



2022/0095(COD)

6.12.2022

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
establishing a framework for setting eco-design requirements for sustainable
products and repealing Directive 2009/125/EC
(COM(2022)0142 – C9-0132/2022 – 2022/0095(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Alessandra Moretti

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council establishing a framework for setting eco-design requirements for sustainable products and repealing Directive 2009/125/EC (COM(2022)0142 – C9-0132/2022 – 2022/0095(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0142),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0132/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 14 July 2022¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on the Internal Market and Consumer Protection and the Committee on Industry, Research and Energy,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0000/2022),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation Recital 5

¹ OJ C 443, 22.11.2022, p. 123.

Text proposed by the Commission

(5) This Regulation will contribute to making products fit for a climate-neutral, resource-efficient and circular economy, reducing waste and ensuring that the performance of frontrunners in sustainability progressively becomes the norm. It should provide for the setting of new ecodesign requirements to improve product durability, reusability, upgradability **and** reparability, improve possibilities for refurbishment and maintenance, address the presence of hazardous chemicals in products, increase their energy and resource efficiency, reduce their expected generation of waste materials and increase recycled content in products, while ensuring their performance and safety, enabling remanufacturing and high-quality recycling and reducing carbon and environmental footprints.

Amendment

(5) This Regulation will contribute to making products fit for a climate-neutral, resource-efficient and circular economy, reducing waste and ensuring that the performance of frontrunners in sustainability progressively becomes the norm. It should provide for the setting of new ecodesign requirements to **address products' premature obsolescence, to** improve product durability, reusability, upgradability, reparability **and recyclability**, improve possibilities for refurbishment and maintenance, address the presence of hazardous chemicals in products, increase their energy and resource efficiency, reduce their expected generation of waste materials and increase recycled content in products, while ensuring their performance and safety, enabling remanufacturing and high-quality recycling and reducing carbon and environmental footprints. **Those new ecodesign requirements should also improve the social sustainability of products and take into consideration due diligence aspects. By doing so, this Regulation should aim to support production and consumption patterns that are aligned with the Union's overall sustainability targets, including climate, environmental, energy, resources-use and biodiversity, while staying within planetary boundaries.**

Or. en

Amendment 2

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) The European Parliament, in its

Amendment

(6) The European Parliament, in its

Resolution of 25 November 2020 ‘Towards a more sustainable single market for business and consumers’³⁰, welcomed promoting durable products which are easier to repair, re-use and recycle. In its report on the New Circular Economy Action Plan adopted on 16 February 2021³¹, the European Parliament further endorsed the agenda presented by the Commission in the CEAP. It considered that the transition to a circular economy can provide solutions to address the current environmental challenges and the economic crisis brought on by the COVID-19 pandemic. The Council, in its conclusions on ‘Making the Recovery Circular and Green’ adopted on 11 December 2020³², also welcomed the Commission’s intention to submit legislative proposals as part of a comprehensive and integrated sustainable product policy framework that promotes climate neutrality, energy and resource efficiency and a non-toxic circular economy, protects public health and biodiversity, and empowers and protects consumers and public buyers.

³⁰ P9_TA(2020)0318.

³¹ P9_TA(2021)0040.

³² 13852/20.

Resolution of 25 November 2020 ‘Towards a more sustainable single market for business and consumers’³⁰, welcomed promoting durable products which are easier to repair, re-use and recycle. In its report on the New Circular Economy Action Plan adopted on 16 February 2021³¹, the European Parliament further endorsed the agenda presented by the Commission in the CEAP. ***It underlined that sustainable, circular, safe and non-toxic products and materials should become the norm in the Union market and not the exception and should be seen as the default choice, which is attractive, affordable and accessible for all consumers.*** It considered that the transition to a circular economy can provide solutions to address the current environmental challenges and the economic crisis brought on by the COVID-19 pandemic. The Council, in its conclusions on ‘Making the Recovery Circular and Green’ adopted on 11 December 2020³², also welcomed the Commission’s intention to submit legislative proposals as part of a comprehensive and integrated sustainable product policy framework that promotes climate neutrality, energy and resource efficiency and a non-toxic circular economy, protects public health and biodiversity, and empowers and protects consumers and public buyers.

³⁰ P9_TA(2020)0318.

³¹ P9_TA(2021)0040.

³² 13852/20.

Or. en

Amendment 3

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) Directive 2009/125/EC 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. By ensuring that only products that meet those requirements are placed on the Union market, this Regulation should not only improve the free movement of such products by avoiding national disparities, but also reduce the negative life cycle environmental impacts of products for which such requirements are set.

Amendment

(10) Directive 2009/125/EC 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 ***as well as their social sustainability*** with binding requirements. By ensuring that only products that meet those requirements are placed on the Union market, this Regulation should not only improve the free movement of such products by avoiding national disparities, but also reduce the negative life cycle environmental impacts of products for which such requirements are set.

Or. en

Amendment 4

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) In order to improve the environmental sustainability of products and to ensure the free movement of products in the internal market, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by setting out ecodesign requirements. Those ecodesign requirements should in principle apply to specific product groups, such as washing machines or washing machines and washer dryers. In order to maximise the effectiveness of ecodesign requirements and to efficiently improve

Amendment

(13) In order to improve the environmental sustainability of products and to ensure the free movement of products in the internal market, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by setting out ecodesign requirements. Those ecodesign requirements should in principle apply to specific product groups, such as washing machines or washing machines and washer dryers. In order to maximise the effectiveness of ecodesign requirements and to efficiently improve

environmental sustainability of products, it should also be possible to set out one or more horizontal ecodesign requirements for a wider range of products groups, such as electronic appliances or textiles. Horizontal ecodesign requirements should be established where the technical similarities of product groups allow their environmental sustainability to be improved based on the same requirements.

environmental sustainability of products, ***as well as their social sustainability***, it should also be possible to set out one or more horizontal ecodesign requirements for a wider range of products groups, such as electronic appliances or textiles. Horizontal ecodesign requirements should be established where the technical similarities of product groups allow their environmental sustainability to be improved based on the same requirements.

Or. en

Amendment 5

Proposal for a regulation Recital 14

Text proposed by the Commission

(14) In order to allow the Commission to set requirements as appropriate to the product groups covered, ecodesign requirements should include performance and information requirements. Those requirements should be used to improve product aspects relevant for environmental sustainability, such as energy efficiency, durability, reparability and carbon and environmental footprints. Ecodesign requirements should be transparent, objective, proportionate and in compliance with international trade rules.

Amendment

(14) In order to allow the Commission to set requirements as appropriate to the product groups covered, ecodesign requirements should include performance and information requirements. Those requirements should be used to improve product aspects relevant for environmental sustainability, such as energy efficiency, durability, reparability, ***reusability, refurbishment*** and carbon and environmental footprints. Ecodesign requirements should be transparent, objective, proportionate and in compliance with international trade rules. ***Those requirements should also be based on the product parameters referred to in Annex I and, in setting them, the Commission should also take into account the Union objectives in the fields of climate, environment and biodiversity, energy efficiency and resource security. They should contribute to significantly decreasing the Union's material and consumption footprints in order to bring them into planetary boundaries as soon as***

possible.

Or. en

Amendment 6

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) In order to take into account the diversity of products, the Commission should select the methods to assess the setting of the ecodesign requirements and, as appropriate, develop them further based on the nature of the product, its most relevant aspects and its impacts over its life cycle. In doing so, the Commission should take account of its experience in assessing the setting of requirements under Directive 2009/125/EC and the continuing efforts to develop and improve science-based assessment tools, such as the update of the methodology for ecodesign of energy-related products, and the Product Environmental Footprint method set out in Commission Recommendation (EU) 2021/2279⁵⁶, including as regards temporary storage of carbon, as well as the development of standards by international and European standardisation organisations, including on the material efficiency of energy-related products. Building on these tools and using dedicated studies when needed, the Commission should further reinforce circularity aspects (such as durability, reparability including reparability scoring, identification of chemicals hindering re-use and recycling) in the assessment of products *and in* the preparation of ecodesign requirements, and should develop new methods or tools where appropriate. New approaches may also be needed for the preparation of mandatory public procurement criteria and for bans on the destruction of unsold

Amendment

(19) In order to take into account the diversity of products, the Commission should select the methods to assess the setting of the ecodesign requirements and, as appropriate, develop them further based on the nature of the product, its most relevant aspects and its impacts over its life cycle. In doing so, the Commission should take account of its experience in assessing the setting of requirements under Directive 2009/125/EC and the continuing efforts to develop and improve science-based assessment tools such as the update of the methodology for ecodesign of energy-related products, and the Product Environmental Footprint method set out in Commission Recommendation (EU) 2021/2279⁵⁶, including as regards temporary storage of carbon, as well as the development of standards by international and European standardisation organisations, including on the material efficiency of energy-related products. Building on these tools and using dedicated studies when needed, the Commission should further reinforce circularity aspects (such as durability, reparability including reparability scoring, identification of chemicals hindering re-use and recycling) in the assessment of products *in accordance with a life-cycle approach with a view to* the preparation of ecodesign requirements, and should develop new methods or tools where appropriate. New approaches may also be needed for the preparation of mandatory public

consumer products.

procurement criteria and for bans on the destruction of unsold consumer products.

