

Discussion paper: sustainable product policy initiative

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1. Aims:

- Contribute to the [consultation by EU Commission](#) with a 09/06 deadline and the following co-decision process among EU institutions on Sustainable product policy and revision of Ecodesign policy
- Consolidate and further develop our position with the EEB's members and partners
- Act as a reservoir of our priority points to insert into other policy development processes where relevant

2. Introduction: make sustainable products and services the norm

In its [Circular Economy action plan of March 2020](#), the EC includes a core objective to make sustainable products the norm: ***“The plan presents a set of interrelated initiatives to establish a strong and coherent product policy framework that will make sustainable products, services and business models the norm and transform consumption patterns so that no waste is produced in the first place”.***

There are multiple definitions of sustainability, and it is not the objective of this paper to enter this debate, but it should be related to key guiding principles such as respecting planetary boundaries, reducing our consumption of resources to stay within a safe operating space, contributing to the achievement of the SDGs and thus also incorporating social aspects, beyond environmental and economic dimensions. If sustainability is to become the norm for products through the Sustainable product policy, this new policy must be guided by a new compass and new metrics¹, notably the consideration of life cycle environmental and societal impacts in evaluation and the pricing of products.

If sustainability is to become the norm, that means sustainable products should be the default choice for consumers and not the ‘deviant’ choice or a luxury choice only accessible to a privileged class of consumer. Therefore products not complying with a minimum level of sustainability requirements should not have market access. It also means sustainable procurement should be the default choice for public and private organisations.

The scope of the Sustainable Product Policy Initiative (SPPI) should consequently target all products on the European market, with specific measures targeting at least the strategic sectors defined in the CE action plan: electronics, batteries, textiles, furniture, construction, mobility, food, packaging, intermediary materials such as steel, cement and chemicals and plastics. The new policy should build on existing policy instruments, as well as existing industry initiatives. That said, it is clear in order to achieve its core objective this new policy will need to do more than unintegrated sectoral instruments or voluntary initiatives, which delegate responsibility to the private sector.

¹ <https://clubofrome.org/publication/a-system-change-compass-implementing-the-european-green-deal-in-a-time-of-recovery/>

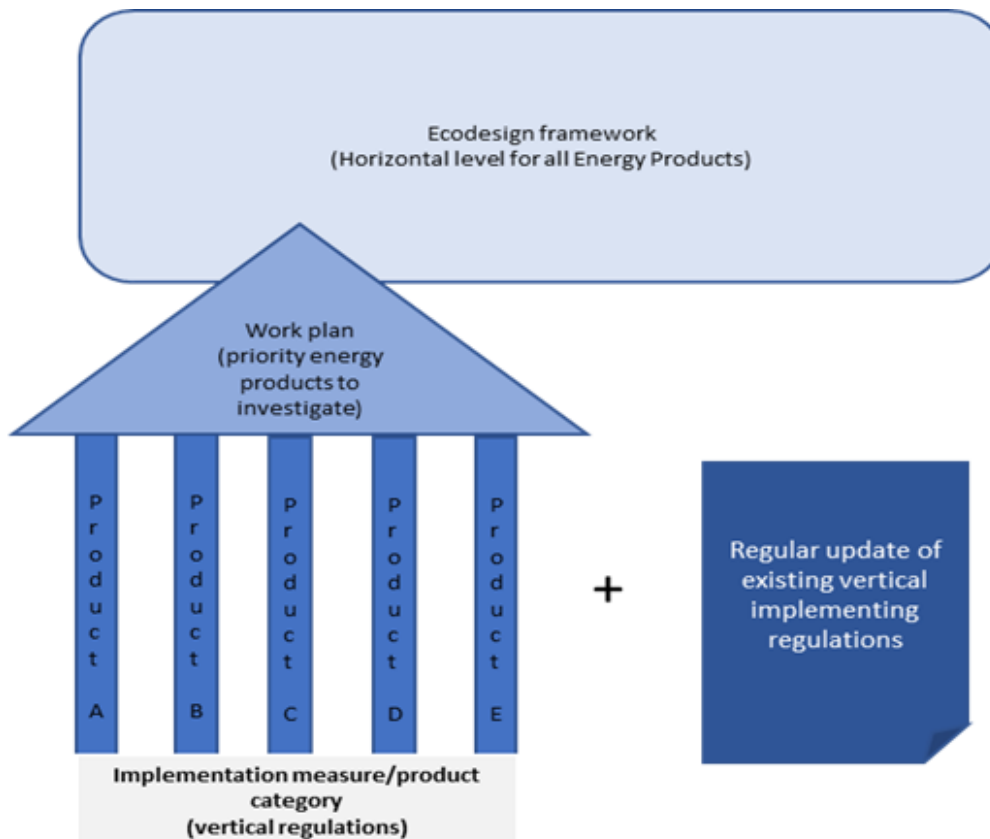
The guiding objectives of the new Sustainable Product Policy at EU level should be the protection of human health and the environment, the respect of highest social and working conditions standards along value chains (including outside of Europe), as well as the reinforcement of the single market. It shall contribute to the reduction of virgin resource use and the overall material and consumption footprint of the EU. It shall endeavor to retain the value of products and materials as long as possible, reduce the dependence on resource extraction, and design waste out of the economic system through life cycle thinking and value chain integration.

3. Ecodesign reform: the main vehicle to transform the market and make sustainable products the norm

3.1 The possible architecture of reformed Ecodesign and link to existing sectoral policies

The reform of the Ecodesign instrument has been identified as the main approach in the SPPI in view of its current success to transform the market for energy products.² The Ecodesign which so far covers only energy products delivers through *a horizontal framework setting provisions and principles for all energy related products and implementing regulations for specific product categories ('vertical regulations')* which are developed out of a regularly updated work plan setting priorities for product categories to be investigated and potentially regulated. The intention of successive work plans should be to broaden the scope of the policy by adding new product groups (prioritised based on their impact and potential) and thus investigate a greater share of the overall footprint of the European market. The regular revision of existing product requirements should also continue in the meantime while new products are being investigated. The so-called 'package approach' to group measures and release them at the same time should be abandoned - rather product requirements developed within and between different work plans should be adopted individually.

