Ecodesign for Sustainable Products Regulation (ESPR)

Online Information Session

22 May 2024
Housekeeping - Slido for Q&As

- Recorded session (privacy statement), recording & presentation slides will be available via website (within a few days)
- Please submit your question(s) for the Q&As via Slido – preferably indicating at least your affiliation
- Moderation will be used to accept questions and to avoid duplicates or questions that will be answered within the presentation
- Read existing questions to avoid duplications
- Wait for presentation of certain elements (see Agenda, to avoid unnecessary questions)
- Use upvote/like buttons to prioritise questions
- Selected/priority questions will be answered
- FAQ document planned based on questions submitted

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Or use webstream Slido interface
Welcome

Matjaž Malgaj
DG ENV
Welcome & Introduction

Presentation of core elements of the ESPR legal text
- Ecodesign Approach & Requirements
- Self-Regulation
- Green Public Procurement
- Market Surveillance
- Unsold Consumer Goods
- Digital Product Passport
- Substances of Concern

Break (~5’)

Presentation on ESPR implementation & next steps
- ESPR Timeline (indicative)
- Ecodesign Forum
- Transitional Regime
- ESPR Working Plan & Product Priorities
- SME support

Break (~15’)

Q&A

Wrap-Up
Core elements of the ESPR legal text
Overview – ESPR legal text

Paola Zanetti  
DG GROW

Anna Szajkowska  
DG ENV
ESPR establishes a framework legislation

ESPR = framework legislation
It does not set specific measures. Rather, it enables their later adoption.

Framework legislation

Regularly updated multiannual working plans setting out priorities

Product-specific measures based on detailed impact assessment
Setting product requirements under ESPR

*Not earlier than 18m, shorter periods possible in duly justified cases, staggered application of specific requirements possible.
ESPR sets a new sustainability & ecodesign approach

**Broad scope**
Moving beyond energy-related products to a **wide product scope**

**New sustainability & ecodesign aspects**
- e.g. **performance requirements** - durability, CO₂ footprint, recycled content

**Horizontal measures**
Common ecodesign requirements for products with similarities

**Strong focus on product information**
Digital Product Passport, labels & information requirements
Key product aspects under ESPR
Article 5 – Ecodesign requirements
Art. 4 – Empowerment

Delegated acts

- Ecodesign requirements
- Conformity assessment procedures
- Additional requirements

Information requirements
Performance requirements
Ecodesign requirements

Product specific or horizontal

**Information requirements**
- Digital Product Passport (DPP)
- Substances of Concern (SoC)
- Customers and other actors
- Treatment facilities

**Performance requirements**
- Based on product parameters (Annex I)
- Qualitative
- Quantitative

**Horizontal requirements**
When two or more product groups display similarities allowing a product aspect to be effectively improved based on common information or performance requirements

**Digital Product Passport (DPP)**
Labels

**Substances of Concern (SoC)**

**Customers and other actors**

**Treatment facilities**

**Based on product parameters (Annex I)**

**Qualitative**

**Quantitative**
Art. 21 - Self-regulation measures

Min. 2 economic operators
Market share ≥ 80%
+ open to others

Objective achieved more quickly
& to a lesser expense

Publicised on freely accessible website

Independent inspector
Compliance report every year

Commission assessment

List of self-regulation measures
(implementing act)

For products not included in a delegated act or in the working plan
ESPR is adding new tools

**Mandatory Green Public Procurement**
Mandatory GPP criteria to be set for contracting authorities or contracting entities

**Prevention of destruction of unsold consumer goods**
Transparency requirements for those discarding unsold goods, and possibility to ban destruction for relevant product groups
Ban on destruction of **apparel** and **footwear** after 2 years

**Market surveillance and customs controls**
Strong focus on controls of regulated products, incl. planned market surveillance activities
Support to common projects and investments
GPP minimum mandatory requirements for ESPR regulated products or for works or services using those products can be set out via implementing acts.

Based on the best performance levels (highest performance classes or highest scores) in relation to product aspects addressed in the relevant ESPR delegated act.

Several possibilities:
- technical specifications
- award criteria
- contract performance conditions
- targets

Possibility of mandatory 15-30% weighting of award criteria in the tender assessment.

