


Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2006/0291(COD) Procedure completed
Ecodesign requirements for energy-using products: Commission implementing powers	
Amending Directive 96/57/EC 1994/0272(COD) Amending Directive 2000/55/EC 1999/0127(COD) Amending Directive 2005/32/EC 2003/0172(COD) Repealed by 2008/0151(COD)	
Subject 3.60.08 Energy efficiency 3.70.17 European ecolabel and ecolabelling, ecodesign	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health and Food Safety	ALDE RIES Frédérique	27/02/2007
Council of the European Union	Council configuration	Meeting	Date
	Environment	2856	03/03/2008
European Commission	Commission DG	Commissioner	
	Environment	DIMAS Stavros	

Key events			
22/12/2006	Legislative proposal published	COM(2006)0907	Summary
17/01/2007	Committee referral announced in Parliament, 1st reading		
05/06/2007	Vote in committee, 1st reading		Summary
11/06/2007	Committee report tabled for plenary, 1st reading	A6-0222/2007	
11/07/2007	Results of vote in Parliament		
11/07/2007	Decision by Parliament, 1st reading	T6-0335/2007	Summary
03/03/2008	Act adopted by Council after Parliament's 1st reading		
11/03/2008	Final act signed		
11/03/2008	End of procedure in Parliament		

Technical information	
Procedure reference	2006/0291(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 96/57/EC 1994/0272(COD) Amending Directive 2000/55/EC 1999/0127(COD) Amending Directive 2005/32/EC 2003/0172(COD) Repealed by 2008/0151(COD)
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/44535

Documentation gateway					
Legislative proposal		COM(2006)0907	22/12/2006	EC	Summary
Amendments tabled in committee		PE388.637	22/05/2007	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0222/2007	11/06/2007	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0335/2007	11/07/2007	EP	Summary
Commission response to text adopted in plenary		SP(2007)4170	29/08/2007	EC	
Draft final act		03651/2007/LEX	11/03/2008	CSL	

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Final act
Directive 2008/28 OJ L 081 20.03.2008, p. 0048 Summary

Ecodesign requirements for energy-using products: Commission implementing powers

PURPOSE: to amend Directive 2005/32/EC establishing a framework for the setting of ecodesign requirements for energy-using products, and Council Directive 92/42/EEC and Directives 96/57/EC and 2000/55/EC of the European Parliament and of the Council by introducing a reference to the new regulatory procedure with scrutiny (comitology).

PROPOSED ACT: Directive of the European Parliament and of the Council.

CONTENT: Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission has been amended by Council Decision 2006/512/EC ([CNS/2002/0298](#)).

The amended Decision introduces a new *regulatory procedure with scrutiny* to be used for measures of general scope which seek to amend non-essential elements of a basic instrument, adopted under co-decision, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

This procedure allows the legislator to oppose the adoption of "quasi-legislative" measures implementing a codecision-based instrument when it considers that the draft exceeds the implementing powers provided for in the basic instrument, or that the draft is incompatible with the aim or the content of that instrument or fails to respect the principles of subsidiarity or proportionality.

In a joint statement, the three institutions agreed on a list of 26 basic instruments already in force to be adjusted without delay in accordance with the new regulatory procedure with scrutiny (see [ACI/2006/2152](#)). Each case has been assessed on its own merits, notably in view of the nature of the implementing powers conferred on the Commission and the specificity of each sector.

Lastly, in accordance with the abovementioned statement, the Commission is proposing to repeal any provisions of these instruments that provide for a time-limit on the delegation of implementing powers to the Commission.

Ecodesign requirements for energy-using products: Commission implementing powers

The Committee on the Environment, Public Health and Food Safety unanimously adopted the report by Frederique RIES (ALDE, BE) amending, at first reading of the codecision procedure, the Commission proposal aiming to align Directive 2005/32/EC establishing a framework for the setting of ecodesign requirements for energy-using products, and other related directives to the new comitology procedure, regulatory procedure with scrutiny.

This new comitology procedure shall apply to certain aspects of the directive, however, MEPs considered it necessary to amend other aspects of the directive so as to provide that the Commission should be empowered to adopt implementing measures laying down ecodesign requirements for defined energy-using products, including the introduction of implementing measures during the transitional period, and to adopt guidelines accompanying these implementing measures in accordance with the regulatory procedure with scrutiny.

Ecodesign requirements for energy-using products: Commission implementing powers

The European Parliament adopted, subject to amendments, the report by Frederique RIES (ALDE, BE) on the Commission proposal aiming to align Directive 2005/32/EC establishing a framework for the setting of ecodesign requirements for energy-using products, and other related directives to the new comitology procedure, regulatory procedure with scrutiny.

A new series of compromise amendments were approved by the EPP-ED, PES, ADLE, Greens/ALE, GUE/NGL and UEN political groups which aim to amend the proposed directive.

The amendments are of a technical nature stating that power should be conferred on the Commission to adopt implementing measures laying down ecodesign requirements for defined energy-using products, including the introduction of implementing measures during the transitional period, and provisions on the balancing of the various environmental aspects. Since those measures are of general scope and are designed to supplement this Directive by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Furthermore, guidelines covering specificities of the SMEs active in the product sector affected may accompany the implementing measure may also be adopted in accordance with the new procedure. If necessary, further specialised material may be produced by the Commission for facilitating implementation by SMEs.

A statement by the European Parliament, the Council and the Commission was included which states that in view of the importance of the rapid adoption of new implementing measures in the context of Directive 2005/32/EC in the interests of energy efficiency and the environment, the three institutions should apply the regulatory procedure with scrutiny as fast as possible, by working swiftly, flexibly and efficiently, and paying particular attention to an effective coordination and communication between their secretariats.

Ecodesign requirements for energy-using products: Commission implementing powers

PURPOSE: to amend Directive 2005/32/EC establishing a framework for the setting of ecodesign requirements for energy-using products by introducing a reference to the new regulatory procedure with scrutiny (comitology).

LEGISLATIVE ACT: Directive 2008/28/EC of the European Parliament and of the Council amending Directive 2005/32/EC establishing a framework for the setting of ecodesign requirements for energy-using products, as well as Council Directive 92/42 and Directives 96/57/EC and 2005/55/EC, as regards the implementing powers conferred on the Commission.

CONTENT: to recall, Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission has been amended by Council Decision 2006/512/EC ([CNS/2002/0298](#)).

The amended Decision introduces a new *regulatory procedure with scrutiny* to be used for measures of general scope which seek to amend non-essential elements of a basic instrument, adopted under co-decision. This may include deleting some of those elements or supplementing the instrument, by the addition of new non-essential elements.

This procedure allows the legislator to oppose the adoption of "quasi-legislative" measures implementing a codecision-based instrument in cases where:

- the draft may exceed the implementing powers provided for in the basic instrument;
- the draft is incompatible with the aim or the content of that instrument; or
- the draft fails to respect the principles of subsidiarity or proportionality.

In a joint statement, the three institutions agreed on a list of 26 basic instruments already in force to be adjusted without delay in accordance with the new regulatory procedure with scrutiny (see [ACI/2006/2152](#)). Each case has been assessed on the nature of the implementing powers conferred on the Commission and the specificity of each sector.

The purpose of this act, therefore, is to amend EU legislation relating to the setting of ecodesign requirements for energy products, by introducing the new *regulatory procedure with scrutiny*.

ENTRY INTO FORCE: 21 March 2008.