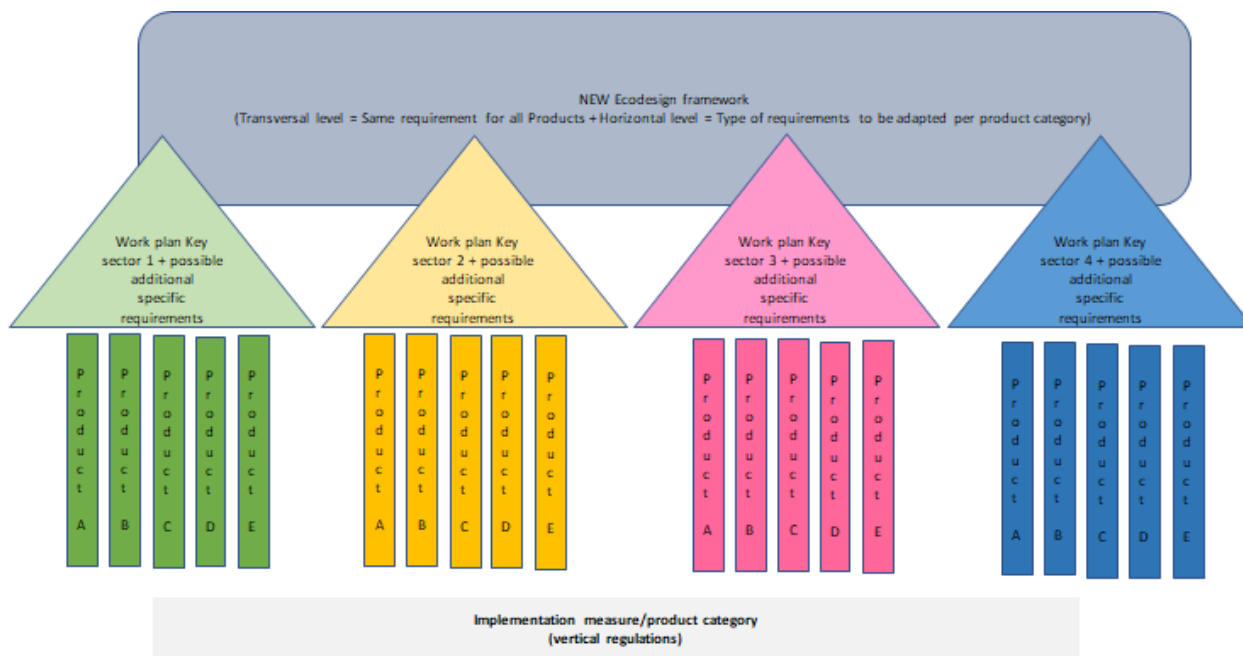
² By 2020 ecodesign and energy labelling is estimated to deliver energy savings of around 154 Mtoe per year in primary energy, more than the annual primary energy consumption of Italy. For consumers, this translates into €470 savings per household per year on energy bills.



For example:

- the current Ecodesign framework Directive defines a methodology to investigate all energy products: the MEErP (horizontal provision),
- a work plan had been set for 2017-2020 which decided to investigate hand dryers and this product category is under investigation now to identify its most significant impacts and potential improvement features, a new work plan 2020/2024 is currently being discussed
- and the regulations existing since 2010 for washing machines and dishwashers were updated in 2019 to increase energy performance and set resource efficiency requirements.

This double perspective (horizontal and vertical) should be maintained but adapted as the scope of Ecodesign will be extended to more sectors beyond energy products.



The new framework should have broader legal provisions:

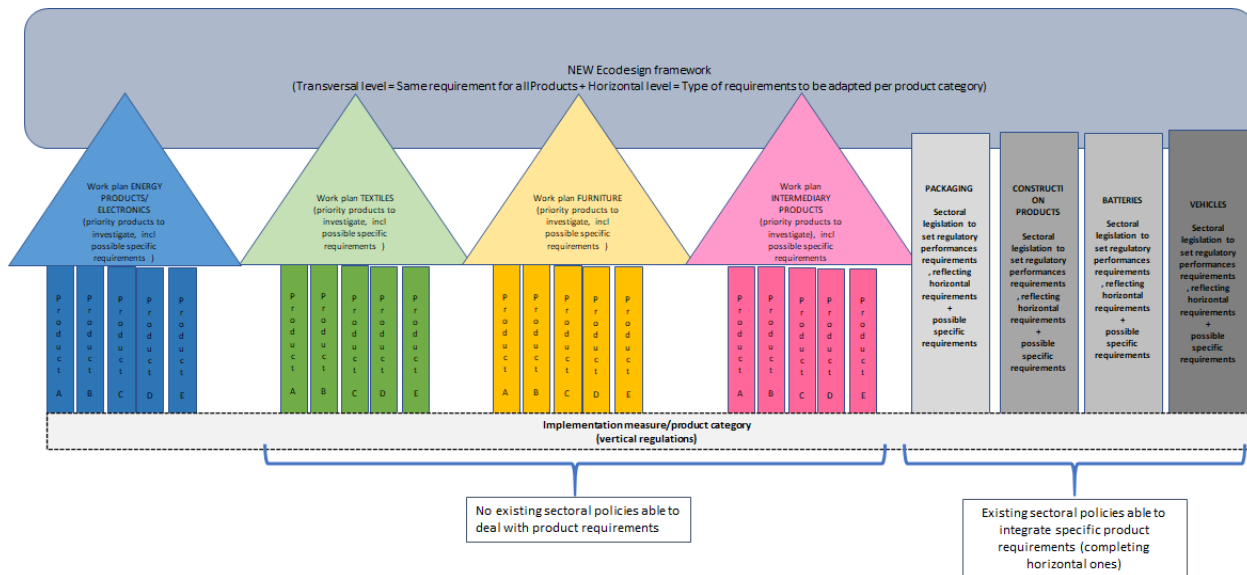
- At transversal level that can apply to all products (not only energy products anymore) e.g the prohibition of destruction of unsold/returned goods which is relevant for all product categories
- At horizontal level that can be valid for several product groups but need tailored adaptation to be relevant for each product group e.g durability, reparability which are to be differentiated depending on product groups (the durability and associated test of a fridge may not be the same as for a Tee-shirt even if those two product groups could be regulated for durability)
- At a specific level that can apply only to an individual product group, as peculiar to this product group e.g the stroboscopic effect of lighting is very specific to lighting products and do not apply to other product groups

