

Ecodesign for sustainable products

OVERVIEW

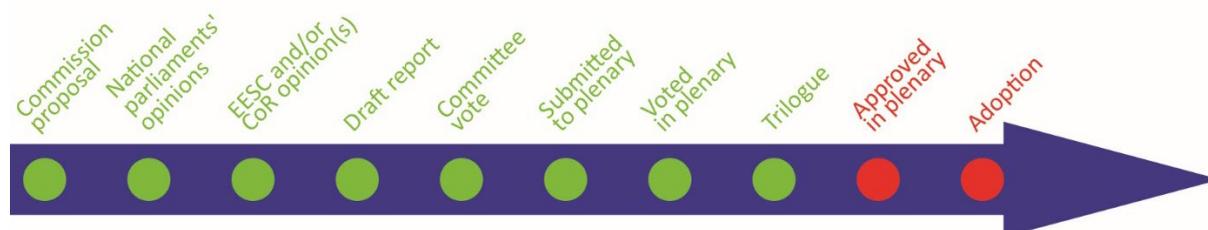
Most products are not designed with their life cycle environmental impacts in mind, and it is difficult for consumers and economic operators to make sustainable choices when buying products. The EU still lacks an overarching legislative framework laying down rules for sustainable production and consumption of all products. Ecodesign refers to the integration of environmental sustainability considerations into the characteristics of a product, and into processes throughout its value chain.

On 30 March 2022, the European Commission put forward a proposal for a regulation establishing a framework for setting ecodesign requirements for sustainable products. The proposed regulation would lay down rules applying to all products on the internal market, with the aim of making them more durable, reusable, repairable, upgradable, recyclable and generally less harmful to the environment. The regulation would include rules on a digital product passport, green public procurement and a ban on the destruction of unsold goods.

The co-legislators reached a provisional agreement on 5 December 2023, after three trilogues. This agreement still needs to be formally approved by both institutions. It was approved by Coreper on 22 December 2023, and by the Committee on the Environment, Public Health and Food Safety (ENVI) on 11 January 2024. It must now be adopted by Parliament in plenary and then by the Council.

Proposal for a regulation of the European Parliament and of the Council establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC

<i>Committee responsible:</i>	Environment, Public Health and Food Safety (ENVI) Alessandra Moretti (S&D, Italy)	COM(2022) 142 30.3.2022
<i>Rapporteur:</i>	Jessica Polfjärd (EPP, Sweden)	2022/0095(COD)
<i>Shadow rapporteurs:</i>	Jan Huitema (Renew, the Netherlands) Sara Matthieu (Greens/EFA, Belgium) Alexandr Vondra (ECR, Czechia) Silvia Sardone (ID, Italy) Malin Björk (The Left, Sweden)	Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')
<i>Next steps expected:</i>	Vote in plenary	



Introduction

On 30 March 2022, the European Commission put forward a [proposal](#) for a regulation establishing a framework for setting ecodesign requirements for sustainable products. The proposal, which would repeal [Directive 2009/125/EC](#) establishing a framework for the setting of ecodesign requirements for energy-related products, was published as part of a [circular economy package](#), which also included a [communication](#) on making sustainable products the norm, and a [proposal](#) for a directive empowering consumers for the green transition.

The ecodesign proposal would require products to use more recycled content and fewer harmful substances, and make them more durable, reusable, repairable, upgradable, recyclable and generally less harmful to the environment. It would lay down rules for product-specific legislation that would be adopted at a later stage, with priority given to resource-intensive sectors such as textiles, construction, electronics and plastics.

Measures supporting circular design of all products were first announced in the 2019 [European Green Deal](#), as part of the efforts to turn the EU into a resource-efficient, net zero emissions economy by 2050. Further steps were detailed in the [new circular economy action plan](#) (CEAP) of March 2020, which pointed out that up to 80 % of products' environmental impacts were determined at the design phase and that, because most products are not designed with circularity in mind, many 'break down too quickly, cannot be easily reused, repaired or recycled, and many are made for single use only'. The CEAP announced a sustainable products initiative (SPI), with the core action being widening the current ecodesign framework beyond energy-related products, to cover the broadest range of products on the internal market.

