climate and Energy Policy Framework and is key to moderate energy demand.	(1) The European Union is committed to building an Energy Union with a forward looking <i>energy and</i> climate policy. Energy efficiency is a crucial element of the European Union's 2030 Climate and Energy Policy Framework and is key to moderate energy demand <i>and limiting greenhouse gas emissions</i> .	(1) The European Union is committed to building an Energy Union with a forward looking climate policy. Energy efficiency is a crucial element of the European Union's 2030 Climate and Energy Policy Framework and is key to moderate energy demand.	
<b>Amendment 2</b>			
<b>Recital 2</b>			
(2) Energy efficiency labelling allows consumers to make informed choices with regard to energy consumption of products and thereby promotes innovation.	(2) Energy efficiency labelling allows consumers to make informed choices with regard to <i>efficient and sustainable energy-related</i> products and thereby <i>makes a significant contribution to energy savings and to reducing energy bills, while at the same time promoting innovation and investments into the production of more energy efficient products</i> .	(2) Energy [ ] labelling allows consumers to make informed choices with regard to energy consumption of products and thereby promotes innovation. <b><u>Improving the efficiency of energy-related products through informed consumer choice and harmonising related requirements at Union level benefits manufacturers, industry and the EU economy overall.</u></b>	
(3) Directive 2010/30/EU of the European Parliament and of the Council <sup>3</sup> was evaluated for its		(3) Directive 2010/30/EU of the European Parliament and of the Council was evaluated for its	

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

effectiveness <sup>4</sup> . The evaluation identified the need to update the Energy Labelling framework to improve its effectiveness.		effectiveness. The evaluation identified the need to update the Energy Labelling framework to improve its effectiveness.	
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<sup>4</sup> COM(2015) 143



**Amendment 3**

**Recital 4**

(4) It is appropriate to replace Directive 2010/30/EU by a Regulation which maintains the same scope, but modifies and enhances some of its provisions in order to clarify and update their content. A Regulation is the appropriate legal instrument as it imposes clear and detailed rules which do not give room for divergent transposition by Member States and ensures thus a higher degree of harmonisation across the Union. A harmonised regulatory framework at Union rather than at Member State level brings down costs for manufacturers and ensures a level playing field. Harmonisation across the Union ensures the free movement of goods across the Single Market.

(4) It is appropriate to replace Directive 2010/30/EU by a Regulation which maintains the same scope, but modifies and enhances some of its provisions in order to clarify and update their content *taking into account the rapid technological progress for energy efficiency in products achieved over recent years*. A Regulation is the appropriate legal instrument as it imposes clear and detailed rules which do not give room for divergent transposition by Member States and ensures thus a higher degree of harmonisation across the Union,. A harmonised regulatory framework at Union rather than at Member State level brings down costs for manufacturers *over the entire value chain* and ensures a level playing field. Harmonisation across the Union ensures the free movement of goods across the Single Market.

(4) It is appropriate to replace Directive 2010/30/EU by a Regulation which maintains the same scope, but modifies and enhances some of its provisions in order to clarify and update their content. As the energy consumption of means of transport for persons or goods is directly or indirectly regulated by other Union legislation and policies, it is appropriate to continue to exempt them from the scope of this Regulation. However, it is appropriate to clarify that means of transport whose motor stays in the same location during operation, such as elevators, escalators and conveyor belts, should be within the scope of the Regulation.

<b>Amendment 4</b>			
<b>Recital 4a (new)</b>			
	<i>(4 a) It is appropriate to exempt second hand products from this Regulation, which includes all those products that have been put into service before being made available on the market for a second or additional time.</i>		
<b>Amendment 5</b>			
<b>Recital 4b (new)</b>			
	<i>(4 b) Since the energy consumption of means of transport for persons or goods is directly or indirectly regulated by other Union law and policies, it is appropriate to continue to exclude them from the scope of this Regulation. That exclusion includes means of transport the motor of which remains in the same location during operation, such as elevators, escalators and conveyor belts.</i>		

		(5) A Regulation is the appropriate legal instrument as it imposes clear and detailed rules which do not give room for divergent transposition by Member States and ensures thus a higher degree of harmonisation across the Union. A harmonised regulatory framework at Union rather than at Member State level brings down costs for manufacturers and ensures a level playing field. Harmonisation across the Union ensures the free movement of goods across the Single Market.	
(5) Moderating energy demand is recognised as a key action in the European Energy Security Strategy <sup>5</sup> . The Energy Union Framework Strategy <sup>6</sup> further emphasised the energy efficiency first principle and the need to fully implement existing Union energy legislation. Its Roadmap provided for a review of the energy efficiency framework for products in 2015. This Regulation will improve the legislative and enforcement framework for energy labelling.		(6) Moderating energy demand is recognised as a key action in the European Energy Security Strategy. The Energy Union Framework Strategy further emphasised the energy efficiency first principle and the need to fully implement existing Union energy legislation. Its Roadmap provided for a review of the energy efficiency framework for products in 2015. This Regulation will improve the legislative and enforcement framework for energy labelling.	

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

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

**Amendment 6**

**Recital 7**

(7) Improving the efficiency of energy-related products through informed consumer choice benefits the Union economy overall, drives innovation and will contribute to the achievement of the Union's 2020 and 2030 energy efficiency targets. It will also allow consumers to save money.

(7) Improving the efficiency of energy-related products through informed consumer choice ***and enhanced societal awareness*** benefits the Union economy overall, ***reduces energy demand and saves money on energy bills. It also contributes to energy security, provides an incentive for research, innovation and investments into energy efficiency, and allows industries which develop and produce the most energy efficient products to gain a competitive advantage. It will also*** contribute to the achievement of the Union's 2020 and 2030 energy efficiency targets, ***as well as to the Union's environmental and climate goals.***

(7) Improving the efficiency of energy-related products through informed **customer** choice benefits the Union economy overall, drives innovation and will contribute to the achievement of the Union's 2020 and 2030 energy efficiency targets. It will also allow **customers** to save money.

**Amendment 7**  
**Recital 8**

<p>(8) The conclusions of the European Council of 23 and 24 October 2014 set an indicative target at Union level of at least 27% for improving energy efficiency in 2030 compared to projections of future energy consumption. This target will be reviewed by 2020 having in mind an Union level of 30%. They also set a binding EU target of at least 40% domestic reduction in greenhouse gas emissions by 2030 compared to 1990, including a 30% reduction of emissions in non-ETS sectors.</p>	<p><i>deleted</i></p>	<p>(8) The conclusions of the European Council of 23 and 24 October 2014 set an indicative target at Union level of at least 27% for improving energy efficiency in 2030 compared to projections of future energy consumption. This target will be reviewed by 2020 having in mind an Union level of 30%. They also set a binding EU target of at least 40% domestic reduction in greenhouse gas emissions by 2030 compared to 1990, including a 30% reduction of emissions in non-ETS sectors.</p>	
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**Amendment 8**

**Recital 9**

(9) The provision of accurate, relevant and comparable information on the specific energy consumption of energy-related products facilitates the customer's choice in favour of those products which consume less energy and other essential resources during use. A standardised mandatory label is an effective mean to provide potential customers with comparable information on the energy consumption of energy-related products. It should be supplemented with a product information sheet. The label should be easily recognisable, simple and concise. To this end the existing dark green to red colour scale of the label should be retained as the basis to inform customers about the energy efficiency of products.

(9) The provision of accurate, relevant, ***verifiable*** and comparable information on the specific energy consumption of energy-related products facilitates the customer's choice in favour of those products which consume less energy and other essential resources during use ***in order to achieve a certain performance, therefore having reduced life-cycle costs***. A standardised mandatory label is an effective mean to provide potential customers with comparable information on the energy ***efficiency and absolute energy*** consumption of energy-related products. It should be supplemented with a product information sheet, ***referred to as 'product fiche' in the delegated acts adopted pursuant to Directive 2010/30/EU, which may be made available electronically***. The label should be ***concise, based on proper measurement and calculation methodology, and easily recognisable and***

(9) The provision of accurate, relevant and comparable information on the specific energy consumption of energy-related products facilitates the customer's choice in favour of those products which consume less energy and other essential resources during use. A standardised mandatory label is an effective mean to provide potential customers with comparable information on the energy consumption of energy-related products. It should be supplemented with a product information sheet. The label should be easily recognisable, simple and concise. To this end the existing dark green to red colour scale of the label should be retained as the basis to inform customers about the energy efficiency of products.

	<p><i>understandable</i>. To this end the <i>established set of colours of the label, dark green to red</i>, should be retained as the basis to inform customers about the energy efficiency of products.</p>		
<p><i>(recital 9 continued)</i> A classification using letters from A to G has shown to be most effective for customers. In situations where because of ecodesign measures under Directive 2009/125/EC products can no longer fall into classes 'F' or 'G', those classes should not be shown on the label. For exceptional cases this should also be extended to the 'D' and 'E' classes, although this situation is unlikely to occur given that the label would be rescaled once a majority of product models falls into the top two classes.</p>	<p><i>The known</i> classification using letters from A to G has shown to be most effective for customers. <i>Its uniform application across products groups should raise transparency and understanding among customers</i>. In situations where because of ecodesign measures under Directive 2009/125/EC products can no longer fall into classes 'F' or 'G', those classes should <i>nonetheless</i> be shown on the label <i>in dark grey, in order to maintain a unified scale from A to G for all product groups. In that context, the dark green to red colour scale of the label should be retained for the remaining upper classes and should only apply to new product units placed on the market.</i></p>	<p>(9a) A classification using letters from A to G has shown to be cost effective for customers. <b><u>However, in some cases, such as reaching insufficient savings across the full spectrum of the seven classes, a shorter scale could be appropriate.</u></b> In situations where because of ecodesign measures under Directive 2009/125/EC products can no longer fall into classes 'F' or 'G', those classes should not be shown on the label. For exceptional cases this should also be extended to the 'D' and 'E' classes, although this situation is unlikely to occur given that the label would be <b><u>reviewed in view of rescaling [ ] once 30 percent of the products [ ] sold falls into the top [ ] class and further technological development can be expected soon.</u></b></p>	

		<p><b><u>(9b) When suppliers supply a label with a product they place on the market, it should accompany in a paper form each unit of the product complying with the requirements of the relevant implementing act. If the implementing act allows it, the label may instead be printed on the packaging of the product. The relevant implementing acts should set out the most effective way of displaying the labels, taking into account implications for consumers, suppliers and dealers. The dealer should be able to display the supplied label together with the unit in the position required by the relevant implementing act.</u></b></p>	
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**Amendment 9  
Recital 10**

<p>(10) Advances in digital technology allow for alternative ways of delivering and displaying labels electronically, such as on the internet, but also on electronic displays in shops. In order to take advantage of such advances, this Regulation should allow the use of electronic labels as replacement of or complementary to the physical energy label. In cases where it is not feasible to display the energy label, such as certain forms of distance selling and in advertisements and technical promotional material, potential customers should be provided at least with the energy class of the product.</p>	<p>(10) Advances in digital technology allow for alternative ways of delivering and displaying labels electronically, such as on the internet, but also on electronic displays in shops. In order to take advantage of such advances, this Regulation should allow the use of electronic labels complementary to the <i>printed</i> energy label. <b><i>This provision does not affect the duty of the supplier to accompany each unit of a product with a printed label for the dealer.</i></b> In cases where it is not feasible to display the energy label, potential customers should be provided at least with the energy class of the product <i>model</i>. <b><i>The delegated acts for specific product groups could also establish alternative provisions for displaying the label for small-sized products, and when identical products are displayed together in large quantity.</i></b></p>	<p>(10) <b><u>Advances</u></b> in digital technology allow for alternative ways of [ ] <b><u>supplying</u></b> and displaying labels <b><u>and product information sheets</u></b> electronically, such as on the internet <b><u>or via the product database</u></b>, but also on electronic displays in shops. <b><u>Without affecting the obligation of the supplier to provide the label in physical form, [ ] such technological advances should be taken advantage of. Therefore,</u></b> this Regulation should allow the use of electronic labels as replacement of or complementary to the physical <b><u>supply of the</u></b> energy label, <b><u>and include the alternative to allow in implementing acts for the product information sheet to be delivered only by means of the information available in the product database.</u></b></p>	
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		<p><b><u>(10a)</u></b> In cases where it is not feasible to display the energy label, such as certain forms of distance selling and in advertisements and technical promotional material, potential customers should be provided at least with the energy class of the product, <b><u>the range of the efficiency classes available on the label and, where appropriate, energy consumption.</u></b> <b><u>In the case of radio advertising it would be appropriate for implementing acts to provide for less comprehensive details to be included.</u></b></p>	
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**Amendment 10**