Within this renewed framework, **it is essential to allow for parallel work plans and related vertical regulatory implementing measures to develop to make sure policies on key sectors can be developed simultaneously. Each sectoral work plan could set priority**

product groups to be analysed and potentially regulated (e.g.: what are the priority products for textiles, the priority products for furniture, the priority products for electronics...)

The approach for developing vertical requirements may be adapted per sector - notably to optimise governance resources and timely with respect to environmental savings potential and allow for implementation within a reasonable timeline - for example it may not be appropriate to have an ecodesign preparatory study covering individually jumpers, t-shirts and jackets, but rather cover several similar products in one study.

In the case where some sectoral policies already cover strategic sectors, e.g: batteries, construction products, packaging, it is proposed to coherently integrate the sectoral policies within the overall Ecodesign framework, so that those sectoral policies can act as the equivalent of the regulatory implementation measures. Furthermore, incorporating existing sectoral initiatives into the overall framework will help ensure that transversal measures apply to all sectors and products and that horizontal requirements will be considered and eventually adapted to all sectors.



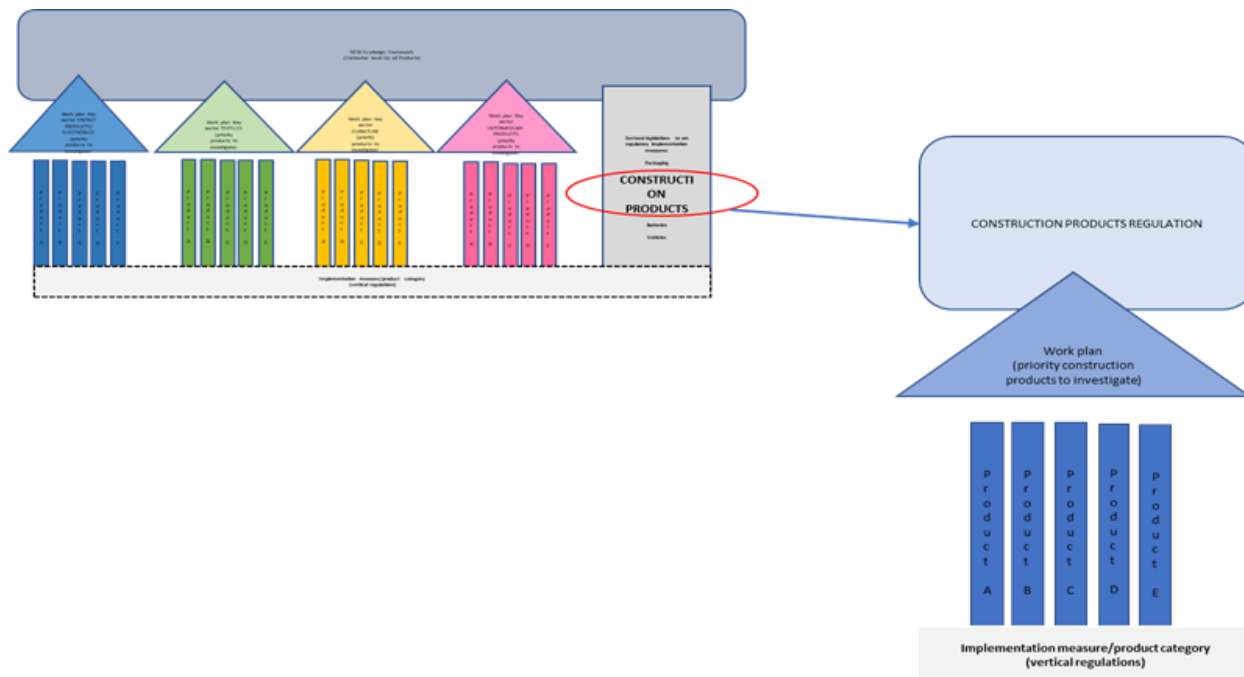
For example:

- The new Batteries Regulation includes specific product requirements adapted to batteries (e.g state of health) which should compliment the horizontal requirements to be adapted per product group (e.g durability, product passport, carbon footprinting). The same goes for

Packaging and Packaging Waste Directive, that can define specific requirements for packaging (e.g: prevention of overpackaging) while adapting some horizontal requirements (e.g reusability, recyclability), for construction products regulation and for vehicles (*although for this later the existing regulation specifically targets the end of life – End of Life Vehicles Directive from 2000 is now being revised and could extend the approach to clearly express it shall cover vehicles design requirements as well*)

- There are no sectoral policies for the time being on textiles, furniture and intermediary products and those could be covered under the reformed Ecodesign by a specific work plan and the design of vertical implementing measures per product sector/category.
- Of course the energy products/electronics sector is already covered under Ecodesign and the work should be continuing for this sector - including in the forthcoming Circular ICT initiative.

In some cases, sectoral legislation could apply the same logic as existing ecodesign in order to increase consistency. For example, the reform of the Construction Product Regulation could provide a first work plan and define implementing measures, such as minimum performance and information requirements specific to categories of products (e.g: structural products, insulation products etc. based on an optimised annex IV list of [CPR](#))



3.2 Possible provisions at transversal level (as part of the overall Ecodesign framework applying to all products)

In order to address the objective of making “sustainable products, services and business models the norm” a set of transversal measures or principles should be applied to all products on the European market.