Targets – minimum percentage of 50% of procurement of the most environmentally sustainable products – at contracting authority or aggregated national level.
Art. 66-68 - Market Surveillance

- Broadened scope will make verifying compliance more challenging
- Enhanced role of Market Surveillance to allow for better enforcement
- DAs will provide verification requirements to support Market Surveillance
- MS to include dedicated ESPR section in their national Market surveillance strategy
- MS reporting obligations to EC on their surveillance activities
- EC to establish joint market surveillance actions (incl. investment in IT-tools/equipment), guidelines and training
Provisions on Unsold Consumer Goods

Carsten Wentink
DG ENV
Why does ESPR address destruction of unsold products?

- While precise figures are scarce, destruction of unsold products is clearly prevalent.
  - In the EU, an estimated 4 – 9% of unsold textiles never reach a consumer.
  - Destruction of unsold products in France alone estimated to amount to a value of 630-800 million Euros per year.
  - In Germany an estimated 10 - 20% of returned clothing and between 4-10% of returned electronics are destroyed.
Definitions: What is destruction and what is an unsold consumer product?

• **Destruction**
  Intentional damaging or discarding of a product as waste with the exception of discarding for the sole purpose of delivering the discarded product for preparing for reuse, including refurbishment or remanufacturing operations

• **Consumer product**
  Any product, excluding components and intermediate products, primarily intended for consumers

• **Unsold consumer product**
  Any consumer product that has not been sold including surplus stock, excess inventory and deadstock and products returned by a consumer on the basis of their right of withdrawal (..)
Economic operators shall take necessary measures which can reasonably be expected to prevent the need to destroy unsold consumer products.
Article 24: Obligation to disclose

- Obligation for economic operator discarding unsold products to disclose information on destruction on their website.
  - Number and weight per year;
  - Reasons for destruction;
  - Relevant exemption if applicable;
  - Applicable waste treatment operation;
  - Measures taken to avoid destruction (cf. article 23).

- Per financial year

- Applicable to large enterprises first full financial year after entry into force, 6 years after entry into force for medium-sized enterprises. Micro and small enterprises exempted.
Obligation to disclose – implementing act

• Commission shall adopt implementing acts setting out the details and format for the disclosure.
  • Delimitation of product types or categories
  • How disclosed information is to be verified

• Adoption of implementing act expected by 12 months from date of entry into force
Article 25: Prohibitions on destruction

- Destruction of unsold consumer products as listed in Annex VII (apparel and footwear) shall be prohibited.

- Applicable to large enterprises 2 years after entry into force, 6 years for medium sized enterprises. Micro and small enterprises exempt.

- Commission will adopt Delegated Act to set out derogations 12 months after entry into force to ensure proportionality and prevent indefinite storage of unsold products.

- Commission may adopt delegated acts to add products to the list in Annex VII based on:
  - Dedicated impact assessment.
  - Assessment of prevalence of destruction and associated impacts.
  - Information from the disclosure obligation.

- Commission is required to consider electrical and electronic equipment.
Commission shall adopt delegated act 12 months after entry into force setting out derogations from the prohibition where it is necessary in view of:

a) health, hygiene and safety reasons;
b) damage caused to products as a result of their handling, or detected after products have been returned, which cannot be repaired in a cost-effective manner;
c) unfitness of products for the purpose for which they are intended, taking into account, where applicable, Union and national law and technical standards;
d) non-acceptance of products offered for donation;
e) unsuitability of products for preparing for reuse or for remanufacturing;
f) unsaleability of products due to infringement of intellectual property rights, including counterfeit products;
g) destruction is the option with the least negative environmental impacts.
Consultation on derogations

• Relevant stakeholders can register to be consulted on derogations to the prohibition on destruction.

• Consultation to be launched early June

Link: https://secure.oeko.de/surveys/index.php/227213?lang=en
Digital Product Passport

William Neale
DG ENV
Contents

- What is the DPP?
- DPP main design features
- What will companies need to do?
- Implementation work ahead
1. What is the Digital Product Passport?

- DPP is an integral part of Ecodesign for Sustainable Products Regulation; it shares:
  - The adoption timeline
  - The (future) work programme for priority products
  - The entry into force timeline for product requirements (except for batteries)

- A (growing) number of other EU policies will rely on DPP (or elements of it) to make product-related information digitally available:
  - Batteries Regulation
  - Toys regulation
  - Detergents regulation
  - Construction Products Regulation
  - Critical Raw Materials Act
1. What is the Digital Product Passport? (ctd.)

- The DPP will simplify digital access to product-specific information related to sustainability, circularity, and legal compliance.