⁵⁶ Commission Recommendation (EU) 2021/2279 of 15 December 2021 on the use of the Environmental Footprint methods to measure and communicate the life cycle environmental performance of products and organisations.

⁵⁶ Commission Recommendation (EU) 2021/2279 of 15 December 2021 on the use of the Environmental Footprint methods to measure and communicate the life cycle environmental performance of products and organisations.

Or. en

Amendment 7

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) To improve environmental sustainability of products, information requirements should relate to a selected product parameter relevant to the product aspect, such as the product's environmental footprint or its durability. They *may* require manufacturer to make available information on the product's performance in relation to a selected product parameter or other information that may influence the way the product is handled by parties other than the manufacturer in order to improve performance in relation to such a parameter. ***Such information*** requirements should be set either in addition to, or in place of, performance requirements on the same product parameter ***as appropriate***. Where a delegated act includes information requirements, it should indicate the method for making the required information available, such as its inclusion on a free-access website, product passport or product label. Information requirements are necessary to lead to the behavioural change needed to ensure that the environmental sustainability objectives of this Regulation are achieved. By providing a solid basis for

Amendment

(23) To improve environmental sustainability of products information requirements should relate to a selected product parameter relevant to the product aspect, such as the product's environmental footprint or its durability. They ***should*** require manufacturer to make available information on the product's performance in relation to a selected product parameter or other information that may influence the way the product is handled by parties other than the manufacturer in order to improve performance in relation to such a parameter. ***Such information*** requirements should be set either in addition to, or in place of, performance requirements on the same product parameter. ***Where the Commission decides to only set information requirements in place of performance requirements, it should duly justify that choice***. Where a delegated act includes information requirements, it should indicate the method for making the required information available, such as its inclusion on a free-access website, product passport or product label. ***Essential information relating to the health, safety***

purchasers and public authorities to compare products on the basis of their environmental sustainability, information requirements are expected to drive consumers and public authorities towards more sustainable choices.

and rights of end-users should always be provided to consumers through physical means and be accessible through a data carrier included on the product.

Information requirements are necessary to lead to the behavioural change needed to ensure that the environmental sustainability objectives of this Regulation are achieved. ***It is important that relevant information is always provided to the consumer prior to the purchase of the product.*** By providing a solid basis for purchasers and public authorities to compare products on the basis of their environmental sustainability, information requirements are expected to drive consumers and public authorities towards more sustainable choices.

Or. en

Amendment 8

Proposal for a regulation Recital 26

Text proposed by the Commission

(26) The information requirements set under this Regulation should include the requirement to make available a product passport. The product passport is an important tool for making information available to actors along the entire value chain and the availability of a product passport should significantly enhance end-to-end traceability of a product throughout its value chain. Among other things, the product passport should help consumers make informed choices by improving their access to product information relevant to them, allow economic operators other value chain actors such as repairers or recyclers to access relevant information, and enable competent national authorities to perform their duties. To this end, the product passport should not replace but complement non-digital forms of

Amendment

(26) The information requirements set under this Regulation should include the requirement to make available a product passport. The product passport is an important tool for making information available to actors along the entire value chain and the availability of a product passport should significantly enhance end-to-end traceability of a product throughout its value chain. Among other things, the product passport should help consumers make informed choices by improving their access to product information relevant to them, allow economic operators other value chain actors such as repairers, ***including independent repairers, refurbishers,*** or recyclers to access relevant information, and enable competent national authorities to perform their duties. To this end, the product passport should

transmitting information, such as information in the product manual or on a label. In addition, it should be possible for the product passport to be used for information on other sustainability aspects applicable to the relevant product group pursuant to other Union legislation.

not replace but complement non-digital forms of transmitting information, such as information in the product manual or on a label. In addition, it should be possible for the product passport to be used for information on other sustainability aspects applicable to the relevant product group pursuant to other Union legislation.

Or. en

Amendment 9

Proposal for a regulation Recital 35

Text proposed by the Commission

(35) Any processing of personal data pursuant to this Regulation should comply with the applicable rules on the protection of personal data. Processing of personal data by the competent national authorities within Member States should be carried out in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council⁶⁶. Processing of personal data by the Commission should be carried out in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council⁶⁷.

⁶⁶ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

⁶⁷ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union

Amendment

(35) Any processing of personal data pursuant to this Regulation should comply with the applicable rules on the protection of personal data. Processing of personal data by the competent national authorities within Member States should be carried out in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council⁶⁶. Processing of personal data by the Commission should be carried out in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council⁶⁷. ***Personal data of end-users should not be stored or extrapolated from the digital product passport.***

⁶⁶ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

⁶⁷ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union

institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Or. en

Amendment 10

Proposal for a regulation Recital 39

Text proposed by the Commission

(39) To drive consumers towards more sustainable choices, labels should, when required by the delegated acts adopted pursuant to this Regulation, provide information allowing for the effective comparison of products, for instance by indicating classes of performance. Specifically for consumers, physical labels can be an additional source of information at the place of sale. They can provide a quick visual basis for consumers to distinguish between products based on their performance in relation to a specific product parameter or set of product parameters. They should, where appropriate, also allow for the accessing of additional information by bearing specific references like website addresses, dynamic QR codes, links to online labels or any appropriate consumer-oriented means. The Commission should set out in the relevant delegated act the most effective way of displaying such labels, including in the case of online distance selling, taking into account the implications for customers and economic operators and the characteristics of the products concerned. The Commission may also require the label to be printed on the packaging of the product.

Amendment

(39) To drive consumers towards more sustainable choices, labels should, when required by the delegated acts adopted pursuant to this Regulation, provide ***clear and easily understandable*** information allowing for the effective comparison of products, for instance by indicating classes of performance. Specifically for consumers, physical labels can be an additional source of information at the place of sale. They can provide a quick visual basis for consumers to distinguish between products based on their performance in relation to a specific product parameter or set of product parameters. They should, where appropriate, also allow for the accessing of additional information by bearing specific references like website addresses, dynamic QR codes, links to online labels or any appropriate consumer-oriented means. The Commission should set out in the relevant delegated act the most effective way of displaying such labels, including in the case of online distance selling, taking into account the implications for customers and economic operators and the characteristics of the products concerned. The Commission may also require the label to be printed on the packaging of the product.

Or. en

Amendment 11

Proposal for a regulation Recital 41

Text proposed by the Commission

(41) Consumers should be protected from misleading information that could hamper their choices for more sustainable products. For this reasons it should be prohibited to place on the market products bearing a label mimicking the labels provided for in this Regulation.

Amendment

(41) Consumers should be protected from misleading information that could hamper their choices for more sustainable products. For this reasons it should be prohibited to place on the market products bearing a label ***with misleading or false information or*** mimicking the labels provided for in this Regulation.

Or. en

Amendment 12

Proposal for a regulation Recital 42

Text proposed by the Commission

(42) To deliver in the most efficient way on the European Green Deal's objectives and to address the most impactful products first, the Commission should carry out a prioritisation of products to be regulated under this Regulation and requirements that will apply to them. Based on the process followed for prioritisation under Directive 2009/125/EC, the Commission should adopt a working plan, covering at least 3 years, laying down a list of product groups for which it plans to adopt delegated acts as well as the product aspects for which it intends to adopt delegated acts of horizontal application. The Commission should base its prioritisation on a set of criteria pertaining ***in particular*** to the delegated acts' potential contribution to the Union climate, environmental and energy objectives and

Amendment

(42) To deliver in the most efficient way on the European Green Deal's objectives and to address the most impactful products first, the Commission should carry out a prioritisation of products to be regulated under this Regulation and requirements that will apply to them. Based on the process followed for prioritisation under Directive 2009/125/EC, the Commission should adopt a working plan, covering at least 3 years, ***which should be made publicly available and be presented to the European Parliament,*** laying down a list of product groups for which it plans to adopt delegated acts as well as the product aspects for which it intends to adopt delegated acts of horizontal application. ***In prioritising,*** the Commission should ***consider in particular those product groups identified in this Regulation, and***

their potential for improving the product aspects selected without disproportionate costs to the public and economic operators. Considering their importance for meeting the Union's energy objectives, the working plans should include an adequate share of actions related to energy-related products. Member States and stakeholders should also be consulted through the Ecodesign Forum. Due to the complementarities between this Regulation and Regulation (EU) 2017/1369 for energy-related products, the timelines for the working plan under this Regulation and the one provided for under Article 15 of Regulation (EU) 2017/1369 should be aligned.

base its prioritisation on a set of criteria pertaining to the delegated acts' potential contribution to the Union climate, environmental and energy objectives and their potential for improving the product aspects selected without disproportionate costs to the public and economic operators. Considering their importance for meeting the Union's energy objectives, the working plans should include an adequate share of actions related to energy-related products. Member States and stakeholders should also be consulted through the Ecodesign Forum. Due to the complementarities between this Regulation and Regulation (EU) 2017/1369 for energy-related products, the timelines for the working plan under this Regulation and the one provided for under Article 15 of Regulation (EU) 2017/1369 should be aligned.