Transversal measures which apply to all products have a number of clear advantages for the initiative:

- Provide a strong market signal to manufacturers and allow for a minimum level of sustainability to be maintained on product groups, even if not within priority sectors potentially covered by sectoral initiatives, thus supporting the political objective to make sustainable products the norm across the market
- Save governance capacity and implementation time lag compared to a product by product approach

At a transversal level, we recommend to cover at least the following dimensions for all products including when sold online:

- **Mandatory product information**, requiring at least **materials and chemicals contents** (bill of materials, chemical content declaration), **environmental footprint** (starting with carbon and material footprint, but progressively extended to more dimensions), **due diligence certificates** proving a respect of minimum social and labour conditions standards along the supply chain and as relevant per product type **circularity performance** (such as durability, reparability, reusability, recyclability and maintenance). This information should **be available as individual variables under the digital product passport**. The key principle of “**no data, no market**”³ **shall be applied**. That means that a product without a documented digital product passport accessible publicly shall not be authorized on the market. Additional information could be made available based on voluntary initiative by a company and integrated in the digital passport (e.g proof of sustainable sourcing of some materials). Such additional information, beyond legally required information, could potentially provide a sound basis for further incentives (e.g access to sustainable procurement qualification, modulation of EPR fees). At this transversal level, the type and minimum consolidation rules to declare the information should be set, not the specifics tailored to the sectoral and vertical product categories.

Note: Product data collection should also be designed in order to facilitate and provide input to the development of vertical measures - for example providing robust stock and market data for use in preparatory studies. The system should be designed in order to remove barriers to SMEs or artisan producers - for example in view of the resource intensity of developing a product environmental profile for a product, a default “proxy” profile could be included in the product passport. However, this proxy profile should represent a poor environmental performance, in order to incentivise producers to provide more information and prove their products perform better than the proxy.

In the context of decarbonising energy intensive industry, requiring a systematic disclosure of the carbon footprinting of products could help boost the demand for the uptake of “zero carbon” materials/intermediary products such as metals, cement and chemicals. This information could then be associated with progressively more stringent carbon footprinting caps on products as well as economic incentives & recognition schemes for integration of zero carbon materials in various sectors (more details on the linkage between Sustainable Product Policy and Industry strategy in the report [‘Tomorrow’s market today’](#) developed by Agora EnergieWende, CLG Europe and The University of Cambridge).

³ Inspired from the REACH Regulation n° 1907/2006 Article 5

- **Phase-out “substances of concern” for which there are available substitutes** to minimise their presence in products. This would go beyond the list of SVHC in products documented in the SCiP database of ECHA and anchor in the products policy the principle of substitution of hazardous substances by safer alternatives including alternative materials or designs, wherever it is technically feasible (with possible derogations for specific applications that may not be possible with existing substitutes).

Note: the Chemicals Strategy for Sustainability refers to the use of the SPPI for minimising the presence of substances of concern in products, and to ensure that consumer products do not contain chemicals that cause cancers, gene mutations, affect the reproductive or the endocrine system, or are persistent and bioaccumulative. In that perspective, we suggest to transversally restrict, as a default rule, all “substances of concern” which should be apprehended under the generic approach to risk assessment as defined under the CSS:

- All substances meeting the properties referred to in Article 57 of REACH Regulation (EC) No 1907/2006; this would consequently cover substances identified as category 1A and 1B carcinogenic, mutagenic, toxic for reproduction –referred as “CMRs”, very persistent and very bioaccumulative substances, persistent bioaccumulative and toxic substances, endocrine disruptors, neurotoxins and sensitisers.
- Chemicals affecting the immune, neurological or respiratory systems and chemicals toxic to a specific organ;
- Chemicals that are persistent, mobile and toxic and very persistent and very mobile substances;
- Substances listed in Annex VI of the CLP Regulation for classification of a chronic effect as referred into the Commission’s proposal, but also substances of concern for the environment;
- Substances regulated under the Stockholm Convention (POPs);
- Specific restricted substances listed in Annex XVII to REACH;
- Specific substances regulated under specific sectorial/product legislation such as the mercury regulation, the toys regulation, the restriction of hazardous substances in electrical and electronic equipment regulation, etc....
- Other substances of equivalent concern

Ensuring the availability of information on chemical content of products and material is key to enable substitution and safe recycling. The SPI should introduce information requirements to

track the presence of substances of concern through the life cycle of materials and products. It should also ensure full disclosure of chemicals contents. This should be encouraged on a voluntary basis until it becomes mandatory, and possibly rewarded through economic incentives (e.g. access to sustainable procurement qualification, modulation of EPR fees, EU Ecolabel criteria).

- **Prohibit the destruction of unsold/returned goods** and of any material stocks unless there has been a prior assessment that their reuse is not possible and that their destruction is the most sustainable option. Such assessments should be involving multiple stakeholders from authorities, from industry and the civil society organisations. In case reuse cannot be granted safely (e.g: presence of restricted substances of concern) and/or sustainably (e.g: performing beyond minimum ecodesign requirements), the goods should be sent for disassembling, possible reuse of parts and recycling, and not directly disposed off in landfill or incineration. Returned goods from a first (including online) sale should be considered equivalent as unsold and not be sent for destruction.

Note: It is essential that such a ban on destruction of unsold/returned goods is implemented at EU level to prevent the easy possibility of escaping this rule by shipping to another country where such a ban does not apply. Furthermore, any disincentive system making the destruction of unsold/returned goods more 'profitable' than its reuse should be abolished, notably the possibility to recover VAT when a good is destroyed, but not when it is given for reuse.