- It will set data access Ecodesign requirements for products, complementing the physical Ecodesign requirements.

- It is not a track & tracing tool, but it will allow traceability information when appropriate.

- The DPP-system shall build on existing best practices at international level, while also allowing the possibility of using new technologies and approaches.
2. DPP main design features

The DPP registry

A searchable Web Portal

All standards and protocols related to IT architecture:
1. Unique identifiers
2. Data carriers and links between physical product and digital representation
3. Access rights management, information security, and business confidentiality
4. Interoperability (technical, semantic, organisation)
5. Data processing, data exchange protocols, and data formats
6. Data storage, archiving, and data persistence
7. Data authentication, reliability, integrity
8. APIs for the DPP lifecycle management and searchability

Information to be included in the DPP will be product-group specific and identified in delegated act process.

It may include information/data on one or more of the following areas:

- Technical performance
- Environmental sustainability performance
- Circularity aspects (durability, repairability, etc)
- Legal compliance
- Product-related information (e.g., manuals, other labels)
2. DPP main design features

- DPP is based on a decentralised approach for data storage.
- The DPP shall be uniquely linked to a product.
- Access to data will take place through a (persistent) product unique identifier, embedded in a data carrier and relying on a look-up mechanism.
- Access to DPP-data based on a need-to-know basis (there will be public and restricted data)
- 3 possible levels of granularity: (i) model, (ii) batch, (iii) item
- 4 unique identifiers will always be required:
  - Product identifier
  - Economic operator identifier
  - Facility identifier
  - Registration identifier (not public)
- Economic operators shall make also available a back-up copy of the DPP through a [certified] independent third-party DPP service provider
3. What will companies need to do?

Make sure that:

- a product passport **exists**, and it is in compliance with essential requirements established in articles 9 and 10 – exceptions are possible

- the product passport is **complete**, meaning it includes all the mandatory information listed in the corresponding product group-specific Delegated Act.

- the information included in the passport is **authentic, reliable** and **verified** in accordance with requirements established in the corresponding product group-specific Delegated Act.

- a **back-up copy** of the DPP is stored by a [certified] third-party product passport service provider.

- A copy of the data carrier or unique product identifier are made available to **dealers** and **online market places** selling the corresponding product.
4. Implementation work ahead

Many Commission services are actively contributing to its design and deployment (DGs CNECT, DIGIT, ENER, ENV, GROW, JRC, TAXUD)

- Rules and requirements to be followed by **DPP service providers**, including a certification scheme to verify such requirements (via delegated act).
- Procedures to issue and verify the **digital credentials of economic operators and other relevant actors** that shall have access rights to DPP information (via implementing act).
- Rules and procedures related to **unique identifiers and data carriers’ lifecycle management** (via delegated acts)
- Design and set-up the **DPP registry**.
- Design and set up the **DPP web portal**.
- Definition of **standards** (by 31 December 2025).
Substances of Concern (SoC)

Wojtek Sitarz
DG ENV
SoC in the ESPR legal text

Twofold approach with different scope and different boundaries:

• Information requirements and display → TRACKING of all SoCs (a, b, c and d) to enable information flow (B2B and to consumers) and to waste management operators (recyclers, preparation for reuse, etc) to improve management of SoCs including via digital product passport (DPP) or other systems such as labels, tags, etc.

• By default, all SoCs are tracked – DA to define thresholds and exemptions where relevant

• Performance requirements → RESTRICTIONS for sustainability reasons on:
  • Focusing on impact on ecodesign criteria in Art 5(1): durability, resource use, presence of substances of concern, possibility of recycling, possibility of remanufacturing, environmental footprint …
  • ESPR should NOT provide for the restriction of substances based primarily on chemical safety, as done under other Union legislation. Union legislation on chemicals already provides for the restrictions of substances or mixtures related to safety or risk, where needed.
(27) ‘substance of concern’ means a substance that:

• (a) meets the criteria laid down in Article 57 of Regulation (EC) No 1907/2006 and is identified in accordance with Article 59(1) of that Regulation;

