Directive 1999/94/EC of the European Parliament and of the Council of 13 December 1999 relating to the availability of consumer information on fuel economy and CO2 emissions in respect of the marketing of new passenger cars

DIRECTIVE 1999/94/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 13 December 1999

relating to the availability of consumer information on fuel economy and CO_2 emissions in respect of the marketing of new passenger cars

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[(1)],

Having regard to the opinion of the Economic and Social Committee[(2)],

Acting in accordance with the procedure laid down in Article 251 of the Treaty[(3)],

(1) Whereas Article 174 of the Treaty requires prudent and rational utilisation of natural resources; whereas the rational use of energy is one of the principal means by which this objective can be achieved and environmental pollution reduced;

(2) Whereas the ultimate objective of the UN Framework Convention on Climate Change is to achieve stabilisation of greenhouse gas concentrations in the atmosphere at a level that prevents dangerous anthropogenic interference with the climate system;

(3) Whereas under the Kyoto Protocol to the United Nations Framework Convention on Climate Change agreed at the December 1997 Kyoto Conference, the Community has accepted the target of reducing its emissions during the period 2008 to 2012 in respect of a basket of greenhouse gases by 8 % relative to 1990 levels;

(4) Whereas in recognition of the importance of passenger cars as a source of CO_2 emissions, the Commission has proposed a Community strategy to reduce CO_2 emissions from passenger cars and to improve fuel economy; whereas in its Conclusions of 25 June 1996 the Council welcomed the Commission's approach;

(5) Whereas information plays a key role in the operation of market forces; whereas the provision of accurate, relevant and comparable information on the specific fuel consumption and CO_2 emissions of passenger cars may influence consumer choice in favour of those cars which use less fuel and thereby emit less CO_2, thereby encouraging manufacturers to take steps to reduce the fuel consumption of the cars that they manufacture;

(6) Whereas the presence of labels on used cars at the point of sale could influence buyers of new passenger cars towards low consumption cars, since this characteristic will be taken into account when the car is re-sold; whereas it is therefore appropriate, in

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connection with the first review of this Directive, to consider enlarging the scope to used cars covered by Commission Directive 93/116/EC of 17 December 1993 adapting to technical progress Council Directive 80/1268/EEC relating to the fuel consumption of motor vehicles[(4)];

(7) Whereas it is therefore necessary to develop a fuel economy label for all new passenger cars displayed at the point of sale;

(8) Whereas a fuel economy label should contain information on fuel consumption and specific emissions of CO_2 that have been determined in accordance with the harmonised standards and methods laid down in Council Directive 80/1268/EEC of 16 December 1980 relating to the carbon dioxide emissions and fuel consumption of motor vehicles[(5)];

(9) Whereas it is necessary that supplementary standardised information on the fuel consumption and specific CO_2 emissions of all versions on the new car market is available in a suitable form both at the point of sale and from a designated body in each Member State; whereas such information may be useful to consumers who formulate their purchase decision before entering the showroom or who choose not to use the services of a dealer or visit a showroom when purchasing a passenger car;

(10) Whereas it is important that potential customers are made aware, at the point of sale, of the most fuel efficient passenger car models available through that point of sale;

(11) Whereas all promotional literature, and, as appropriate, all other promotional material, used in the marketing of new passenger cars, should contain data on the relevant fuel consumption and CO_2 emissions for the passenger car models to which it pertains,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

The purpose of this Directive is to ensure that information relating to the fuel economy and CO_2 emissions of new passenger cars offered for sale or lease in the Community is made available to consumers in order to enable consumers to make an informed choice.

Article 2

For the purposes of this Directive:

1. ‘passenger car’ means any motor vehicle of category M1, as defined in Annex II to Directive 70/156/EEC[(6)] and which falls under the scope of Directive 80/1268/EEC. It does not include vehicles falling under the scope of Directive 92/61/EEC[(7)] and special purpose vehicles as defined in the second indent of Article 4(1)(a) of Directive 70/156/EEC;

2. ‘new passenger car’ means any passenger car which has not previously been sold to a person who bought it for a purpose other than that of selling or supplying it;

3. ‘certificate of conformity’ means the certificate referred to in Article 6 of Directive 70/156/EEC;

4. ‘point of sale’ means a location, such as a car showroom or forecourt, where new passenger cars are displayed or offered for sale or lease to potential customers. Trade fairs where new passenger cars are presented to the public are included in this definition;

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5. 'official fuel consumption' means the fuel consumption type-approved by the approval authority in accordance with the provisions of Directive 80/1268/EEC and mentioned in Annex VIII of Directive 70/156/EEC and attached to the EC vehicle type-approval certificate or in the certificate of conformity. Where several variants and/or versions are grouped under one model, the value to be given for fuel consumption of that model shall be based on the variant and/or version with the highest official fuel consumption within that group;