- **Limiting the use of disposable solutions** should be set as a transversal principle. When other options are available in a sector/product category, a ban or specific fee should be considered as implemented for the single cashier plastic bag. Disposable solutions should not be made the default solution when alternatives exist. E.g it should not be authorised to sell disposable solutions without selling non disposable alternatives at retail level (e.g batteries, nappies, beverage packaging, cutlery...). When investigations are performed at sectoral level, it should be explored the possibility to phase out disposable solutions, or at least associate them with a malus under EPR schemes, and a higher VAT rate. Incentives and vouchers should be made available at retail level towards reusable solutions, and targeted support notably towards the most vulnerable families should be considered to help them access to non disposable solutions.

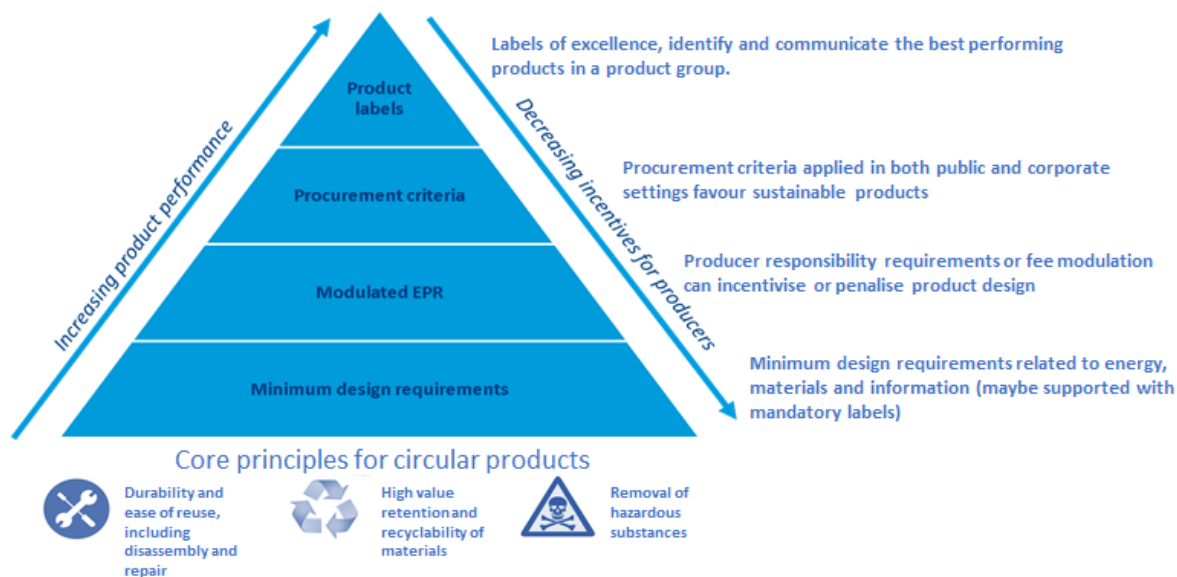
- **Ban premature obsolescence** through introducing mandatory durability requirements (as part of circularity performance adapted per product group) or longer free guarantees matching the expected lifetime of the products and **by setting dissuasive sanctions** in case of proven

case of *programmed* obsolescence, being hardware or software related (e.g: dissuasive sanctions are public naming and shaming, financial penalties and restriction of access to the market for a given period). Premature obsolescence may be for example qualified in cases where 10% of products fail before the expected lifetime for a product category or when specific anti-repair/anti-reuse features are detected or when performances are lost following a firmware/software update.

- **Extended Producer Responsibility**, under its various forms, **including Deposit Refund Systems, should be made systematic for all products placed on the market**, except when not appropriate (e.g: intermediary materials such as steel, cement and chemicals that will be embedded in products or systems).

Note: Extended **Producer financial responsibility should be extended beyond the end of life stage, notably towards use stage** (repairability, consumables waste, emissions during use stage, durability for example) **and also reflecting manufacturing stages** (hazardous contents, sustainable sourcing). **Extended Producer financial responsibility should be modulated according to environmental performance along their value chain and circularity potential**, reinforcing the **polluter pay principle**. Associated fee modulation under EPR systems should complement minimum performance requirements and potential labelling schemes, ensuring as far as possible **a consistent alignment with the minimum ecodesign performance requirements** (to avoid a multiplication of criteria and measurement methods). That means for example being based on a same set of performance criteria but modulated according to how better the concerned products are compared to minimum legal requirements, or bringing complementary aspects not covered by minimum performance requirements (e.g total disclosure of material and hazardous contents if minimum information requirements only require a partial disclosure). Overall the fees from any EPR system should also avoid a lock-in to business as usual, and rather be earmarked to facilitate market transformation (e.g. moving from landfilling, incineration and primitive recycling towards reuse and waste prevention).

A hierarchy of interrelated instruments and core principles



EPR fees should (for its main part) follow the product when the product is reused in or outside the EU, so as to ensure the end-of-life stage of the product will be supported by the fee initially paid to cover a proper waste management, wherever it ends up. As longer lasting, more repairable products will lead to increased second life and reuse cycles of the product, it is essential that the initial fee paid by the first buyer of the product to ensure its proper treatment at the end of its life remains available along the successive uses until the end of life. The aforementioned earmarking of fees for specific activities such as waste prevention or social enterprises in reuse business can also enhance this purpose indirectly.

