Ecodesign for Sustainable Products Regulation

2022/0095(COD) - 30/03/2022 - Legislative proposal

PURPOSE: to establish a broadened framework for setting ecodesign requirements for sustainable products.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Directive 2009/125/EC establishes a framework for the setting of ecodesign requirements for energy-related products. It has significantly reduced EU primary energy demand for products and has been generally successful in fostering the energy efficiency and some circularity aspects of energy-related products, and its approach has the potential to progressively address the sustainability of all products. To deliver on Green Deal commitments, this approach should be **extended to other product groups** and systematically address key aspects for increasing the environmental sustainability of products with binding requirements.

In the absence of legislation at Union level, diverging national approaches to improving the environmental sustainability of products have already emerged, ranging from information requirements on the duration of software compatibility of electronic devices to reporting obligations on handling unsold durable goods. This is an indication that further national efforts to achieve the aims pursued by this Regulation will likely lead to further fragmentation of the internal market.

Therefore, in order to safeguard the functioning of the internal market while ensuring a high level of environmental protection, there is a need for a regulatory framework to progressively introduce ecodesign requirements for products. This Regulation will, by making the ecodesign approach initially set out in Directive 2009/125/EC of the European Parliament and of the Council applicable to the broadest possible range of products, provide such a framework.

CONTENT: the proposal builds on the success of EU's existing Ecodesign rules, which have brought remarkable reductions in EU's energy consumption and significant savings to consumers. However, the new proposal **extends the existing Ecodesign framework** in two ways:

- to cover the broadest possible range of products;

- to broaden the scope of the requirements with which products are to comply.

The proposal:

- lays down a framework for setting ecodesign requirements, creating a **digital product passport**, and **prohibiting the destruction of unsold consumer products**;

- lays down the product aspects to which the eco-design requirements relate, such as **durability** and reliability, **reusability**, upgradability, **reparability**, and possibility of maintenance and refurbishment, presence of substances of concern, energy and resource efficiency, recycled content;

- sets the scope of the Regulation – only a few sectors, such as food, feed, and medicinal products, are exempted;

- provides more details about performance requirements;

- lays down the necessary provision to implement the product passport and sets up a **registry** storing information included in the products passport;

- specifies the requirements attached to **labels**, when they are to be used for a given product group;

- lays down a number of measures that the Member States and the Commission are required to take to **help SMEs** with the general implementation of this Regulation and the future delegated acts;

- establishes a general obligation of **transparency** for economic operators who discard unsold consumer products;

- explicitly **prohibits circumvention techniques**, such as a big company selling to small companies (which are normally exempted) to make them destroy products;

- lays down obligations of manufacturers, authorised representatives, importers and distributors;

- sets out the obligations of **online marketplaces and online search engines** in particular concerning cooperation with market surveillance authorities. It also specifies that market surveillance authorities should have the power to order an online marketplace to **remove illegal content**;

- requires Member States to draw up an action plan for market surveillance activities, which must include 'priorities for market surveillance' to be identified.

Budgetary implications

The proposal has limited budgetary implications for the Commission. Specifically, it requires 54 full-time equivalents to fully implement the regulation and the related delegated acts over the period 2022-2027 of the EU Multiannual Financial Framework (MFF). New commitments would be needed on existing budget lines, amounting to EUR 23.338 million in Heading 1 of the MFF (Single Market, Innovation and Digital), EUR 43.912 million in Heading 3 (Natural Resources and the Environment) and EUR 38.621 million in Heading 7 (Administrative Expenditure). The new commitments will be covered from the existing budgetary envelopes of the relevant programmes.