

## European Commission Proposal for an ‘Ecodesign for Sustainable Products’ Regulation

The circularity of products and services is a key part of achieving the European Union’s (EU) climate objectives. The recent Commission proposal for an ‘Ecodesign for Sustainable Products’ regulation aims to improve the **sustainability and circularity of goods** across their lifecycle, increase the **flow of information** across all actors, and **reduce waste** in the process. The proposed legislation will thus replace the already existing Ecodesign directive, widening the scope of products and ecodesign requirements covered, and introduce new information requirements. The above has been presented as part of a wider package, which also includes separate sectorial initiatives covering textiles and construction materials.

### Ecodesign Requirements

The proposed Ecodesign for Sustainable Products regulation will empower the European Commission to introduce **ecodesign requirements** on the following aspects of **products, components, or intermediary products**:

- a) Product durability and scope
- b) Product reusability
- c) product upgradability, reparability, maintenance, and refurbishment
- d) the presence of substances of concern in products
- e) product energy and resource efficiency
- f) recycled content in products
- g) product remanufacturing and recycling
- h) products’ carbon and environmental footprints
- i) products’ expected generation of waste materials

Compliance with these requirements will be necessary for **manufacturers, importers, or dealers** seeking to sell their products in the EU single market. Not every requirement will necessarily apply to all products falling under the scope of this directive, but rather the Commission will take a product-specific approach and introduce relevant requirements depending on the product in question.

Although limited in number, certain products have also been exempted from abiding by ecodesign requirements altogether since they are already governed by separate legislations:

- a) food as defined in Article 2 of Regulation (EC) No 178/2002
- b) feed as defined in Article 3(4) of Regulation (EC) No 178/2002

- c) medicinal products for human use as defined in Article 1(2) of Directive 2001/83/EC
- d) veterinary medicinal products as defined in Article 4(1) of Regulation (EU) 2019/6
- e) living plants, animals, and micro-organisms
- f) products of human origin
- g) products of plants and animals relating directly to their future reproduction

The European Commission has recognized the importance of reducing the negative impact of new requirements on competitiveness and the quality of European products. In this respect, it has put forward several qualifications and limitations on the scope of the requirements to take into consideration aspects such as the functionality of the product; health & safety; affordability; competitiveness of SMEs; limitations on the use of proprietary technology; and bureaucracy.

### Information Requirements

Aside from ecodesign requirements, products falling under the scope of this proposed regulation will have to also comply with certain **information requirements**. The premise is that information flows across all actors in the supply chain is crucial to create a truly circular economy and limit wastage. To this end, the Commission is proposing a **Digital Product Passport (DPP)** which will capture, as appropriate, all information relating to a particular product on characteristics such as:

- Information on product performance
- Information for consumers/end-users on how to install, use, maintain and repair product
- Information for treatment facilities on disassembly, recycling, or disposal
- Other information on product handling by parties other than the manufacturer

The DPP will always have to be accurate and publicly accessible, even when physical access to the products is not possible (e.g., distance buying or online shopping). Moreover, the passport must be connected via a data carrier to a unique product identifier. The Commission proposal has nonetheless introduced a degree of flexibility in the way the DPP is provided, either on the product itself; on its packaging; in a product passport; on a label; in a manual; or on a freely accessible website/app. The language in which this information is presented must be easily understood by the residents of that member states, which will be decided upon by the national government in question.

Information requirements shall also be placed on large operators which destroy or discard of unsold consumer products. These operators will be obliged to provide **information on the number of unsold goods discarded** per year according to certain categories, the reasons why these were discarded, and information on the delivery of discarded products prepared for re-use, remanufacturing, recycling, energy recovery and disposal operations. The Commission

may also prohibit the disposal of certain products if it considers to be significant environmental impact.

### Conformity Assessments

For products falling under the scope of this proposed regulation to be considered compliant and marketable in the EU single market, they must first undergo a **conformity assessment** and the manufacturer will draw up an '**EU Declaration of Conformity**'. This means that manufacturers, importers & distributors, and dealers will have to ensure that their products bear such a declaration before their products are sold in the EU.

The verification of this conformity shall be the responsibility of member state governments, who will be obliged to identify a relevant national authority to oversee the proper implementation and oversight of the regulation. This national authority will then be empowered to authorise third parties to carry out conformity assessments on its behalf.

Given their size and limited resources, SMEs will naturally be hardest hit by any new bureaucracy or reporting requirements conditionally placed on their products. To this end, the Commission calls for member state governments to provide financial and administrative support to SMEs to ease this burden. The Commission shall also provide **guidelines for SMEs** where appropriate to facilitate the implementation of this proposed regulation and adapt EU funding programmes to also consider initiatives which will help SMEs integrate sustainability aspects into their value chain.

***The full text of the Commission proposal can be found at the link below:***

[https://ec.europa.eu/environment/publications/proposal-ecodesign-sustainable-products-regulation\\_en](https://ec.europa.eu/environment/publications/proposal-ecodesign-sustainable-products-regulation_en)

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