3.3 – Possible horizontal requirements to be adapted per product categories through provisions at sectoral/vertical level:

We recommend to define in the Ecodesign framework horizontal requirements to be adapted per product groups through vertical regulations at sectoral/product category level with **staged minimum performance requirements** (*not merely information requirements covered above*) for at least the following dimensions:

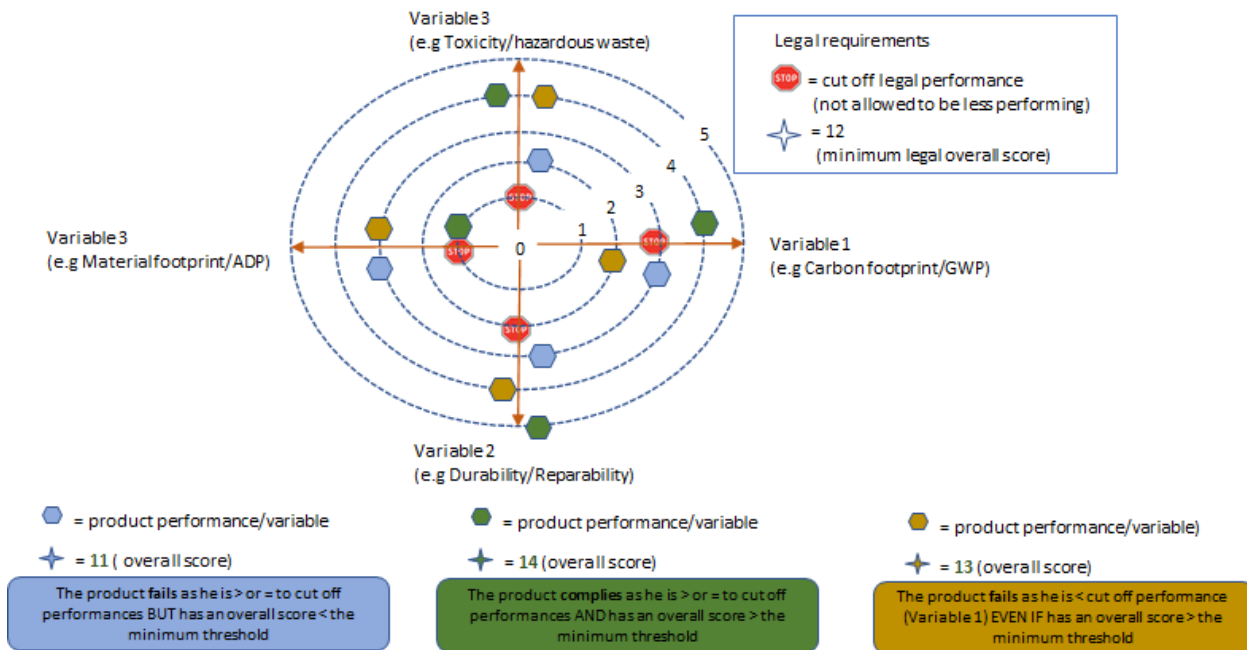
- Circularity performances: **Durability, disassembly & repairability, dismantling & recyclability, interoperability of consumables.** Durability requirements within the free guarantee period should be aligned with the expected life time/expected use cycles of products placed on the market (e.g 12 years for fridge freezers; 3 years for a T shirt or their equivalent use cycles). Disassembly, repairability and interoperability of consumables should be ensured beyond the expected average life time of products to expand their longevity (e.g minimum 10 years for a smartphone, 15 years for a printer). Interoperability of consumables should be considered a default approach that could be derogated to only under proper justifications of functionality or safety issues, with these justifications being evaluated by an expert committee including public authorities, industry and civil society.
- Footprinting performances: The **main environmental impacts of the sector or product category as documented by environmental footprint**, notably **GWP or CO2 footprint, abiotic resources depletion or total material footprint, water footprint.** This would eventually complement the mandatory information requirements as suggested above for all products, with a performance requirement = a cap on footprinting value (e.g a max CO2eq/kg of product/material). *To avoid burden shifting from one environmental category to another (e.g saving on Carbon footprinting but dramatically adding pressure on another impact category for example Eco-toxicity), it should be ensured that the performances requirements on a targeted main footprinting dimension of the product group goes hand in hand with not going below a bottom line for other footprinting dimensions. In that perspective using the average benchmark on footprinting categories of a product group could be usefully mobilised (e.g the footprinting profile of a product group could not be going beyond this average benchmark minus X%).*
- Energy & water performances: **energy use** for energy using products documented in terms of energy efficiency or energy consumption cap for a given service, and/or **water use** for water consuming products,
- Substances of concern: **contents of hazardous substances/substances of concern if the specific product category makes it feasible to go beyond the transversal restrictions** (e.g. certain categories of textiles that would be designed for more vulnerable publics or products for which usages increase the risk of contamination such as food contact materials, cosmetics, toys...). Using product policy to restrict the use of chemicals in specific products or components permits a more precise approach to chemicals policy, which can allow more ambition than transversal legislation (potentially increasing the circularity of products), and/or can improve

product safety. The methodology should prioritise the grouping of substances for setting sectoral restrictions assessed as most relevant per product groups (e.g. PFAS on textiles).

These minimum performance levels should be set as **legal requirements formulated in legislative texts**, as implementing or delegated acts, and not through standardisation process exclusively. **Harmonized standards should support the measurement, declaration and verification of the legal performance requirements, as exist today under current Ecodesign.** It is essential that minimum performance levels are defined in policy and not through standardisation processes as discussions at policy level enable a fair and transparent public participation, while discussion on standards are dominated by industry representatives and not open to the same possibility of multi-stakeholders participation as policy debate.

Where there is a need for collecting data and a risk of asymmetry of information between stakeholders (e.g. when one stakeholder has the expertise and the data necessary to investigate a product category), it should be preferred to make sure the national authorities are giving a greater role to help the EU Commission services define the minimum regulatory requirements of the implementing measures. This is to balance the risk of asymmetry of information through nationally commissioned studies and market investigations which compliment the EC service studies. For example, most ecodesign measures today have benefited from the complementary expertise provided by national experts and national studies to enhance EU Commission preparatory studies with limited budget, and consequently the need for restricting the collection of data by hired consultants. This question of robust and more comprehensive investigations through combining EU Commission and national expertise should be considered prior to institutional concerns. Similarly, it could be considered providing financial means to the EU Parliament and Environmental and Social Committee to also run complementary investigations to the studies commissioned by the EU Commission.

