

# Procedure file

| Basic information   |                                |                     |
|---|--------------------------------|---------------------|
| CNS - Consultation procedure Decision   | <a href="#">1999/0135(CNS)</a> | Procedure completed |
| EC/United States agreement: energy efficient labelling programmes for office equipment, Energy Star |                                |                     |
| Subject   |                                |                     |
| 3.60.08 Energy efficiency   |                                |                     |
| 4.60.02 Consumer information, advertising, labelling  |                                |                     |
| 6.20.03 Bilateral economic and trade agreements and relations                                       |                                |                     |
| Geographical area   |                                |                     |
| United States   |                                |                     |

| Key players                   |   |   |            |
|-------------------------------|---|---|------------|
| European Parliament           | Committee responsible                                   | Rapporteur                                    | Appointed  |
|                               | <b>ITRE</b> Industry, External Trade, Research, Energy  |   | 12/07/2000 |
|                               |   | PSE <a href="#">MCNALLY Eryl Margaret</a>     |            |
|                               | Committee for opinion                                   | Rapporteur for opinion                        | Appointed  |
|                               | <b>ENVI</b> Environment, Public Health, Consumer Policy | The committee decided not to give an opinion. |            |
| Council of the European Union | Council configuration                                   | Meeting                                       | Date       |
|                               | Energy  | <a href="#">2347</a>                          | 14/05/2001 |

| Key events |   |                              |         |
|------------|---|------------------------------|---------|
| 01/07/1999 | Initial legislative proposal published                  | COM(1999)0328                | Summary |
| 08/12/2000 | Legislative proposal published                          | <a href="#">13140/2000</a>   | Summary |
| 15/01/2001 | Committee referral announced in Parliament              |                              |         |
| 30/01/2001 | Vote in committee                                       |                              |         |
| 14/02/2001 | Decision by Parliament                                  | <a href="#">T5-0068/2001</a> | Summary |
| 14/05/2001 | Act adopted by Council after consultation of Parliament |                              |         |
| 14/05/2001 | End of procedure in Parliament                          |                              |         |
| 26/06/2001 | Final act published in Official Journal                 |                              |         |

| Technical information |  |
|-----------------------|--|
|                       |  |

|                            |   |
|----------------------------|---|
| Procedure reference        | 1999/0135(CNS)  |
| Procedure type             | CNS - Consultation procedure  |
| Procedure subtype          | International agreement   |
| Legislative instrument     | Decision  |
| Legal basis                | Rules of Procedure EP 52-p1; EC Treaty (after Amsterdam) EC 300-p2; EC Treaty (after Amsterdam) EC 175-p1 |
| Stage reached in procedure | Procedure completed   |
| Committee dossier          | ITRE/5/13022  |

### Documentation gateway

|  |   |            |      |         |
|--|---|------------|------|---------|
| Initial legislative proposal                           | <a href="#">COM(1999)0328</a><br><a href="#">OJ C 274 28.09.1999, p. 0016 E</a>   | 01/07/1999 | EC   | Summary |
| Legislative proposal                                   | <a href="#">13140/2000</a>  | 08/12/2000 | CSL  | Summary |
| Text adopted by Parliament, 1st reading/single reading | <a href="#">T5-0068/2001</a><br><a href="#">OJ C 276 01.10.2001, p. 0049-0117</a> | 14/02/2001 | EP   | Summary |
| Document attached to the procedure                     | N5-0010/2003<br><a href="#">OJ C 031 08.02.2003, p. 0003-0003</a>                 | 12/12/2002 | CJEC | Summary |
| Follow-up document                                     | <a href="#">COM(2006)0140</a>   | 27/03/2006 | EC   | Summary |

### Additional information

|                     |                         |
|---------------------|-------------------------|
| European Commission | <a href="#">EUR-Lex</a> |
|---------------------|-------------------------|

### Final act

[Decision 2001/469](#)  
[OJ L 172 26.06.2001, p. 0001](#) Summary

[Decision 2003/269](#)  
[OJ L 099 17.04.2003, p. 0047-0048](#) Summary

## EC/United States agreement: energy efficient labelling programmes for office equipment, Energy Star

PURPOSE: EU-US agreement on the coordination of energy-efficient labelling programmes for office equipment. CONTENT: A comprehensive study on energy efficiency in office equipment has indicated that a voluntary labelling programme for office equipment is the most cost-effective action to achieve potential energy savings. The study also proved that there is added value in an international coordination of labelling programmes to achieve the potential, as well as to ensure fair comparability between products of the same type. The Council authorised the Commission to negotiate an agreement with Japan and the US. (Japan has officially withdrawn from the negotiation.) Under the Agreement, the US and EC, in their desire to maximise energy savings and environmental benefits by stimulating the supply of and demand for energy-efficient products, would agree a common set of energy-efficiency specifications and a common logo to be used by the Parties for the purpose of establishing consistent targets for manufacturers, thereby maximising the effect of their individual efforts on the supply of and demand for such product types. The Parties would use the International ENERGY STAR logo for the purpose of identifying qualified energy-efficient product types. Each Party would designate a management entity responsible for implementation of the Agreement. The EC could designate the Commission and the US the EPA (Environment Protection Agency). The proposal lays down provisions regarding : - participation in the ENERGY STAR Labelling Programme; - Programme Coordination between the Parties; - Registration of the ENERGY STAR marks; - Enforcement and Non-Compliance; - Procedures for Amending the Agreement and its Annexes A & B (ENERGY STAR International Logo and Guidelines for Proper Use of the ENERGY STAR Name and International Logo), and for Adding New Annexes; - Procedures for Amending Annex C (Personal Computer and Monitor Specifications); - Entry into Force and Duration; and - Termination.?