**Recital 11**

<p>(11) Manufacturers respond to the energy label by creating ever more efficient products. This technological development leads to products populating mainly the highest classes of the energy label. Further product differentiation may be necessary to allow customers a proper comparison, leading to the need to rescale labels. For the frequency of such rescaling a timescale of approximately ten years would be appropriate, taking into account the need to avoid over burdening manufacturers. This Regulation should therefore lay down detailed arrangements for rescaling in order to maximise legal certainty for suppliers and dealers. A newly rescaled label should have empty top classes to encourage technological progress and enable ever more efficient products to be developed and recognised. When a label is rescaled, confusion to customers should be avoided by replacing all energy labels within a short timeframe.</p>	<p>(11) Manufacturers respond to the energy label by <i>developing and placing on the market</i> ever more efficient products. <i>In parallel, they discontinue the production of less efficient products, stimulated to do so by Union law relating to ecodesign.</i> This technological development leads to <i>product models</i> populating mainly the highest classes of the energy label. Further product differentiation may be necessary to allow customers a proper comparison, leading to the need to rescale labels. For the frequency of such rescaling a timescale of approximately ten years would be <i>desirable</i>, taking into account the need to avoid over burdening manufacturers <i>and dealers, with a special consideration for small businesses. Such an approach should avoid unnecessary or inefficient rescaling that would damage both manufacturers and consumers.</i> This Regulation should therefore lay down detailed arrangements for</p>	<p>(11) Manufacturers respond to the energy label by creating ever more efficient products. This technological development leads to products populating mainly the highest classes of the energy label. Further product differentiation may be necessary to allow customers a proper comparison, leading to the need to rescale labels. [ ] This Regulation should therefore lay down detailed arrangements for rescaling in order to maximise legal certainty for suppliers and dealers. [ ]</p>	
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	<p>rescaling, in order to maximise legal certainty for suppliers and dealers. <i>Before any rescaling, the Commission should carry out a thorough preparatory study. Depending on the product group and based on a detailed assessment of its potential,</i> a newly rescaled label should have empty <i>space at the top of the scale</i> to encourage technological progress and enable ever more efficient <i>product models</i> to be developed and recognised. When a label is rescaled, confusion to customers should be avoided by replacing all energy labels within a short <i>and feasible</i> timeframe, <i>and by making the visual appearance of the rescaled label easily distinguishable from the old label, together with adequate consumer information campaigns clearly indicating that a new version has been introduced resulting in an improved appliance classification.</i></p>		
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**Amendment 11**

**Recital 11a (new)**

**(11a)** [ ] The frequency of such rescaling **should be determined by the percentage of products sold that fall in the top class and should** [ ] take into account the need to avoid over burdening [ ] **suppliers and dealers**, as well as the speed of technological progress. A newly rescaled label should have **one** empty top class to encourage technological progress, **provide for regulatory stability and limit the frequency of rescaling. In exceptional cases, where technology is expected to develop more rapidly, requirements should be laid down so that no products are expected to fall in the top two classes at the moment of the introduction of the label.**

	<p><i>(11 a) The current evolution of labels established by delegated acts adopted pursuant to Directive 2010/30/EU gives rise to the need for an initial rescaling of existing labels, in order to ensure a homogeneous A-G scale, adapting them to the requirements of this Regulation.</i></p>		
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		<p><b><u>(11b) When rescaling, the Commission should carry out an appropriate preparatory study, and in order to preserve the unity of the label over the long term, the possibility to rescale should be open if it is unlikely that the set conditions for rescaling would be fulfilled.</u></b></p>	

<p>(12) In the case of a rescaled label, suppliers should provide both the old and the rescaled labels to dealers during a certain period. The replacement of the existing labels on products on display, including on the Internet, with the rescaled labels should take place as quickly as possible after the date of replacement specified in the delegated act on the rescaled label. Dealers should not display the rescaled labels before the date of replacement.</p>		<p>(12) <b><u>When a label is rescaled, confusion to customers should be avoided by replacing all energy labels within a short timeframe.</u></b>  <i>(moved from recital 11)</i> In the case of a rescaled label, suppliers should provide both the old and the rescaled labels to dealers during a certain period. The replacement of the existing labels on products on display, including on the Internet, with the rescaled labels should take place as quickly as possible after the date of replacement specified in the [ ] <b><u>implementing</u></b> act on the rescaled label. Dealers should not display the rescaled labels before the date of replacement.</p>	
<p>(13) It is necessary to provide for a clear and proportionate distribution of obligations corresponding to the role of each operator in the supply and distribution process. Economic operators should be responsible for compliance in relation to their respective roles in the supply chain and should take appropriate measures to ensure that they only make available on the market products which are in conformity with this Regulation and its delegated acts.</p>		<p>(13) It is necessary to provide for a clear and proportionate distribution of obligations corresponding to the role of each operator in the supply and distribution process. Economic operators should be responsible for compliance in relation to their respective roles in the supply chain and should take appropriate measures to ensure that they only make available on the market products which are in conformity with this Regulation and its [ ] <b><u>implementing</u></b> acts.</p>	



**Amendment 12**

**Recital 14**

(14) In order for customers to retain trust in the energy label, other labels that mimic the energy label should not be allowed to be used for energy-related products. Additional labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the consumption of energy should not be allowed either.

(14) In order for customers to retain trust in the energy label, *the use of* other labels that mimic the energy label should not be allowed to be used for energy-related products. Additional labels, marks, symbols or inscriptions that are *not clearly differentiated from the energy efficiency label and could* mislead or confuse customers with respect to the consumption of energy *or any other characteristics covered by the relevant delegated act*, should not be allowed either.

(14) In order for customers to retain trust in the energy label, other labels that mimic the energy label should not be allowed to be used for energy-related products **covered by labelling requirements. However, as long as such products are not covered by other energy related requirements at Union level, Member States should be able to maintain or introduce new national schemes for the labelling of products.** Additional labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the consumption of energy should not be allowed [ ]. **Labels provided for in EU legislation such as the labelling of tyres with respect to fuel efficiency and other environmental parameters, and additional labels such as the EU Energy Star and EU Ecolabel should not be considered as misleading or confusing.**

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**Amendment 13**

**Recital 15**

<p>(15) In order to ensure legal certainty, it is necessary to clarify that rules on Union market surveillance and control of products entering the Union market provided for in Regulation (EC) No 765/2008 of the European Parliament and of the Council<sup>7</sup> apply to energy-related products. Given the principle of free movement of goods, it is imperative that the market surveillance authorities of the Member States cooperate with each other effectively. Such cooperation on energy labelling should be reinforced through support by the Commission.</p>	<p>(15) In order to ensure legal certainty, it is necessary to clarify that rules on Union market surveillance and control of products entering the Union market provided for in Regulation (EC) No 765/2008 of the European Parliament and of the Council apply to energy-related products. Given the principle of free movement of goods, it is imperative that the market surveillance authorities of the Member States cooperate with each other effectively, <i>through ongoing exchanges of information, particularly regarding the outcome of product conformity assessments and their consequences. Furthermore, custom authorities of the Member States should be involved in the exchange of information on energy-related imported products from third countries into the Union. The Group of Experts on Ecodesign and Energy Labelling</i></p>	<p>(15) In order to ensure legal certainty, it is necessary to clarify that rules on Union market surveillance and control of products entering the Union market provided for in Regulation (EC) No 765/2008 of the European Parliament and of the Council apply to energy-related products. Given the principle of free movement of goods, it is imperative that the market surveillance authorities of the Member States cooperate with each other effectively. Such cooperation on energy labelling should be reinforced through support by the Commission to <u><b>the Group of Experts on Ecodesign and Energy Labelling Administrative Co-operation Working Group (ADCO).</b></u></p>	
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<sup>7</sup> OJ L 218, 13.8.2008, p. 30.

	<i>Administrative Co-operation Working Group (ADCO) should be reinforced <b>and enhanced</b> by the Commission <b>as framework for the cooperation of market surveillance authorities.</b></i>		
		<b><u>(15a) It is recalled that market surveillance activities covered by Regulation (EC) 765/2008 are not directed exclusively towards the protection of health and safety, but also applicable to the enforcement of Union legislation which seeks to safeguard other public interests, including energy efficiency. In line with the market surveillance action plan for safer and compliant products for Europe, the Commission should complete and update the general risk assessment methodology available in the RAPEX Guidelines so that they cover all risks, including those related to energy labelling.</u></b>	

**Amendment 14**  
**Recital 15a (new)**

*(15 a) In order to ensure more effective surveillance and, thereof, fair competition in the Union market, and to use scarce resources in the most efficient way, national market surveillance authorities should perform compliance monitoring also through physical product testing, and the Information and Communication System on Market Surveillance (ICSMS) to exchange information about planned and completed product testing, to make available testing protocols and to share the outcome of their tests, thus avoiding double testing and paving the way for regional centres of excellence for physical testing. Results should be shared also when a test does not show that there has been a breach.*

		<p><b><u>(15b) The Commission should, by means of implementing acts, in order to ensure uniform conditions for the implementation of the Union safeguard procedure, determine whether measures taken by Member States in respect of non-compliant energy related products are justified or not.</u></b></p>	
<p><b>Amendment 15</b> <b>Recital 16</b></p>			
<p>(16) In order to facilitate the monitoring of compliance and to provide up-to-date market data for the regulatory process on revisions of product-specific labels and information sheets, suppliers should provide their product compliance information electronically in a database established by the Commission. The information should be made publicly available to provide information for customers and to allow for alternative ways for dealers to receive labels. Market surveillance authorities should have access to the information in the database.</p>	<p>(16) <i>Without prejudice to the Member States' market surveillance obligations</i>, in order to <i>set up a useful tool for consumers</i>, to facilitate the monitoring of compliance and to provide up-to-date market data for the regulatory process on revisions of product-specific labels and information sheets, suppliers should provide <i>the required</i> product compliance information electronically in a database established <i>and maintained</i> by the Commission. The <i>part of the information addressed to consumers</i> should be made publicly available <i>on the public interface of the product database</i>. <i>That information should be made available as open</i></p>	<p>(16) <b><u>Without prejudice to the obligation to [ ] check product conformity</u></b>, in order to facilitate the monitoring of compliance and to provide up-to-date market data for the regulatory process on revisions of product-specific labels and information sheets, suppliers should provide their <b><u>labels, product information sheets and technical documentation</u></b> [ ] electronically in a database established by the Commission. The information <b><u>on energy labels and product information sheets</u></b> should be made publicly available to provide information for customers and to allow for alternative ways for dealers to receive labels. <b><u>The technical documentation should not be made publicly available but only to</u></b> market</p>	

	<p><i>data so as to give 'app' developers and other comparison tools the opportunity to use it. Easy direct access to the public interface of the product database should be facilitated by a dynamic quick response code (QR) or other user-oriented tools included on the printed label. Additional information should be made available by suppliers on the compliance interface of the product database both to market surveillance authorities and to the Commission. The database should be subject to strict data protection rules. Where the technical information is sensitive, market surveillance authorities should retain the power to access the information when necessary in accordance with the suppliers' duty of cooperation.</i></p>	<p>surveillance authorities <b><u>and the Commission [ ]. Where some technical information is so sensitive that it is inappropriate to include it in the category of technical documentation as detailed in the relevant implementing acts, market surveillance authorities should retain the power to access this information when necessary in accordance with the duty of cooperation on suppliers. When any changes with relevance for the label and the product information sheet are made to a product already on the market, the product is considered as a new model and the supplier has an obligation to register it in the product database.</u></b></p>	
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<b>Amendment 16</b>			
<b>Recital 16a (new)</b>			
	<i>(16a) The Commission should set up and maintain an online portal that provides market surveillance authorities access to detailed product information on the servers of suppliers.</i>		
(17) The penalties applicable to infringements of the provisions of this Regulation and delegated acts adopted under it should be effective, proportionate and dissuasive.		(17) The penalties applicable to infringements of the provisions of this Regulation and [ ] <b>implementing</b> acts adopted under it should be effective, proportionate and dissuasive.	
(18) In order to promote energy efficiency, climate mitigation and environmental protection, Member States should be able to create incentives for the use of energy efficient products. Member States are free to decide on the nature of such incentives. Such incentives should comply with Union State aid rules and should not constitute unjustifiable market barriers. This Regulation does not prejudice the outcome of any future State aid procedure that may be undertaken in accordance with Articles 107 and 108 of the Treaty on the Functioning of the European Union in respect of such incentives.		(18) In order to promote energy efficiency, climate mitigation and environmental protection, Member States should be able to create incentives for the use of energy efficient products. Member States are free to decide on the nature of such incentives. Such incentives should comply with Union State aid rules and should not constitute unjustifiable market barriers. This Regulation does not prejudice the outcome of any future State aid procedure that may be undertaken in accordance with Articles 107 and 108 of the Treaty on the Functioning of the European Union in respect of such incentives.	