A 2022 Joint Research Centre [assessment](#) of the environmental impacts of five categories of EU consumption and production showed that impacts caused by the consumption of an average EU citizen exceed the planetary boundaries for several impact categories, including climate change, particulate matter and use of fossil resources.¹ In addition, the Commission's [impact assessment](#) concluded that products on the EU market often use resources too inefficiently; that the EU economy still remains largely linear by design (with Eurostat [estimating](#) that only slightly less than 13 % of materials were recycled and fed back into the economy in 2020);² and that many products are produced in poor social conditions. At the same time, a 2020 [Eurobarometer](#) survey on the attitudes of Europeans towards the environment showed that citizens are most likely to mention changing the way we produce and consume as the most effective way of tackling environmental problems.

Existing situation

The EU currently does not have general sustainability or circularity requirements for all products on the internal market. The existing [Ecodesign Framework Directive](#) covers energy-related products only; it establishes rules for implementing acts that lay down minimum ecodesign requirements for specific products or groups of products. Which products are going to be covered is established by a [working plan](#), taking into account the volume of sales and trade, environmental impact and the potential for improvement in terms of the environmental impact of a product, without entailing excessive costs. Currently, [31 product groups](#) are covered by ecodesign implementing acts.

When laying down ecodesign requirements, the whole life cycle of a product and all its significant environmental aspects should be considered. Energy efficiency is specifically mentioned in the directive, but is not the only possible aspect that can be regulated. Ecodesign requirements should also have no significant negative impact on the functionality of the product from the perspective of the user, no adverse effects on health, safety and the environment, and no significant negative impact on consumers, in particular in terms of affordability. In principle, the requirements should not impose proprietary technology on manufacturers.

The working plan for adoption of implementing measures is established by the Consultation Forum, which includes Member State representatives and all interested parties, such as industry, including SMEs and the craft industry, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations. [Voluntary industry agreements](#) can serve as alternatives to implementing measures, provided that they represent a large majority of the relevant economic sector.

Products covered by the ecodesign requirements are required, like other products covered by EU harmonising legislation, to have a CE marking affixed and an EC declaration of conformity issued. The directive specifies [conformity assessment](#) procedures for ecodesign requirements; rules on presumption of conformity (products that apply [harmonised standards](#) referenced in the Official Journal and those awarded an [EU Ecolabel](#) are presumed to comply with the ecodesign requirements); and rules on market surveillance, including the safeguard measures to be taken when a product bearing a CE marking is found not to comply with all the relevant requirements.

Until recently, implementing legislation focused mainly on energy efficiency requirements. However, in 2019 a [new generation](#) of product-specific regulations incorporated, for the first time, requirements aimed at extending the lifetime of products. Implementing acts on [servers and data storage products](#), [washing machines](#), [dishwashers](#), [refrigerators](#), [electronic displays](#) (televisions and monitors) and [lamps](#) require manufacturers, for instance, to ensure that spare parts are available for a certain number of years after the last item has been placed on the market (e.g. 10 years for washing machines and dishwashers, and seven years for refrigerators); to deliver the ordered parts within 15 days; to ensure that spare parts can be replaced with the use of commonly available tools; and to make maintenance information, including manuals, available to professional repairers. The implementing measures also set a maximum water use per cycle for washing machines, washer-dryers and dishwashers, as well as minimum washing efficiency and rinsing effectiveness.

