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WK 1760/2023 INIT

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NOTE

From:	European Commission
To:	Working Party on Consumer Protection and Information (Attachés) Working Party on Consumer Protection and Information
Subject:	Empowering consumers for green transition & Ecodesign proposals: complementary instruments against early obsolescence practices - Presentation by the Commission services

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Empowering consumers for green transition & Ecodesign proposals: complementary instruments against early obsolescence practices

**Consumer Protection and Information
Council Working Party
3 February 2023**

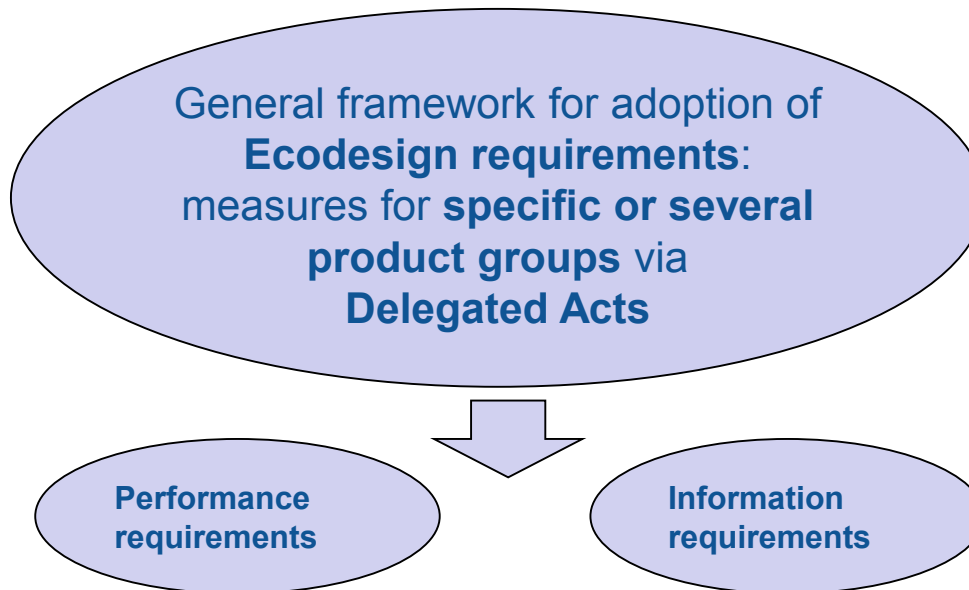
DG Justice and Consumers
JUST E1 – Consumer Policy Unit

Proposed Ecodesign for Sustainable Products Regulation (ESPR)

Building on the existing Ecodesign Directive

Product-specific measures based on detailed impact assessments

Regularly updated multiannual Working Plans



Scope extension:

Moving beyond energy-related products to a wide product scope

From a Directive to a Regulation

How to set ecodesign requirements?

- Consider **product aspects** listed in Art. 5: **durability**, **reliability**, **reusability**, **upgradability**, **reparability**, **energy use or energy efficiency**, **environmental impact** etc.
- Select **parameters** from Annex I that can be applied on products or its components
- Set related **performance / information requirements**



Examples of **parameters**:

- Resistance to stresses or ageing mechanisms (**durability**)
- Availability of spare parts (**reparability**)
- Carbon footprint (**environmental impact**)
- Use of easily recyclable materials (**recyclability**)
- Ease of disassembly and re-assembly (**upgradability**)

Art. 33: Circumvention

- **New provisions** address **certain planned obsolescence practices** when identified via testing result of market surveillance authorities:
 - **Para 3: Prohibition of designing products that alter behaviour or properties** within a short period after putting the product into service **leading to a worsening of performance** for any of product parameters regulated in delegated acts or **functional performance from the perspective of the user**
 - **Para 4: Software of firmware updates shall not worsen product performance** in relation to any of the product parameters regulated in delegated acts or **functional performance from the perspective of the user**

Complementary tools against early obsolescence

Empowering Consumers

- **Horizontal safety net** applicable to all products
- **Principle-based provisions**
- Once the Directive is transposed, **rules are directly applicable**

Ecodesign

- **Product-specific requirements** on durability/reparability
- **Detailed and stringent** product design requirements
- **Delegated Acts** have to be adopted

Empowering Consumers

- Targeting all **traders**
 - Producers when engaged in a commercial practice
 - Sellers when reasonably expected to be aware
- Full spectrum of **enforcement mechanisms and consumer redress** available
 - **Representative actions**
 - **CPC Coordinated actions**, including fines linked to trader's turn-over
 - **Consumer redress**, e.g. compensation of damage in case of consumer harm

Ecodesign

- Primarily targeting **manufacturers**
- **Public enforcement** in line with horizontal framework in Market Surveillance Regulation



Thank you!