Or. en

Amendment 13

Proposal for a regulation Recital 44

Text proposed by the Commission

Amendment

(44) In order to encourage self-regulation as a valid alternative to regulatory approaches, this Regulation should, in continuation of Directive 2009/125/EC, include the possibility for industry to submit self-regulation measures. The Commission should assess the self-regulation measures proposed by industry, along with the information and evidence submitted by the signatories, including in light of the international trade commitments of the Union and the need to ensure coherence with Union law. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred

deleted

on the Commission to adopt and update an act listing the self-regulation measures considered as valid alternatives to a delegated act setting ecodesign requirements. It is also appropriate, for instance in view of relevant market or technological developments within the product group concerned, that the Commission be able to request a revised version of the self-regulation measure whenever considered necessary. Once a self-regulation measure is listed in an implementing act, there is a legitimate expectation for economic operators that the Commission will not adopt a delegated act establishing ecodesign requirements for this specific product group. However, it is not excluded that the Commission may adopt horizontal ecodesign requirements also applying to the products covered by a recognised self-regulation measure for the product aspects not addressed by that self-regulation measure. Where the Commission considers that a self-regulation measure no longer fulfils the criteria set in this Regulation, it should remove that self-regulation from the implementing act listing the recognised self-regulation measures. Consequently, ecodesign requirements may then be established for the product groups previously addressed by the self-regulation measure, in accordance with this Regulation.

Or. en

Amendment 14

Proposal for a regulation

Recital 45

Text proposed by the Commission

(45) Micro, small and medium-sized enterprises (SMEs) could greatly benefit

Amendment

(45) Micro, small and medium-sized enterprises (SMEs) could greatly benefit

from an increase in the demand for sustainable products but could also face costs and difficulties with some of the requirements. The Member States and the Commission should, in their respective areas of responsibility, provide adequate information, ensure targeted and specialised training, and provide specific assistance and support, including financial, to SMEs active in the manufacturing of products for which ecodesign requirements are set. Those actions should, for example, cover the calculation of the product environmental footprint and the technical implementation of the product passport. Member States actions should be taken in respect of applicable State aid rules.

from an increase in the demand for sustainable products but could also face costs and difficulties with some of the requirements. The Member States and the Commission should, in their respective areas of responsibility, provide adequate information, ensure targeted and specialised training, and provide specific assistance and support, including financial, ***through existing funding and financing tools***, to SMEs active in the manufacturing of products for which ecodesign requirements are set. Those actions should, for example, cover the calculation of the product environmental footprint, and the technical implementation of the product passport. ***The actions could also facilitate SMEs access both to digital tools to generate a product passport and to relevant software and databases for the life cycle assessments***. Member States actions should be taken in respect of applicable State aid rules

Or. en

Amendment 15

Proposal for a regulation

Recital 46

Text proposed by the Commission

(46) The destruction of unsold consumer products, such as textiles and ***footwear***, by economic operators is becoming a widespread environmental problem across the Union, in particular due to the rapid growth of online sales. It amounts to a loss of valuable economic resources as goods are produced, transported and afterwards destroyed without ever being used for their intended purpose. It is therefore necessary, in the interest of environmental protection, that this Regulation establishes a framework to prevent the destruction of unsold products primarily intended for

Amendment

(46) The destruction of unsold consumer products, such as textiles and ***electronic appliances*** by economic operators is becoming a widespread environmental problem across the Union, in particular due to the rapid growth of online sales. It amounts to a loss of valuable economic resources as goods are produced, transported and afterwards destroyed without ever being used for their intended purpose. It is therefore necessary, in the interest of environmental protection, that this Regulation establishes a framework to prevent the destruction of unsold products

consumers pursuant to Directive (EU) 2019/771 of the European Parliament and of the Council⁶⁹, including products that have been returned by a consumer in view of their right of withdrawal as laid down by Directive (EU) 2011/83/EU of the European Parliament and of the Council⁷⁰. This will reduce the environmental impact of those products by reducing the generation of waste and by disincentivising overproduction of products. In addition, given that several Member States have introduced national legislation on the destruction of unsold consumer products thereby creating market distortions, harmonised rules on the destruction of unsold consumer products are necessary to ensure that distributors, retailers and other economic operators are subject to the same rules and incentives across Member States.

⁶⁹ Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 6).

⁷⁰ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

primarily intended for consumers pursuant to Directive (EU) 2019/771 of the European Parliament and of the Council⁶⁹, including products that have been returned by a consumer in view of their right of withdrawal as laid down by Directive (EU) 2011/83/EU of the European Parliament and of the Council⁷⁰. This will reduce the environmental impact of those products by reducing the generation of waste and by disincentivising overproduction of products. In addition, given that several Member States have introduced national legislation on the destruction of unsold consumer products thereby creating market distortions, harmonised rules on the destruction of unsold consumer products are necessary to ensure that distributors, retailers and other economic operators are subject to the same rules and incentives across Member States.

⁶⁹ Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 6).

⁷⁰ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

Or. en

Amendment 16

Proposal for a regulation Recital 47

Text proposed by the Commission

(47) To dis-incentivise the destruction of unsold consumer products and to further generate data on the occurrence of this practice, this Regulation should introduce a transparency obligation for economic operators holding consumer products in the Union, requiring them to disclose information on the number of unsold consumer products discarded per year. The economic operator should indicate the product type or category, the reasons for their discarding and their delivery for subsequent waste treatment operations. While economic operators should be free to determine how to disclose that information in a manner appropriate to their business environment, it should be considered a best practice to include the required information in a publicly available non-financial statement drafted in accordance with Article 19a of Directive 2013/34/EU of the European Parliament and of the Council⁷¹ where applicable.

⁷¹ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).

Amendment

(47) To dis-incentivise the destruction of unsold consumer products and to further generate data on the occurrence of this practice, this Regulation should introduce a transparency obligation for economic operators holding consumer products in the Union, requiring them to disclose information on the number of unsold consumer products discarded per year. The economic operator should indicate the product type or category, the reasons for their discarding and their delivery for subsequent waste treatment operations. While economic operators should be free to determine how to disclose that information in a manner appropriate to their business environment, it should be considered a best practice to include the required information in a publicly available **website or in a** non-financial statement drafted in accordance with Article 19a of Directive 2013/34/EU of the European Parliament and of the Council⁷¹ where applicable.

⁷¹ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).

Or. en

Amendment 17

Proposal for a regulation Recital 48

Text proposed by the Commission

(48) In order to avoid the destruction of unsold consumer products, where the destruction of such products is prevalent, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by prohibiting the destruction of such products. Given the wide range of products that may potentially be destroyed without ever being sold or used, it is necessary to establish such empowerment in this Regulation. However, the prohibition set in the delegated acts should apply to specific product groups to be determined based on an assessment by the Commission of the extent to which the destruction of such products takes place in practice, taking into account the information made available by economic operators where appropriate. To ensure that this obligation is proportionate, the Commission should consider specific exemptions under which destroying unsold consumer products may still be permitted, for instance in view of health and safety concerns. To monitor the effectiveness of this prohibition and to dis-incentivise circumvention, economic operators should be required to disclose the number of unsold consumer products destroyed and the reasons for their destruction under applicable exemptions. Finally, to avoid any undue administrative burden on **SMEs**, they should be exempted from the obligations to disclose their unsold discarded products and from the prohibition to discard specific products groups set in delegated acts. However, where there is reasonable evidence that SMEs may be used to circumvent those obligations, the Commission should be able to require, in those delegated acts, for

Amendment

(48) In order to avoid the destruction of unsold consumer products, where the destruction of such products is prevalent, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by prohibiting the destruction of such products. Given the wide range of products that may potentially be destroyed without ever being sold or used, it is necessary to establish such empowerment in this Regulation. However, the prohibition set in the delegated acts should apply to specific product groups to be determined based on an assessment by the Commission of the extent to which the destruction of such products takes place in practice, taking into account the information made available by economic operators where appropriate. To ensure that this obligation is proportionate, the Commission should consider specific exemptions under which destroying unsold consumer products may still be permitted, for instance in view of health and safety concerns. To monitor the effectiveness of this prohibition and to dis-incentivise circumvention, economic operators should be required to disclose the number of unsold consumer products destroyed and the reasons for their destruction under applicable exemptions. Finally, to avoid any undue administrative burden on **small and microenterprises**, they should be exempted from the obligations to disclose their unsold discarded products and from the prohibition to discard specific products groups set in delegated acts. However, where there is reasonable evidence that SMEs may be used to circumvent those obligations, the Commission should be able to require, in those delegated acts, for

some product groups, that these obligations also apply to micro, small or medium sized enterprises.

some product groups, that these obligations also apply to micro, small or medium sized enterprises. ***The destruction of unsold consumer products by economic operators should however be already prohibited for textiles and electronic appliances, given that ample evidence exists to demonstrate that the destruction of such products is taking place and is causing significant environmental impacts.***

Or. en

Amendment 18

Proposal for a regulation Recital 55 a (new)

Text proposed by the Commission

Amendment

(55a) Refurbishment and second-hand sectors play a specific role in promoting sustainable consumption patterns and in the development of circular business models. Due to the specificities of those sectors, their role along the value chain and related obligations should be specifically evaluated in the setting of ecodesign requirements with the adopted delegated acts specifying which rules would be appropriate for them.