In addition to the ecodesign legislation, environmental requirements are also found in **legislation on chemicals**. The principal legislative act in this field is the Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals ([REACH](#)), which aims to ensure a high level of protection of human health and the environment. It applies in principle to all chemicals, including those used in industrial processes, cleaning products, clothing, furniture and electrical appliances. The EU also has sector-specific legislation that regulates other groups of products with respect to their sustainability – for instance, the [regulation on CO₂ emissions from cars and vans](#), mandatory requirements for appliances to be designed in a way that allows [waste batteries and accumulators](#) to be readily removed,³ and mandatory recycled content in plastic bottles and tethered caps, as well as a ban on some [single-use plastic products](#).

Parliament's starting position

In its [resolution](#) of 15 January 2020 on the European Green Deal, Parliament supported measures for sustainable products, including an expansion of the scope of ecodesign with legislation that would make products more durable, repairable, reusable and recyclable. It also supported a strong ecodesign and eco-labelling work programme from 2020 onwards that would include smartphones and other new IT equipment.

In its [resolution](#) of 25 November 2020 on a sustainable single market for businesses and consumers, Parliament called for the requirements introduced in the new generation of ecodesign implementing acts to be extended to other products, by setting a minimum period for the provision of spare parts and providing independent repairers and consumers with access to free repair and maintenance information, as well as encouraging standardisation of spare parts. It welcomed the ambition of the Commission to develop a digital product passport and called for it to be developed in close cooperation with industry and relevant stakeholders. It urged the Commission to make sustainable criteria in public procurement a default choice and to set targets for public purchases of second-hand, reused, recycled and reconditioned products and low-energy consumption software

programmes. It also stressed the importance of boosting circular economy and sustainable business models to minimise the destruction of goods and promote repair and reuse.

Parliament revisited these topics in its [resolution](#) of 10 February 2021 on the new circular economy action plan. It strongly endorsed the broadening of the scope of the Ecodesign Directive to include non-energy-related products and set horizontal sustainability principles and product-specific standards, including binding material and environmental footprint targets for the whole product lifecycle for each product category placed on the EU market, as well as product-specific binding targets for recycled content. Parliament supported the plan to introduce digital product passports so that companies, consumers and market surveillance authorities could keep track of a product's climate, environmental, social and other impacts throughout the value chain and have reliable information on the durability of the product and its maintenance, reuse, repair and dismantling possibilities and end-of-life handling. It welcomed the Commission's intention to introduce legislation banning destruction of unsold durable goods unless they pose a safety or health threat; the establishment of minimum mandatory criteria and targets for green public procurement in sectoral legislation; and the use of extended producer responsibility with eco-modulation of fees as an economic incentive for circularity. It also urged the Commission to consider mandatory requirements to increase the sustainability of services.

Preparation of the proposal

The Commission conducted several evaluations of the Ecodesign Directive, which concluded that it has been successful in improving energy efficiency of products, but also identified a number of limitations. This particularly concerned the Directive's focus on energy-related products only and the fact that, although it allows for the setting of requirements related to environmental aspects other than energy efficiency, this has mostly not been taken up in product-specific implementing acts. A 2019 Commission [staff working document](#) furthermore examined how EU product policy contributes to the transition to the circular economy, and concluded that, while sustainability requirements can be found in some product-specific legislation, an overarching EU legislative framework that would lay down rules for sustainable production and consumption of all products is missing.

In preparing the proposal, the Commission carried out [several consultations](#): feedback on an inception impact assessment; an open public consultation; a number of workshops with stakeholder groups; two surveys of small and medium-sized enterprises; tailored questionnaires for selected stakeholders; and a number of stakeholder interviews. The [public consultation](#) ran from March to June 2021 and received 626 responses, with most coming from business associations and companies (56%), followed by EU citizens (16%), non-governmental organisations, environmental associations, consumer organisations and trade unions (12%), public authorities (6%) and academic institutions (6%). Most respondents agreed that the main reason for unsustainable products on the internal market lies in product design or the cost of sustainable solutions. Business associations were much less likely to agree with introducing sustainability requirements for improving durability, reusability, upgradability and reparability (32%) than NGOs (88%) and environmental organisations (91%). Introducing information on the product, for instance in the form of a digital product passport, was generally very well accepted across all stakeholder groups, though there were differences regarding the type of information to be included and who should be able to access it. Introducing modulated producer fees under extended producer responsibility schemes based on the sustainability of products, identifying classes of product performance and introducing mandatory green public procurement criteria also got positive responses from all stakeholder groups.