• (b) is classified in Part 3 of Annex VI to Regulation (EC) No 1272/2008 in one of the following hazard classes or hazard categories:
  • carcinogenicity categories 1 and 2, germ cell mutagenicity categories 1 and 2, reproductive toxicity categories 1 and 2, endocrine disruption for human health categories 1 and 2, endocrine disruption for the environment categories 1 and 2, persistent, mobile and toxic or very persistent, very mobile properties, persistent, bioaccumulative and toxic or very persistent, very bioaccumulative properties, respiratory sensitisation category 1, skin sensitisation category 1, chronic hazard to the aquatic environment categories 1 to 4, hazardous to the ozone layer, specific target organ toxicity – repeated exposure categories 1 and 2, specific target organ toxicity – single exposure categories 1 and 2;

• (c) is regulated under Regulation (EU) 2019/1021; or

• (d) negatively affects the reuse and recycling of materials in the product in which it is present;
SoC in the ESPR legal text

(27) ‘substance of concern’ means a substance that:

• (a) meets the criteria laid down in Article 57 of Regulation (EC) No 1907/2006 and is identified in accordance with Article 59(1) of that Regulation;

➢ This section of the definition refers to substances identified as substances of very high concern (SVHC) in accordance with Article 59 of REACH
SoC in the ESPR legal text

(27) ‘substance of concern’ means a substance that:

- (b) is classified in Part 3 of Annex VI to Regulation (EC) No 1272/2008 in one of the following hazard classes or hazard categories:

- carcinogenicity categories 1 and 2;
- germ cell mutagenicity categories 1 and 2;
- reproductive toxicity categories 1 and 2;
- endocrine disruption for human health categories 1 and 2;
- endocrine disruption for the environment categories 1 and 2;
- Persistent, Mobile and Toxic or Very Persistent, Very Mobile properties;
- Persistent, Bioaccumulative and Toxic or Very Persistent, Very Bioaccumulative properties;
- respiratory sensitisation category 1;
- skin sensitisation category 1;
- chronic hazard to the aquatic environment categories 1 to 4;
- hazardous to the ozone layer;
- specific target organ toxicity, repeated exposure categories 1 and 2;
- specific target organ toxicity, single exposure categories 1 and 2;

➢ This section of the definition refers to substances with harmonized classification in one of the selected hazard classes or categories under the CLP Regulation.
SoC in the ESPR legal text

• (27) ‘substance of concern’ means a substance that:
  
  • (c) is regulated under Regulation (EU) 2019/1021; or

➢ This section of the definition refers to persistent organic pollutants regulated under the POPs legislation
(27) ‘substance of concern’ means a substance that:

- (d) negatively affects the reuse and recycling of materials in the product in which it is present;

 ➢ This section of the definition refers to substances that will be product specific and defined in product-specific delegated acts adopted under ESPR.

An example would be the ban on halogenated flame retardants under Regulation 2019/2021 laying down ecodesign requirements for electronic displays.
SHORT BREAK (~5’) – WE WILL BE BACK AT 11:20 CET
Implementation and next steps
New Ecodesign Forum & transition from the consultation forum

Yolanda Villar Ruberte
DG ENER
ESPR: tentative timeline & milestones

- **25 April 2024**: EP Plenary voted on final ESPR text
- **June 2024**: EP Plenary voted on final ESPR text
- **June 2024**: Publication of ESPR in the OJ
- **Q3 2024**: Establishment of Ecodesign Forum; calls for membership
- **May 2024**: Final Council endorsement
- **June/July 2024**: ESPR entry into force
- **Late 2024/2025**: First meeting of the Ecodesign Forum
- **March 2025**: Adoption of the 1st ESPR Working Plan (9m after entry into force)
- **Late 2025**: Acts on DPP registry, service providers, data carriers, digital credentials
- **Q3 2024**: Establishment of Ecodesign Forum
- **Late 2025**: Acts on unsold goods destruction ban & exemptions (12m after entry into force)
- **2026**: Adoption of the first ESPR measures (e.g. textiles/steel)
- **Late 2027/2028**: First product requirements start to apply.

ESPR Webinar, 22.05.24
Ecodesign Forum (EDF) (I)

1. OBLIGATIONS on the Commission

Articles 5, 19, 20; Recital 52

- Establish an Ecodesign Forum in the form of a Commission expert group, with the aim of ensuring ‘proper consultation of all interested parties’.

- When preparing ecodesign requirements, ‘take into account the views expressed by the Ecodesign Forum…and the Member States Expert Group’.

