

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive relating to the availability of consumer information on fuel economy in respect of the marketing of new passenger cars

(98/C 305/02)

(Text with EEA relevance)

COM(1998) 489 final — 98/0272(SYN)

(Submitted by the Commission on 3 September 1998)

THE COUNCIL OF THE EUROPEAN UNION,

the United Nations Framework Convention on Climate Change;

Having regard to the Treaty establishing the European Community and in particular Article 130s(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Acting in accordance with the procedure laid down in Article 189c of the Treaty in cooperation with the European Parliament,

- (1) Whereas Article 130r 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 Community recognises that greenhouse gas concentrations in the atmosphere should be stabilised at such a level that would prevent dangerous anthropogenic interference with the climate system;
- (3) Whereas the Community is committed, within the United Nations Framework Convention on Climate Change, to stabilising emissions of carbon dioxide (CO₂) at 1990 levels by 2000;
- (4) Whereas the Community has accepted a target to reduce its emissions of a basket of greenhouse gases by 8 % during the period 2008 to 2012 relative to 1990 levels as part of the Protocol agreed at the December 1997 Kyoto Conference of the Parties to

- (5) Whereas a Community strategy to reduce CO₂ emissions from passenger cars and improve fuel economy has been proposed by the Commission⁽¹⁾ and was endorsed by the Council in its conclusions of 25 June 1996;

- (6) Whereas information plays a key role in the operation of market forces and the provision of accurate, relevant and comparable information on the specific fuel consumption of passenger cars may influence consumer choice in favour of those cars which use less fuel and thereby emit less CO₂, thus prompting manufacturers to take steps to reduce the fuel consumption of the cars that they manufacture;

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

- (8) Whereas, in accordance with the principles of subsidiarity and proportionality as set out in Article 3b of the Treaty, the objectives of this Directive, which is a key element in the abovementioned Community strategy, cannot be sufficiently achieved by the Member States and can therefore be better achieved by the Community; whereas this Directive confines itself to the minimum required in order to achieve those objectives and does not go beyond what is necessary for that purpose;

⁽¹⁾ COM(95) 689 final.

- (9) Whereas a fuel economy label should contain information on fuel consumption and specific emissions of CO₂ that have been determined in accordance with the harmonised standards and methods laid down in Council Directive 80/1268/EEC of 16 December 1980 on the approximation of the laws of the Member States relating to the fuel consumption of motor vehicles⁽¹⁾, as last amended by Commission Directive 93/116/EC⁽²⁾;
- (10) Whereas it is necessary that supplementary standardised information on the fuel consumption 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;
- (11) Whereas it is important that potential customers are made aware, at the point of sale, of the most fuel efficient cars available through a given dealer;
- (12) Whereas all promotional literature, prepared by manufacturers and dealers and used in the marketing of new passenger cars, should contain the relevant fuel consumption data for the vehicles to which it pertains,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The purpose of this Directive is to ensure that information relating to the fuel economy of new passenger cars offered for sale or lease in the Community is made available to consumers.

Article 2

For the purposes of this Directive:

passenger car means a motor vehicle of category M1, as defined in Annex 1 to Council Directive 70/156/EEC⁽³⁾, that is used for the carriage of passengers and that has no more than eight seats in addition to the driver's seat. It does not include vehicles falling under the scope of Council Directive 92/61/EEC⁽⁴⁾;

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;

Certificate of Conformity means the document provided for in Article 6 of Directive 70/156/EEC which must accompany each new passenger car and which is required before a passenger car can be sold, registered or allowed entry into service;

dealer means a person or commercial enterprise whose business involves the selling or leasing of new passenger cars. It does not include those people or organisations involved solely in the provision of finance to consumers in order that they may purchase a vehicle;

point of sale means a location, such as a car showroom or forecourt, where passenger cars are displayed and offered for sale or lease to potential customers;

official fuel consumption means the fuel consumption measured in accordance with the provisions of Directive 80/1268/EEC;

official specific emissions of CO₂ means the specific CO₂ emissions determined in accordance with the provisions of Directive 80/1268/EEC;

fuel economy label means a label which contains certain items of consumer information regarding the official fuel consumption and the official specific emissions of CO₂ of the car to which it is attached;

fuel economy guide means a compilation of the official fuel consumption data and official specific emissions of CO₂ for each new passenger car available on the new car market in the Member State, listed by make, variant and version;

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

make means the trade name of the person or body responsible to a type-approval authority for all aspects of the vehicle type and is that which appears on the Certificate of Conformity;

variants means those cars which belong to the same type, as defined in Annex II B to Directive 70/156/EEC, but which differ from one another in certain permissible respects;

⁽¹⁾ OJ L 375, 31.12.1980, p. 36.