These different types of consultations fed into an [impact assessment](#), which received one negative opinion from the [Regulatory Scrutiny Board](#), followed by a second opinion, positive with reservations.

The impact assessment stresses that consumption and production are not sustainable, and not adequately addressed by existing EU product and internal market rules, leading to divergent national rules on the sustainability of products. It also points out that product design does not sufficiently take into account environmental impacts over the life cycle, including circularity aspects, and that it is difficult for consumers and economic operators to make sustainable choices in relation to products. Furthermore, for the Commission the full potential of the Ecodesign Directive is not realised.

In addition to the business-as-usual option, the impact assessment analysed six more options with a large number of sub-options. The preferred option was a combination of sub-options that would extend the scope of the Ecodesign Directive to all physical products; introduce new and strengthened provisions on minimum requirements for sustainability and circularity; introduce sustainability information for consumers and businesses, including by establishing a European digital product passport for particular product groups, and introduce the possibility to set classes of environmental performance for particular products; introduce specific rules for green public procurement criteria, extended producer responsibility schemes and other incentives for sustainable products; support circular business models and introduce a transparency obligation and bans on the destruction of unsold consumer products; and strengthen market surveillance in the Member States.

EPRS published in April 2022 an [implementation appraisal](#) of the Ecodesign Directive, and an [initial appraisal of the Commission's impact assessment](#) in June 2022.

The changes the proposal would bring

On 30 March 2022, the Commission submitted a [proposal](#) with the following elements:

- **Scope:** The scope would be extended beyond energy-related products, so the new regulation would apply to any physical good placed on the market, with a few exceptions, such as food, feed, medicinal, and veterinary products (article 1(2)).
- **Ecodesign requirements:** Products on the internal market would have to comply with ecodesign requirements, which would be set out later, in delegated acts, for each group of products separately (article 3). Ecodesign requirements would aim to improve product durability, reliability, reusability, upgradability, reparability, possibility of maintenance and refurbishment, presence of substances of concern, energy use and energy efficiency, resource use or resource efficiency, recycled content, possibility of remanufacturing and recycling, possibility of recovery of materials, environmental impacts and expected generation of waste materials. Product groups would be prioritised (in a work plan adopted by the Commission) based on their potential contribution to EU climate, environmental and energy efficiency goals, and their potential for improvement without disproportionate costs (article 16). The ecodesign requirements would continue to be prepared taking into account the views of an expert group comprising Member State representatives and other interested parties, such as industry, SMEs, trade unions, traders, retailers, and consumer and environmental organisations. The group would be renamed the Ecodesign Forum (article 17).
- **Performance and information requirements:** The regulation distinguishes between performance requirements, such as durability and ease of repair (article 6 and annex I) and information requirements (article 7). Information requirements should include at least requirements related to the product passport and to substances of concern. They could also include information on the performance of the product (with the Commission being required to determine classes of performance to enable consumers to compare products); information for consumers on installation, use, maintenance and repair; and information on treatment facilities for disassembly, recycling or disposal, etc. The required information would have to be provided on the product, on the product packaging, the product passport, a label, in a user manual, or on a website or application.