**Amendment 17**

**Recital 19**

<p>(19) Energy consumption and other information concerning the products covered by product-specific requirements under this Regulation should be measured by using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurements and calculation methods. It is in the interests of the functioning of the internal market to have standards which have been harmonised at Union level. In the absence of published standards at the time of application of product-specific requirements the Commission should publish in the Official Journal of the European Union transitional measurement and calculation methods in relation to those product-specific requirements. Once a reference to such a standard has been published in the <i>Official Journal of the European Union</i> compliance with it should provide a presumption of conformity with measurement methods for those product-specific requirements adopted on the basis of this</p>	<p>(19) <i>The absolute energy consumption and other environmental and performance information concerning the products covered by product-specific requirements under this Regulation should be measured in accordance with harmonized standards and methods and by using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurements and calculation methods. Those methods and testing environment, both for suppliers and market surveillance authorities, should be as close as possible to the real-life usage of a given product by the average consumer and robust in order to deter intentional and unintentional circumvention. The energy efficiency class should not be exclusively based on the most energy efficient setting or eco-mode, where this is not likely to reflect average consumer behaviour. Tolerance values and optional testing parameters should be established in such a way that they do not</i></p>	<p>(19) Energy consumption, <b>performance</b> and other information concerning the products covered by product-specific requirements under this Regulation should be measured by using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurements and calculation methods. It is in the interests of the functioning of the internal market to have standards which have been harmonised at Union level. In the absence of published standards at the time of application of product-specific requirements the Commission should publish in the Official Journal of the European Union transitional measurement and calculation methods in relation to those product-specific requirements. Once a reference to such a standard has been published in the Official Journal of the European Union compliance with it should provide a presumption of conformity with measurement methods for those product-specific requirements adopted on the basis of this Regulation.</p>	
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Regulation.	<p><i>lead to significant variations of efficiency gains that might possibly alter the energy efficiency class of a product. Permitted deviations between tested and declared results should be limited to the statistical measurement uncertainty.</i> In the absence of published standards at the time of application of product-specific requirements the Commission should publish in the Official Journal of the European Union transitional measurement and calculation methods in relation to those product-specific requirements. Once a reference to such a standard has been published in the Official Journal of the European Union compliance with it should provide a presumption of conformity with measurement methods for those product-specific requirements adopted on the basis of this Regulation.</p>		
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**Amendment 18**

**Recital 20**

(20) The Commission should provide a working plan for the revision of labels of particular products including an indicative list of further energy-related products for which an energy label could be established. The working plan should be implemented starting with a technical, environmental and economic analysis of the product groups concerned. This analysis should also look at supplementary information including the possibility and cost to provide consumers with information on the performance of an energy-related product, such as its absolute energy consumption, durability or environmental performance, in coherence with the objective to promote a circular economy. Such supplementary information should improve the intelligibility and effectiveness of the label towards consumers and should not lead to any negative impact on consumers.

(20) ***Based on the scope of this regulation,*** the Commission should provide a ***long-term*** working plan for the revision of labels of particular products including an indicative list of further energy-related products for which an energy label could be established ***and should update this working plan periodically.*** ***The Commission should inform the European Parliament and the Council annually about the progress of the working plan.***

(20) The Commission should provide a working plan for the revision of labels of particular products including an indicative list of further energy-related products for which an energy label could be established. The working plan should be implemented starting with a technical, environmental and economic analysis of the product groups concerned. This analysis should also look at supplementary information including the possibility and cost to provide consumers with information on the performance of an energy-related product, such as its [ ] energy consumption, durability or environmental performance, in coherence with the objective to promote a circular economy. Such supplementary information should improve the intelligibility and effectiveness of the label towards consumers and should not lead to any negative impact on consumers.

		<p><b><u>(20a) In spite of the repeal of Directive 2010/30/EU, suppliers of products marketed in accordance with that Directive before the date of application of this Regulation should continue to be subject to the obligation to make available an electronic version of the technical documentation of the products concerned upon request of the market surveillance authorities. Appropriate transitional provisions should ensure legal certainty and continuity in this respect.</u></b></p>	
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**Amendment 19**  
**Recital 20a (new)**

*(20 a) The working plan should be implemented starting with a technical, environmental and economic analysis of the product groups concerned. That analysis should also consider supplementary information including the possibility and cost to provide consumers with accurate information on the performance of an energy-related product model, such as life-cycle cost, reparability, connectivity, recycled material content, durability, and environmental performance or combined energy efficiency performance index, in coherence with the objective to promote a circular economy. Such supplementary information should improve the intelligibility and effectiveness of the label towards consumers and should not lead to any negative impact on consumers.*

<p>(21) In order to establish product-specific labels and information sheets and operational details relating to the product database, the power to adopt acts in accordance with Article 290 on the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and with the Consultation Forum.</p>		<p>(21) In order to establish [ ] <b><u>specific product groups of energy related products in accordance with a set of specific criteria,</u></b> the power to adopt acts in accordance with Article 290 on the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and with the Consultation Forum. <b><u>The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.</u></b></p>	
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		<p><b><u>(21a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers on establishing detailed requirements relating to labels for the specific products groups and operational details relating to the product database should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.</u></b></p>	
		<p><b><u>(21b) Since the objectives of this Regulation, namely allowing customers to choose more efficient products by supplying relevant information, cannot be sufficiently achieved by the Member States but can rather, by further developing the harmonised regulatory framework and ensuring a level playing field for manufacturers, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.</u></b></p>	

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



**Amendment 20**  
**Article 1 - paragraph 1 and 2**

<i>Article 1</i> <b>Subject matter and scope</b>		<i>Article 1</i> <b>Scope and subject matter</b>	
1. This Regulation lays down a framework on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products during use and supplementary information concerning energy-related products in order to allow customers to choose more efficient products.	1. This Regulation lays down a framework <i>that applies to energy-related products and provides them with a label regarding energy efficiency, absolute environmental and performance characteristics. It allows customers to choose more energy-efficient</i> products in order to <i>reduce their energy consumption.</i>	1. This Regulation shall <b><u>apply to energy related products [ ] placed on the Union market or put into service on the Union market. These products shall comply with this Regulation and the relevant implementing acts.</u></b>	
2. This Regulation shall not apply to:	2. This Regulation <i>does</i> not apply to:	2. <b><u>It shall</u></b> not apply to:	
(a) Second hand products	(a) Second hand products;	(a) [ ]	
(b) Means of transport for persons or goods other than those operated by a stationary motor.	(b) Means of transport for persons or goods [ ].	(b) Means of transport for persons or goods other than those operated by a stationary motor.	
		3. This Regulation lays down a framework on the indication by labelling and standard product information of the <b><u>energy efficiency</u></b> , consumption of energy and <b><u>of</u></b> other resources by energy-related products during use and supplementary information concerning energy-related products in order to allow customers	

		to choose more efficient products <b>and reduce [ ] energy consumption.</b>	
<i>Article 2</i> <b>Definitions</b>		<i>Article 2</i> <b>Definitions</b>	
For the purposes of this Regulation the following definitions apply:		For the purposes of this Regulation the following definitions apply:	
(1) 'Customer' means any natural or legal person who buys or hires a product covered by this Regulation for his own use whether or not acting for purposes which are outside his trade, business, craft or profession		(1) 'Customer' means any natural or legal person who buys or hires <b>or receives</b> a product covered by this Regulation for their own use whether or not acting for purposes which are outside his trade, business, craft or profession;	
(2) 'Placing on the market' means the first making available of a product on the Union market		(2) 'Placing on the market' means the first making available of a product on the Union market;	

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

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

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

(12) ‘Harmonised standard’ means a European standard as defined in Article 2(1)(c) of Regulation (EU) No 1025/2012 <sup>8</sup>		(12) ‘Harmonised standard’ means a European standard as defined in Article 2(1)(c) of Regulation (EU) No 1025/2012;	
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<sup>8</sup> Regulation (EU) No 1025/2012 of the European Parliament and of the Council on European standardisation (OJ L 316, 14.11.2012, p.12).

<b>Amendment 25</b>			
<b>Article 2 - paragraph 1 - point 13</b>			
(13) 'Label' means a graphic diagram including a classification using letters from A to G in seven different colours from dark green to red in order to show consumption of energy	(13) 'Label' means a graphic diagram, <b><i>in printed or electronic form</i></b> , including a <b><i>closed scale</i></b> using <b><i>only</i></b> letters from A to G, <b><i>each class corresponding to significant energy savings</i></b> , in seven different colours from dark green to red, in order to <b><i>inform customers about energy efficiency and energy consumption</i></b> ;	(13) 'Label' means a graphic diagram, <b><u>either in printed or electronic form</u></b> , including a classification using letters from A to G in seven different colours from dark green to red in order to show <b><u>energy efficiency and consumption of energy</u></b> . <b><u>It includes rescaled labels and labels with fewer classes and colours in accordance with Article 7(1b) and (4)</u></b> ;	
<b>Amendment 26</b>			
<b>Article 2 - paragraph 1 - point 13a (new)</b>			
	<b><i>(13 a) 'Product group' means a group of energy-related products which have the same main functionality;</i></b>		

(14) 'Model' means a version of a product of which all units share the same technical characteristics relevant for the label and the product information sheet and share the same model identifier		(14) 'Model' means a version of a product of which all units share the same technical characteristics relevant for the label and the product information sheet and share the same model identifier;	
(15)'Model identifier' means the code, usually alphanumeric, which distinguishes a specific product model from other models with the same trade mark or supplier's name		(15) 'Model identifier' means the code, usually alphanumeric, which distinguishes a specific product model from other models with the same trade mark or supplier's name;	
(16) 'Equivalent model' means a model placed on the market by the same supplier and with the same label and product information as another model, but with a different model identifier		(16) 'Equivalent model' means a model <b><u>which has the same technical characteristics relevant for the label and the product information sheet, but is</u></b> placed on the market by the same supplier [ ] as another model [ ] with a different model identifier;	
<b>Amendment 27</b>			
<b>Article 2 - paragraph 1 - point 17</b>			
(17) 'Product information sheet' means a standard table of information relating to a product	(17) 'Product information sheet' means a standard table of information relating to a product, <b><i>either in printed or electronic form;</i></b>	(17) 'Product information sheet' means a standard table of information relating to a product, <b><u>either in printed or electronic form;</u></b>	
<b>Amendment 28</b>			
<b>Article 2 - paragraph 1 - point 18</b>			
(18) 'Rescale' means a periodic exercise to make more stringent the requirements for achieving the energy class on a label for a particular product, which, for existing labels may imply the deletion of certain energy classes	(18) ' <b>Rescaling</b> ' means <b><i>an</i></b> exercise to make more stringent the requirements for achieving the energy class on a label for a particular product <b><i>group;</i></b>	(18) 'Rescale' means an [ ] exercise to make more stringent the requirements for achieving the energy class on a label for a particular product;	



