

The Legislation

Energy Labelling Directive

The Directive is one of a series of measures introduced by the European Commission under their programme of consumer and environmental protection. The new proposal focuses mainly on updating the A to G efficiency rating system.

How does it affect the media?

The Commission's original text did not affect the media. However, the European Parliament has adopted an amendment to the Commission's draft text that has serious implications:

"Any advertisement for a specific model of energy related products covered by an implementing measure under this Directive, where technical specifications are disclosed, shall provide end-users with the necessary information regarding energy consumption or energy savings or include a reference to the energy class of the product".

Timing

MEPs adopted this amendment on 5 May. The Commission is now working on a new text. However, the Commission has decided that it wants this directive to have consistency with the tyre labelling directive, hence the delay in conclusion. The Commission and key MEP Rapporteur Belet have said that they both want to keep media, TV and print out of the scope of the tyre directive, a stance which might help influence the energy labelling directive in the media's favour.

EPC position on energy labelling

The EPC is calling on the Council of Ministers to reject amendment (number 32) on the grounds that independent, diverse and vibrant media in Europe depend heavily on advertising revenues for funding, and that mandatory information requirements render the advertising less effective and consequently less attractive to advertisers.

Speaking on advertising at the 5 May Plenary meeting, Commissioner Piebalgs took up our points and asked: "How far can the institutions go to promote energy efficient product selling practices without hampering civil liberties of the free press?"

The European print and online newspaper and magazine publishers are extremely concerned about the amendment, as especially in the printed press, such products are advertised by producers and retailers who already give technical information on the product on a voluntary basis and in compliance with statutory rules about claims, unfair or misleading advertising. If detailed information requirements are mandated by law, this changes the freedom of advertising to a statutory information provision. As a result such advertisements, in particular in static print

media, would no longer be attractive for the retailers and producers which would in turn lead to losses of advertising revenue for the media that carry them.

In addition to the immediate and adverse impact of this amendment on European media, we are further concerned with the dangerous precedent set by the Parliament's amendment on a fundamental matter of principle.

Such a mandatory information requirement in advertising in this Energy Labelling Directive could create a precedent for other labelling directives in the future. While freedom of advertising and freedom of commercial speech is fundamental to the freedom of the press, introducing such an obligation for advertising would open the door for more advertising requirements in the future with very negative consequences for the freedom of media in Europe.

Indeed, it is in the free media, funded largely by advertising, that citizens can find informative and educational reports in editorial content which in turn activates citizens to change their behaviour. This cannot be achieved by political messages in free advertising.

Useful links

http://europa.eu/legislation_summaries/consumers/product_labelling_and_packaging/l32004_en.htm

[Energy Labelling Directive - Concerns of the publishing industry \(Joint letter from ENPA, EPC and FAEP\) \(PDF file\) \(Brussels 18 May 2009\)](#)

talk to use

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