- **Misleading labels:** The Commission would be empowered to adopt rules on labels indicating the performance of a particular group of products. For those products where no rules on labels are adopted by the Commission, using labels that mimic such labels and that could mislead or confuse consumers would be banned (article 15).
- **Product passport:** Delegated acts for specific product groups would require a product passport to be available for each product. The product passport could include information on performance and information requirements; information related to traceability of the product; the declaration of conformity; technical documentation; user manuals; and information about the manufacturer, importer or authorised representative. The delegated acts would determine which information would be included and who would have access to what (e.g. consumers could have access to different information than manufacturers, importers, repairers, recyclers or national authorities) and who would be allowed to update which information (article 8). The information would be stored in a registry set up by the Commission (article 12) and would be accessible via a data carrier (such as a barcode) on the product, its packaging or documentation (article 9).
- **Self-regulation measures:** Two or more economic operators would be able to submit a self-regulating measure establishing ecodesign requirements as an alternative to adoption of a delegated act, provided that their market share in terms of volume is at least 80 % of the units placed on the market (article 18).
- **Destruction of unsold goods:** Companies that discard unsold consumer products would be subject to transparency requirements and would have to publish, for instance, the number of discarded products, the reasons for discarding them, and how many of the discarded products were prepared for reuse, remanufacturing, recycling, energy recovery and disposal. Companies would need to disclose the information on a publicly accessible website. The Commission would be empowered to ban the destruction of particular groups of products that have significant environmental impacts through delegated acts. In principle, these rules would not apply to SMEs, but a delegated act for a particular group of products could still specify otherwise (article 20).
- **Incentives for sustainable products:** Member States would be allowed to provide incentives for consumers to make sustainable choices, in particular when more sustainable products are not sufficiently affordable, by, for instance, introducing eco-vouchers and green taxation. The incentives would have to be targeted at products in the two highest classes of sustainability performance (article 57).
- **Green public procurement:** The Commission would be empowered to adopt delegated acts establishing ecodesign requirements applicable to public contracts, including mandatory technical specifications, selection criteria, award criteria and contract performance clauses or targets (article 58).
- **Obligations of online marketplaces:** The regulation would specify the obligations of online marketplaces concerning market surveillance. They would be required to cooperate with the market surveillance authorities to ensure effective market surveillance measures; inform the market surveillance authorities of any action taken in cases of non-compliant products; establish a regular exchange of information on offers that have been removed; and allow online tools operated by market surveillance authorities to access their interfaces in order to identify non-compliant products. Online marketplaces would be required to design and organise their online interfaces in a way that would enable dealers to comply with the requirements of the [Digital Services Act](#) regarding pre-contractual information and product safety information. Member States would be required to empower their market surveillance authorities to order an online marketplace to remove products that do not comply with the ecodesign requirements (article 29).
- **Prevention of circumvention:** Products that can detect when they are being tested, in order to alter their performance and achieve a more favourable result, would be banned (article 33).

- **Market surveillance plans:** Every two years, Member States would be required to draw up an action plan for market surveillance activities in relation to ecodesign, and communicate these plans to the Commission and other Member States (article 59). The Commission would be empowered to adopt delegated acts laying down the minimum number of checks by market surveillance authorities on specific products or specific requirements (article 60).
- **Evaluation:** The Commission would be required to carry out an evaluation of the regulation eight years after its adoption (article 69).
- **Entry into force:** The regulation would enter into force 20 days after its adoption and would be applicable immediately. However, since this would be a framework regulation, new ecodesign requirements would be applicable to specific groups of products only after the adoption of product-specific delegated acts.

Advisory committees

The European Economic and Social Committee (EESC) adopted its [opinion](#) on 14 July 2022. The EESC notes that the proposed regulation remains vague, due to the large number of delegated acts envisaged. It welcomes the proposed extended scope, the new ecodesign requirements (such as those on durability, reparability, recycling, environmental impact, and CO₂ emissions) and the information requirements of the digital product passport and labels. It also supports the ban on destroying unsold goods. The EESC also supports the Ecodesign Forum, as all stakeholders should be given the opportunity to put forward ideas and suggestions to improve the process. The EESC stresses that unnecessary red tape should be avoided, and regrets that the proposed regulation overlooks the social dimension.

The Committee of the Regions did not issue an opinion on this proposal.