**Amendment 29**  
**Article 2 - paragraph 1 - point 19**

<p>(19) 'Rescaled label' means a label for a particular product that has undergone a rescaling exercise.</p>	<p>(19) 'Rescaled label' means a label for a particular product <b>group</b> that has undergone a rescaling exercise, <i>which is clearly distinguishable from the labels before rescaling;</i></p>	<p>(19) [ ]</p>	
	<p><i>(19a) 'Smart appliance' means an appliance that, using advanced information and communications technologies and a standardised reference ontology, can be activated to respond to external stimuli such as price information, direct control signals sent through wireless or apps, and/or local measurements, and to automatically change its energy consumption pattern for a more efficient use;</i></p>		

**Amendment 30**  
**Article 2 - paragraph 1 - point 20**

<p>(20) 'Supplementary information' means information on the functional and environmental performance of an energy-related product, such as its absolute energy consumption or durability, which is based on data that are measurable by market surveillance authorities, is unambiguous and has no significant negative impact on the clear intelligibility and effectiveness of the label as a whole towards customers.</p>	<p>(20) 'Supplementary information' means <i>any</i> information <i>specified by the relevant delegated act</i> on the functional, <i>environmental and resource-efficiency</i> performance of an energy-related product, which is based on data that are measurable <i>and verifiable</i> by market surveillance authorities, is <i>easily understandable</i> and has no significant negative impact on the effectiveness of the label as a whole towards customers;</p>	<p>(20) 'Supplementary information' means information on the functional and environmental performance of a [ ] product, such as its [ ] energy consumption;</p>	
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**Amendment 31**  
**Article 2 - paragraph 1 - point 20a (new)**

	<p><i>(20 a) 'Product database' means a collection of data concerning the energy-related products covered by this Regulation and the delegated acts adopted pursuant thereto, arranged in a systematic manner and consisting of a public interface, organised as a consumer-oriented website, where information is individually accessible by electronic means, and a compliance interface, structured as a electronic platform supporting the activities of national market surveillance authorities, with clearly specified accessibility and security requirements.</i></p>		
		<p><b><u>(21) 'Technical documentation' means documentation sufficient to enable to assess the accuracy of a label and product information sheet of a product, including a test report or similar technical evidence;</u></b></p>	

		<b><u>(22) 'System' means a combination of several goods which when put together perform a specific function in an expected environment and of which the energy efficiency can then be determined as a single entity;</u></b>	
		<b><u>(23) 'Verification tolerance' means the maximum admissible deviation of the measurement and calculation results of the verification tests performed by, or on behalf of, market surveillance authorities, compared to the values of the declared or published parameters, reflecting interlaboratory variation deviation;</u></b>	
		<b><u>(24) 'Product group' means a group of similar products with related functions.</u></b>	

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

		<b><u>Implementing acts may provide that the label is printed on the packaging of the product.</u></b>	
(b) they shall deliver labels promptly and free of charge on request from dealers	(b) deliver labels and <i>product information sheets</i> , free of charge, <i>within five working days upon</i> request from dealers;	(b) [ ] deliver labels, <b><u>including rescaled labels in accordance with Article 7(5), and product information sheets</u></b> promptly and free of charge on request from dealers.	
	<i>(ba) provide both the current and the rescaled labels and product information sheets to dealers for a period of three months before the date specified in the relevant delegated act;</i>	<i>See Article 7(5) a): six months</i>	

(c) they shall ensure the accuracy of the labels and product information sheets that they provide and produce technical documentation sufficient to enable the accuracy to be assessed	(c) ensure the accuracy of the labels and product information sheets, and produce technical documentation sufficient to enable the accuracy to be assessed;	(c) [ ] ensure the accuracy of the labels and product information sheets that they provide and produce technical documentation sufficient to enable the accuracy to be assessed.	

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



		<p><b><u>(b) shall, for models, units of which are placed on the market between 1 January 2017 and 31 December 2018, enter into the product database the information set out in Annex I, no later than 1 July 2019. Until the time of data entry into the product database, they shall make an electronic version of the technical documentation available for inspection within 10 days of a request received from market surveillance authorities or the Commission.</u></b></p>	
	<p><i>(ii) for all models placed on the market after 1 January 2014 that are still being supplied, no later than 18 months after the database is fully operational in accordance with Article 16;</i></p>	<p><b><u>(c) may for models, units of which are placed on the market before 1 January 2017, enter into the product database the information set out in Annex I.</u></b></p>	

	<i>(da) keep on the database pursuant to Article 8 the product information sheets and the technical documentation for a period of at least 10 years after the last product unit has been placed on the market;</i>		
	<i>(db) provide labels for product groups where the product consists of several subassemblies or components, the energy efficiency of which depends on the specific combination of those components;</i>		

**Amendment 33**  
**Article 3 - paragraph 1a (new)**

	<i>1 a. Suppliers shall not:</i>		
	<i>(a) place on the market products designed so that their performance is automatically altered in test conditions, by means of either hardware or software incorporated into the product, with the objective of reaching a more favourable level;</i>		
	<i>(b) once the product is in service, introduce changes by means of software updates that would be to the detriment of the parameters of the original energy efficiency label, as defined by the relevant delegated act.</i>		

**Amendment 34**  
**Article 3 - paragraph 2**

2. Dealers shall comply with the following:	Dealers shall:	2. Dealers shall [ ]:	
(a) they shall display in a visible manner the label provided by the supplier or otherwise made available for a product covered by a delegated act	(a) <i>where the product is for sale, including online, display the label in a visible and prominent manner, as specified by the relevant</i> delegated act;	(a) [ ] display in a visible manner, <b><u>including in distance selling via the Internet,</u></b> the label provided by the supplier or [ ] made available <b><u>in accordance with subparagraph 2 (b)</u></b> for a product covered by an [ ] <b><u>implementing</u></b> act;	
		<b><u>(aa) make available to customers the product information sheet;</u></b>	

	<i>(aa) replace existing labels with rescaled labels, both in shops and online, within three weeks following the date specified in the relevant delegated act;</i>	See Article 7(5) b): 10 days	
(b) they shall, where they do not have a label or a rescaled label	(b) where they do not have a label or a rescaled label, <i>request it from the supplier;</i>	(b) [ ] where, <b><u>despite the provisions of paragraph 1(a)</u></b> they do not have a label [ ] <b><u>or product information sheet, they shall</u></b> [ ]:	
(i) request the label or a rescaled label from the supplier	<i>deleted</i>	(i) request [ ] <b><u>them</u></b> from the supplier; or	
(ii) print out the label from the product database established in accordance with Article 8 if that function is available for that product	<i>deleted</i>	(ii) print [ ] <b><u>or download them for electronic display</u></b> from the product database [ ], if <b><u>these</u></b> functions <b><u>are</u></b> available for that product; or	
(iii) print out the label or a rescaled label from the supplier's website if that function is available for that product.	<i>deleted</i>	(iii) print <b><u>them</u></b> out [ ] <b><u>or download them for electronic display</u></b> from the supplier's website, if <b><u>these</u></b> functions <b><u>are</u></b> available for that product.	

(c) they shall make available to customers the product information sheet.	(c) <i>upon request</i> , make available to customers the product information sheet, <i>including in printed form</i> .	<i>(moved to point (aa) above)</i>	
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**Amendment 35**  
**Article 3 - paragraph 3**

3. Suppliers and dealers shall comply with the following:	Suppliers and dealers shall:	3. Suppliers and dealers shall [ ]:	
(a) they shall make reference to the energy efficiency class of the product in any advertisement or technical promotional material for a specific model of products in accordance with the relevant delegated act	(a) make reference to the energy efficiency class of the product in any <i>visual</i> advertisement or technical promotional material for a specific model of products in accordance with the relevant delegated act;	(a) [ ] make reference to the energy efficiency class of the product <b><u>and the range of the efficiency classes available on the label</u></b> in any advertisement or technical promotional material for a specific model [ ] in accordance with the relevant implementing act <b><u>and to the [ ] energy consumption, unless this is stipulated otherwise by the relevant implementing act;</u></b>	

<p>(b) they shall cooperate with market surveillance authorities and take immediate action to remedy any situation of non-compliance with the requirements set out in this Regulation and its delegated acts falling under their responsibility, at their own initiative or when required to do so by market surveillance authorities</p>	<p>(b) cooperate with market surveillance authorities and take immediate action to remedy any situation of non-compliance, <i>pursuant to Article 5</i>;</p>	<p>(b) [ ] cooperate with market surveillance authorities and take immediate action to remedy any situation of non-compliance with the requirements set out in this Regulation and its [ ] <b>implementing</b> acts falling under their responsibility, at their own initiative or when required to do so by market surveillance authorities;</p>	
<p>(c) they shall not, for products covered by this Regulation, provide or display other labels, marks, symbols or inscriptions which do not comply with the requirements of this Regulation and of the relevant delegated acts, if this is likely to mislead or confuse customers with respect to the consumption of energy or other resources during use</p>	<p>(c) <i>refrain</i>, for products covered by this Regulation, <i>from providing or displaying any misleading, confusing or mimicking</i> labels, marks, symbols or inscriptions, <i>regarding</i> the consumption of energy or other resources during use;</p>	<p>(c) [ ] for products covered by [ ] <b>implementing acts under</b> this Regulation, <b>not</b> provide or display other labels, marks, symbols or inscriptions which do not comply with the requirements of this Regulation and of the relevant [ ] <b>implementing</b> acts, if this is likely to mislead or confuse customers with respect to the consumption of energy or other resources during use;</p>	



<p>(d) they shall, for products not covered by this Regulation, not supply or display labels which mimic the label as defined in this Regulation.</p>	<p>(d) for products not covered by this Regulation, not supply or display labels which mimic the label as defined in this Regulation.</p>	<p>(d) [ ] for products not covered by [ ] <b><u>implementing acts under</u></b> this Regulation, not supply or display labels which mimic the label as defined in this Regulation. <b><u>This does not affect labels provided for in Member States' legislation, as long as they are not covered by implementing acts under this Regulation.</u></b></p>	
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<b>Amendment 36</b>			
<b>Article 3 - paragraph 3a (new)</b>			
	<i>3a. All general obligations regarding labels as of paragraphs 1 to 3 shall apply equally to existing, new and rescaled labels.</i>		
<i>Article 4</i> <b>Obligations of Member States</b>		<i>Article 4</i> <b>Obligations of Member States</b>	
<b>Amendment 37</b>			
<b>Article 4 - paragraph 1</b>			
1. Member States shall not prohibit, restrict or impede the placing on the market or putting into service, within their territories, of energy-related products which comply with this Regulation and its relevant delegated acts.	1. Member States shall not [ ] impede the placing on the market or putting into service, within their territories, of products which comply with this Regulation [ ].	1. Member States shall not [ ] impede, <b><u>in relation to matters covered by this Regulation,</u></b> the placing on the market or putting into service, within their territories, of [ ] products which comply with [ ] <b><u>this Regulation and the</u></b> relevant [ ] <b><u>implementing</u></b> acts <b><u>under this Regulation.</u></b>	
<b>Amendment 38</b>			
<b>Article 4 - paragraph 2</b>			
2. Member States shall take all appropriate measures to ensure that suppliers and dealers comply with the obligations and requirements of this Regulation and of the relevant delegated acts.	2. Member States shall take all appropriate measures to ensure that suppliers and dealers comply with the obligations and requirements of this Regulation [ ].	2. [ ]	

<b>Amendment 39</b>			
<b>Article 4 - paragraph 3</b>			
<p>3. Where Member States provide any incentives for an energy-related product covered by this Regulation and specified in a delegated act, these shall aim at the highest class of energy efficiency laid down in the applicable delegated act.</p>	<p>3. Where Member States provide any incentives for <i>a</i> product covered by this Regulation and specified in a delegated act, <i>those incentives</i> shall aim at the highest <i>two populated classes</i> of energy efficiency, <i>as</i> laid down in the applicable delegated act.</p>	<p>3. Where Member States provide any incentives for a [ ] product covered by this Regulation and specified in an [ ] <b><u>implementing</u></b> act, these shall aim at the highest classes of energy efficiency, <b><u>in which products are available</u></b>, laid down in the applicable[ ] <b><u>implementing</u></b> act[ ].</p>	
<b>Amendment 40</b>			
<b>Article 4 - paragraph 4</b>			
<p>4. Member States shall ensure that the introduction of labels including rescaled labels and product information sheets is accompanied by educational and promotional information campaigns aimed at promoting energy efficiency and more responsible use of energy by customers, if appropriate in cooperation with dealers.</p>	<p>4. Member States shall ensure that the introduction <i>and rescaling of labels</i> is accompanied by educational and promotional information campaigns <i>on energy labelling</i>.</p> <p><i>The Commission shall coordinate those campaigns, supporting close cooperation with suppliers and dealers and the exchange of best practices.</i></p>	<p>4. Member States shall ensure that the introduction of labels including rescaled labels and product information sheets is accompanied by educational and promotional information campaigns <b><u>on energy labelling</u></b>[ ], if appropriate in cooperation with dealers and <b><u>suppliers. The Commission shall support cooperation and the exchange of best practices in relation to these campaigns, including through the provision of a core script.</u></b></p>	

**Amendment 41**  
**Article 4 - paragraph 5**

5. Member States shall lay down the rules on penalties and enforcement mechanisms applicable to infringements of the provisions of this Regulation and its delegated acts, and shall take all measures necessary to ensure that they are implemented. The penalties must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by the date of application of this Regulation and shall notify without delay any subsequent amendment affecting them.

