

DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

D/2011/03/MC-EnC: On adopting certain Delegated Regulations on energy related products

The Ministerial Council of the Energy Community,

Having regard to Article 3(2)(f) of Decision 2009/05/MC-EnC, as amended by Article 2 of Decision 2010/02/MC-EnC,

Whereas the Ministerial Council on 18 December 2009 adopted Decision 2009/05/MC-EnC incorporating, *inter alia*, Directive 92/75/EEC on the indication by labeling and standard product information of the consumption of energy and other resources by household appliances ("Directive 92/75/EEC"), as well as eight Implementing Directives, into the Energy Community *acquis*,

Whereas Decision 2009/05/MC-EnC was amended by Decision 2010/02/MC-EnC of the Ministerial Council on 24 September 2010, incorporating, *inter alia*, Directive 2010/30/EU of the European Parliament and of the Council on the indication by labeling and standard product information of the consumption of energy and other resources by energy-related products, recasting and repealing Directive 92/75/EEC,

Whereas Article 3(2)(f) of Decision 2009/05/MC-EnC, as amended, adapted Article 13 of Directive 2010/30/EU as follows: "*The Ministerial Council may object to the application of a delegated act to the Contracting Parties of the Energy Community at the meeting following notification. If, at that meeting, the Ministerial Council has not objected to the delegated act, it shall become binding on the Contracting Parties, subject to possible adaptation. If the Ministerial Council objects to a delegated act, it shall not be applicable in the Energy Community. The Ministerial Council shall state the reasons for objecting to the delegated act*",

Whereas the Permanent High Level Group, at its meetings on 29 June 2011 and 5 October 2011, discussed and proposed to adopt the present Decision,

HAS ADOPTED THIS DECISION:

Article 1

The Ministerial Council does not object, within the meaning of Article 13 of Directive 2010/30/EU, as incorporated into the Energy Community *acquis* and adapted under Decision 2010/02/MC-EnC. to Commission Delegated Regulation (EU) No 1059/2010 supplementing Directive 2010/30/EU with regard to energy labeling of household dishwashers ("Delegated Regulation 1059/2010"); Commission Delegated Regulation (EU) No 1060/2010 supplementing Directive 2010/30/EU with regard to energy labeling of household refrigerating appliances ("Delegated Regulation 1060/2010"), Commission Delegated Regulation (EU) No 1061/2010 supplementing Directive 2010/30/EU with regard to energy labeling of household washing machines ("Delegated Regulation 1061/2010"), Commission Delegated Regulation (EU) No 1062/2010 supplementing Directive 2010/30/EU with regard to energy labeling of televisions ("Delegated Regulation 1062/2010") and Delegated Regulation (EU) No 626/2011 implementing Directive 2010/30/EU with regard to energy labeling of air conditioners ("Delegated Regulation 626/2011").

Article 2

1. For the purpose of implementing the Delegated Regulations referred to in Article 1 within the institutional framework of the Treaty,
 - a. the term "Member States" shall read "Contracting Parties" throughout all Delegated Regulations referred to in Article 1;
 - b. the term "Commission" in Article 3(c) of Delegated Regulation 1059/2010, Article 3(c) of Delegated Regulation 1060/2010, Article 3(c) of Delegated Regulation 1061/2010, Article 3(c) of Delegated Regulation 1062/2010 and Article 3(c) of Delegated Regulation 626/2011 shall read "Secretariat";
 - c. Articles 7, 8, 9(3) and 10(1) of Delegated Regulation 1059/2010, Articles 7, 8 and 10(1) of Delegated Regulation 1060/2010, Articles 7, 8, 9(3) and 10(1) of Delegated Regulation 1061/2010, Articles 7 and 9(1) of Delegated Regulation 1062/2010 and Articles 7,8 and 10(1) of Delegated Regulation 626/2011 shall not apply.
3. For the purpose of implementing the Delegated Regulations referred to in Article 1 by the Contracting Parties to the Treaty,
 - a. The deadlines stipulated in Delegated Regulation 1059/2010 shall be replaced as follows:
 - i. in Article 9(1): "30 April 2013",
 - ii. in Article 9(2): "31 December 2012"
 - iii. in Article 10(2): "31 December 2012" instead of "20 December 2011" and "30 April 2013" instead of "20 April 2012".
 - b. The deadlines stipulated in Delegated Regulation 1060/2010 shall be replaced as follows:
 - i. in Article 9(1): "30 April 2013",
 - ii. in Article 9(2) and (3): "31 December 2012"
 - iii. in Article 10(2): "31 December 2012" instead of "30 November 2011" and "30 April 2013" instead of "30 March 2012".
 - c. The deadlines stipulated in Delegated Regulation 1061/2010 shall be replaced as follows:
 - i. in Article 9(1): "30 April 2013",
 - ii. in Article 9(2): "31 December 2012"

- iii. in Article 10(2): “31 December 2012” instead of “20 December 2011” and “30 April 2013” instead of “20 April 2012”.
 - d. The deadlines stipulated in Delegated Regulation 1062/2010 shall be replaced as follows:
 - i. in Article 8: “30 April 2013”,
 - ii. in Article 9(2): “31 December 2012” instead of “30 November 2011” and “30 April 2013” instead of “30 March 2012”.
 - e. The deadlines stipulated in Delegated Regulation 626/2011 shall not be adapted.
4. Each Contracting Party shall prepare a label design based on the template annexed to the respective Delegated Regulation and translated into the official languages. The label design shall be submitted to the Permanent High Level Group not later than 30 June 2012 for approval.
 5. The Secretariat shall monitor and review the implementation of the Delegated Regulations referred to in Article 1 in the Contracting Parties and shall submit a progress report to the Permanent High Level Group by 1 October 2013.

Article 3

1. This Decision enters into force upon its adoption and is addressed to the Contracting Parties.
2. All references in Decision 2009/05/MC-EnC, as amended by Decision 2010/02/MC-EnC, to Commission Directive 97/17/EC implementing Council Directive 92/75/EEC with regard to energy labeling of household dishwashers, as amended by Commission Directive 1999/9/EC, Commission Directive 94/2/EC implementing Council Directive 92/75/EEC with regard to energy labeling of household electric refrigerators, freezers and their combinations, as amended by Commission Directive 2003/66/EC, and Commission Directive 95/12/EC implementing Council Directive 92/75/EEC with regard to energy labeling of household washing machines, as amended by Commission Directive 96/89/EC shall cease to apply as of 31 December 2012. All references to Commission Directive 2002/31/EC implementing Council Directive 92/75/EEC with regard to energy labeling of household air-conditioners shall cease to apply as of 1 July 2013.
3. The Secretariat shall establish and publish a consolidated version of this Decision, Decision 2009/05/MC-EnC and Decision 2010/02/MC-EnC.

Done in Chisinau on 06th October 2011

For the Ministerial Council



.....
Presidency