National parliaments

The [deadline](#) for the submission of reasoned opinions on the grounds of subsidiarity was 24 June 2022. No such opinion was delivered within the time limit.

Stakeholder views⁴

[BusinessEurope](#) said that the eco-design regulation and the digital product passport have the potential to support circularity and information flow, but important conditions must be met, such as cost-efficiency, confidentiality and proportionality. During the public consultation on the sustainable products initiative, Business Europe [said](#) that industry involvement will be key in setting requirements, and that extending the scope beyond energy-related products should not create legal uncertainty and overburden products already covered by the Directive or other sectoral or product-specific legislation. It also warned that many companies will face major challenges to comply with the new rules and that, in some cases, considerable investment will be necessary, for instance in research and development. BusinessEurope therefore called on the EU and the Member States to provide a supporting framework for implementation.

[Orgalim](#), which represents Europe's technology industries, welcomed the proposal, especially setting the requirements product by product, taking into account individual characteristics of specific products, and measures to help SMEs with implementation. It warned, however, that the proposed new requirements have to be workable, proportionate, based on 'proven environmental benefits that exceed the costs to industry', verifiable and enforceable to guarantee a level playing field. It warned that the protection of intellectual property rights regarding confidential business information on products must be guaranteed, particularly in the context of digital product passports.

[Euratex](#), representing the EU textile industry, welcomed the provisions on the digital product passport, ecodesign requirements, SMEs and green public procurement, but warned that implementation, especially market surveillance, is key. If the regulation is implemented wrongly, it

'may cause a complete collapse of the European textile value chain under the burden of restrictions, requirements, costs and unlevel playing field'. However, Euratex believes that if implemented correctly, the changes could create a boom in the entire textile ecosystem.

The European Furniture Industries Confederation ([EFIC](#)) said that furniture was well suited to a circular economy, with many best practices already in existence. However, it said that, when developing furniture-specific legislation, the complexity not only of furniture products but also of the furniture value chain should be considered.

[EuroCommerce](#), which represents European retailers and wholesalers, said that the sector already plays a key role in nudging consumers to support sustainability, but that the design of products was key to reducing their environmental impact. It called for the proposed regulation to follow a product-specific approach; to ensure that the digital product passport is 'open, inclusive and decentralised'; for the proposed regulation to be coherent with other product legislation; and for the initiative to guarantee continued involvement of stakeholders in the Ecodesign Consultation Forum.

The European Recycling Industries' Confederation ([Euric](#)) welcomed the circular economy package, noting that the vast majority of products placed on the market are 'designed without any consideration for their end-of-life stage'. It particularly favoured the increased emphasis on recycled content in products, as it could lead to higher investment in recycling technologies.

The Environmental Coalition on Standards ([ECOS](#)) said the proposal has real potential to make all products on the EU market repairable, durable, reusable, energy-efficient and free of hazardous chemicals, but only if it is implemented 'swiftly and without loopholes'. ECOS expressed its regret that construction products and packaging are not directly covered by the proposal; that industry voluntary agreements have not been eliminated despite their ineffectiveness in bringing real change in the past; and that SMEs, although they make up a large part of the EU economy, are exempted from the measures against destruction of unsold goods. It also warned that the success of the proposal would depend on the level of ambition of the future product-specific requirements.

The European Environmental Bureau ([EEB](#)) similarly welcomed the package as a potential game-changer, while noting that 'we are still a long way from these measures being put into practice'. It particularly stressed the need for swift action on delegated acts to establish requirements for specific product groups, but warned that this could be hampered as the Commission envisages a limited increase in staff working on product policy. It criticised the fact that the proposal would not immediately ban the destruction of unsold goods and that it would not address and disclose social and due diligence aspects within the product passport.

European consumer organisation [BEUC](#) said that new requirements for manufacturers will be a tangible improvement for consumers, as has been the case with the energy-efficiency requirements. BEUC said that ecodesign measures need to be brought to the next level to make sustainable products the norm, and called on the Council and Parliament to swiftly adopt the new regulation, without watering it down.

