# Regulation (EC) No 106/2008 of the European Parliament and of the Council of 15 January 2008 on a Union energy-efficiency labelling programme for office equipment (recast version)

**[**[F1]REGULATION (EC) No 106/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 15 January 2008

on a Union energy-efficiency labelling programme for office equipment**]**

(recast version)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee[(1)],

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty[(2)],

Whereas:

(1) A number of substantial amendments are to be made to Regulation (EC) No 2422/2001 of the European Parliament and of the Council of 6 November 2001 on a Community energy efficiency labelling programme for office equipment[(3)]. For reasons of clarity, that Regulation should be recast.

(2) Office equipment accounts for a significant share of total electricity consumption. The various models available on the Community market have very different levels of energy consumption for similar functionalities and there is significant potential for optimising their energy efficiency.

(3) Improving the energy efficiency of office equipment should contribute to improving the competitiveness of the Community and the security of its energy supply and to protecting the environment and consumers.

(4) It is important to promote measures aimed at the proper functioning of the internal market.

(5) It is desirable to coordinate the national energy-efficiency labelling initiatives to minimise the adverse impact on industry and trade of the measures taken to implement them.

(6) Since the objective of the proposed action, namely to establish the rules for the Community energy-efficiency labelling programme for office equipment, cannot be sufficiently achieved by the Member States and can therefore be better achieved at

Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. 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 this objective.

(7) The Protocol to the United Nations Framework Convention on Climate Change agreed in Kyoto on 11 December 1997 calls for a reduction in the greenhouse gas emissions of the Community of 8 % at the latest during the period 2008 to 2012. In order to achieve this objective, stronger measures are required to reduce carbon dioxide emissions within the Community.

(8) Furthermore, Decision No 2179/98/EC of the European Parliament and of the Council of 24 September 1998 on the review of the European Community programme of policy and action in relation to the environment and sustainable development 'Towards sustainability'[(4)] indicated as a key priority for the integration of environmental requirements in relation to energy the provision of energy efficiency labelling of appliances.

(9) The Council Resolution of 7 December 1998 on energy efficiency in the European Community[(5)] called for the increased use of labelling of appliances and equipment.

(10) It is desirable to coordinate energy-efficiency requirements, labels and test methods wherever appropriate.

(11) Most energy-efficient office equipment is available at little or no extra cost and may therefore in many cases pay for any additional cost through electricity savings within a reasonably short time. Energy-saving and carbon dioxide reduction objectives can therefore be achieved in a cost-effective manner in this area, without disadvantages for consumers or industry.

(12) Office equipment is traded worldwide. The Agreement of 20 December 2006 between the Government of the United States of America and the European Community on the coordination of energy-efficiency labelling programmes for office equipment[(6)] (hereinafter the Agreement) should facilitate international trade and environmental protection for this equipment. The Agreement should be implemented in the Community.

(13) The Energy Star energy-efficiency label is used worldwide. In order to influence the requirements of the Energy Star labelling programme, the Community should participate in the programme and in drawing up the necessary technical specifications. When setting those technical specifications together with the United States Environmental Protection Agency (USEPA), the Commission should aim at ambitious levels of energy efficiency, in view of the Community's policy of energy efficiency and its energy-efficiency targets.

(14) An effective enforcement system is necessary to ensure that the energy-efficiency labelling programme for office equipment is implemented properly, guarantees fair conditions of competition for producers and protects consumer rights.

(15) This Regulation should apply only to office equipment.

(16) Council Directive 92/75/EEC of 22 September 1992 on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances[7] is not the most appropriate instrument for office equipment. The most cost-effective measure for promoting the energy efficiency of office equipment is a voluntary labelling programme.

(17) The task of contributing to setting and reviewing the common technical specifications should be assigned to an appropriate body, the European Community Energy Star Board, in order to achieve efficient, neutral implementation of the energy-efficiency labelling programme. That Board should be composed of national representatives and representatives of interested parties.

(18) It is necessary to ensure that the energy-efficiency labelling programme for office equipment is consistent and coordinated with the priorities of the Community policy and with other Community labelling or quality-certification schemes such as those established by Directive 92/75/EEC and by Council Regulation (EEC) No 880/92 of 23 March 1992 on a Community eco-label award scheme[8].

(19) The energy-efficiency labelling programme should also complement measures taken in the context of Directive 2005/32/EC of the European Parliament and of the Council of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products[9]. It is therefore necessary to ensure that the Energy Star programme and the ecodesign scheme are consistent and coordinated.