Or. en

Amendment 19

Proposal for a regulation Article 1 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

This Regulation establishes a framework to improve the environmental sustainability of products and to ensure free movement in the internal market by setting ecodesign

This Regulation establishes a framework to improve the environmental sustainability of products ***in order to make sustainable products the norm and to reduce their***

requirements that products shall fulfil to be placed on the market or put into service. Those ecodesign requirements, which shall be further elaborated by the Commission in delegated acts, relate to:

overall environmental footprint over their lifecycle, as well as to improve their social sustainability and to ensure free movement in the internal market by setting ecodesign requirements that products shall fulfil to be placed on the market or put into service. Those ecodesign requirements, which shall be further elaborated by the Commission in delegated acts, relate to:

Or. en

Justification

The main objective of the Sustainable Products Initiative was to make sustainable products the norm in the EU market and beyond. Social aspects and due diligence are key aspects of the sustainability of a product and the new Regulation should therefore open up the possibility to set information and performance requirements for these aspects as well.

Amendment 20

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) products' premature obsolescence;

Or. en

Amendment 21

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

In setting ecodesign requirements the Commission shall also take into consideration the social sustainability of products and due diligence aspects.

Or. en

Amendment 22

Proposal for a regulation

Article 2 – paragraph 1 – point 6

Text proposed by the Commission

(6) ‘ecodesign’ means the integration of environmental sustainability considerations into the characteristics of a product and the processes taking place throughout the product’s value chain;

Amendment

(6) ‘ecodesign’ means the integration of environmental **sustainability as well as social** sustainability considerations into the characteristics of a product and the processes taking place throughout the product’s value chain;

Or. en

Amendment 23

Proposal for a regulation

Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) ‘ecodesign requirement’ means a performance requirement or an information requirement aimed at making a product more environmentally sustainable;

Amendment

(7) ‘ecodesign requirement’ means a performance requirement or an information requirement aimed at making a product more environmentally **and socially** sustainable;

Or. en

Amendment 24

Proposal for a regulation

Article 2 – paragraph 1 – point 23

Text proposed by the Commission

(23) ‘environmental footprint’ means a quantification of a product’s environmental impacts, whether in relation to a single environmental impact category or an aggregated set of impact categories based on the Product Environmental Footprint method;

Amendment

(23) ‘environmental footprint’ means a quantification of a product’s environmental impacts, whether in relation to a single environmental impact category or an aggregated set of impact categories based on the Product Environmental Footprint method **or other scientifically validated**

methods;

Or. en

Justification

Other robust existing validated methodologies and standards to assess the environmental footprint of products should be considered in addition to PEF methodology and rules. There are in fact limitations with the current PEF approach.

Amendment 25

Proposal for a regulation

Article 2 – paragraph 1 – point 37

Text proposed by the Commission

(37) ‘unsold consumer product’ means any consumer product that has not been sold ***or that has been*** returned by a consumer in view of their right of withdrawal in accordance with Article 9 of Directive (EU) 2011/83/EU;

Amendment

(37) ‘unsold consumer product’ means any consumer product ***fit for consumption and sale*** that has not been sold, ***including surplus, excessive inventory, overstock and deadstock, including products*** returned by a consumer in view of their right of withdrawal in accordance with Article 9 of Directive (EU) 2011/83/EU ***which have not been placed back on the market;***

Or. en

Justification

The concept of “unsold consumer products” must only cover products that are fit for consumption and for sale and should clearly be distinguished from the notion of “waste”, which includes products that are required to be discarded.

Amendment 26

Proposal for a regulation

Article 2 – paragraph 1 – point 39

Text proposed by the Commission

(39) ‘making available on the market’ means any supply of a product for distribution, consumption or use on the

Amendment

(39) ‘making available on the market’ means any supply of a product for distribution, consumption or use on the

Union market in the course of a commercial activity, whether in return for payment or free of charge;

Union market in the course of a commercial activity, whether in return for payment or free of charge, ***including through online marketplaces***;

Or. en

Justification

It is important that online marketplaces are clearly covered by the same responsibilities of bricks-and-mortar marketplaces. More and more consumers purchase products online with the expectation that products bought online comply with the same level of compliance of existing sustainability rules and that the actors involved in the sale of goods online are bound by the same responsibilities.

Amendment 27

Proposal for a regulation

Article 2 – paragraph 1 – point 40

Text proposed by the Commission

(40) ‘placing on the market’ means the first making available of a product on the Union market;

Amendment

(40) ‘placing on the market’ means the first making available of a product on the Union market, ***including through online marketplaces***;

Or. en

Justification

It is important that online marketplaces are clearly covered by the same responsibilities of bricks-and-mortar marketplaces. More and more consumers purchase products online with the expectation that products bought online comply with the same level of compliance of existing sustainability rules and that the actors involved in the sale of goods online are bound by the same responsibilities.

Amendment 28

Proposal for a regulation

Article 2 – paragraph 1 – point 46

Text proposed by the Commission

(46) ‘economic operator’ means the manufacturer, the authorised

Amendment

(46) ‘economic operator’ means the manufacturer, the authorised

representative, the importer, the distributor, the dealer **and** the fulfilment service provider;

representative, the importer, the distributor, the dealer, the fulfilment service provider **and the online marketplace**;

Or. en

Justification

Today's supply chains encompass a wide variety of economic operators who must all be subject to enforcement of EU sustainability legislation. Online marketplaces play an essential role in the supply chain: without their digital platform through which consumers find, compare, choose, pay and get delivered products, many products stemming from outside the EU would not get market access. It is therefore important to include them into this definition.

Amendment 29

Proposal for a regulation

Article 2 – paragraph 1 – point 56

Text proposed by the Commission

(56) ‘dealer’ means a retailer or any other natural or legal person who offers products for sale, hire or hire purchase, or displays products to customers in the course of a commercial activity, whether or not in return for payment;

Amendment

(56) ‘dealer’ means a retailer or any other natural or legal person who offers products for sale, hire or hire purchase, or displays products to customers in the course of a commercial activity, whether or not in return for payment, **including through online platforms**;

Or. en

Justification

With growing online sales and offer, it should be made clear that all forms of distribution are covered in the definition of distributor

Amendment 30

Proposal for a regulation

Article 2 – paragraph 1 – point 59 a (new)

Text proposed by the Commission

Amendment

(59a) "premature obsolescence" means marketing a product with a feature which

limits its foreseeable lifetime;

Or. en

Amendment 31

Proposal for a regulation

Article 2 – paragraph 1 – point 59 b (new)

Text proposed by the Commission

Amendment

(59b) "independent repairer" means any natural or legal person who provides a repair service which is different and separate to the repair service provided by the manufacturer or dealer.

Or. en

Justification

In order to ensure a real right to repair this Regulation should aim for a high level of reparability of products. Therefore the Regulation shall ensure that the replacement and repairs should also be conducted, to the greatest extent possible, by independent repairers without affiliation to the economic operator who placed the product on the market.

Amendment 32

Proposal for a regulation

Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

The definitions of ‘supplier of a substance or a mixture’ and ‘supplier of an article’ in Article 3, points (32) and (33), of Regulation (EC) 1907/2006 of the European Parliament and of the Council^{1a} shall apply.

^{1a} Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH),

establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

Or. en

Justification

These definitions are key to implement provision on information flow across the value chain. The definition ensures coherence with REACH definitions regarding suppliers.

Amendment 33

**Proposal for a regulation
Article 4 – paragraph 2**

Text proposed by the Commission

When establishing ecodesign requirements in delegated acts referred to in the first subparagraph, the Commission shall also supplement this Regulation by specifying the applicable conformity assessment procedures from among the modules set out in Annex IV to this Regulation and Annex II to Decision No 768/2008/EC, with the adaptations necessary in view of the product or ecodesign requirements concerned, in accordance with Article 36.

Amendment

When establishing ecodesign requirements in delegated acts referred to in the first subparagraph, ***the Commission shall provide economic operators with sufficient time to adjust to the new requirements, particularly taking into consideration the needs of SMEs.*** The Commission shall also supplement this Regulation by specifying the applicable conformity assessment procedures from among the modules set out in Annex IV to this Regulation and Annex II to Decision No 768/2008/EC, with the adaptations necessary in view of the product or ecodesign requirements concerned, in accordance with Article 36.

Or. en

Justification

Businesses should be provided with sufficient time, flexibility and guidance to adapt to the ESPR requirements, which should be manageable and reasonable. Special consideration

should be given to the needs of SMEs.

Amendment 34

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

The Commission shall, as appropriate to the relevant product groups and with due consideration for all stages of their life cycle, establish ecodesign requirements to improve the following product aspects:

Amendment

The Commission shall, as appropriate to the relevant product groups and with due consideration for all stages of their life cycle, establish ecodesign requirements to improve ***any of*** the following product aspects:

Or. en

Justification

When it comes to specific requirements, future regulations within the ESPR establishing ecodesign requirements for products should consider the life cycle of the product and identify for each product groups the relevant product aspects, which should be improved in the delegated act. The Commission should however conduct a proper analysis of all the aspects listed under paragraph 1 of this article.