As sustainability pathways can be diverse between companies and products, **it should be investigated how to define requirements for sustainable performances along systems where cut off performance criteria on certain dimensions are combined with flexible ways to achieve a required overall sustainability profile.** This could for example take the form of a multi-dimensions 'radar' approach or a point system.

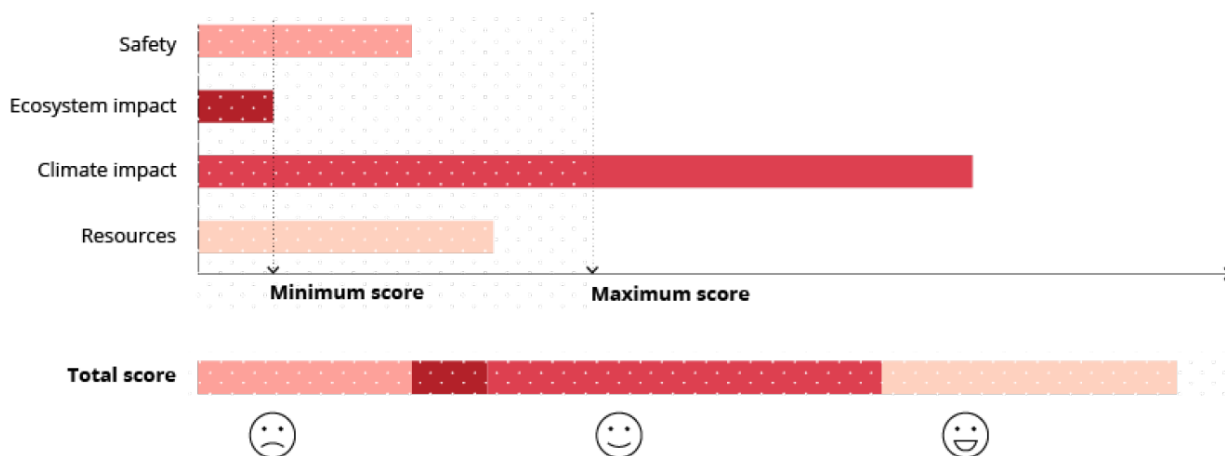


E.g. (merely illustrative, not pretending any accuracy) It could be required that a T-shirt needs at minimum to resist X washing and drying cycles, be without hazardous substances residues, be fully recyclable and comply with due diligence legislation. Those will be defined as cut off criteria. To meet the full sustainability profile that could be required by the implementing measure, including for example, on carbon footprinting/GWP or material footprint/ADP, the companies could decide between various strategies such as use of recycled contents, sustainable bio-based materials or other choice of low impacts raw materials etc.

This combination of cut off performance thresholds and flexible pathways to achieve a sustainable profile required by the implementing measure would unleash innovations in various directions while leveraging the ambition of progressing towards sustainability as the norm.

Note: in their brief on [delivering products that are safe](#), the EEA also suggests in that direction with a combination of minimum performances on different dimensions to achieve an overall 'compliance' score:

Figure 3. Scoring performance against dimensions of safety and sustainability



In addition, **specific requirements exclusive to a product group** could be defined when relevant. E.g dust re-emission for vacuum cleaners or limitation to stroboscopic effect for lighting. These requirements cannot be developed transversally or horizontally as they target peculiar features of product categories, but they may still be essential for the concerned product group.

As a first indication of criteria that could be investigated at product group level to make sustainable products the norm, we suggest to get inspired by the list of criteria existing under Ecolabel schemes when those exist at EU or national levels and/or criteria associated with GPP at EU level.

3.4 A reform of Ecodesign should also be an improvement of the current decision-making process and not derail its continuous implementation

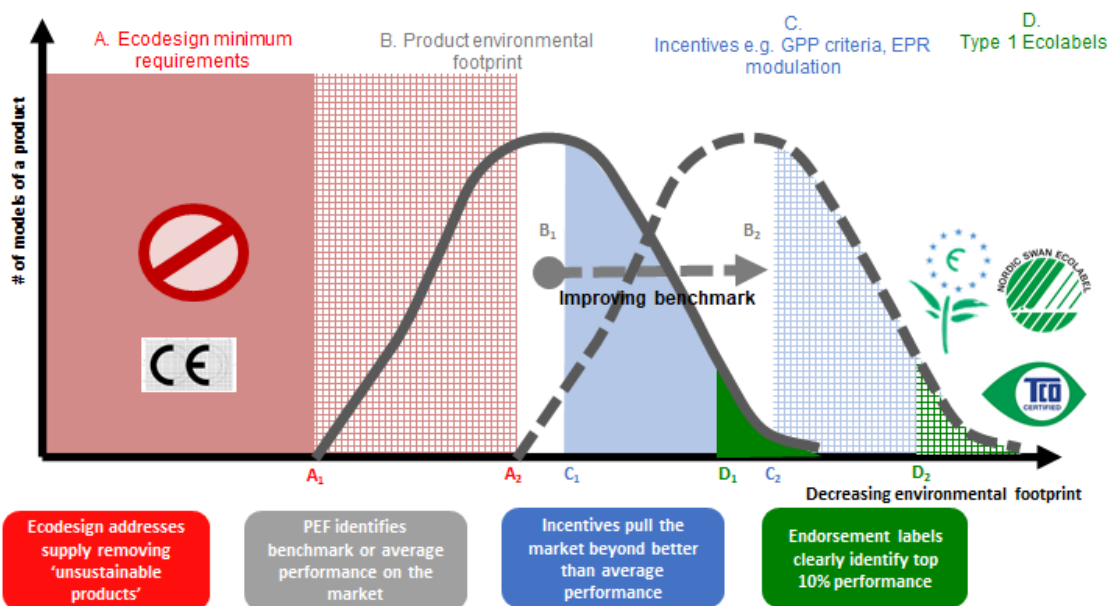
This reform is not only about extending the scope of a powerful piece of legislation, it is also about taking it as an opportunity to improve its overall governance, help EU decision makers and citizens gain ownership of a fundamental policy that will affect their daily life and allocate the necessary resources to its implementation both at EU and national levels.