6. 'official specific emissions of CO_2' for a given passenger car means those measured in accordance with the provisions of Directive 80/1268/EEC and mentioned in Annex VIII of Directive 70/156/EEC and attached to the EC vehicle type-approval certificate or in the certificate of conformity. Where several variants and/or versions are grouped under one model, the values to be given for CO_2 of that model shall be based on the variant and/or version with the highest official CO_2 emissions within that group;

7. 'fuel economy label' means a label which contains consumer information regarding the official fuel consumption and the official specific emissions of CO_2 of the car to which the label is attached;

8. 'fuel economy guide' means a compilation of the official fuel consumption data and official specific emissions of CO_2 for each motel available on the new car market;

9. 'promotional literature' means all printed matter used in the marketing, advertising and promotion of vehicles to the general public. It includes, as a minimum, technical manuals, brochures, advertisements in newspapers, magazines and trade press and posters;

10. 'make' means the trade name of the manufacturer and is that which appears on the certificate of conformity and the type-approval documentation;

11. 'model' means the commercial description of the make, type, and, if available and appropriate, variant and version of a passenger car;

12. 'type', 'variant' and 'version' mean the differentiated vehicles of a given make that are declared by the manufacturer, as described in Annex II.B to Directive 70/156/EEC, and uniquely identified by type, variant and version alphanumeric characters.

Article 3

The Member States shall ensure that a label on fuel economy and CO_2 emissions, which is in accordance with the requirements described in Annex I, is attached to or displayed, in a clearly visible manner, near each new passenger car model at the point of sale.

Article 4

Without prejudice to the establishment by the Commission of an Internet guide at Community level, the Member States shall ensure that a guide on fuel economy and CO_2 emissions is produced in consultation with manufacturers on at least an annual basis in accordance with the requirements of Annex II. The guide shall be portable, compact and available free of charge to consumers upon request both at the point of sale and also from a designated body within each Member State.

The authority or authorities referred to in Article 8 may cooperate in the preparation of the guide.

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Article 5

The Member States shall ensure that, for each make of car, a poster (or alternatively, a display) is exhibited with a list of the official fuel consumption data and the official specific CO_2 emissions data of all new passenger car models displayed or offered for sale or lease at or through that point of sale. This data shall be displayed in a prominent position and in accordance with the format in Annex III.

Article 6

The Member States shall ensure that all promotional literature contains the official fuel consumption and the official specific CO_2 emission data of the passenger car models to which it refers in accordance with the requirements of Annex IV.

Member States shall, as appropriate, provide for promotional material other than the promotional literature referred to above to indicate the official CO_2 emission data and the official fuel consumption data of the specific car model to which it refers.

Article 7

The Member States shall ensure that the presence on labels, guides, posters or promotional literature and material referred to in Articles 3, 4, 5 and 6 of other marks, symbols or inscriptions relating to fuel consumption or CO_2 emissions which do not comply with the requirements of this Directive is prohibited, if their display might cause confusion to potential consumers of new passenger cars.

Article 8

The Member States shall notify the Commission of the competent authority or authorities responsible for the implementation and functioning of the consumer information scheme described in this Directive.

[F1 Article 9

1 Measures necessary to adapt the Annexes to this Directive and designed to amend non-essential elements of it shall be adopted by the Commission in accordance with the regulatory procedure with scrutiny referred to in Article 10(3) following consultation with consumer organisations and other interested parties.

In order to assist this process, each Member State shall transmit to the Commission, by 31 December 2003, a report on the effectiveness of the provisions of this Directive, covering the period from 18 January 2001 to 31 December 2002. The format of this report shall be established in accordance with the regulatory procedure referred to in Article 10(2) not later than 18 January 2001.

2 In addition to the measures referred to in paragraph 1, the Commission shall take measures aimed at:

a further specifying the format of the label referred to in Article 3 by adapting Annex I;

b further specifying the requirements concerning the guide referred to in Article 4 with a view to classifying new car models, thus enabling a listing of the models according to CO_2 emissions and fuel consumption in specified classes, including a class listing of the most fuel efficient new car models;

c establishing recommendations in order to enable the application of the principles of the provisions on promotional literature referred to in the first paragraph of Article 6 to other media and material.

The measures referred to in point (a) of the first subparagraph, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3).

The measures referred to in points (b) and (c) of the first subparagraph shall be adopted in accordance with the regulatory procedure referred to in Article 10(2).**]**

Textual Amendments

F1 Substituted by Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part One.

[F2 Article 10

1 The Commission shall be assisted by a committee.

2 Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC[8] shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

[F1 3 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.**]]**

Textual Amendments

F1 Substituted by Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part One.

F2 Substituted by Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003 adapting to Council Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in instruments subject to the procedure referred to in Article 251 of the EC Treaty.

Article 11

Member States shall determine the penalties applicable to breaches of the national provisions adopted pursuant to this Directive. The penalties shall be effective, proportionate and dissuasive.

Article 12

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 18 January 2001. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.