Amendment 35

Proposal for a regulation

Article 5 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) premature obsolescence;

Or. en

Amendment 36

Proposal for a regulation

Article 5 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) possibility of remanufacturing ***and recycling***;

(k) possibility of remanufacturing;

Or. en

Amendment 37

Proposal for a regulation

Article 5 – paragraph 1 – point k a (new)

Text proposed by the Commission

Amendment

(ka) possibility of recycling;

Or. en

Amendment 38

Proposal for a regulation

Article 5 – paragraph 1 – point n a (new)

Text proposed by the Commission

Amendment

(na) social sustainability and due diligence;

Or. en

Amendment 39

Proposal for a regulation

Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

However, where two or more product groups display technical similarities allowing a product aspect referred to in paragraph 1 to be improved based on a common requirement, ecodesign

Where two or more product groups display technical similarities allowing a product aspect referred to in paragraph 1 to be improved based on a common requirement, ecodesign requirements may be established

requirements may be established
horizontally for those product groups.

horizontally for those product groups.
***Those horizontal requirements may be
further specified through the
establishment of ecodesign requirements
for a specific product group covered by a
horizontal ecodesign requirements.***

Or. en

Amendment 40

Proposal for a regulation Article 5 – paragraph 2 – subparagraph 3

Text proposed by the Commission

A horizontal ecodesign requirement established pursuant to the second subparagraph may cover products falling in the scope of ***a*** self-regulation measure ***established as a valid alternative pursuant to Article 18(3)***, where the Commission considers that that self-regulation measure does not address the product aspect covered by that horizontal ecodesign requirement.

Amendment

A horizontal ecodesign requirement established pursuant to the second subparagraph may cover products falling in the scope of ***an existing*** self-regulation measure, where the Commission considers that that self-regulation measure does not address the product aspect covered by that horizontal ecodesign requirement.

Or. en

Amendment 41

Proposal for a regulation Article 5 – paragraph 4 – introductory part

Text proposed by the Commission

When preparing ecodesign requirements, the Commission shall:

Amendment

When preparing ecodesign requirements, the Commission shall ***ensure consistency and avoiding conflicting or duplicating requirements with other Union legislation and shall:***

Or. en

Justification

Ecodesign Requirements should ensure regulatory consistency with other EU policies and legislations, by avoiding overlaps and ensuring harmonization.

Amendment 42

Proposal for a regulation

Article 5 – paragraph 4 – point a – point i

Text proposed by the Commission

(i) Union climate, ***environmental and*** energy efficiency ***priorities and*** other related Union ***priorities***;

Amendment

- (i) Union ***objectives in the fields of:***
- climate, ***including the objective to achieve climate neutrality at the latest by 2050;***
 - ***environment and biodiversity;***
 - energy efficiency
 - ***resource security and in particular the objective to reduce the overall material and consumption footprint, including embodied emissions in materials; and***
 - other related Union ***objectives***;

Or. en

Justification

The ecodesign requirements to be established under EU legal acts should be guided with clear objectives to avoid being set at inadequate level.

Amendment 43

Proposal for a regulation

Article 5 – paragraph 4 – point a – point iii

Text proposed by the Commission

(iii) self-regulation measures, ***as provided for in Article 18;***

Amendment

(iii) ***any existing*** self-regulation measures;

Amendment 44

Proposal for a regulation

Article 5 – paragraph 4 – point b

Text proposed by the Commission

(b) carry out an impact assessment based on best available evidence and analyses, and as appropriate on additional studies and research results produced under European funding programmes. ***In doing so, the Commission shall ensure that the depth of analysis of the product aspects listed in paragraph 1 is proportionate to their significance.*** The establishment of ecodesign requirements on the ***most significant*** aspects ***of a product among those*** listed in paragraph 1 shall not be unduly delayed by uncertainties regarding the possibility to establish ecodesign requirements to improve other aspects of that product;

Amendment

(b) carry out an impact assessment based on best available evidence and analyses, and as appropriate on additional studies and research results produced under European funding programmes. The establishment of ecodesign requirements on the ***product*** aspects listed in paragraph 1 shall not be unduly delayed by uncertainties regarding the possibility to establish ecodesign requirements to improve other aspects of that product. ***In the impact assessments, the Commission shall:***

- (i) ensure that all the product aspects listed in paragraph 1 are analysed;***
- (ii) ensure that the depth of analysis of the product aspects listed in paragraph 1 is proportionate to their significance;***
- (iii) ensure that trade-offs between the different product aspects listed in paragraph 1 are analysed;***

Or. en

Justification

When it comes to the setting of specific ecodesign requirements the Commission should identify the most appropriate parameters to improve sustainability, while ensuring that trade offs between the different product aspects are analysed.

Amendment 45

Proposal for a regulation

Article 5 – paragraph 5 – point c

Text proposed by the Commission

(c) there shall be no significant negative impact on consumers in terms of the affordability of relevant products, also taking into account access to second-hand products, durability and the life cycle cost of products;

Amendment

(c) there shall be no significant negative impact on consumers in terms of the affordability of relevant products, also taking into account access to second-hand products, durability and the life cycle cost of products, ***including societal costs where evidence is available***;

Or. en

Justification

When establishing ecodesign requirements the Commission should also take into account the societal costs along the life cycle of the products, notably in relation to the use of resources, energy and other consumables and the related human health and environmental impacts.

Amendment 46

Proposal for a regulation

Article 5 – paragraph 8

Text proposed by the Commission

8. The Commission shall publish relevant studies and analyses used in the establishment of ecodesign requirements in accordance with this Regulation.

Amendment

8. The Commission shall publish relevant studies and analyses, ***including the impact assessments referred to in paragraph 4, point (b)***, used in the establishment of ecodesign requirements in accordance with this Regulation.

Or. en

Amendment 47

Proposal for a regulation

Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Performance requirements referred to in paragraph 1 shall be based on the product parameters referred to in Annex I and shall, as appropriate, include:

2. Performance requirements referred to in paragraph 1 shall be based on the **relevant** product parameters referred to in Annex I and shall, as appropriate, include:

Or. en

Justification

When it comes to the setting of specific ecodesign requirements the Commission should identify the most appropriate parameters to improve sustainability, while ensuring that trade offs between the different product aspects are analysed.

Amendment 48

Proposal for a regulation

Article 7 – paragraph 2 – point b – introductory part

Text proposed by the Commission

Amendment

as appropriate, require products to be accompanied by:

unless not applicable, require products to be accompanied by:

Or. en

Amendment 49

Proposal for a regulation

Article 7 – paragraph 2 – point b – subparagraph 1 – point ii

Text proposed by the Commission

Amendment

(ii) information for consumers and other end-users on how to install, use, maintain and repair the product in order to minimise its impact on the environment and to ensure optimum durability, as well as on how to return or dispose of the product at end-of-life;

(ii) **clear and easily understandable** information for consumers and other end-users on how to install, use, maintain and repair the product in order to minimise its impact on the environment and to ensure optimum durability, as well as on how to return or dispose of the product at end-of-life;

Or. en

Amendment 50

Proposal for a regulation

Article 7 – paragraph 2 – point b – subparagraph 1 – point ii a (new)

Text proposed by the Commission

Amendment

(iia) information on social aspects and due diligence aspects;

Or. en

Amendment 51

Proposal for a regulation

Article 7 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

Those classes of performance shall correspond to statistically significant improvements in performance levels.

Those classes of performance shall correspond to statistically significant improvements in performance levels **and shall use as the minimum level the minimum performance requirements established pursuant to Article 6.**

Or. en

Justification

It is important that classes of performance, are designed on top of minimum Ecodesign performance requirements and do not substitute the latter.

Amendment 52

Proposal for a regulation

Article 7 – paragraph 5 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) information relevant for disassembly.

(e) information relevant for disassembly **and other preparatory operations, recycling and other recovery**

and disposal.

Or. en

Amendment 53

Proposal for a regulation

Article 7 – paragraph 6 – subparagraph 3

Text proposed by the Commission

Information *ensuring the traceability of substances pursuant to paragraph 5* shall be *given either on* the product *or* be accessible through a data carrier included on the product.

Amendment

Information *that is essential to the health, safety, and rights of end-users* shall be *provided and shall be accessible in physical form with* the product *and* be accessible through a data carrier included on the product.

All other information relevant for a purchasing decision shall be provided to consumers, prior to the purchase of a product, either on the product's packaging, in the digital product passport referred to in Article 8, on a label as referred to in Article 14 or on a free access website of application, as appropriate.

Or. en

Justification

Information essential to consumer health and rights must be available in physical form with the product, not only hidden away on a digital tool.