5. Member States shall lay down the rules on penalties and enforcement mechanisms applicable to infringements of the provisions of this Regulation [ ], and shall take all measures necessary to ensure that they are implemented. The penalties *shall* be effective, proportionate and dissuasive, ***and proportionate to the economic advantage of non-compliance.*** Member States shall notify those provisions to the Commission by the date of application of this Regulation and shall notify without delay any subsequent amendment affecting them.

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

<p style="text-align: center;"><i>Article 5</i></p> <p style="text-align: center;"><b>Union market surveillance and control of energy-related products entering the Union market</b></p>		<p style="text-align: center;"><i>Article 5</i></p> <p style="text-align: center;"><b>Union market surveillance and control of products entering the Union market</b></p>	
<p>1. Articles 16 to 29 of Regulation (EC) No 765/2008 shall apply to energy-related products covered by this Regulation and its delegated acts.</p>		<p>1. Articles 16 to 29 of Regulation (EC) No 765/2008 shall apply to [ ] products covered by this Regulation and its [ ] <b>implementing</b> acts.</p>	
<p><b>Amendment 42</b> <b>Article 5 - paragraph 2</b></p>			
<p>2. The Commission shall support cooperation and exchange of information on market surveillance of energy labelling of products among national authorities of the Member States responsible for market surveillance or external border controls and between such authorities and the Commission.</p>	<p>2. The Commission shall <i>encourage and coordinate</i> cooperation and exchange of information on market surveillance of energy labelling <i>regarding products covered by this Regulation</i> among national authorities of the Member States responsible for market surveillance or <i>in charge of the control of products entering the Union market</i> and between <i>them</i> and the Commission <i>by strengthening the Group of Experts on Ecodesign and Energy Labelling Administrative Cooperation Working Group (ADCO). Such exchanges of information shall also be conducted when test results indicate that the producer is in compliance with the relevant law.</i></p>	<p>2. The Commission shall support cooperation and exchange of information on market surveillance of energy labelling of products among national authorities of the Member States responsible for market surveillance or external border controls and between such authorities and the Commission.</p>	
<p><b>Amendment 43</b> <b>Article 5 - paragraph 2a (new)</b></p>			

	<p><b><i>2a. By 1 January 2018, Member States shall establish and implement a market surveillance plan for monitoring the enforcement of the requirements of this Regulation. Member States shall review their market surveillance plan at least every three years.</i></b></p> <p><b><i>By 1 January 2020 and thereafter on an annual basis, Member States shall draw up a report on market surveillance, evaluating compliance trends with this Regulation and with Directive 2009/125/EC.</i></b></p> <p><b><i>Member States shall make the use of the Information and Communication System on Market Surveillance (ICSMS) compulsory for all national market surveillance authorities.</i></b></p>		
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**Amendment 44**  
**Article 5 - paragraph 2b (new)**

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

*Market surveillance authorities shall inform the other Member States and the Commission of their planned and completed physical tests, through the compliance interface of the product database established pursuant to Article 8.*

*They shall use reliable, accurate and reproducible measurement procedures, pursuant to Article 9, aiming to simulate real-life conditions of use and excluding intentional or unintentional manipulation or alteration of the test results.*

<b>Amendment 45</b>			
<b>Article 5 - paragraph 2c (new)</b>			
	<p><i>2c. Market surveillance authorities shall have the right to recover the costs of a physical product testing from suppliers in case of an infringement of this Regulation.</i></p> <p><i>The Commission may check independently compliance, directly or through a third party.</i></p>		
<p><i>Article 6</i> <b>Union safeguard procedure</b></p>		<p><i>Article 6</i> <b>[ ] Procedure at national level for dealing with products presenting a risk [ ]</b></p>	
<b>Amendment 46</b>			
<b>Article 6 - paragraph 1</b>			
<p>1. Where the market surveillance authorities of one Member State have sufficient reason to believe that an energy-related product covered by a delegated act under this Regulation presents a risk to aspects of public interest protection covered by this Regulation, they shall carry out an evaluation in relation to the energy-related product concerned covering all the requirements laid down in this Regulation and its relevant delegated acts. The supplier shall cooperate as necessary with the market surveillance authorities for that</p>	<p>1. Where the market surveillance authorities of one Member State have sufficient reason to believe that <i>a</i> [ ] product covered by a delegated act under this Regulation presents a risk to aspects of public interest protection covered by this Regulation, they shall <i>immediately notify the Commission and</i> carry out an evaluation in relation to the <i>product model</i> concerned, covering all the requirements laid down in this Regulation and <i>the</i> relevant delegated acts, <i>also assessing whether it is advisable to extend the evaluation to other product models.</i></p>	<p>1. Where the market surveillance authorities of one Member State have sufficient reason to believe that a [ ] product covered <b>by this Regulation</b>[ ] presents a risk to aspects of public interest protection covered by this Regulation, <b>such as environmental and consumer protection</b> [ ] <b>aspects</b>, they shall carry out an evaluation in relation to the [ ] product concerned covering all [ ] <b>energy labelling</b> requirements <b>relevant to the risk and</b> laid down in this Regulation <b>or its</b> [ ] <b>implementing</b> acts. [ ] Suppliers <b>and dealers</b> shall cooperate as necessary</p>	



purpose.	The supplier shall cooperate as necessary with the market surveillance authorities [ ].	with the market surveillance authorities for that purpose.	
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**Amendment 47**  
**Article 6 - paragraph 2**

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

**Amendment 50**  
**Article 6 - paragraph 5**

<p>5. Where the supplier does not take adequate corrective action within the period referred to in the paragraph 2, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the energy-related product's being made available on their national market, to withdraw the energy-related product from that market or to recall it. The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.</p>	<p>5. Where the supplier does not <b><i>implement the</i></b> corrective action within the period referred to in the paragraph 2, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the <b><i>making available of the product model</i></b> on their national market <b><i>or</i></b> to withdraw <b><i>or recall the</i></b> product <b><i>model</i></b> from that market. The market surveillance authorities shall <b><i>immediately notify</i></b> the Commission and the other Member States <b><i>of those measures, and shall upload the information in the compliance interface of the product database established pursuant to Article 8.</i></b></p>	<p>5. Where the supplier <b><u>or dealer</u></b> does not take adequate corrective action within the period referred to in the paragraph 2, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the [ ] product's being made available on their national market, to withdraw the [ ] product from that market or to recall it. The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.</p>	
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**Amendment 51**  
**Article 6 - paragraph 6**

<p>6. The information referred to in the paragraph 5 shall include all available details, in particular the data necessary for the identification of the non-compliant energy-related product, the origin of the energy-related product, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the supplier. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either failure of the energy-related product to meet requirements relating to aspects of public interest protection laid down in this Regulation or shortcomings in the harmonised standards referred to in Article 9 conferring a presumption of conformity.</p>	<p>6. The <b>notification</b> referred to in paragraph 5 shall include all available details, in particular the data necessary for the identification of the non-compliant product, <b>its</b> origin, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the supplier. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either failure of the <b>product model</b> to meet requirements relating to aspects of public interest protection laid down in this Regulation or <b>to</b> shortcomings in the harmonised standards referred to in Article 9 conferring a presumption of conformity. <b>In this case, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.</b></p>	<p>6. The information referred to in the paragraph 5 shall include all available details, in particular the data necessary for the identification of the non-compliant [ ] product, the origin of the [ ] product, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the supplier <b>or dealer</b>. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either failure of the [ ] product to meet requirements relating to aspects of public interest protection laid down in this Regulation or shortcomings in the harmonised standards referred to in Article 9 conferring a presumption of conformity.</p>	
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**Amendment 52**  
**Article 6 - paragraph 7**

<p>7. Member States other than the Member State initiating the procedure shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the energy-related product concerned, and, in the event of disagreement with the notified national measure, of their objections.</p>	<p>7. Member States other than the Member State initiating the procedure shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the <i>product model</i> concerned and, in the event of disagreement with the notified national measure, of their objections.</p>	<p>7. Member States other than the Member State initiating the procedure shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the [ ] product concerned, and, in the event of disagreement with the notified national measure, of their objections.</p>	
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**Amendment 53**  
**Article 6 - paragraph 8**

<p>8. Where, within 60 days of receipt of the information referred to in paragraph 5, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.</p>	<p>8. Where, within <i>four weeks</i> of the <i>notification</i> referred to in paragraph 5, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed <i>to be</i> justified.</p>	<p>8. Where, within 60 days of receipt of the information referred to in paragraph 5, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.</p>	
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<b>Amendment 54</b> <b>Article 6 - paragraph 9</b>			
9. Member States shall ensure that appropriate restrictive measures, such as withdrawal of the energy-related product from their market, are taken in respect of the energy-related product concerned, without delay.	9. Member States shall ensure that <i>parallel</i> restrictive measures, <i>proportionate to their specific national situation</i> , are taken <i>without delay</i> in respect of the <i>product model</i> concerned, <i>and shall inform the Commission accordingly</i> .	9. Member States shall ensure that appropriate restrictive measures, such as withdrawal of the [ ] product from their market, are taken in respect of the [ ] product concerned, without delay.	
<b>Article 6a</b> <b>Union safeguard procedure</b>			
<b>Amendment 55</b> <b>Article 6 - paragraph 10</b>			
10. Where, on completion of the procedure set out in paragraphs 4 and 5, objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the supplier and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide whether the national measure is justified or not.	10. Where, on completion of the procedure set out in paragraphs 4 and 5, objections are raised against a measure taken by a Member State, or where the Commission considers <i>such</i> national measure to be contrary to Union <i>law</i> , the Commission shall without delay enter into consultation with the Member States and the supplier, and shall evaluate the national measure, on the basis of the results of <i>which it</i> shall decide whether the national measure is justified or not, <i>and may propose an appropriate alternative measure</i> .	1. Where, on completion of the procedure set out in [ ] <b>Article 6(4)</b> and (5), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall [ ] without delay enter into consultation with the Member States and the supplier <b>or dealer</b> and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall <b>adopt an implementing act determining</b> whether the national measure is justified or not. <b>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12a(2).</b>	

<b>Amendment 56</b> <b>Article 6 - paragraph 11</b>			
11. The Commission shall address its decision to all Member States and shall immediately communicate it to them and the supplier.	11. The Commission shall address its decision to all Member States and shall immediately <i>notify</i> it to them and <i>to</i> the supplier <i>concerned</i> .	2. The Commission shall address its decision to all Member States and shall immediately communicate it to them and the supplier <b>or dealer</b> .	
<b>Amendment 57</b> <b>Article 6 - paragraph 12</b>			
12. If the national measure is considered justified, all Member States shall take the measures necessary to ensure that the non-compliant energy-related product is withdrawn from their market, and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw the measure.	12. If the national measure is considered <i>to be</i> justified, all Member States shall take the measures necessary to ensure that the non-compliant <i>product model</i> is withdrawn from their <i>national markets</i> , and shall inform the Commission accordingly. If the national measure is considered <i>to be</i> unjustified, the Member State concerned shall withdraw the measure.	3. If the national measure is considered justified, all Member States shall take the measures necessary to ensure that the non-compliant [ ] product is withdrawn from their market, and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw the measure.	



