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►B DIRECTIVE 2008/28/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 11 March 2008

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/EEC and Directives 96/57/EC and 2000/55/EC, as regards the implementing powers conferred on the Commission

(OJ L 81, 20.3.2008, p. 48)

Amended by:

		Official Journal		
		No	page	date
►M1	Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009	L 285	10	31.10.2009

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DIRECTIVE 2008/28/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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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/EEC and Directives 96/57/EC and 2000/55/EC, as regards the implementing powers conferred on the Commission

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 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) Directive 2005/32/EC of the European Parliament and of the Council ([3]) and three directives which constitute implementing measures thereto within the meaning of Article 15 thereof, namely Council Directive 92/42/EEC of 21 May 1992 on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels ([4]), Directive 96/57/EC of the European Parliament and of the Council of 3 September 1996 on energy efficiency requirements for household electric refrigerators, freezers and combinations thereof ([5]) and Directive 2000/55/EC of the European Parliament and of the Council of 18 September 2000 on energy efficiency requirements for ballasts for fluorescent lighting ([6]), stipulate that certain measures should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ([7]).

(2) Decision 1999/468/EC has been amended by Decision 2006/512/EC, which introduced the regulatory procedure with scrutiny for the adoption of measures of general scope and designed to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, *inter alia*, by deleting some of those elements or by supplementing the instrument with new non-essential elements.

([1]) OJ C 161, 13.7.2007, p. 45.
([2]) Opinion of the European Parliament of 11 July 2007 (not yet published in the Official Journal) and Council Decision of 3 March 2008.
([3]) OJ L 191, 22.7.2005, p. 29.
([4]) OJ L 167, 22.6.1992, p. 17. Directive as last amended by Directive 2005/32/EC.
([5]) OJ L 236, 18.9.1996, p. 36. Directive as amended by Directive 2005/32/EC.
([6]) OJ L 279, 1.11.2000, p. 33. Directive as amended by Directive 2005/32/EC.
([7]) OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

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(3) In accordance with the statement by the European Parliament, the Council and the Commission [1] concerning Decision 2006/512/EC, for the regulatory procedure with scrutiny to be applicable to instruments adopted in accordance with the procedure referred to in Article 251 of the Treaty which are already in force, those instruments must be adjusted in accordance with the applicable procedures.

(4) The statement comprises a list of instruments to be adjusted as a matter of urgency, including Directive 2005/32/EC. Adjusting that Directive necessitates adjusting Directives 92/42/EEC, 96/57/EC and 2000/55/EC.

(5) The Commission should be empowered to amend or repeal Directives 92/42/EEC, 96/57/EC and 2000/55/EC. Such amendment or repeal must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

(6) In addition, 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 including where appropriate provisions on the balancing of the various environmental aspects. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2005/32/EC by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny.

(7) Directive 2005/32/EC and Directives 92/42/EEC, 96/57/EC and 2000/55/EC should therefore be amended accordingly.

(8) Since the amendments made to Directive 2005/32/EC, as well as to Directives 92/42/EEC, 96/57/EC and 2000/55/EC, by this Directive are technical in nature and concern committee procedure only, they do not need to be transposed by the Member States. It is therefore not necessary to lay down provisions to that effect,

HAVE ADOPTED THIS DIRECTIVE:

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Article 2

Amendment to Directive 92/42/EEC

In Article 10a of Directive 92/42/EEC, the words ‘in accordance with Article 19(2) of Directive 2005/32/EC’ shall be replaced by the words ‘in accordance with Article 19(3) of Directive 2005/32/EC’.

Article 3

Amendment to Directive 96/57/EC

In Article 9a of Directive 96/57/EC, the words ‘in accordance with Article 19(2) of Directive 2005/32/EC’ shall be replaced by the words ‘in accordance with Article 19(3) of Directive 2005/32/EC’.

[1] OJ C 255, 21.10.2006, p. 1.

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Article 4

Amendment to Directive 2000/55/EC

In Article 9a of Directive 2000/55/EC, the words ‘in accordance with Article 19(2) of Directive 2005/32/EC’ shall be replaced by the words ‘in accordance with Article 19(3) of Directive 2005/32/EC’.

Article 5

Entry into force

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

Article 6

Adressees

This Directive is addressed to the Member States.