Amendment 54

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. The information requirements referred to in Article 7(1) shall provide that products can only be placed on the market or put into service if a product passport is

Amendment

1. The information requirements referred to in Article 7(1) shall provide that products can only be placed on the market or put into service if a product passport is

available in accordance with the applicable delegated act adopted pursuant to Article 4 and Articles 9 and 10.

available in accordance with the applicable delegated act adopted pursuant to Article 4 and Articles 9 and 10. ***The information in the digital product passport shall be accurate, complete and up to date.***

Or. en

Amendment 55

Proposal for a regulation

Article 8 – paragraph 2 – point f

Text proposed by the Commission

(f) the actors that shall have access to information in the product passport and to what information they shall have access, including customers, end-users, manufacturers, importers and distributors, dealers, repairers, remanufacturers, recyclers, competent national authorities, public interest organisations and the Commission, or any organisation acting on their behalf;

Amendment

(f) the actors that shall have access to information in the product passport and to what information they shall have access, including customers, end-users, manufacturers, importers and distributors, dealers, repairers, ***including independent repairers, refurbishers***, remanufacturers, recyclers, competent national authorities, public interest organisations and the Commission, or any organisation acting on their behalf;

Or. en

Amendment 56

Proposal for a regulation

Article 8 – paragraph 2 – point g

Text proposed by the Commission

(g) the actors that ***may*** introduce or update the information in the product passport, including where needed the creation of a new product passport, and what information they may introduce or update, including manufacturers, repairers, maintenance professionals, remanufacturers, recyclers, competent national authorities, and the Commission,

Amendment

(g) the actors that ***shall*** introduce or update the information in the product passport, ***whenever relevant***, including where needed the creation of a new product passport, ***that shall be linked to the product passport or passports of the original product*** and what information they may introduce or update, including manufacturers, repairers, ***including***

or any organisation acting on their behalf;

independent repairers, refurbishers, maintenance professionals, remanufacturers, recyclers, competent national authorities, and the Commission, or any organisation acting on their behalf, avoiding duplication of information and reporting;

Or. en

Amendment 57

Proposal for a regulation

Article 8 – paragraph 2 – point h

Text proposed by the Commission

(h) the period for which the product passport shall remain available.

Amendment

(h) the period for which the product passport shall remain available ***which shall correspond to at least the expected lifetime of a specific product.***

Or. en

Amendment 58

Proposal for a regulation

Article 8 – paragraph 4 – point b

Text proposed by the Commission

(b) other Union law includes a system for the digital provision of information related to a product group for which the Commission considers that it achieves the objectives referred to in paragraph 3, points (a) and (b).

Amendment

(b) other Union law includes a system for the digital provision of information related to a product group for which the Commission considers that it achieves the objectives referred to in paragraph 3, points (a) and (b); ***i n such a case a link between the digital product passport and the relevant database shall be developed to make sure that all relevant information is made available.***

Or. en

Justification

The information displayed in the Digital Product Passport should, where possible, be drawn directly from the legally mandated EU databases to achieve time efficiency.

Amendment 59

Proposal for a regulation

Article 10 – paragraph 1 – point a

Text proposed by the Commission

(a) product passports shall be fully interoperable with other product passports required by delegated acts adopted pursuant to Article 4 in relation to the technical, semantic and organisational aspects of end-to-end communication and data transfer;

Amendment

(a) product passports shall be fully interoperable with other product passports required by delegated acts adopted pursuant to Article 4 in relation to the technical, semantic and organisational aspects of end-to-end communication and data transfer **and with existing product databases**;

Or. en

Justification

The information displayed in the Digital Product Passport should, where possible, be drawn directly from the legally mandated EU databases to achieve time efficiency.

Amendment 60

Proposal for a regulation

Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) consumers, economic operators and other relevant actors shall have **free** access to the product passport based on their respective access rights set out in the applicable delegated act adopted pursuant to Article 4;

Amendment

(b) consumers, economic operators, **repairers, including independent repairers, preparation-for-reuse and re-use operators, waste management operators, civil society organisations, public authorities** and other relevant actors shall have access **free of charge** to the product passport based on their respective access rights set out in the applicable delegated act adopted pursuant to Article 4;

Amendment 61

Proposal for a regulation

Article 10 – paragraph 1 – point c

Text proposed by the Commission

(c) the data included in the product passport shall be stored the economic operator responsible for its creation or by operators authorised to act on their behalf;

Amendment

(c) the data included in the product passport shall be stored **by** the economic operator responsible for its creation or by operators authorised to act on their behalf;

Or. en

Amendment 62

Proposal for a regulation

Article 10 – paragraph 1 – point h

Text proposed by the Commission

(h) product passports shall be designed and operated so that a high level of security and privacy is ensured and fraud is avoided.

Amendment

(h) product passports shall be designed and operated so that a high level of security and privacy is ensured ***in particular for proprietary information,*** and fraud is avoided.

Or. en

Justification

Business sensitive information should be protected to avoid putting the competitiveness of economic actors at risk and to avoid unfair competition

Amendment 63

Proposal for a regulation

Article 10 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) the information shall be accurate, complete and up to date;

Or. en

Amendment 64

Proposal for a regulation

Article 14 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the layout of the label **taking account** visibility and legibility;

(b) the layout of the label **ensuring** visibility and legibility;

Or. en

Amendment 65

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. Where an information requirement entails the inclusion in a label of the class of performance of a product as referred to in Article 7(4), the layout of the label referred to in paragraph 1, point (b), shall **enable** customers to easily compare product performance in relation to the relevant product parameter and to choose better performing products.

2. Where an information requirement entails the inclusion in a label of the class of performance of a product as referred to in Article 7(4), the layout of the label referred to in paragraph 1, point (b), shall **be clear and easily understandable, enabling** customers to easily compare product performance in relation to the relevant product parameter and to choose better performing products.

Or. en

Amendment 66

Proposal for a regulation

Article 16 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Commission shall adopt and regularly update a working plan, covering a period of at least 3 years, setting out a list of product groups for which it intends to establish ecodesign requirements in accordance with this Regulation. That list shall include products aspects referred to in Article 5(1) for which the Commission intends to adopt horizontal ecodesign requirements established pursuant to Article 5(2), second subparagraph.

Amendment

The Commission shall make the working plan and all relevant preparatory documents publicly available. The Commission shall adopt and regularly update a working plan, covering a period of at least 3 years, setting out a list of product groups for which it intends to establish ecodesign requirements in accordance with this Regulation. That list shall include products aspects referred to in Article 5(1) for which the Commission intends to adopt horizontal ecodesign requirements established pursuant to Article 5(2), second subparagraph.

Or. en

Amendment 67

Proposal for a regulation

Article 16 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Commission shall present the draft working plans to the European Parliament before their adoption.

Or. en

Amendment 68

Proposal for a regulation

Article 16 – paragraph 2 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

For the period 2024-2027, the

Commission shall consider prioritising the following product groups in the first working plan. If any of the product groups is not included in the working plan, the Commission shall provide a justification for its decision:

- *iron, steel*
- *cement*
- *aluminium*
- *textiles, notably garments and footwear*
- *furniture, including mattresses*
- *tyres*
- *detergents*
- *paints*
- *lubricants*
- *chemicals*
- *energy related products, whose implementing measures need to be revised or newly defined*
- *ICT products and other electronics.*

Or. en

Justification

It is important that the Regulation already provides an indication of the product groups that should be prioritised for Ecodesign requirements, in particular bearing in mind their potential contribution to achieving Union climate, environmental, resource security and energy efficiency objectives.

Amendment 69

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

The Commission shall ensure that when it conducts its activities, it observes a balanced participation of Member States’

Amendment

The Commission shall ensure that when it conducts its activities, it observes a balanced participation of Member States’

representatives and all interested parties involved with the product or product group in question, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations. ***These parties shall contribute in particular to preparing ecodesign requirements, examining the effectiveness of the established market surveillance mechanisms and assessing self-regulation measures.***

representatives and all interested parties involved with the product or product group in question, such as industry, including SMEs, ***social enterprises*** and craft industry, ***waste management operators***, trade unions ***and associations***, traders, retailers, importers, environmental protection groups and ***organisations***, and consumer organisations.

Or. en

Amendment 70

Proposal for a regulation Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The parties referred to in the first paragraph shall contribute in particular to preparing ecodesign requirements and examining the effectiveness of the established market surveillance mechanisms.

Or. en

Amendment 71

Proposal for a regulation Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

The Ecodesign Forum shall carry out its tasks in full transparency. The Commission shall publish the minutes of the meetings of the Ecodesign Forum and all other relevant documents on the Commission website. The Ecodesign Forum may request the Commission to

prepare ecodesign requirements for a particular product group. The Commission shall take such a request into consideration.

Or. en

Amendment 72

Proposal for a regulation Article 18 – Title

Text proposed by the Commission

Amendment

Article 18

deleted

Self-regulation measures

Or. en

Justification

Given the limited successes of self-regulation measures until now, it is appropriate to rather focus on the setting of ecodesign requirements for product groups through delegated acts, while maintaining in place existing self-regulation measures adopted under Directive 2009/125/EC.

Amendment 73

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

Amendment

1. Two or more economic operators may submit a self-regulation measure establishing ecodesign requirements for products to the Commission as an alternative to a delegated act adopted pursuant to Article 4. Those operators shall provide evidence that the criteria referred to in paragraph 3, points (a) to (e), are fulfilled. With respect to paragraph 3, point (a), that evidence shall consist of a structured technical, environmental and economic analysis, **deleted**

justifying the ecodesign requirements and objectives of the self-regulation measure, and assessing the impacts of the ecodesign requirements set in that self-regulation measure.

