

# ECODESIGN FOR SUSTAINABLE PRODUCTS REGULATION

## Key points for consumers



### Why it matters to consumers

Consumers willing to buy more sustainable/durable products often struggle to find the right option on the market. This is because products are too often not built to last, wear out too quickly and are difficult to repair – if at all. This puts a strain on both consumers' wallets and the environment. The review of the Ecodesign framework is an opportunity to address this issue and ensure that all products placed on the EU market become more sustainable by design.

This two-pager summarises ANEC and BEUC's main recommendations on the Commission's proposed Ecodesign for Sustainable Products Regulation. The table assesses the proposals with the following symbols:



supports the proposal



support for idea but room for improvement



an important idea is missing in the proposal



rejects the proposal

#### COMMISSION PROPOSAL

##### EXTENSION OF THE SCOPE OF ECODESIGN TO MORE PRODUCTS AND SUSTAINABILITY CRITERIA (Article 1)



The proposal rightly covers more products and more sustainability aspects, including durability, reparability and the presence of hazardous substances. If swiftly implemented, this Regulation can bring more sustainable products by design to consumers.

##### SOCIAL ASPECTS OF SUSTAINABILITY ARE NOT COVERED (Articles 1,2,5)



The proposal should include social aspects and due diligence criteria, which are essential to product sustainability. Alongside the EU due diligence legislation currently under discussion, extra product-specific Ecodesign requirements would help address the social and environmental "hotspots" of products. Policy makers should take the proposed Batteries Regulation as an inspiration: it imposes on manufacturers to establish supply chain due diligence policies.

##### DEVELOPMENT OF HORIZONTAL ECODESIGN REQUIREMENTS (Articles 5, 16)



The proposal rightly enables the combination of both horizontal and product-specific Ecodesign requirements. We strongly recommend introducing horizontal requirements directly in the Regulation whenever technically feasible, as they can impose common sustainability criteria across product groups, saving time and resources in developing new Ecodesign measures. A horizontal approach allows a faster implementation of measures across similar products. For example, repair information and spare parts should be made available for most products by default, and further specified for each product.

##### THE ROLE OF INFORMATION VS. PERFORMANCE REQUIREMENTS (Preamble 23, Article 5.3)



Information has the power to guide consumers towards a more sustainable choice. However, information requirements should always be used to complement design requirements – never to substitute them, as currently suggested in the Commission's proposal.

##### SELF-REGULATION IS STILL CONSIDERED AN OPTION (Preamble 44, Article 18)



It is essential that policymakers reject the possibility to adopt voluntary agreements (VAs) in place of mandatory regulation. Over the years, VAs have proven to be ineffective and have often taken longer to adopt.

## COMMISSION PROPOSAL

## ANEC / BEUC STANCE

### CREATION OF A DIGITAL PRODUCT PASSPORT

(Chapter III, Article 7.6)



A Digital Product Passport can help increase traceability along the value chain and provide useful information to consumers on critical sustainability aspects, such as the presence of some substances or repair instructions. It can also support enforcement activities, in turn ensuring consumers benefit from compliant products. Priority should be given to products which would strongly benefit from increased transparency in the supply chain, such as textiles. Essential information must still be provided offline.

### HAZARDOUS SUBSTANCES & CHEMICALS

(Preamble 22, 25, Articles 2,6,7)



ANEC/BEUC welcome the possibility to tackle hazardous substances currently not covered by other legislation, by including in the ESPR definition of hazardous substances those that hamper the re-use and recycling of materials and by requesting the traceability of hazardous substances throughout the supply chain.

### DESTRUCTION OF UNSOLD GOODS

(Preamble 47, Article 20)



The decision to increase transparency on companies' handling of unsold or returned products is most welcome. However, policymakers must go further and introduce a general ban on the destruction of unsold goods (including returned and repairable ones), especially for sectors where this practice is commonplace (e.g., textiles and electronics). This ban should be complemented with appropriate measures that facilitate second-hand and donations.

### RESPONSIBILITIES OF ONLINE MARKETPLACES

(Article 29)



It is crucial to strengthen rules on the responsibilities of online marketplaces for non-compliant products sold online, where most consumer products can be purchased.

### CLEAR PRIORITISATION AND PLANNING

(Article 16)



The product groups and horizontal requirements that should be prioritised for Ecodesign should be clearly mentioned in the legislation. These should include electronics, ICT, textiles, and furniture (already identified in the Circular Economy Action Plan), as well as light means of transport (e.g., e-scooters) and small household appliances. The working plans should also specify the timeline for the implementation of new/revised Ecodesign requirements.

### MARKET SURVEILLANCE

(Chapter XI, Article 68)



To ensure consumers can benefit from more sustainable products and non-sustainable products do not enter the EU market, measures on market surveillance and custom controls must be strengthened. This includes setting mandatory percentage of testing to check compliance with new requirements, closer co-operation across market surveillance authorities, and a coordinated system to flag non-compliant products (such as through the EU Safety Gate). The proposal should specify dissuasive sanctions to ensure businesses comply with sustainability rules.

### ECODESIGN FORUM (Article 17)



It is positive to maintain a strong level of involvement of all relevant stakeholders, including consumer representatives, in the development of Ecodesign measures through the new Ecodesign Forum. Consumer representatives must receive enough resources to successfully participate in the forum.

### LACK OF CONSUMER REMEDY IN CASE OF NON-CONFORMITY WITH ECODESIGN REQUIREMENTS



Ecodesign requirements have the potential to go beyond those included in the EU consumer law, which offers consumers remedies in case of non-compliance. This creates a legal gap, as consumers who have bought products that are non-compliant with ESPR might end up not being able to be compensated if they do not meet the (strict) conditions of consumer law. This must be addressed if the EU is serious about giving consumers support in case of non-compliance.