2. MEMBERS of the Ecodesign Forum

Article 19; Recital 52

1. Experts designated by Member States; and
2. Other interested parties

→ such as “representatives of industry, including SMEs and craft industry, social enterprises, trade unions, traders, retailers, importers, consumer and environmental organisations, actors involved in circular economy activities, European standardisation organisations, as well as researchers”
Ecodesign Forum (II)

3. ROLE of the Ecodesign Forum

Article 19

The Ecodesign Forum shall contribute in particular to:

(a) preparing **ecodesign requirements**;
(b) preparing **working plans**;
(c) examining the effectiveness of the established **market surveillance** mechanisms;
(d) assessing **self-regulation** measures;
(e) assessing prohibition of the **destruction** of unsold consumer products additional to those listed in Annex VII

4. MEMBER STATE Expert Group

Article 20; Recital 52

The Member State Expert Group will be a **subgroup** of the Ecodesign Forum, composed of **experts designated by Member States**, who shall contribute in particular to:

(a) preparing **ecodesign requirements**;
(b) assessing **self-regulation** measures;
(c) exchanging information and best practices on measures to enhance **compliance** with this Regulation;
(d) setting priorities under Article 26 (Consolidated information on the destruction of unsold consumer products)
Establishment of the EDF (I)

Adoption of a Commission Decision legally establishing the Ecodesign Forum:

- As soon as possible following ESPR’s entry into force (likely Q3 2024)
- Will include horizontal rules governing the Forum (e.g. role, selection of members, operation, transparency, etc.)

Call for membership applications:

- **For non-Member State participants:** Call to be published on the Register of Commission Expert Groups* (likely Q3 2024)
  

- **For Member State participants:** Nominations to be requested directly
Establishment of the EDF (II)

Meetings:

- Rules of procedures (RoP) to be drawn up in advance and adopted at first meeting of the Forum
- Documents (e.g. invite, agenda, drafts) to be sent in advance of meetings, within deadlines set out in RoP
- First meeting of the Ecodesign Forum: early 2025 (TBC)
General principles governing the Ecodesign Forum

Some initial reflections:

• Maintain an **open** public call for membership applications (with possible ‘rounds of selection’ depending on the products/ horizontal requirements covered by the subsequent Working plans);

• Design **membership criteria** to ensure, as far as possible, “a high level of expertise, a geographical balance, as well as a balanced representation of relevant know how and areas of interest” (C(2016) 3301 final);

• **5 years renewable**;

• **Hybrid meetings** as default.
Coexistence CF-ED Forum until 2030

ED EL Consultation Forum

By vertu of the transitional mechanism the current ED EL Consultation Forum will continue to be consulted on energy-related products:

• for which work is already substantially advanced so as to get the necessary 2009/125 measures adopted until end of 2026;

• In case existing 2009/125 measures need some “technical corrections”, they could be adopted until end of 2030.

Ecodesign Forum

The Ecodesign Forum, also dealing with EL, will be consulted on products/horizontal requirements identified in the ESPR working plans either as:

• ‘New’ products (i.e. those outside the scope of the current Ecodesign Directive)

• Or energy-related products except those under the transition mechanism for which work is in progress.

*These include: photovoltaic panels, space and combination heaters, water heaters, solid fuel local space heaters, air conditioners including air-to-air heat pumps and comfort fans, solid fuel boilers, air heating and cooling products, ventilation units, vacuum cleaners, cooking appliances, water pumps, industrial fans, circulators, external power supplies, computers, servers and data storage products, power transformers, professional refrigeration, and imaging equipment
Combined fora for ecodesign and energy labelling

Energy labelling work for products subject to the transitional mechanism

Until the expiry of the transitional period:
• Work will continue to take place under the current framework (i.e. the Consultation Forum and the Energy Labelling Member State Expert Group)

Energy labelling work for products not subject to the transitional mechanism

• Work will need to take place in the new Ecodesign Forum, which will in such cases replace the Consultation Forum referred to in Art. 14(1) of the Energy Labelling Regulation
• For draft delegated acts on energy labelling, the Energy Labelling Member State Expert Group will continue to be consulted
Transitional regime

Ian Hodgson
DG ENER
ESPR transitional regime

- Existing measures adopted pursuant to Ecodesign Directive remain in force until repealed;

- Transitional provisions (Article 79):
  - Ongoing work on 19 energy-related product groups can continue until end of 2026
  - Amendments to existing energy related product regulations can also be adopted under Ecodesign Directive till 2030, with a view to “keep them fit for purpose”;
  - Legal base for continuing progress / keeping these measures “fit” is Ecodesign Directive
  - ED -EL consultation forum remains in place + Comitology procedure applies
Pending work under the EDEL WP 2022-24

