

**Question for written answer E-001052/2019
to the Commission**

Rule 130

Werner Langen (PPE)

Subject: Implementation of Energy Labelling Regulation (EU) 2017/1369 by means of delegated regulations concerning particular products

For the purpose of implementing the 2017 Regulation setting a framework for energy labelling (Regulation (EU) 2017/1369, the 'Framework Regulation'), the Commission is currently revising a number of product-related delegated regulations. According to Article 6(a) of the Framework Regulation, a reference to the energy efficiency class of the product and the range of efficiency classes must be made either in visual advertisements or in technical promotional material for a particular model. On the other hand, the advertising rules contained in all the draft product-related delegated regulations stipulate that graphic references to the efficiency class and the range of efficiency classes must be made both in visual advertising and in technical promotional material. Furthermore, in the case of visual advertisements, Annex VII to the draft delegated regulations requires a link to the EPREL database to be made available in order to provide access to the entire efficiency label and the product information sheet. Under Article 290 TFEU, where powers to adopt acts are delegated, the essential elements of an area must be reserved for the legislative act (in this case the Framework Regulation itself), delegation of powers to legislate on those elements being explicitly ruled out.

1. How does the Commission justify the disparities in content between the advertising rules in the product regulations and the requirements of the Framework Regulation?
2. What delegation of powers does the Commission consider to justify the far-reaching rules on advertising in the draft product-related regulations? In the light of the substantive rules on advertising laid down in Article 6(a) of the Framework Regulation, to what extent does this delegation of powers comply with the requirements of Article 290 TFEU?
3. When will the Commission correct its draft acts so as to confine their scope to what is permitted?