(20) It is desirable to coordinate the Community Energy Star programme based on the Agreement and other voluntary energy-efficiency labelling schemes for office equipment in the Community in order to prevent confusion for consumers and potential market distortion.

(21) It is necessary to guarantee transparency in implementation of the Energy Star programme and to ensure its consistency with relevant international standards in order to facilitate access to, and participation in, the scheme for manufacturers and exporters from countries outside the Community.

(22) This Regulation takes into account the experience gained during the initial period of implementation of the Energy Star programme in the Community,

HAVE ADOPTED THIS REGULATION:

**Textual Amendments**

**F1** Substituted by Regulation (EU) No 174/2013 of the European Parliament and of the Council of 5 February 2013 amending Regulation (EC) No 106/2008 on a Community energy-efficiency labelling programme for office equipment (Text with EEA relevance).

**Changes to legislation:** *There are currently no known outstanding effects for the Regulation (EC) No 106/2008 of the European Parliament and of the Council. (See end of Document for details)*

*[F1 Article 1*

**Objective**

This Regulation establishes the rules for the Union energy-efficiency labelling programme for office equipment (hereinafter referred to as the Energy Star programme) as defined in the Agreement between the Government of the United States of America and the European Union on the coordination of energy-efficiency labelling programmes for office equipment signed on 10 December 2012 in Brussels and 18 January 2013 in Washington[10] (hereinafter referred to as 'the Agreement').**]**

**Textual Amendments**

**F1** Substituted by Regulation (EU) No 174/2013 of the European Parliament and of the Council of 5 February 2013 amending Regulation (EC) No 106/2008 on a Community energy-efficiency labelling programme for office equipment (Text with EEA relevance).

*Article 2*

**Scope**

This Regulation shall apply to the office equipment product groups defined in Annex C to the Agreement, subject to any amendment thereof in accordance with Article XII of the Agreement.

*Article 3*

**Definitions**

For the purposes of this Regulation the following definitions shall apply:

(a) 'Common Logo' shall mean the mark depicted in Annex A to the Agreement;

(b) 'programme participants' shall mean manufacturers, assemblers, exporters, importers, retailers and other persons or bodies that commit themselves to promoting designated energy-efficient office equipment products that meet the Common Specifications defined in point (c) and that have chosen to participate in the Energy Star programme by having registered with the Commission;

(c) 'Common Specifications' shall mean the energy-efficiency and performance requirements, including testing methods, used to determine qualification of energy-efficient office equipment products for the Common Logo.

*Article 4*

**General principles**

**[F1** 1 The Energy Star programme shall contribute to fulfilling the Member States' and the Union's energy-efficiency targets as referred to in Articles 1 and 3 of Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency[11].

It shall be coordinated, as appropriate, with other Union labelling or quality certification arrangements as well as with schemes such as, in particular, the Union Ecolabel award scheme, established by Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel[(12)], the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products, established by Directive 2010/30/EU of the European Parliament and of the Council[(13)] and measures implementing Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products[(14)]. That coordination shall include the exchange of evidence and, if appropriate, the setting of common levels of specifications and requirements across the different schemes.**]**

2 The Common Logo may be used by programme participants on their individual office equipment products and on associated promotional material.

3 Participation in the Energy Star programme shall be on a voluntary basis.

**[**[F1]4 Other existing and new voluntary energy-efficiency labelling schemes for office equipment products in the Member States may co-exist with the Energy Star programme.

5 Without prejudice to any Union rules on conformity assessment and conformity marking and/or to any international agreement concluded between the Union and third countries as regards access to the Union market, products covered by this Regulation which are placed on the Union market may be tested by the Commission or Member States in order to verify their compliance with the requirements of this Regulation.**]**

**Textual Amendments**

**F1** Substituted by Regulation (EU) No 174/2013 of the European Parliament and of the Council of 5 February 2013 amending Regulation (EC) No 106/2008 on a Community energy-efficiency labelling programme for office equipment (Text with EEA relevance).

*Article 5*

**Registration of programme participants**

1 Applications to become a programme participant shall be submitted to the Commission.

2 The decision to authorise an applicant to become a programme participant shall be taken by the Commission, after verifying that the applicant has agreed to comply with the Common Logo user guidelines contained in Annex B to the Agreement. The Commission shall publish on the Energy Star web site and shall regularly send to the Member States an updated list of programme participants.

***[**[F1]Article 6*

**Promotion of energy-efficiency criteria**

1 For the duration of the Agreement, central government authorities within the meaning of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts[(15)] shall, without prejudice to Union and national law and