## EC/United States agreement: energy efficient labelling programmes for office equipment, Energy Star

In a letter dated 5 July 2000, the Commission transmitted a proposal for a Council Decision concerning the conclusion of an EU-US Agreement on the coordination of energy-efficient labelling programmes for office equipment to the Council. At its meeting on 30 May 2000, the Council agreed upon a legal basis for this Agreement, Article 175 (1) jointly with Article 300 of the Treaty. Coreper decided on the 11 December 2000 to consult the Parliament on this proposal.?

## EC/United States agreement: energy efficient labelling programmes for office equipment, Energy Star

---

The European Parliament endorsed this proposal on the EU/US agreement on the coordination of energy efficient labelling programmes for office equipment. (Procedure without report).?

## EC/United States agreement: energy efficient labelling programmes for office equipment, Energy Star

---

**AIM:** To conclude an agreement with the United States on the coordination of energy-efficient product labelling by means of the Energy Star label. **COMMUNITY MEASURE:** Council Decision 2001/469/EC concerning the conclusion on behalf of the European Community of the Agreement between the Government of the United States of America and the European Community on the coordination of energy-efficient labelling programmes for office equipment. **CONTENT:** The purpose of the Agreement, which has a term of five years, is to establish coordination of programmes for the labelling of energy-efficient products between the United States and the Community. The aim of these programmes is to maximise energy savings and environmental benefits by stimulating the supply of energy-efficient products and the demand for such products and particularly by encouraging industry to manufacture and sell energy-efficient products. The labelling programme will use a single standard, namely the Energy Star standard, which is the property of the Environmental Protection Agency (EPA) of the United States. Under the terms of the Agreement, manufacturers, wholesalers and retailers of the products in question will be registered on a voluntary basis as participants in the programme and will then be authorised to use the Energy Star logo to identify their products if these comply with the required specifications described in Annex C to the Agreement (monitor screens, for example, should be able to switch to standby mode with reduced energy consumption). The products covered by the Agreement are essentially the items of office equipment listed in the annex (monitors, computers with their operating systems, fax machines, scanners, photocopiers and printers). Management entities will be responsible for administering the Energy Star labelling programme for the relevant products (the Commission on the Community side and the EPA on the U.S. side). Besides the registration of participants in the labelling programme and the constant updating of participant lists, the Agreement also includes the following provisions: 1. It gives the parties the option of amending product specifications by agreement and in accordance with a precisely defined procedure, with a view to adapting them to the latest technological developments. 2. It provides for the implementation by each party of measures to educate consumers and to make them aware of the Energy Star label and the environmental benefits of products bearing the label. 3. It provides for coordination of the measures taken by each side through the creation of a Technical Commission, which is responsible for overseeing the implementation of the Agreement. The Technical Commission will comprise members of each management entity, and its main task will be to ensure compliance with the technical specifications described in the Agreement and to combat imitations of the Energy Star logo. **ENTRY INTO FORCE:** The Agreement will enter into force when all the requisite procedures have been completed by both the European Community and the United States. ?

## EC/United States agreement: energy efficient labelling programmes for office equipment, Energy Star

---

In Case C-281/01, European Commission against the Council, the Court made an application for annulment of Council Decision 2001/469/EC of 14 May 2001 concerning the conclusion on behalf of the European Community on the co-ordination of energy-efficient labelling programs for office equipment. In support of its request, the Commission submits that Decision 2001/469 should have been adopted on the basis of Article 133 EC relating to the common commercial policy, on the ground that the Energy Star Agreement seeks to facilitate trade. The Energy Star Agreement is designed to co-ordinate energy-efficiency labelling programmes for office equipment. The aim of the Agreement is to co-ordinate European and American labelling programmes, resulting in the elimination of any obstacles to trade which would have risen from the existence of concurrent programmes. It pursues a commercial-policy objective and an environmental-protection objective. The Court believes that in the long-term, depending on how manufacturers and consumers in fact behave, the programme should have a positive environmental effect as a result of the reduction in energy consumption which it should achieve. However, that is merely an indirect and distant effect, in contrast to the effect on trade in office equipment which is direct and immediate. In addition, the Court states that the Agreement does not contain new energy-efficiency requirements. It merely renders the specifications initially adopted by the EPA applicable on both the American market and the European market and makes their amendment subject to the agreement of both contracting parties. It follows from the foregoing considerations that the Council should have chosen Article 133 EC, in conjunction with Article 300(3) EC, as the legal basis for the decision concluding the Energy Star Agreement on behalf of the Community. Given that Article 175(1) EC, in conjunction with the first sentence of the first subparagraph of Article 300(2), the first subparagraph of Article 300(3) and Article 300(4) EC, is the only legal basis referred to in that measure, Decision 2001/469 must be annulled and the Council is ordered to pay the costs.?

## EC/United States agreement: energy efficient labelling programmes for office equipment, Energy Star

---

**OBJECTIVE:** To replace Council Decision 2001/469/EC of 14 May 2001, annulled by the Court of Justice. **COMMUNITY MEASURE:** Council Decision 2003/269/EC. **CONTENT:** The Council approved, on behalf of the Community, the Agreement between the Government of the United

States of America and the European Community on the coordination of energy-efficient labelling programmes for office equipment, including its annexes. This decision replaces Decision 2001/469/EC of 14 May 2001, annulled by the Court of Justice (please refer to the preceding summary). In accordance with the Court's judgment, the measure is now based on Article 133 EC, in conjunction with Article 300(3) EC.?