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ECODESIGN REGULATION : THE COUNCIL ADOPTS ITS GENERAL APPROACH

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On May 22nd, 2023, the Competitiveness Council adopted its general approach to the European Commission's proposal for a regulation establishing a framework for setting of ecodesign requirements for sustainable products and repealing Directive 2009/125/EC, presented on March 30th, 2022. A key element of the European Commission's action plan for the circular economy, this text sets standards to facilitate the repair, upgrading and recycling of a range of products, including electronics, textiles, metals, furniture and chemicals.

The positions of Member States were far from uniform (see AD Europe issue of March 2023), with a group of 5 countries (France, Germany, Belgium, Austria, and the Netherlands) having a more demanding vision and succeeding in getting some of their views heard.

Discussions focused in particular on the degree of harmonization, the ban on the destruction of unsold consumer products, the digital product passport, the role of customs authorities and market surveillance authorities, the administrative burden for SMEs, green public procurement and the Commission's authority to adopt ecodesign requirements, including how to ensure the appropriate involvement of Member States in this process.

The general approach introduces a ban on the destruction of textiles, footwear and clothing, with a four-year derogation for medium-sized companies and a general derogation for small and micro-enterprises. As a reminder, the Commission favored a two-step approach, first asking companies to disclose the number of unsold products they destroy each year, before considering a ban on the practice.

In this document, the Council also proposes to add a number of requirements to a list of standards that all the products concerned will have to meet. These requirements concern efficient water use, carbon and environmental footprint, contribution to climate change, impact on air, water and soil pollution, and land use. The compromise also suggests considering the inclusion of an obligation for companies to prevent the "*premature obsolescence*" of the products concerned. Under the new rules, all products will have a digital passport containing key information on their sustainability. Digital content that is an integral part of a physical product should also be included in the scope of the regulation.

The Commission would be given the power to adopt delegated acts to supplement the regulation by establishing ecodesign requirements to improve the environmental sustainability of products.

This general approach gives the Council Presidency a mandate to negotiate with the European Parliament once the latter has issued its opinion. The European Parliament's Environment Committee adopted its position on June 15th past, and this should be examined at the July plenary session.