Legislative process

Council

The Council adopted its position ([general approach](#)) on the proposed regulation on 22 May 2023.

The Council position amends the Commission proposal by specifying how Member State experts and other stakeholders should be involved when the future ecodesign requirements are developed through delegated acts.

The Council also extensively amends the chapter on the destruction of unsold consumer products. It introduces a direct prohibition on the destruction of unsold apparel and clothing accessories, with a 4-year exemption (after entry into force of the regulation) for medium-sized companies, and a

general exemption for small and micro-companies. The Commission would be empowered to adopt implementing acts setting out prohibitions of the destruction of other unsold consumer products.

The Council also excludes motor vehicles from the scope of the proposed regulation. And it deletes the provisions empowering the Commission to adopt delegated acts to set up a minimum number of checks to be performed by the market surveillance authorities on specific products covered by delegated acts establishing ecodesign requirements.

The Council introduces a minimum transition period of 18 months after the entry into force of delegated acts setting out ecodesign requirements before they start to apply, thus giving economic operators time to comply with the new requirements.

Parliament

In the European Parliament, the Committee on the Environment, Public Health and Food Safety (ENVI) is responsible for the file. Alessandra Moretti (S&D, Italy) was appointed rapporteur on 16 May 2022. The Committees on the Internal Market and Consumer Protection (IMCO) and on Industry, Research and Energy (ITRE) are associated under [Rule 57](#), with exclusive and shared competences. ITRE (rapporteur: Maria Spyraiki, EPP, Greece) adopted its [opinion](#) on 28 March 2023 by 57 votes in favour, 5 against, and 5 abstentions. IMCO (rapporteur: David Cormand, Greens/EFA, France) adopted its [opinion](#) on 25 April 2023 by 39 votes in favour, 1 against, and 2 abstentions.

The ENVI rapporteur published her [draft report](#) on 6 December 2022, including 97 amendments to the Commission proposal. A total of 1 136 amendments were tabled in ENVI. The vote on the draft report in ENVI took place on 15 June 2023. The report was adopted with 68 [votes](#) in favour, 12 against and 8 abstentions.

ENVI introduced new provisions according to which the Commission would have to prioritise in the first work plan (including the list of product groups for which it would establish ecodesign requirements), for 2024-2027, the following products: iron, steel, aluminium, textiles, notably garments and footwear, furniture, including mattresses, tyres, detergents, paints, lubricants, chemicals, energy-related products, the implementing measures for which need to be revised or newly defined, and ICT products and other electronics. Furthermore, when setting the eco-design requirements, the Commission would have to make sure that manufacturers do not limit the durability of a product, making it prematurely obsolete. The Commission would present the draft working plans and their updates to the Parliament before their adoption.

Furthermore, one year after the entry into force of the new regulation, the destruction of unsold textiles and footwear, and electrical and electronic equipment by companies would be banned (with some possible exceptions). This would not apply to small and medium-sized enterprises.

The Commission would also have to set up a public online platform allowing consumers to compare information included in the product passports. Information that is essential to the health, safety, and rights of end-users would have to be provided in physical form with the product.

Furthermore, ENVI introduced new provisions to increase the transparency of the work of the Ecodesign Forum, and to allow the Forum to send a request the Commission to prepare ecodesign requirements for a particular product group, that the Commission would have to take into consideration. ENVI also added new provisions on remedies for consumers in case a product does not comply with ecodesign requirements.

The Parliament [adopted](#) the report unchanged as its negotiating position on 12 July 2023, by 473 [votes](#) in favour to 110 against, with 69 abstentions.

Agreement

Trilogues took place on 30 August, 7 November and 5 December 2023, when the co-legislators reached a [provisional agreement](#).

Under the agreement, motor vehicles are excluded from the groups of products covered by the regulation with respect to the product aspects for which requirements are set under sector-specific EU legislation.

