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Ms Annalena Baerbock
Federal Minister for Foreign Affairs
Federal Foreign Office
Auswärtiges Amt
D-11013 Berlin

Subject: Notification 2023/609/DE

Second Ordinance amending the Ordinance on Energy Consumption Labelling for Passenger Cars

Delivery of comments pursuant to Article 5(2) of Directive (EU) 2015/1535 of 9 September 2015

Madam,

Within the framework of the notification procedure laid down by Directive (EU) 2015/1535 ⁽¹⁾, the German authorities notified to the Commission on 24 October 2023 the draft '*Second Ordinance amending the Ordinance on Energy Consumption Labelling for Passenger Cars*' (hereinafter, 'the notified draft').

According to the notification message, the notified draft adapts and specifies the requirements of the Energy Labelling Ordinance for Cars to align with Regulation (EU) 2017/1151. In addition, gaps relating to the content and design of advertising for new passenger cars will be closed with regard to advertising opportunities in digital media.

Examination of the notified draft has prompted the Commission to deliver the following comments pursuant to Article 5 (2) of Directive (EU) 2015/1535.

¹) Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, OJ L 241, 17.9.2015, p. 1.

COMMENTS

1. References to Annex XXI to Regulation (EU) 2017/1151 ⁽²⁾ ((hereinafter, ‘the WLTP Regulation’) should be changed into references to UN Regulation 154 following the amendments made to the WLTP Regulation in 2023 (Regulation (EU) 2023/443 ⁽³⁾)).

2. Several definitions in Section 2 of the notified draft are very generic, e.g. “WLTP value”, “manufacturer”, “electricity consumption”, “CO2 emissions”, etc. These definitions simply refer to “Regulation XXX” or “the certificate of conformity”, without specifying which elements or provisions thereof are meant. While this is to some extent dealt with in the substantive provisions (which point to specific entries of the certificate of conformity), the notified draft would benefit from more precise definitions of such key terms.

The Commission invites the German authorities to take the above comments into account.

The Commission furthermore recalls that once the definitive text has been adopted, it must be communicated to the Commission in accordance with Article 5(3) of Directive (EU) 2015/1535.



For the Commission

Kerstin JORNA
Director-General

Directorate-General for Internal
Market, Industry, Entrepreneurship
and SMEs

²) Commission Regulation (EU) 2017/1151 of 1 June 2017 supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Commission Regulation (EC) No 692/2008, OJ L 175, 7.7.2017, p. 1.

³) Commission Regulation (EU) 2023/443 of 8 February 2023 amending Regulation (EU) 2017/1151 as regards the emission type approval procedures for light passenger and commercial vehicles, OJ L 66, 2.3.2023, p.1