► Transitional regime

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<th>Industrial fans</th>
<th>Cooking appliances</th>
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<td>Space and combination heaters</td>
<td>Professional refrigeration equipment</td>
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<td>Water heaters</td>
<td>Power transformers</td>
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<td>External power supplies</td>
<td>Imaging equipment</td>
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<td>Photovoltaic panels</td>
<td>Circulators</td>
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<td>Water pumps</td>
<td>Air heating / cooling products</td>
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<td>Air conditioners inc. A-A HPs</td>
<td>Ventilation units</td>
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<td>Vacuum cleaners</td>
<td>Computers</td>
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<td>Solid fuel local space heaters</td>
<td>Servers and data storage products</td>
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<td>Solid fuel boilers</td>
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► ESPR WP

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<td>Light sources and separate control gear</td>
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<td>Welding equipment</td>
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<td>Electric motors and variable speed drives</td>
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<td>Household dishwashers</td>
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<td>Household washing machines and washer-dryers</td>
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<td>Refrigerating appliances (household)</td>
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<td>Refrigerating appliances with sales function</td>
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<td>EV charging boxes</td>
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<td>Professional laundry</td>
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<td>Professional dishwashers</td>
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Working Plan & Product Priorities

Pierre Henry
DG ENV
Next steps – Prioritisation of products

Volume of EU sales & trade
Contribution to EU climate, environmental and energy objectives
Improvement potential without disproportionate costs
Need to review, adapt to changed technologies & market
Internal Market & Economic resilience
Value Chain Distribution of Impacts

Art. 18 – Product prioritisation criteria
ESPR Working Plan

- WP minimum of 3 years, covering ecodesign requirements, including horizontal requirements, and the possible prohibition of destruction of unsold consumer goods.
- First working plan to be adopted in the first 9 months of ESPR implementation and include:
  - Justification must be provided for inclusion or exclusion of products.

**INTERMEDIATE PRODUCTS**
- Iron and Steel
- Aluminum

**FINAL PRODUCTS**
- Textiles (in part. garments & footwear)
- Furniture, including mattresses
- Tyres
- Detergents
- Paints
- Lubricants
- Chemicals
- Energy related products
- Information & communication technology products and other electronics
Preparation of the first **working plan**

- Preliminary work by JRC on possible priority products

![Figure IV. The 7 shortlisted intermediate products.](image-url)

![Figure III. The 12 shortlisted end-use products.](image-url)

*Source: JRC Preliminary ESPR WP Report*
Preparation of the first **working plan**

- Horizontal requirements – preliminary assessment

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### DURABILITY
- Reliability, Reparability/Reusability/Upgradeability

### Potential horizontal provisions
- Minimum lifetime and labelling
- Resistance to stresses or ageing mechanisms (e.g. drop) DURABILITY: Extensibility, expressiveness, durational, weathering)
- Minimum durability of function (Readability, safety, clothing)
- Introduction of a reparability scoring index/label
- Availability of repair (upgrade) information and maintenance instructions to independent operators and/or end-users
- Spare part (and software upgrade) availability and delivery time
- Disassembly generally or related to Tools, Fasteners, Working Environment and Skill Level
- Use of component and material coding standards for the identification of components and materials
- Use of standard components
- Number of materials and components used
- Modularity, transformability, detachable/adjustable elements

### Potential product coverage
- Task: Reducing energy consumption
- Stationary: Energy-efficient devices
- Bed: Smart materials
- Furniture: Recyclable materials
- Detergents: Biodegradable
- Cosmetics: Natural ingredients
- Animal care products: Biodegradable

### Potential expansion

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### RECYCLABILITY
- Introduction of a recyclability scoring index/label

### Potential horizontal provisions
- Using energy from recylcled content, waste, biomass or other non-energy sources

### Potential product coverage
- Use of recycled materials: Product categories and applications
- Producers: Technologies and processes
- Use of recycled materials: Product categories and applications
- Producers: Technologies and processes

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### POST-CONSUMER RECYCLED CONTENT
- Provisions on minimum content of post-consumer recycled material expressed either as a fraction of the total material input (in %) or in absolute numbers (kg per unit, million tonnes in aggregates)

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*Source: JRC Preliminary ESPR WP Report*
ESPR next steps and process