⁽²⁾ OJ L 329, 30.12.1993, p. 39.

⁽³⁾ OJ L 42, 23.2.1970, p. 1.

⁽⁴⁾ OJ L 225, 10.8.1992, p. 72.

versions means those cars which belong to the same variant, as defined in Annex II B to Directive 70/156/EEC, but which differ from one another in certain permissible respects;

average fuel price means a single reference price of petrol or diesel fuel which is representative of the prevailing market for those fuels in each Member State.

Article 3

The Member States shall determine, for the purposes of this Directive, average fuel prices for both petrol and diesel fuel on 1 January each year and ensure that this information is freely available, in particular, to those persons or organisations involved in the implementation of the provisions of this Directive.

Article 4

The Member States shall ensure that a fuel economy label, which is in accordance with the requirements described in Annex I, is attached in a clearly visible manner to the windshield of all new passenger cars at the point of sale.

However, it shall not be necessary to attach a label to those passenger cars for which the official fuel consumption and official specific CO₂ emissions data do not appear in the Certificate of Conformity.

Article 5

The Member States shall ensure that a fuel economy guide is produced at least on an annual basis in accordance with the requirements of Annex II.

The guide shall be compact, portable and be available free of charge to consumers on request both at the point of sale and also from a designated body within each Member State. The Member State shall also ensure that the guide is available through electronic means, such as the Internet, and that this form of the guide is kept up-to-date with changes in the range of new passenger car versions available for purchase in the Member State.

Article 6

The Member States shall ensure that every dealer displays, for each make available for purchase at the point of sale, a list of the official fuel consumption data and the official specific CO₂ emissions data of all new passenger cars available for purchase at the point of sale, by way of a poster. This data shall be displayed in a prominent position and in accordance with the format in Annex III.

Article 7

The Member States shall ensure that all promotional literature contains the official fuel consumption data of

the vehicles to which it refers in accordance with the requirements of Annex IV.

Article 8

The Member States shall ensure that the presence of other marks, symbols or inscriptions relating to fuel consumption 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 9

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

Article 10

Any amendments which are necessary in order to adapt the Annexes to this Directive to take account of progress shall be adopted by the Commission in accordance with the procedure set out in Article 11 and following consultation with consumer organisations and other interested parties.

In order to assist this adaptation process, five years after this Directive has entered into force each Member State shall transmit to the Commission a report on the effectiveness of the provisions of this Directive.

Article 11

The Commission shall be assisted by the Committee established in accordance with Article 10 of Council Directive 92/75/EEC⁽¹⁾.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit, which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

Article 12

1. The Member States shall bring into force the provisions necessary to comply with this Directive by 31 December 1999, at the latest. They shall forthwith inform the Commission thereof.

⁽¹⁾ OJ L 297, 13.10.1992, p. 16.

When Member States adopt the measures referred to in the first subparagraph, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication.

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

Article 13

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective,

proportionate and dissuasive. The Member States shall notify those provisions to the Commission by the date specified in Article 12 at the latest and shall notify it without delay of any subsequent amendment affecting them.

Article 14

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Article 15

This Directive is addressed to the Member States.