**Amendment 58**  
**Article 6 - paragraph 13**

<p>13. Where the national measure is considered justified and the non-compliance of the energy-related product is attributed to shortcomings in the harmonised standards referred to in paragraph 6, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.</p>	<p>13. Where national measure is considered <i>to be</i> justified and the non-compliance of the <i>product model</i> is attributed to shortcomings in the harmonised standards referred to in paragraph 6, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.</p>	<p>4. Where the national measure is considered justified and the non-compliance of the [ ] product is attributed to shortcomings in the harmonised standards referred to in [ ] <b>Article 6(6)</b>, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.</p>	

**Amendment 96**  
**Article 6 - paragraph 13**

*13a. In the case of proven non-compliance of the product with the requirements laid down in this Regulation and its relevant delegated acts, customers shall have the right to return the product to the dealer free-of-charge and receive from the supplier a full refund of the original purchase price.*

*In cooperation with the market surveillance authorities, the suppliers shall make all reasonable efforts to contact affected customers, in accordance with applicable consumer rights law.*

<b>Amendment 59</b>			
<b>Article 7 - title and paragraph 1</b>			
<i>Article 7</i> <b>Labels and rescaling</b>	<i>Article 7</i> <b>Procedure for the introduction and rescaling of labels</b>	<i>Article 7</i> <b>Labels and rescaling</b>	
1. The Commission may, by means of delegated acts adopted pursuant to Articles 12 and 13, introduce labels or rescale existing labels.	1. The Commission <i>is empowered to adopt</i> delegated acts <i>in accordance with Article 13 in order to supplement this Regulation by introducing or rescaling</i> labels.  <i>Labels introduced by delegated acts adopted in accordance with Article 10 of Directive 2010/30/EU before 1 January 2017 shall be considered as labels for the purposes of this Regulation.</i>	1. The Commission may, <u>in accordance with the procedures set out in to Articles 11a and 12,</u> introduce labels or rescale existing labels.	
		1a. Labels shall be re-scaled [ ] when technological progress in the relevant product group makes it appropriate. The Commission shall carry out a preparatory study in advance with the aim of launching a label review process. It shall review the label once it	
		<u>a) estimates that 30 percent of the products sold within the Union market fall into the top energy class and further technological development can be expected soon;</u> <u>or</u>	

		<b><u>b) demonstrates that after the functioning of the existing label for eight years with the current division of classes, the conditions in point (a) are unlikely to be fulfilled within the following seven years.</u></b>	
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**Amendment 60**  
**Article 7 - paragraph 2**

<p>2. When, for a given product group, no models belonging to energy classes D, E, F or G are allowed to be placed on the market any more because of an implementing measure adopted under Directive 2009/125/EC, the class or classes in question shall no longer be shown on the label.</p>	<p>2. <i>In order to ensure a homogenous A to G scale, the Commission shall introduce rescaled labels for existing product groups, as referred to in paragraph 1, within 5 years after the entry into force of this Regulation, respecting the requirements of paragraph 4.</i></p> <p><i>Product groups covered by Commission Delegated Regulations 811/2013 (space heaters, combination heaters, packages of space heater, temperature control and solar device and packages of combination heater, temperature control and solar device) and 812/2013 (water heaters, hot water storage tanks and packages of water heater and solar device) shall be reviewed 6 years after the entry into force of this regulation with a view to rescaling them.</i></p> <p><i>For product groups covered by Commission Delegated Regulations 1059/2010 (household dishwashers), 1060/2010 (household refrigerating appliances), 1061/2010 (household washing machines), 1062/2010 (televisions) and 874/2012 (electrical</i></p>	<p><b><u>2. When it is, for technical reasons, impossible to define seven energy classes that correspond to significant energy and cost savings from a customer's perspective, the label may, in exception to Article 2(13), contain fewer classes. In that case, the dark green to red spectrum of the label shall be retained.</u></b></p>	
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	<i>lamps and luminaires) where preparatory studies are finalized, the Commission shall introduce rescaled labels no later than 21 months after the entry into force of this Regulation.</i>		
<b>Amendment 61</b> <b>Article 7 - paragraph 3</b>			
3. The Commission shall ensure that, when a label is introduced or rescaled, the requirements are laid down so that no products are expected to fall in energy classes A or B at the moment of the introduction of the label and so that the estimated time within which a majority of models falls into those classes shall be at least ten years later.	3. The Commission shall ensure that <i>any subsequent rescaling for new labels</i> or rescaled <i>labels referred to in paragraph (2) is initiated once the following conditions are met, showing the appropriate technological progress in the relevant product group:</i>	3. The Commission shall ensure that, when a label is introduced or rescaled, the requirements are laid down so that no products are expected to fall in energy class A [ ] at the moment of the introduction of the label and so that the estimated time within which a majority of models falls into that class shall be at least ten years later.	

	<i>(a) 25% of the products sold within the Union market fall into the top energy efficiency class A; or</i>		
	<i>(b) 50% of the products sold within the Union market fall into the top two energy efficiency classes A+B.</i>		
<b>Amendment 62</b>			
<b>Article 7 - paragraph 3a (new)</b>			
	<i>3a. The Commission shall ensure, through the inclusion of the product group in the working plan pursuant to Article 11, that:</i>		
	<i>(a) the preparatory study for rescaling is completed no later than 18 months after the conditions of paragraph 3 are met;</i>		
	<i>(b) rescaling is completed, through the review and entry in force of the relevant delegated act in accordance with Article 13, no later than three years after the conditions of paragraph 3 are met.</i>		

**Amendment 63**  
**Article 7 - paragraph 4**

4. Labels shall be re-scaled periodically.

4. *The Commission shall lay out the requirements for new or rescaled labels aiming for an expected validity of at least ten years.*

*To that end, the Commission shall ensure that, when a label is introduced or rescaled, no products are expected to fall in energy class A at the moment of the introduction of the label.*

*For product groups where the preparatory study referred to in (a) of paragraph 3a shows a fast technological progress, no products are expected to fall in energy classes A and B at the moment of the introduction of the label.*

4. When, for a given product group, no models belonging to energy classes D, E, F or G are allowed to be placed on the market any more because of an implementing measure adopted under Directive 2009/125/EC, the class or classes in question shall no longer be shown on the label.



**Amendment 64**  
**Article 7 - paragraph 5**

<p>5. When a label is rescaled:</p>	<p>5. When, <i>for a given product group, no models belonging to energy classes F or G are allowed to be placed on the market anymore because of an Ecodesign implementing measure adopted under Directive 2009/125/EC, the class or classes in question shall be shown on the label in grey as specified in the relevant delegated act. The standard dark green to red spectrum of the label shall be retained for the remaining upper classes. The changes shall apply only to new product units placed on the market.</i></p>	<p>5. When a label is rescaled:</p>	

<p>(a) suppliers shall provide both the current and the rescaled labels to dealers for a period of six months before the date specified in paragraph (b).</p>	<p><i>Deleted (moved to Article 3)</i></p>	<p>(a) suppliers shall [ ] <b><u>supply in accordance with Article 3(1) (a)</u></b> both the current and the rescaled labels [ ] for a period of six months before the date specified in paragraph (b).</p>	
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		<b><u>In addition, suppliers shall deliver the rescaled label on request from dealers in accordance with Article 3(1) (b) for units placed on the market earlier than the period referred to in the first subparagraph.</u></b>	
		<b><u>The second subparagraph of this point shall apply to models, units of which are not placed on the market any more after the start of that period, only if no new testing is required.</u></b>	
		<b><u>Dealers shall obtain a rescaled label in accordance with Article 3(2) (b) for the products referred to in the second and third subparagraph.</u></b>	
(b) dealers shall replace the existing labels on products on display including on the Internet with the rescaled labels within one week following the date specified for that purpose in the relevant delegated act. Dealers shall not display the rescaled labels before that date.	<i>Deleted (moved to Article 3)</i>	(b) dealers shall replace the existing labels on products on display including on the Internet with the rescaled labels within [ ] <b><u>10 days</u></b> following the date specified for that purpose in the relevant [ ] <b><u>implementing</u></b> act. Dealers shall not display the rescaled labels before that date.	

		<b><u>(c) By way of derogation from points (a) and (b), implementing acts may provide for specific rules to address the case where energy labels are printed on the packaging.</u></b>	
	<i>Dealers shall be permitted to sell energy- related products without a label or a rescaled label, only where a (rescaled) label has never been produced for a given product and the supplier of the product is no longer active on the market.</i>		
<b>Amendment 65</b> <b>Article 7 - paragraph 6</b>			
6. Labels introduced by delegated acts adopted in accordance with Article 10 of Directive 2010/30/EU before the date of application of this Regulation shall be considered as labels for the purposes of this Regulation. The Commission shall review those labels within five years of the entry into force of this Regulation with a view to rescaling them.	<i>Deleted (moved to Article 7(1))</i>	6. Labels introduced by delegated acts adopted in accordance with Article 10 of Directive 2010/30/EU before the date of application of this Regulation shall be considered as labels for the purposes of this Regulation. [ ]	

**Amendment 66**

**Article 8**

<i>Article 8</i> <b>Product database</b>		<i>Article 8</i> <b>Product database</b>	
<p>The Commission shall establish and maintain a product database including the information referred to in Annex I. The information listed under point 1 of Annex I shall be made publicly available.</p>	<p><b><i>1.</i></b> The Commission shall establish and maintain a product database, <b><i>consisting of two different interfaces, the public interface and the compliance interface.</i></b></p> <p><b><i>The public interface shall contain the information set out in point 1 of Annex I, respecting the functional requirements set out in point 3 of Annex I.</i></b></p> <p><b><i>The compliance interface shall contain the information set out in point 2 of Annex I, respecting the functional requirements set out in point 4 of Annex I.</i></b></p>	<p>1. The Commission shall establish and maintain a product database [ ] <b><u>for the following purposes:</u></b></p>	

	<p><b><i>2. When entering information into the product database, suppliers shall keep access and editing rights to it. Any changes shall be dated and clearly visible to market surveillance authorities.</i></b></p> <p><b><i>Data contained in the compliance interface shall be used only for purposes linked to the enforcement for this Regulation and the delegated acts adopted pursuant thereto, and be prohibited from unintended use.</i></b></p> <p><b><i>Suppliers shall be entitled to keep on their servers' technical documentation pursuant to point (c) of Article 3(1), test reports or similar conformity assessment documentation, as established by point 2(a) of Annex I corresponding to tests carried by the suppliers themselves accessible exclusively to market surveillance authorities and the Commission.</i></b></p> <p><b><i>The establishment of the database shall follow criteria that allow for minimising the administrative burden for suppliers and other database users, user-friendliness and cost-effectiveness.</i></b></p> <p><b><i>The product database does not replace or modify the</i></b></p>		
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	<i>responsibilities of the market surveillance authorities.</i>		
	<i>3. The Commission, with the support of market surveillance authorities and suppliers, shall pay special attention to the transitional process until the full implementation of the public and compliance interfaces.</i>		
	<i>4. The Commission is empowered to adopt delegated acts in accordance with Article 13 supplementing this Regulation by specifying the operational details relating to the establishment of the product database.</i>		
		<b><u>(a) to facilitate the market surveillance authorities in carrying out their tasks under this Regulation;</u></b>	
		<b><u>(b) to provide the Commission with up-to-date energy efficiency information of products for reviews of energy labels;</u></b>	
		<b><u>(c) to provide the public with information about products placed on the market, their energy labels and product information sheets;</u></b>	

		<b><u>(d) to enable suppliers to comply with their obligations under Article 3(1a) points (a) and (b);</u></b>	
		<b><u>(e) to enable dealers to comply with their obligations under Article 3(2) point (b) (ii).</u></b>	
		2. <b><u>The database shall include</u></b> the information referred to in Annex I.	