Or. en

Amendment 74

Proposal for a regulation Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. *The self-regulation measure shall contain the following information:* *deleted*

(a) *a list of the economic operators that are signatories to the self-regulation measure;*

(b) *the ecodesign requirements applicable to products covered by the self-regulation measure;*

(c) *a detailed, transparent and objective monitoring plan, with clearly identified responsibilities for industry and independent inspectors, including the criteria set out in point 6 of Annex VII;*

(d) *rules on information to be reported by signatories and on testing and inspections.*

The information referred to in this paragraph shall be kept up-to-date and be available on a publicly accessible website.

Or. en

Amendment 75

Proposal for a regulation Article 18 – paragraph 3

3. *The Commission shall assess the proposed self-regulation measure, and, where necessary, shall seek scientific advice from Union decentralised agencies. On the basis of that assessment, it shall establish whether it is a valid alternative to a delegated act adopted pursuant to Article 4 where the following criteria are fulfilled:* ***deleted***

(a) the self-regulation measure contributes to improving the environmental sustainability of products and ensuring the free movement in the internal market quickly or at a lesser expense than a delegated act adopted pursuant to Article 4;

(b) the market share in terms of volume of the signatories to the self-regulation measure in relation to the products covered by that measure is at least 80 % of units placed on the market or put into service;

(c) the self-regulation measure complies with the criteria set out in Annex VII;

(d) the product covered by the self-regulation measure does not fall within the scope of a delegated act adopted pursuant to Article 4;

(e) the self-regulation measure is in line with Union legislation and international trade commitments of the Union.

The Commission shall adopt an implementing act containing a list of self-regulation measures established as valid alternatives to a delegated act adopted pursuant to Article 4. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 67(2).

Or. en

Amendment 76

Proposal for a regulation Article 18 – paragraph 4

Text proposed by the Commission

Amendment

4. *The Commission may at any point in time request the signatories of a self-regulation measure to submit a revised and updated version of that measure in view of relevant market or technological developments within the product group concerned or where it has reason to believe that the criteria set out in paragraph 3 are no longer fulfilled.* **deleted**

Or. en

Amendment 77

Proposal for a regulation Article 18 – paragraph 5

Text proposed by the Commission

Amendment

5. *Once a self-regulation measure has been listed in an implementing act adopted pursuant to paragraph 3, second subparagraph, the signatories of that measure shall report to the Commission, at regular intervals set out in that implementing act, on the progress towards achieving the objectives of the self-regulation measures and to demonstrate that the criteria set in paragraph 3, points (a) to (e), remain fulfilled. Those reports shall also be made available on a publicly accessible website.* **deleted**

Or. en

Amendment 78

Proposal for a regulation Article 18 – paragraph 6

Text proposed by the Commission

Amendment

6. *Where the Commission considers, based on information received pursuant to paragraphs 4 or 5, that a self-regulation measure no longer fulfils the criteria set out in paragraph 3, it shall delete it from the list referred to in that paragraph. In such cases, the Commission may decide to adopt ecodesign requirements applicable to the product covered by that self-regulation measure.* *deleted*

Or. en

Amendment 79

Proposal for a regulation Article 20 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) *damage to products as a result of their handling or detected after a product has been returned by a consumer;* *deleted*

Or. en

Amendment 80

Proposal for a regulation Article 20 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) *fitness of the product for the purpose for which it is intended, taking into account, where applicable, Union and national law and technical standards;* *deleted*

Amendment 81

Proposal for a regulation

Article 20 – paragraph 3 – subparagraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) counterfeit products.

Or. en

Justification

Counterfeit products are unlikely to meet the chemical specifications of genuine products and so recycling them could contaminate recycling streams. Additionally, counterfeit products should be included in the exceptions as in some cases, depending on the nature of the IP, recycling is not allowed, and the destruction is required.

Amendment 82

Proposal for a regulation

Article 20 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Amendment

This Article shall not apply to **SMEs**.

This Article shall not apply to **small enterprises or microenterprises**.

Or. en

Justification

There is no reason why medium enterprises should be exempted from the prohibition to destroy functional and compliant products. It should be part of the assistance by national authorities to medium enterprises to help them find a solution, as referred to in art 19. In addition, exempting medium enterprises create major loophole risks if transactions are made with them in order to derogate to the prohibition

Amendment 83

Proposal for a regulation

Article 20 – paragraph 6 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) **medium-sized enterprises, where there is sufficient evidence that they account for a substantial proportion of unsold consumer products being destroyed;** **deleted**

Or. en

Amendment 84

Proposal for a regulation

Article 20 – paragraph 6 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) microenterprises, small enterprises **or medium-sized enterprises**, where there is sufficient evidence that they may be used to circumvent the prohibition to destroy unsold consumer products referred to in paragraph 3 or the disclosure obligation referred to in paragraph 4.

(b) microenterprises **and** small enterprises where there is sufficient evidence that they may be used to circumvent the prohibition to destroy unsold consumer products referred to in paragraph 3 or the disclosure obligation referred to in paragraph 4.

Or. en

Justification

There is no reason why medium enterprises should be exempted from the prohibition to destroy functional and compliant products. It should be part of the assistance by national authorities to medium enterprises to help them find a solution, as referred to in art 19. In addition, exempting medium enterprises create major loophole risks if transactions are made with them in order to derogate to the prohibition.

Amendment 85

Proposal for a regulation

Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20a

1. One year after the entry into force

of this Regulation, the destruction of unsold consumer products by economic operators shall be prohibited for the following product categories:

- (a) textiles;*
- (b) electronic appliances.*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 66 to supplement this Regulation to set out certain exemptions from the prohibitions referred to in paragraph 1 where it is appropriate taking into account the following::

- (a) health and safety concerns;*
- (b) refusal of products for donation, preparing for re-use or remanufacturing; or*
- (c) counterfeit products.*

3. Where unsold consumer products are destroyed under an exemption referred to in paragraph 2, the responsible economic operator shall disclose on a freely accessible website or otherwise make publicly available:

- (a) the number of unsold consumer products destroyed;*
- (b) the reasons for their destruction, referring to the applicable exemption;*
- (c) the delivery of the products destroyed to recycling, energy recovery and disposal operations in accordance with the waste hierarchy as defined by Article 4 of Directive 2008/98/EC.*

The details and format for the disclosure of information provided in the implementing act adopted pursuant to Article 20(2) shall apply to the information to be disclosed pursuant to this paragraph.

4. This Article shall not apply to small enterprises or microenterprises. Nevertheless, the Commission shall be empowered to adopt delegated acts in

accordance with Article 66 to supplement this Regulation which prohibit microenterprises and small enterprises destroying the unsold consumer products referred to in paragraph 1 where there is sufficient evidence that such action may be used to circumvent the prohibition referred to in paragraph 1.

Or. en

Justification

The destruction of unsold consumer products by economic operators should however be already prohibited for textiles and electronic appliances, given that ample evidence exists to demonstrate that the destruction of such products is taking place and is causing significant environmental impacts.

Amendment 86

Proposal for a regulation
Article 21 – paragraph 7

Text proposed by the Commission

7. Manufacturers shall ensure *that* that a product covered by a delegated act adopted pursuant to Article 4 is accompanied by instructions that enable consumers and other end-users to safely assemble, install, operate, store, maintain, repair and dispose of the product in a language that can be easily understood by consumers and other end-users, as determined by the Member State concerned. Such instructions shall be clear, understandable and legible and include at least the information specified in the delegated acts adopted pursuant to Article 4 and pursuant to Article 7(2)(b), point (ii).

Amendment

7. Manufacturers shall ensure that a product covered by a delegated act adopted pursuant to Article 4 is accompanied by instructions that enable consumers and other end-users to safely assemble, install, operate, store, maintain, repair and dispose of the product in a language that can be easily understood by consumers and other end-users, as determined by the Member State concerned. Such instructions shall be clear, understandable and legible and include at least the information specified in the delegated acts adopted pursuant to Article 4 and pursuant to Article 7(2)(b), point (ii).

Or. en

Amendment 87

Proposal for a regulation Article 25 a (new)

Text proposed by the Commission

Amendment

Article 25a

Obligations of suppliers

The supplier of a substance or a mixture or the supplier of an article shall provide all the relevant information to the economic operator to facilitate its compliance with the performance and information requirements set out in Articles 6 and 7, respectively.

Or. en

Justification

As the product manufacturers will be dependent on the information shared by component suppliers, it is important to ensure the appropriate accountability of supply chain actors for information requirements. Suppliers of product components or substances are best placed to provide sustainability information to manufacturers. The ESPR should, therefore, require suppliers to disclose to manufacturers all relevant information as required. This is also essential to protect smaller European manufacturers that do not have the negotiating power to induce suppliers into providing them the necessary information.

Amendment 88

Proposal for a regulation Article 70 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Directive 2009/125/EC shall continue to apply to voluntary agreements and to other self-regulation measures adopted before the entry into force of this Regulation until such measures expire or are repealed.