ANNEX I

DESCRIPTION OF THE FUEL ECONOMY LABEL

The Member States shall ensure, as a minimum, that all fuel economy labels in their territory:

1. comply to a standardised format in order to allow greater recognition by consumers;
 2. are of a size of 297 mm × 210 mm (A4);
 3. contain the make, variant, version, and fuel type of the passenger car to which they are attached;
 4. contain the numerical value of the official fuel consumption and the official specific emissions of CO₂. The value of the official fuel consumption shall be expressed in either litres per 100 kilometres (l/100 km), miles per gallon (mpg), kilometres per litre (km/l), or an appropriate combination of these and be quoted to one decimal place. The official specific emissions of CO₂ are to be quoted to the nearest whole number in grams per kilometre (g/km);
 5. contain an estimate of the fuel costs associated with driving a distance of 10 000 kilometres or 6 000 miles for the particular vehicle and fuel type in question. The calculation of fuel cost shall use the *average fuel price* set annually in each Member State. The fuel cost estimate shall be accompanied by a suitable text explaining the underlying assumptions and the fuel price used in the calculation. The text explaining the underlying assumptions shall include a reference to the driving conditions simulated by the test cycle which appears in Directive 80/1268/EEC, an explanation of how the average fuel price was calculated and an explanation that the cost figure is given for 10 000 kilometres (6 000 miles) so that consumers can easily calculate their annual fuel cost for a particular vehicle;
 6. contain the following text regarding the availability of the fuel economy guide:

‘A fuel economy guide which contains fuel consumption data for all new cars is available from the dealer free of charge’;
 7. contain the following text:

‘In addition to the fuel efficiency of a car, driving behaviour as well as other non-technical factors play a role in determining a car’s fuel economy and CO₂ emissions. CO₂ is the main greenhouse gas responsible for global warming’.
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ANNEX II

DESCRIPTION OF THE FUEL ECONOMY GUIDE

The Member States shall ensure that the fuel economy guide contains, as a minimum, the following information:

1. the numerical value of the official fuel consumption and the official specific emissions of CO₂. The value of the official fuel consumption shall be expressed in either litres per 100 kilometres (l/100 km), miles per gallon (mpg), kilometres per litre (km/l) or an appropriate combination of these and be quoted to one decimal place. The official specific emissions of CO₂ are to be quoted to the nearest whole number in grams per kilometre (g/km);
2. a prominent listing of the 10 most fuel-efficient new car versions ranked in order of increasing specific emissions of CO₂ for each fuel type (petrol and diesel). The listing must contain the make, variant and version, the official specific emissions of CO₂, the official fuel consumption and the fuel cost associated with 10 000 km or 6 000 miles for the particular vehicle in question;
3. the official specific emissions of CO₂ are to be quoted to the nearest whole number in grams per kilometre (g/km). The fuel consumption shall be expressed in either litres per 100 kilometres (l/100 km), miles per gallon (mpg), kilometres per litre (km/l) or an appropriate combination of these. All fuel consumption data must be quoted to one decimal place. The calculation of fuel cost shall use the *average fuel price* set annually in each Member State. The fuel cost estimate shall be accompanied by a suitable text explaining the underlying assumptions and the fuel price used in the calculation. The text explaining the underlying assumptions shall include a reference to the driving conditions simulated by the test cycle which appears in Directive 80/1268/EEC, an explanation of how the average fuel price was calculated and an explanation that the cost figure is given for 10 000 kilometres (6 000 miles) so that consumers can easily calculate their annual fuel cost for a particular vehicle;

Fuel type	Ranking	Make	Variant	Version	CO ₂ emissions	Fuel consumption	Fuel cost of driving 10 000 km
Petrol	1						
	2						
	—						
	10						
Diesel	1						
	2						
	—						
	10						

4. contain advice to motorists on the many non-technical measures that can be taken to improve the fuel consumption of their vehicle, for example, eliminating aggressive driving, travelling at lower speeds, anticipating braking, correctly inflating tyres, reducing periods of idling, not carrying excessive weight, etc.;
5. contain an explanation of the effects of greenhouse gas emissions, potential climate change and the relevance of motor cars as well as a reference to the different fuel options available to the consumer and their environmental implications based on the latest scientific evidence and legislative requirements.

