

Ecodesign for Sustainable Products Regulation (ESPR)

Regulation (EU) 2024/1781 of the European Parliament and of the Council of 13 June 2024 establishing a framework for the setting of ecodesign requirements for sustainable products (“**Regulation**” or “**ESPR**”) is a continuation of the strategy resulting from the European Green Deal. ESPR replaces the existing Ecodesign Directive (2005/32/EC) and establishes a framework for setting ecodesign requirements for specific product groups. The regulation is intended to contribute to the achievement of the EU’s environmental and climate goals, including doubling the rate of use of circular materials and helping to meet energy efficiency targets by 2030.

*“**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.*

Products covered by the ESPR

The ESPR covers significantly more product groups than the Ecodesign Directive, which only applied to energy products. The ESPR covers all kinds of goods placed on the EU market. The regulation does not apply only to:

- defence and security products,
- most types of vehicles,
- food, feed, medicinal products.

Certain product groups are to be prioritised by the Commission, and these are: iron and steel, aluminium, textiles (in particular clothing and footwear), furniture, tyres, detergents, paints, lubricants, chemicals, energy-related products, information and communication technology products and other electronic devices.

Ecodesign requirements, how to make environmentally-sustainable products

The ESPR specifies which aspects of products should be improved in order to prevent excessive environmental impact. The aspects identified are to be taken into account by the Commission in delegated acts, which will establish the specific ecodesign requirements (the parameters, characteristics, information that products should have).

Environmentally sustainable products should be:

- durable, reusable or repairable,
- energy-efficient, using low amounts of electricity,
- resource-efficient,
- made of recycled materials,
- not having a negative impact on the environment, including carbon and environmental footprints,
- made in such a way as to prevent premature obsolescence.

Notably, at the same time, the ESPR indicates that the requirements set must not have a disproportionately negative impact on functionality, health and safety, the affordability of products or the competitiveness of economic operators.

Digital product passport

The ecodesign requirements also include information requirements. According to the Regulation, a product may be placed on the market or put into service when a digital passport for that product is available. The requirements for the digital product passport (including what data it should contain, how it should be presented and how it should be updated) are to be laid down in delegated acts. The ESPR implies that it is to be a data carrier physically located on the product, its packaging or in the documentation accompanying the product.

Prohibition on destroying unsold products

According to the Regulation, the destruction of unsold clothing and footwear will be prohibited from 19 July 2026. The ban will not apply to micro and small enterprises but will apply to medium-sized enterprises from 19 July 2030. The Commission has the power to extend the destruction ban of further products.

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Manufacturers will be required to:

- ensure that products are designed and manufactured according to efficiency requirements (to be adopted by delegated acts);
- ensure that products are accompanied by the information required under the ESPR and delegated acts (e.g. information on product performance, information for customers on how to install, use and maintain);
- ensure that a digital product passport is available (including a back-up copy of the digital version);
- carry out a conformity assessment procedure before placing the product on the market (to be defined in a delegated act).

Importers will only be able to market products that meet the requirements set out in delegated acts. To do so, they will have to ensure that:

- the manufacturer has carried out the conformity assessment procedure and compiled the relevant documentation;
- the product is accompanied by the relevant information, including a digital product passport;
- the product is CE-marked (indicating compliance with EU health, safety and environmental requirements).

Distributors are required to act with due diligence in relation to the requirements set out in the delegated acts. Distributors will be obliged to verify before placing a product on the market that:

- the product bears the CE marking and, where applicable, the label, or is associated with a digital product passport;
- the product is accompanied by the required documents and digital instructions;
- the manufacturer and importer have complied with the information requirements regarding type number, batch, serial number and contact details.

Dealers will be required to ensure that their customers have access to all relevant information accompanying products, including the digital product passport.

Sanctions

The introduction of sanctions for infringements of the Regulation is left to the member states. The Regulation does not introduce minimum thresholds for penalties, it only indicates that they should be 'effective, proportionate and dissuasive'. Examples of sanctions include: (i) fines, and (ii) temporary prohibition from participating in procurement procedures.

Green public procurement

Ecodesign requirements are also to apply to public procurement to encourage the purchase of environmentally sustainable products. The Commission will be empowered to define, by means of implementing acts, minimum requirements in the form of technical specifications, award criteria, contract performance conditions or target values.

When can we expect the next ecodesign regulations?

The Regulation entered into force on 18 July 2024, but only after the adoption of implementing and delegated acts will we know the specific ecodesign requirements, including information requirements, which are to be developed by the Ecodesign Forum. According to the Commission's website, work is planned in the following timelines:

- **Q3 2024** - establishment of the ecodesign forum, call for proposals
- **Q4 2024** - first meeting of the Forum and consultation on the first draft ESPR Work Plan
- **Q2 2025** - adoption and publication of the first ESPR work plan

Contact us!



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