- Multiannual Work Plans
  ~ 1st WP Q1/25

- Preparatory Study & Impact Assessment
  1.5-2 years

- Adoption of Measure

- Consultation of Ecodesign Forum

- Adoption first measures 2026
  Applicable after 18 months 2027/2028

- Measure applies

- Stakeholder input collected throughout
Ecodesign a shared responsibility

- European Commission to implement ESPR and adopt Delegated Acts on specific products or horizontal requirements, Implementing Acts on public procurement criteria, DAs or IAs on the destruction of unsold goods and on the Digital Product Passport
  - Lead services: DGs ENER, ENV, GROW; other services involved on specific aspects (e.g. JRC on methodology) and through interservice consultations
- Manufacturers, importers, other actors placing a regulated product on the market to ensure that products comply with ecodesign requirements
  - specific roles/responsibilities of suppliers, retailers, other intermediaries
- Standardisation organisations to facilitate implementation by drafting harmonised standards, Notified Bodies by providing third-party certification when provided by DAs
- Member States: Market Surveillance Authorities and Customs authorities to enforce regulations
Focus on SMEs

Alberto Parenti
DG GROW
Commission role:

- **Ensure** that EU programs for SMEs help to **integrate** environmental sustainability

- Accompany ESPR DAs with **digital tools** and **guidelines** for SMEs to facilitate compliance (e.g. for LCA or DPP)

- Provide **financial support** to SMEs representative for active **participation** in the Ecodesign Forum

Member States role:

**Consult** with SMEs and take **measures** to help **compliance** including (at least):

- One-stop shops to raise awareness on ecodesign requirements
- Create networking opportunities
- Financial support (e.g. tax breaks)
- Access to finance
- Specialised management and staff training
- Organisational and technical assistance
SHORT BREAK (~10-15’) – WE WILL BE BACK AT 12:15 CET
Q&A session
Will a **methodology** be defined to calculate aspects such as recyclability or reparability of products or will existing standards be used? (e.g. EN45554)? How would the product aspects/measures be defined. Is there a **definition for example for reusability or durability** or **methodology to rank requirements**? (Pierre)

Will the **Performance requirements** or Information requirements require performing a **Life Cycle Assessment** (PEF) or product carbon footprint? (Pierre)

Are there in the EU regulations/best **practices for a Life cycle analysis**? Apart from the ILCD) Handbook by JRC and DG ENV, this is outdated since 2010 (Pierre)

**Interplay with other regulations** - On what points concerning packaging will the ESRP complement the PPWR? Can you explain links to other regulations e.g. CSRD, CPR, Right to repair, Ecolabel, CBAM, WFD, deforestation. (Anna)
Q&A session – SoC, EDF & international

Who will define which substances fall under the substance of concern definition (d) (negatively affecting recycling and reuse)? (Wojtek)

Will be hazardous chemical substances and mixtures labelled according to CLP Regulation obliged to have Digital Product passport as well? (William)

How will ESPR affect other countries at supply chain like Bangladesh in particular the garment industry? Other countries worry how to comply with all upcoming EU legislation in terms of capacities, funds... (Paola)

Can companies become a members of the Ecodesign Forum? Individually or via professional associations? How will the Commission handle a situation when the Ecodesign Forum and the Member State Expert Group have different opinions? (Yolanda)
Q&A session – Guidance, Unsold goods, Scope, SMEs

• Will the Commission offer guidance documents, training sessions, or workshops tailored for manufacturers on ESPR compliance? (Alberto)

• Do free samples and testers fall under the definition of unsold consumer products? (Carsten)

• If a product is to be sold outside the EU but is sent first to a company distribution centre or retailer in the EU, is it in scope of the unsold goods reporting obligation? (Carsten)

• **Scope** - Does EU ESPR affect also medical devices? (Anna)

• How will you monitor the effects of ESPR on SMEs competitiveness? (Alberto)
Q&A session – DPP

• Is there a template or tool for DPP or are everybody doing their own system development themselves in a cooperation with consult companies?

• Are there plans to monitor the product passports centrally to ensure that the regulation is complied with and that there are no duplicate product passports? How to verify?

• Do suppliers from third countries also have to create a product passport? What obligations do digital marketplaces such as Temu and Amazon assume?

• How are upstream operators supposed to provide data/information, for a DPP that is needed for a downstream product, but not yet for upstream pre-products?

• Products covered by a delegated act must have a DPP. What about products that are covered by a self-regulation measure? Can they also use the DPP?
Wrap-Up

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