Or. en

Justification

The experience with the self-regulations under Ecodesign and Energy Labelling policy has not achieved the expected results. In most cases the process was neither better and quicker and the level of ambition was not higher; Directive 2009/125/EC shall however continue to apply to voluntary agreements or other self-regulation measures adopted before the entry into force of this Regulation.

Amendment 89

Proposal for a regulation

Annex I – paragraph 1 – introductory part

Text proposed by the Commission

The following parameters may, as appropriate, and where necessary supplemented by others, be used as a basis for improving the product aspects referred to in Article 5(1):

Amendment

The following parameters may, as appropriate, and where necessary supplemented by others, be used, ***individually or aggregated***, as a basis for improving the product aspects referred to in Article 5(1):

Or. en

Amendment 90

Proposal for a regulation

Annex I – paragraph 1 – point b

Text proposed by the Commission

(b) ease of repair and maintenance as expressed through: characteristics, availability and delivery time of spare parts, modularity, compatibility with commonly available spare parts, availability of repair and maintenance instructions, number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for

Amendment

(b) ease of repair and maintenance as expressed through: characteristics, availability and delivery time of spare parts, modularity, compatibility with commonly available ***tools and*** spare parts, availability of repair and maintenance instructions, number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for

access to or use of hardware and software needed;

access to or use of hardware and software needed;

Or. en

Amendment 91

Proposal for a regulation Annex I – paragraph 1 – point d

Text proposed by the Commission

(d) ease and quality of recycling as expressed through: use of easily recyclable materials, safe, easy and non-destructive access to recyclable components and materials or components and materials containing hazardous substances, material composition and homogeneity, possibility for high-purity sorting, number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed;

Amendment

(d) ease and quality of recycling as expressed through: use of easily recyclable materials, safe, easy and non-destructive access to recyclable components and materials or components and materials containing hazardous substances **and** material composition and homogeneity, possibility for high-purity sorting, **design for recycling**, number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed;

Or. en

Amendment 92

Proposal for a regulation Annex I – paragraph 1 – point p

Text proposed by the Commission

(p) amounts of waste generated, including plastic waste and packaging waste and their ease of re-use, and amounts of hazardous waste generated;

Amendment

(p) amounts of waste generated, including plastic waste and packaging waste and their ease of re-use, **ease of recycling** and amounts of hazardous waste

generated;

Or. en

Amendment 93

Proposal for a regulation

Annex I – paragraph 1 – point q a (new)

Text proposed by the Commission

Amendment

(qa) release of substances of concern into the environment;

Or. en

Amendment 94

Proposal for a regulation

Annex I – paragraph 1 – point q b (new)

Text proposed by the Commission

Amendment

(qb) the life cycle costs of the product, including societal costs, in particular the impacts on human health, the environment and the risks of material supply shortages.

Or. en

Amendment 95

Proposal for a regulation

Annex II – paragraph 1 – point 1 – paragraph 1

Text proposed by the Commission

Amendment

A technical, environmental and economic analysis shall select a number of representative models of the product or products in question on the market and identify the technical options for improving

A technical, environmental and economic analysis shall select a number of representative models of the product or products in question on the market and identify the technical options for improving

the product performance in relation to the parameters referred to in Annex I - in view of product-specific or horizontal requirements - taking into account the economic **viability** of the options and avoiding any significant increase of other life cycle environmental impacts, and significant loss of performance or of usefulness for consumers.

the product performance in relation to the parameters referred to in Annex I - in view of product-specific or horizontal requirements - taking into account the economic **costs** of the options **compared with the social cost of the product in terms of human health, environmental damages and risk of supply shortages** and avoiding any significant increase of other life cycle environmental impacts, and significant loss of performance or of usefulness for consumers.

Or. en

Justification

It's important to include the life cycle societal costs of the products among the parameters to be taken into account to define the potential requirements under a EU legal act. This can notably guide the level of ambition of the requirements.

Amendment 96

Proposal for a regulation

Annex II – paragraph 1 – point 1 – paragraph 4

Text proposed by the Commission

Based on this analysis, and taking into account economic and technical feasibility, including the availability of key resources and technologies, as well as the potential for improvement, levels or non-quantitative requirements shall be defined.

Amendment

Based on this analysis, and taking into account **the human health, environment and other societal costs of the product along its whole life cycle**, the economic and technical feasibility, including the availability of key resources and technologies, as well as the potential for improvement, levels or non-quantitative requirements shall be defined.

Or. en

Amendment 97

Proposal for a regulation

Annex II – paragraph 1 – point 1 – paragraph 7

Text proposed by the Commission

A sensitivity analysis covering the relevant factors, such as the price of energy or other resources, the cost of raw materials and necessary technologies, production costs, discount rates, and, where appropriate, external environmental costs, including avoided greenhouse gas emissions, must be carried out.

Amendment

A sensitivity analysis covering the relevant factors, such as the price of energy or other resources, the cost of raw materials and necessary technologies, production costs, discount rates, and, where appropriate, external environmental costs ***and other social costs***, including avoided greenhouse gas emissions, must be carried out.

Or. en

EXPLANATORY STATEMENT

In the Ecodesign for Sustainable Products Regulation (ESPR), the Commission proposes new rules to make goods placed on the Union market sustainable.

The Rapporteur welcomes the proposal of the Commission, but she considers that several aspects could be strengthened.

The ESPR is meant to contribute achieving the EU's overall climate, environmental and energy goals, while supporting economic growth, job creation and social inclusion. As a result, the Rapporteur considers that in addition to setting ambitious environmental requirements, it should also encompass social aspects. Therefore, the Rapporteur extends the scope of the Regulation to also cover the social sustainability of products and due diligence aspects along the value chain. In addition, the Union's objectives to achieve climate neutrality by 2050 at the latest and to reduce the overall material and consumption footprint should be taken into account when preparing ecodesign requirements.

The current proposal enables the Commission to determine in the working plans the products that should be prioritised for the establishment of ecodesign requirements. In the Rapporteur's opinion however, in order to deliver in the most efficient way the European Green Deal's objectives and to address the products with the highest negative impacts first, some product categories should already be prioritised. These product categories are iron, steel, cement, aluminium, textiles (notably garments and footwear), furniture (including mattresses), tyres, detergents, paints, lubricants, chemicals, energy-related products whose implementing measures need to be revised or newly defined, and ICT products. The working plan shall be publicly available and be presented to the European Parliament before its adoption. The Commission should provide a justification if it chooses not to prioritise any of the listed product groups.

The Rapporteur reinforces some of the provisions related to the information rights for the consumers and end-users. Clear and easily understandable information for consumers and other end-users is particularly necessary to steer sustainable consumption patterns and to ensure adequate measures are taken at the end of life of the product. All information relevant for a purchasing decision shall be provided to the consumers prior to the purchase of a product on the product's packaging, in the digital product passport, on a label or on a free access website of application, as appropriate. Information that is essential to the health, safety, and rights of end-users should be provided in physical format with the product and be accessible through a data carrier included on the product.

In continuation of the existing Consultation Forum under the Ecodesign Directive, the proposal establishes an Ecodesign Forum with a balanced participation of Member States' representatives and all interested parties involved with the product or product group in question. The Ecodesign Forum would provide expertise to the Commission on the working plan and on the preparation of ecodesign requirements, before the Commission formally exercises its delegated powers. The Rapporteur reinforces the provisions on the Forum by making its functioning more transparent and by enabling the Eco-design Forum to propose to the Commission to prepare ecodesign requirements for a particular product group, which the Commission shall take into consideration.

Whereas self-regulation appears to be a sensible idea in theory, the experience has shown mixed

results, and the Rapporteur prefers to prioritise resources for the establishment of eco-design requirements through delegated acts. Therefore, the Rapporteur has decided to delete the possibility to create new self-regulation measures but she has introduced a transitional provision according to which Directive 2009/125/EC shall continue to apply to voluntary agreements or other self-regulation measures adopted before the entry into force of this Regulation.

Finally the destruction of unsold consumer products, such as textiles and footwear, by economic operators is becoming a widespread environmental problem across the Union, in particular due to the rapid growth of online sales. It amounts to a loss of valuable economic resources as goods are produced, transported and afterwards destroyed without ever being used for their intended purpose. The destruction of unsold goods is a non-sense from environmental point of view, and needs to be effectively tackled. According to the Rapporteur, the provisions in the ESPR are not ambitious enough as the prohibition of the destruction of unsold goods would be subordinated to a future delegated act that will delay action. This is why she introduces a horizontal ban for textiles and electronic appliances, two categories for which there is ample existing evidence to prohibit the destruction of unsold items. In addition, the Rapporteur considers that excluding medium enterprises from the provision on unsold consumer goods is not proportionate and could create loopholes. She decides hence to exclude only the small and micro enterprises.

ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft report:

Entity and/or person
The European Consumer Organization - BEUC
The European Environmental Bureau - EEB
Municipal Waste Europe
Back Market
Business Europe
APPLiA – Home Appliance Europe
Cosmetics Europe
Confindustria
Federchimica
Eni - Versailles
Lighting Europe
LVMH
Unilever
Policy Hub
AISE International associations for maintenance products
Digital Europe
ECOS
Games Consoles Voluntary agreement (GCVA)
Right to repair coalition
European Furniture Industries Confederation