		<p><b><u>3. The information shall be entered into the database by suppliers as specified in Article 3(1a) points (a) and (b). Suppliers shall have access and editing rights to the information they entered. A record of changes shall be kept for market surveillance purposes, keeping track of dates of any editing.</u></b></p>	
		<p>4. The information listed under point 1 of Annex I shall be made publicly available. <i>(moved from paragraph 1)</i> <b><u>The market surveillance authorities and the Commission shall have access to the information listed under point 2 of Annex I, while ensuring the safeguarding of confidential information.</u></b></p>	

		<b><u>5. The Commission and market surveillance authorities shall ensure that personal data are processed in accordance with Regulation (EC) No 45/2001 and Directive 95/46/EC, as applicable.</u></b>	
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		<p><b><u>6. The establishment of the database shall take into account the criteria of minimising administrative burden for suppliers and other database users, user-friendliness and cost-effectiveness, and shall ensure appropriate security arrangements and access rights based on the need-to-know principle.</u></b></p>	
		<p><b><u>7. The Commission shall be empowered, by means of implementing acts, to specify operational details relating to the product database, including any obligations on suppliers and dealers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12a(2).</u></b></p>	

**Amendment 67**  
**Article 9 - paragraph 2**

<i>Article 9</i> <b>Harmonised standards</b>		<i>Article 9</i> <b>Harmonised standards</b>	
After the adoption of a delegated act under this Regulation setting specific labelling requirements adopted in accordance with Article 13 of this Regulation, the Commission shall, in accordance with Regulation (EU) No 1025/2012 <sup>9</sup> , publish references to harmonised standards that satisfy the relevant measurement and calculation requirements of the delegated act in the <i>Official Journal of the European Union</i> .		After the adoption of an [ ] <b>implementing</b> act under this Regulation setting specific labelling requirements [ ] the Commission shall, in accordance with Regulation (EU) No 1025/2012, publish references to harmonised standards that satisfy the relevant measurement and calculation requirements of the [ ] <b>implementing</b> act in the <i>Official Journal of the European Union</i> .	
When during the conformity assessment of a product such harmonised standards are applied, the product shall be deemed to comply with the relevant measurement and calculation requirements of the delegated act.	2. When during the conformity assessment of a product such harmonised standards are applied, the product <i>model</i> shall be deemed to comply with the relevant measurement and calculation requirements of the delegated act.	When during the conformity assessment of a product such harmonised standards are applied, the product shall be [ ] <b>presumed to be in conformity</b> [ ] with the relevant measurement and calculation requirements of the [ ] <b>implementing</b> act.	

<sup>9</sup> OJ L 316, 14.11.2012, p12

		<b><u>Until the relevant measurement and calculation requirements and references to harmonised standards referred to in paragraph 1 have been established, the Commission may publish transitional measurement and calculation methods.</u></b>	
	<i>2a. Harmonised standards shall aim to simulate real-life usage as far as possible while maintaining a standard test method, with no prejudice to comparability within the product group.</i>		
	<i>2b. Measurement and calculation methods included in the harmonised standards shall be reliable, accurate and reproducible, and aligned with the requirements of Article 3(1a).</i>		

**Amendment 68**  
**Article 10 - paragraph 1**

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

	<p>2. The Commission shall establish a Consultation Forum in which <i>the parties listed in paragraph 1</i> shall <i>meet to that purpose. That Consultation Forum may coincide, fully or in part,</i> with the Consultation Forum referred to in Article 18 of Directive 2009/125/EC. <i>The minutes of the Consultation Forum meetings shall be published in the public interface of the database established pursuant to Article 8.</i></p>		
<p><b>Amendment 69</b> <b>Article 10 – paragraph 2</b></p>			
<p>Where appropriate prior to the adoption of delegated acts, the Commission shall test the design and content of the labels for specific product groups with consumers to ensure their clear understanding of the labels.</p>	<p>3. Where appropriate, prior to the adoption of delegated acts <i>adopted pursuant this Regulation</i>, the Commission shall test the design and content of the labels for specific product groups with <i>representative groups of Union</i> consumers to ensure their clear understanding of the labels.</p>	<p>Where appropriate, [ ] <u>when preparing implementing</u> acts, the Commission shall test the design and content of the labels for specific product groups with [ ] <u>customers</u> to ensure their clear understanding of the labels.</p>	

**Amendment 70**  
**Article 11 - paragraph 1**

<i>Article 11</i> <b>Working plan</b>		<i>Article 11</i> <b>Working plan</b>	
<p>The Commission shall, having consulted the Consultation Forum referred to in Article 10, establish a working plan which shall be made publicly available. The working plan shall set out an indicative list of product groups which are considered as priorities for the adoption of delegated acts. The working plan shall also set out plans for the revision and rescaling of labels of products or product groups. The working plan may be amended periodically by the Commission after consultation with the Consultation Forum. The working plan may be combined with the working plan required by Article 16 of Directive 2009/125/EC.</p>	<p><b>1.</b> The Commission shall <i>adopt delegated acts pursuant to Article 13 supplementing this Regulation, after</i> having consulted the Consultation Forum referred to in Article 10, <i>in order to</i> establish a <b>long-term</b> working plan which shall be made publicly available, <i>including through the public interface of the database established pursuant to Article 8.</i></p>	<p>The Commission shall, having consulted the Consultation Forum referred to in Article 10, establish a working plan which shall be made publicly available. The working plan shall set out an indicative list of product groups which are considered as priorities for the adoption of the <b><u>specific product groups under Article 11a, and detailed energy labelling requirements under Article 12.</u></b> The working plan shall also set out plans for the revision and rescaling of labels of products or product groups. The working plan [ ] <b><u>shall</u></b> be amended periodically by the Commission after consultation with the Consultation Forum. The working plan [ ] <b><u>shall</u></b> be combined with the working plan required by Article 16 of Directive 2009/125/EC <b><u>and reviewed every three years.</u></b></p>	



	<p><b>2. The Commission shall organise the working plan in sections containing priorities for the introduction of energy efficiency labels in new product groups, and for the rescaling of labels of product groups.</b></p> <p><b>The Commission shall ensure the necessary resources to the plan and its coherence.</b></p> <p><b>This working plan may be combined with the Ecodesign working plan required by Article 16 of Directive 2009/125/EC.</b></p> <p><b>The Commission shall update the working plan periodically, having consulted the Consultation Forum. The European Parliament and the Council shall be informed annually of its progress and shall be formally notified of any changes thereto.</b></p>		
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<b>Amedment 71</b>			
<b>Article 12 - paragraph 1</b>			
<i>Article 12</i> <b>Delegated Acts</b>		<i>Article 11a</i> <b><u>Specification of product groups</u></b>	
1. The Commission shall be empowered to adopt delegated acts concerning detailed requirements relating to labels for specific groups of energy-related products ('specific product groups') in accordance with Article 13.	1. The Commission <i>is</i> empowered to adopt delegated acts <b><i>in accordance with Article 13 to supplement this Regulation by laying down</i></b> detailed requirements relating to labels for specific groups of energy-related products ('specific product groups').	1. The Commission shall be empowered to adopt delegated acts, <b><u>in accordance with Article 13, to establish specific product groups of energy related products</u></b> ('specific product groups') <b><u>which satisfy the following criteria:</u></b>	
<b>Amendment 72</b>			
<b>Article 12 - paragraph 2</b>			
2. Delegated acts shall specify product groups which satisfy the following criteria:	2. Delegated acts shall specify products groups which satisfy the following criteria:		
(a) according to the most recently available figures and considering the quantities placed on the Union market, the product group shall have significant potential for saving energy and where relevant, other resources	(a) according to the <b><i>actual penetration in</i></b> the Union market, <b><i>there is</i></b> significant potential for saving energy and where relevant, other resources;	(a) according to the most recently available figures and considering the quantities placed on the Union market, the product group shall have significant potential for saving energy and where relevant, other resources;	

(b) product groups with equivalent functionality shall differ significantly in the relevant performance levels	(b) <i>within the product group, models</i> with equivalent functionality <i>have</i> significantly <i>different energy efficiency</i> levels;	(b) product groups with equivalent functionality shall differ significantly in the relevant performance levels;	
(c) there shall be no significant negative impact as regards the affordability and the life cycle cost of the product group	(c) there <i>are</i> no significant negative <i>impacts regarding affordability, life cycle cost and functionality of the product from the perspective of the user;</i>	(c) there shall be no significant negative impact as regards the affordability and the life cycle cost of the product group.	
		<b><u>(d) the introduction of energy labelling requirements [ ] for a product group [ ] shall not have a significant negative impact on the functionality of the product [ ] in use.</u></b>	
		[2. Products covered by a delegated act adopted pursuant to Directive 2010/30/EU and Commission Directive 96/60/EC shall be deemed to constitute specific product groups within the meaning of this Article.]	

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

<p>(b) the design and content of the label, including a scale showing consumption of energy consisting of A to G, which as far as possible shall have uniform design characteristics across product groups and shall in all cases be clear and legible;</p>	<p>(b) the design, <i>dimensions</i>, and content of the label, <b><i>which shall in all cases be clear and legible, taking into account the needs of visually impaired customers, and shall contain in a prominent position the following information determined in accordance with the relevant delegated act:</i></b></p>	<p>(b) the design and content of the label, including a scale showing consumption of energy consisting of A to G, which as far as possible shall have uniform design characteristics across product groups and shall in all cases be clear and legible. <b><u>The A-G steps of the classification shall correspond to significant energy and cost savings and appropriate product differentiation from the customer's perspective;</u></b></p>	
	<p><b><i>(i) an A to G scale showing the energy efficiency class of the corresponding product model, which as far as possible shall have uniform design characteristics across product groups;</i></b></p>		
	<p><b><i>(ii) the absolute energy consumption in kWh, displayed per year or per any relevant period of time;</i></b></p>		

<p>(c) where appropriate, the use of other resources and supplementary information concerning energy related products, in which case the label shall emphasise the energy efficiency of the product;</p>	<p>(c) where appropriate, the use of other resources and supplementary information concerning energy related products, in which case the label shall emphasise the energy efficiency of the product;</p>	<p>(c) where appropriate, the use of other resources and supplementary information concerning energy related products, in which case the label shall emphasise the energy efficiency of the product.  <u><b>Supplementary information shall be unambiguous and with no negative impact on the clear intelligibility and effectiveness of the label as a whole towards customers. It shall be based on data relating to physical product characteristics that are measurable by market surveillance authorities;</b></u></p>	
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**Amendment 98**  
**Article 12 - paragraph 3 (ca)**

	<i>(ca) where appropriate, the inclusion of a reference on the label allowing customers to identify products with connectivity functions (i.e. smart appliances);</i>		
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(d) the locations where the label shall be displayed, such as attached to the product, printed on the packaging, provided in electronic format or displayed on line;	(d) the locations where the label shall be displayed, such as attached to the product <i>where no damage is caused to it</i> , printed on the packaging, provided in electronic format or displayed on line;	(d) the locations where the label shall be displayed, such as attached to the product, printed on the packaging, provided in electronic format or displayed on line, <b><u>taking into account the implications for consumers, suppliers and dealers;</u></b>	
(e) where appropriate, electronic means for labelling products;	(e) where appropriate, electronic means for labelling products;	(e) where appropriate, electronic means for labelling products;	
(f) the manner in which the label and technical information are to be provided in the case of distance selling;	(f) the manner in which the label and technical information are to be provided in the case of distance selling;	(f) the manner in which the label and [ ] <b><u>product information sheet</u></b> are to be provided in the case of distance selling;	



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

<p>(k) the conformity assessment procedures and the measurement and calculation methods to be used to determine label and product information sheet information;</p>	<p>(k) the conformity assessment procedures and the measurement and calculation methods, <b>as established in Article 9</b>, to be used to determine label and product information sheet information, <b>including the definition of the Energy Efficiency Index (EEI), or equivalent parameter, and its A to G steps setting the energy efficiency classes</b>;</p>	<p>(k) [ ] the measurement and calculation methods to be used to determine label and product information sheet information;</p>	
<p>(l) whether for larger appliances a higher level of energy efficiency is required to reach a given energy class;</p>		<p>(l) whether for larger appliances a higher level of energy efficiency is required to reach a given energy class;</p>	
<p>(m) the format of any additional references on the label allowing customers to access through electronic means more detailed information on the product performance included in the product information sheet;</p>	<p>(m) the format of any additional references on the label allowing customers to access through electronic means more detailed information on the product performance included in the product information sheet;</p>	<p>(m) the format of any additional references on the label allowing customers to access through electronic means more detailed information on the product performance included in the product information sheet;</p>	