The Commission should establish ecodesign requirements, through delegated acts, to improve 16 aspects of specific product groups (including water use, water efficiency and the possibility of recycling), when relevant to the product group concerned. These requirements should also ensure that products do not become prematurely obsolete, for reasons including: design choices by manufacturers, use of components which are significantly less robust than other components, impeded disassembly of key components, unavailable repair information or spare parts, when software no longer works once an operating system is updated or when software updates are not provided. The Commission should give economic operators sufficient time to comply with these requirements, particularly SMEs, including micro-enterprises. The date of application of delegated acts should not be shorter than 18 months after their entry into force (with some possible exceptions).

To ensure access to the product passport, including after an insolvency, a liquidation, or a cessation of activity, economic operators should also make available a back-up copy of the product passport through a certified independent third party.

The Commission should set up and manage a publicly accessible website allowing stakeholders to search and compare information included in product passports.

In the first working plan setting out the list of product groups that will be prioritised for the establishment of ecodesign requirements and the estimated timelines for their establishment, to be adopted by the Commission no later than nine months after the entry into force of the regulation, the Commission should prioritise: iron, steel, aluminium, textiles, notably garments and footwear, furniture, including mattresses, tyres, detergents, paints, lubricants, chemicals, energy related products, the implementing measures for which need to be revised or newly defined, ICT products and other electronics.

The Commission should present to the European Parliament the draft working plan and its updates before their adoption. It should also inform the European Parliament and the Council annually of the progress made in the implementation of the working plan.

The Commission should set up an expert group ('the Ecodesign Forum') with a balanced and effective participation of experts designated by Member States and of all interested parties. It will contribute to preparing ecodesign requirements, preparing working plans, examining the effectiveness of the established market surveillance mechanisms, and assessing self-regulation measures and prohibitions of destruction of unsold consumer products. The Commission should establish, within the Ecodesign Forum, a sub-group ('the Member States Expert Group') composed of experts designated by the Member States. It should contribute to preparing ecodesign requirements, assessing self-regulation measures, exchanging information and best practices on measures to enhance compliance with the regulation, and setting priorities and planning.

From two years after entry into force of the new regulation, the destruction of unsold consumer products listed in a new annex (apparel and clothing accessories and footwear) will be prohibited. These provisions will not apply to micro- and small enterprises; they will apply to medium-sized enterprises from six years after entry into force of the regulation. Economic operators that discard unsold consumer products will have to disclose on their website information about the number and weight of unsold consumer products discarded per year, and the reasons for the discarding of products. The Commission will be able to amend the new annex through delegated acts.

The Commission is empowered to adopt implementing acts setting mandatory minimum green public procurement requirements for the purchase of products covered by ecodesign requirements.

The provisional agreement was [approved](#) by Coreper on 22 December 2023, and by the Committee on the Environment, Public Health and Food Safety (ENVI) on 11 January 2024, by [65 votes](#) in favour

to 10 against, with 7 abstentions. It must now be adopted by Parliament in plenary and then by the Council.

Once adopted, the new regulation will enter into force on the 20th day following its publication in the Official Journal.

EUROPEAN PARLIAMENT SUPPORTING ANALYSIS

I. Bacian, [Revision of the Ecodesign Directive](#), EPRS, European Parliament, April 2022.

V. Vikolainen, [Setting ecodesign requirements for sustainable products](#), EPRS, European Parliament, June 2022.

OTHER SOURCES

[Ecodesign requirements for sustainable products](#), Legislative Observatory (OEL), European Parliament.

ENDNOTES

- ¹ The study focused on around 160 representative products in the areas of food, mobility, housing, household goods, and appliances. Food, mobility and housing had the largest impact.
- ² A different Eurostat tool on [material flows](#) shows that the demand for recycled materials was around 10 % (0.79 billion tonnes) in 2020.
- ³ New rules have been adopted. See EPRS [legislative train](#).
- ⁴ This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'European Parliament supporting analysis'.

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