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European Ecodesign Regulation definitively adopted

The European Ecodesign for Sustainable Products Regulation (ESPR) was adopted by the European Parliament on April 23, 2024 and by the Council on May 27, 2024^[1]. This regulation establishes a general framework for the introduction of environmental sustainability standards for most products placed on the European market.

It replaces the existing Ecodesign Directive and extends its scope beyond energy products to all types of products placed on the EU market.

Background

No product goes through its life cycle without environmental impacts (use of non-renewable resources, energy consumption, air emissions, etc.). Ecodesign involves taking these impacts into account right from the product design stage.

The current Ecodesign Directive 2009/125/EC has established energy efficiency requirements for 31 energy-related product groups, i.e. those having an impact on energy consumption during use (notably through the famous energy labelling on household appliances). In March 2022, the European Commission proposed to replace it with a regulation of broader scope, with the dual objective of extending the eco-design obligation to other products and enabling the European Commission to issue delegated acts to set the most appropriate binding requirements for each product family.

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Which products

The ESPR extends the scope of ecodesign beyond energy products, which involves integrating environmental protection into the design of goods or services. As such, it covers all types of products, with a few exceptions (including vehicles).

Requirements such as labeling and the digital passport will also apply to distance selling.

New requirements

The ESPR introduces new requirements such as durability, reliability, reusability, upgradability, repairability, the possibility of maintenance and refurbishment, the presence of substances of concern, energy and resource efficiency, recycled content, remanufacturing, recycling, carbon and environmental footprint.

It also sets out information requirements, including a digital product passport. Depending on the product category, products can only be placed on the market or put into service if a Digital Product Passport (DDP) is available. The purpose of this passport is to electronically record, process and share product information between companies in the supply chain, authorities, and consumers. The first products concerned will be electronics and textiles.

Public procurement

Public procurement accounts for an estimated 14% of the European Union's GDP. The ESPR therefore provides a more rigorous framework for information and procedures for public procurement, by setting minimum mandatory requirements for green public procurement.

Prohibition of destruction

The ESPR introduces a direct ban on the destruction of unsold textiles and footwear (with an exception/exemption for micro, small and medium-sized businesses), and empowers the European Commission to introduce similar bans for other products in the future.

Economic operators who destroy products will also have a transparency obligation, and will have to disclose the number and weight of unsold products discarded each year, the reasons for the discarding, *etc.*

Next steps

Following the Council's approval on May 27, 2024, the ESPR has been adopted. After being signed by the President of the European Parliament and the President of the Council, it will be published in the Official Journal of the European Union and will enter into force on the twentieth day following that of its publication. It will apply 24 months after entry into force.

[1] See the Council's Press Release: <https://www.consilium.europa.eu/en/press/press-releases/2024/05/27/green-transition-council-gives-its-final-approval-to-the-ecodesign-regulation/> . For more information, see the European Parliament page on the ESPR: <https://www.europarl.europa.eu/legislative-train/theme-a-european-green-deal/file-sustainable-products-initiative>

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