(n) whether and how energy classes describing the product's energy consumption during use should be shown on smart meters or on the product's interactive display;	(n) whether and how energy classes describing the product's energy consumption during use should be shown on smart meters or on the product's interactive display;	(n) whether and how energy classes describing the product's energy consumption during use should be shown [ ] or on the product's interactive display;	
(o) the date for the evaluation and possible revision of the delegated act.	(o) the date for the evaluation and possible revision of the delegated act.	(o) the date for the evaluation <b>and</b> possible <b>consequent</b> revision of the [ ] <b>implementing</b> act;	
		<b><u>(p) where appropriate, differences in energy performances in different climatic regions;</u></b>	
		<b><u>(q) that the model identifier shall be accessible both to customers and national authorities.</u></b>	

For the content of the label as referred to in point (b) of the first subparagraph, the A-G steps of the classification shall correspond to significant energy and cost savings from the customer's perspective.	<i>Deleted (moved to the definition of label)</i>	<i>Moved to point (b) above</i>	
For the format of references referred to in point (m) of the first subparagraph, those references may take the form of a website address, a Quick Response (QR) code, a link on on-line labels or any other appropriate consumer-oriented means.	For the format of references referred to in point (m) of the first subparagraph, those references may take the form of a website address, a <i>dynamic</i> Quick Response (QR) code, a link on on-line labels or any other appropriate consumer-oriented means <i>linking to the public interface of the database established pursuant to Article 8.</i>	For the format of references referred to in point (m) of the first subparagraph, those references may take the form of a website address, a Quick Response (QR) code, a link on on-line labels or any other appropriate consumer-oriented means.	
		<b><u>3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12a(2).</u></b>	
The introduction of a label for a product to be covered by a delegated act shall not have a significant negative impact on the functionality of the product from the perspective of the user.	The <i>product information sheet as referred to in point (g) of the first subparagraph, shall provide direct links to the public interface of the database established pursuant to Article 8, and it shall be made available to customers in all the Union official languages of the national markets where the corresponding product model has been made available.</i>	<i>Moved to Article 11a(1) (d)</i>	

<p>The Commission shall be empowered to adopt delegated acts regarding operational details relating to the product database, including any obligations on suppliers and dealers in accordance with Article 13.</p>	<p>The Commission <i>is</i> empowered to adopt delegated acts <i>in accordance with Article 13 supplementing this Regulation by laying down</i> operational details <i>related</i> to the product database, including any obligations on suppliers and dealers.</p>	<p><i>See Article 8(7)</i></p>	
	<p><i>Regarding information referred to in point (g) of the first subparagraph, in order to ensure proper safeguarding of confidential information and technical documentation, those delegated acts shall specify the information that is to be uploaded in the product database and what information to be available on the request of national authorities and the Commission.</i></p>		

Amendment 74 Article 12 - paragraph 3a (new)			
	<p><i>3a. The Commission shall keep an updated inventory of all delegated acts supplementing this Regulation and those developing the Ecodesign Directive 2009/125/EC, including complete references to all harmonised standards that satisfy the relevant measurement and calculation methods, as of Article 9, and it shall make it publicly available.</i></p>		
		<p><b><u>4. By way of derogation from paragraphs 1 to 3, for each specific product group covered by Article 11a(2), the Commission shall adopt an implementing act, exclusively and entirely reproducing the detailed requirements set out in the delegated acts adopted under Article 10 of Directive 2010/30/EU.</u></b></p>	
		<p><b><u>Any amendment to or replacement of those implementing acts shall follow the procedure set out in paragraphs 1 to 3.</u></b></p>	

		<b><u>Article 12a</u></b> <b><u>Committee procedure</u></b>	
		<b><u>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. [ ] This committee shall be the committee referred to in Article 19 of Directive 2009/125/EC.</u></b>	
		<b><u>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</u></b>	
<i>Article 13</i> <b>Exercise of the delegation</b>		<i>Article 13</i> <b>Exercise of the delegation</b>	
1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	

**Amendment 75**  
**Article 13 - paragraph 2**

<p>2. The delegation of power referred to in Articles 7 and 12 shall be conferred on the Commission for an indeterminate period of time from the date of application of this Regulation.</p>	<p>2. The <i>power to adopt delegated acts</i> referred to in Articles 7, 8(4), 11(1) and 12 shall be conferred on the Commission for a period of six years from 1 January 2017. <i>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the six-year period.</i> <i>The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i></p>	<p>2. The delegation of power referred to <u>in Article 11a [ ]</u> shall be conferred on the Commission [ ] <u>for a period of five years from [the date of application of this Regulation].</u> <u>The Commission shall draw up a report in respect of the delegation of power not later than six months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</u></p>	
		<p><u>2a. It is of particular importance that the Commission follow its usual practice and carry out consultations with experts, including Member States' experts, before adopting those delegated acts. The consultation of Member States' experts shall take place following the consultation pursuant to Article 10.</u></p>	



<b>Amendment 76</b> <b>Article 13 - paragraph 3</b>			
<p>3. This delegation of power referred to in Articles 7 and 12 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in this Regulation. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p>	<p>3. <i>The</i> delegation of power referred to in Articles 7, <b>8(4), 11(1)</b> and 12 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in <i>that decision</i>. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p>	<p>3. The delegation of power referred to in Article <b>11a</b> [ ] may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in this Regulation. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p>	
<b>Amendment 77</b> <b>Article 13 - paragraph 3a (new)</b>			
	<p><b>3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.</b></p>	<p><i>Corresponds to para 2a above</i></p>	

<p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p>		<p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p>	
<p><b>Amendment 78</b> <b>Article 13 - paragraph 5</b></p>			
<p>5. A delegated act adopted pursuant to Articles 7 and 12 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period may be extended by two months at the initiative of the European Parliament or of the Council.</p>	<p>5. A delegated act adopted pursuant to Articles 7, <del>8(4)</del>, <del>11(1)</del> and 12 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period <i>shall</i> be extended by two months at the initiative of the European Parliament or of the Council.</p>	<p>5. A delegated act adopted pursuant to Article <del>11a</del> [ ] shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period may be extended by two months at the initiative of the European Parliament or of the Council.</p>	

**Amendment 79**  
**Article 14 - paragraph 1**

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

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

		<p><b><u>4. For models, units of which are placed on the market in accordance with Directive 2010/30/EU before the date of application of this Regulation, suppliers shall, for a period ending five years after the last product was manufactured, make an electronic version of the technical documentation available for inspection within 10 days of a request received from market surveillance authorities or the Commission.</u></b></p>	
<p><b>Amendment 80</b> <b>Article 16 - paragraph 3</b></p>			
<p><i>Article 16</i> <b>Entry into force</b></p>		<p><i>Article 16</i> <b>Entry into force</b></p>	
<p>This Regulation shall enter into force on the day following that of its publication in the <i>Official Journal of the European Union</i>.</p>		<p>This Regulation shall enter into force on the day following that of its publication in the <i>Official Journal of the European Union</i>.</p>	
<p>It shall apply from 1 January 2017.</p>		<p>It shall apply from 1 January 2017.</p>	
		<p>Article 11a(2), Article 12(4) and Article 15(2) shall apply from the entry into force of this Regulation.</p>	

However, Article 3(1)(d) shall apply from 1 January 2019.	However, <i>point (d) of Article 3(1) shall apply as soon as the public interface of the product database established pursuant to Article 8 is fully operational, and in any event no later than 1 January 2018.</i>	Article 3(1a) (a) shall apply from 1 January 2019.	
This Regulation shall be binding in its entirety and directly applicable in all Member States		This Regulation shall be binding in its entirety and directly applicable in all Member States.	
Done at Brussels,		Done at Brussels,	
For the European Parliament For the Council		<i>For the European Parliament For the Council</i>	
The President    The President		<i>The President The President</i>	

**Amendment 81**  
**Annex I - title and point 1**

<i>ANNEX I</i>		<i>ANNEX I</i>	
<b>Information to be included in the product database</b>	Information to be included in the product database, <i>plus functional requirements</i>	<b>Information to be included in the product database</b>	
1. Publicly available product information:	1. <b><i>Information to be included in the public interface of the database:</i></b>	1. Publicly available product information:	
(a) manufacturer's or supplier's name or trademark;	<b><i>(a) the name or trademark, address, contact details and other legal identification of the supplier;</i></b>	(a) [ ] the supplier's name or trademark;	
	<b><i>(aa) contact details of the Member State market surveillance authorities;</i></b>		
(b) the model identifier(s), including of all equivalent models;	<b><i>(b) the model identifier(s), including of all equivalent models;</i></b>	(b) the model identifier [ ];	
(c) the label in electronic format;	<b><i>(c) the label in electronic format;</i></b>	(c) the label in electronic format;	
(d) the class(es) and other parameters on the label;	<b><i>(d) the energy efficiency class(es) and other parameters of the label;</i></b>	(d) the class(es) and other parameters on the label;	
(e) the product information sheet in electronic format.	<b><i>(e) the parameters of the product information sheet in electronic format;</i></b>	(e) [ ] the parameters of the product information sheet [ ].	

	<i>(ea) Member States' education and information campaigns as referred to in Article 4(4);</i>		
	<i>(eb) working-plan of the Commission as referred to in Article 11;</i>		
	<i>(ec) minutes of the Consultation Forum;</i>		
	<i>(ed) inventory of delegated acts and harmonised standards applicable;</i>		
<b>Amendment 82</b>			
<b>Annex I - title and point 2</b>			
2. Compliance information, only available to Member States' market surveillance authorities and the Commission:	2. Information <i>to be included in the compliance interface of the database:</i>	2. Compliance information, only available to Member States' market surveillance authorities and the Commission:	
(a) the technical documentation specified in the applicable delegated act;	<i>(a) test report or similar conformity assessment documentation enabling to assess compliance with all requirements in the relevant delegated act, including testing methods and series of measurements;</i>	(a) the technical documentation specified in the applicable [ ] <b><u>implementing act;</u></b>	



		<b><u>(aa) the model identifier of all equivalent models;</u></b>	
(b) test report or similar technical evidence enabling compliance with all requirements in the applicable delegated act to be assessed;	<i>(b) provisional measures adopted in the frame of market surveillance related to this Regulation;</i>	(b) [ ];	
(c) name and address of the supplier;		(c) name, address <b><u>and contact details</u></b> of the supplier;	
	<i>(c) the technical documentation referred to in point (c) of Article 3(1)</i>		
(d) the contact details of a representative of the supplier.	<i>(ca) direct contact details of the Member State market surveillance authorities and Commission coordination;</i>	(d) [ ].	
	<i>(cb) Member States' and Commission's outcome of the compliance checks and, if applicable, corrective action and restrictive measures taken by the market surveillance authorities as referred to in Articles 5 and 6.</i>		

**Amendment 83**  
**Annex I - point 2a (new)**

	<i>2a. Functional requirements for the public interface of the database:</i>		
	<i>(a) each product model shall be organised as an individual record;</i>		
	<i>(b) it shall enable consumers to easily identify the best energy class populated for each product group, allowing them to compare model characteristics and to choose the most energy efficient products;</i>		
	<i>(c) it shall generate as a single viewable and printable file the energy label of each product, as well as the linguistic versions of the complete product information sheet, covering all the official languages of the Union;</i>		

	<i>(d) the information shall be machine readable, sortable and searchable, respecting open standards for third party use, free of charge;</i>		
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	<i>(e) redundant registration shall be automatically avoided;</i>		
	<i>(f) an online helpdesk or contact point for customers shall be established and maintained, clearly referenced on the interface.</i>		
<b>Amendment 84</b> <b>Annex I - point 2b (new)</b>			
	<i>2b. Functional requirements for the compliance interface of the database:</i>		
	<i>(a) strict security arrangements for the safeguarding of confidential information shall be ensured;</i>		
	<i>(b) access rights shall be based on the need-to-know principle;</i>		
	<i>(c) a link shall be provided to the Information and Communication System on Market Surveillance (ICSMS).</i>		