ANNEX III

DESCRIPTION OF THE POSTER TO BE DISPLAYED AT THE POINT OF SALE

The Member States shall ensure that dealers display a poster containing a list of all the new car versions available for purchase at the point of sale and ranked according to their official fuel consumption. Where a dealer has more than one make for sale, they shall provide a separate poster for each make. The poster(s) shall, as a minimum, meet the following requirements:

1. be a minimum size of 70 cm × 50 cm;
2. the information in the poster should be easy to read;
3. new car versions must be grouped and listed separately according to fuel type (petrol or diesel). For each car in the list the make, variant, version, official CO₂ emissions, official fuel consumption and fuel cost associated with 10 000 kilometres or 6 000 miles shall be included for the particular vehicle in question. Within each fuel type, versions are to be ranked in order of increasing CO₂ emissions, with the most fuel-efficient vehicle being placed at the top of the list;
4. the official specific emissions of CO₂ are to be quoted to the nearest whole number in grams per kilometre (g/km). Fuel consumption is to be expressed in either litres per 100 kilometres (l/100 km), in miles per gallon (mpg), kilometres per litre (km/l) or an appropriate combination of these. The calculation of fuel cost shall use the *average fuel price* set annually in each Member State. The fuel cost estimate shall be accompanied by a suitable text explaining the underlying assumptions and the fuel price used in the calculation. The text explaining the underlying assumptions should include a reference to the driving conditions simulated by the test cycle which appears in Directive 80/1268/EEC, an explanation of how the average fuel price was calculated and an explanation that the cost figure is given for 10 000 kilometres (6 000 miles) so that consumers can easily calculate their annual fuel cost for a particular vehicle.

All fuel consumption data shall be quoted to one decimal place. A suggested format is shown below;

Fuel type	Ranking	Make	Variant	Version	CO ₂ emissions	Fuel consumption	Fuel cost of driving 10 000 km
Petrol	1						
	2						
	—						
	10						
Diesel	1						
	2						
	—						
	10						

5. the poster should contain the following text regarding the availability of the fuel economy guide, 'A fuel economy guide which contains fuel consumption data for all new cars is available from the dealer free of charge';
6. contain the following text, 'In addition to the fuel efficiency of a car, driving behaviour as well as other non-technical factors play a role in determining a car's fuel economy and CO₂ emissions. CO₂ is the main greenhouse gas responsible for global warming'.

ANNEX IV

THE PROVISION OF FUEL CONSUMPTION DATA IN PROMOTIONAL LITERATURE

The Member States shall ensure that all promotional literature contains the official fuel consumption data of the vehicles to which it refers. This information should, as a minimum, meet the following requirements:

1. it should be easy to read and no less prominent than the main part of the information provided in the promotional literature;
2. it should be easy to understand even on superficial contact;
3. official fuel consumption data should be provided for all different car versions to which the promotional material covers. If more than one version is specified then either the official fuel consumption data for all versions can be included or the range between the worst and best fuel consumption can be stated. Fuel consumption is to be expressed in either litres per 100 kilometres (l/100 km), in miles per gallon (mpg), kilometres per litre (km/l) or an appropriate combination of these. All numerical data should be quoted to one decimal place.

If the promotional literature only contains reference to the brand name of the make, and not to any particular version or vehicle, then fuel consumption data need not be provided.

Amended proposal for a Council Directive amending Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species

(98/C 305/03)

COM(1998) 499 final — 97/0217(CNS)

(Submitted by the Commission pursuant to Article 189a(2) of the EC Treaty on 7 August 1998)

In response to the opinion delivered by the European Parliament at its plenary session of 11 to 15 May 1998 on the proposal for a Council Directive submitted on 25 July 1997 amending Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species, and in accordance with Article 189a(2) of the EC Treaty the Commission has decided to amend the aforementioned proposal as follows:

1. Article 1(2) is replaced by the following:

‘2. The following paragraphs are added after Article 2(2):

‘3. When the examination under official supervision referred to in paragraph 1(C)(d)(ii) is carried out, the following requirements shall be complied with:

- (i) the inspectors, shall:
 - (a) have the necessary technical qualifications,
 - (b) derive no private gain in connection with the carrying out of the inspections,
 - (c) have been officially licensed and sworn in by the seed certification authority of the Member State concerned,
 - (d) carry out inspections under official supervision in accordance with the rules applicable to official inspections;
- (ii) the seed crop to be inspected shall be grown from seed which has undergone official post control, the results of which have been satisfactory;