Notably:

- Setting an implementing measure regulation for a specific energy product category takes between 4 and 5 years on average today, this is not sustainable if we expect to multiply the sectors and product categories under the Ecodesign scope, but above all if we want to reach our climate targets, operate within planet boundaries and meet our SDGs commitments. **The decision process needs to be accelerated while continuing to ensure a proper consultation of concerned national experts and stakeholders.** This can notably be done by **reinforcing the resources dedicated to the policy at EU and national levels, including for market surveillance.** This can also be enhanced through **getting more real time data on products placed on the market. This is also one of the goals of the digital product passport.** In that perspective all products placed on the EU market should be covered by a requirement to provide information on their sustainability performances in a digital format, illustrating the already mentioned principle of *no data, no market*. **First the existing energy label database (EPREL) should be immediately extended to all energy products placed on the market even when not covered by a labelling scheme (thus becoming an energy related products database), second any new sector and product category placed under the Ecodesign scope should be documented in an accessible digital space.** This would save time in terms of data collection and more precise, real time data should improve the effectiveness of policy making in line with market innovation. **The process to deliver implementing measures should be better time bounded with clear deadlines** for when a specific measure should be released as soon as investigations and consultations start (e.g.: from the launch of a preparatory study to the approval of a measure, it should not take longer than 36 months on average for an energy product).

- **Minimum requirements defined under implementing measure should be aligned with our climate and environmental emergency, our carbon neutrality & SDGs commitments** (“*to make products fit for a climate neutral, resource efficient and circular economy, reduce waste and ensure that the performance of frontrunners in sustainability progressively becomes the norm*” as expressed in the CE action plan). Today under current Ecodesign Policy, we too often delay effective requirements reflecting the optimal option for consumers and the society. This should be changed to target immediately the requirements presenting the best benefits for consumers and the society, notably by reflecting in the minimum design performance thresholds for the societal costs of products, beyond their mere operational costs, such as energy use (e.g. health

costs linked to air pollution and hazardous materials, resources use costs and dependency linked to our virgin resources consumption). We should not be shy on the stringency of the minimum requirements and sustainability profile of products if sustainable products are to become the norm. Inspired by front runners, Ecolabel and benchmark products, staged requirements set in implementing measures should provide the clear visibility to the market that we will equal the front runners of today in coming years, not in decades. **This represents a top performer approach**, where the performance criteria of most sustainable products of today become the minimum requirements for the whole product category in a given time frame adapted to the design cycles of products. E.g. the existing ecolabel criteria for textiles can become the minimum requirements (i.e. the norm) in the next 4 years.



- **Voluntary agreements should not be considered as a valuable substitution for regulations**, but only consider as **a complementary tool to go beyond minimum legal requirements**. They do not provide the same legal certainty as regulations, do not trigger the same market surveillance activities and have hardly challenged business as usual as experienced under Ecodesign.

- Finally, **the current implementation of Ecodesign and Energy Labelling policy on energy related products should not be derailed by the revision process**, the measures should be

released as soon as they are finalized to bring a legal certainty and enabling an early anticipation by the industry, as well as to deliver their benefits on the market as soon as possible. The 'package approach' grouping measures to release them at the same time should be abandoned.

4. Labelling & green claims: pulling the market through trustfull information schemes

4.1 - Providing trustfull information to consumer

Each product sector and subsequent product category minimum requirements should be complemented with better consumer information as is currently the case with the Ecodesign and Energy Labelling frameworks for energy-related products. Sustainability labelling should be approached with caution to avoid being an outlet for greenwashing strategies and to not contribute to end user and consumer confusion with an overflow of information. It should support the provision of environmental information on key environmental hotspots to consumers provided it is of demonstrated added value to raise the ambition of certain sectors, and provided the information is environmentally relevant, reliable, understandable, comprehensive, comparable and verifiable. In that perspective, it should be systematically considered the relevance of **associating a product category with a mandatory information scheme enabling a comparison of targeted sustainability performances.** Should it be assessed as appropriate, the specific labelling schemes for each category should **build on the mandatory digital product passport in terms of declaration of performances and be associated to a visual easily understandable by consumers, on the model of the energy label: a closed scale to assess the sustainability dimensions and a clear marking of where each product stands along such a scale.** As the sustainability performances could be multi-dimensional (= with various environmental and social dimensions), it should be decided on case by case, depending on the complexity of the concerned product category, if the scoring system should be a unique consolidated scoring for the various dimensions (e.g: a A class would mean the product reaches a A class in all considered dimensions) or if multiple dimensions should be displayed (e.g: an energy efficiency dimension with a A to G scale and a repairability dimension also coming with a separate A to G scale). *Note: a multi-dimensional information scheme does not necessarily equal a PEF label.*

Where a mandatory comparative labelling scheme may not deem most adequate, the product category could still be addressed through the development of an EU legal framework requiring companies to substantiate claims notably via the Product Environmental Footprint method; but also through the strengthening of best in class types of labels (such as Type I Ecolabels).

4.2 - Make Ecolabel the benchmark for sustainable products and the constant top of labelling schemes

The Ecolabel scheme is a multi-dimensional ISO Type 1 information scheme, meaning it is third party verified and regularly updated with the involvement of stakeholders. It aims to reward the 10% best products on the market at a given time. Its role should be reinforced in a dynamic sustainable product policy to make sustainable products the norm. The Ecolabel should inspire mandatory measures under the sustainable product policy framework, as the scheme has been a pioneer in introducing climate change, biodiversity, circularity, zero pollution and toxicity within products requirements. The interplay between Ecodesign and the Ecolabel offers an opportunity for the Commission to establish a new system for how the EU Ecolabel and Ecodesign can work together. Today, criteria are often developed for the same product groups, but the processes are not well aligned. In the future, we would like to see the EU Ecolabel as a benchmark with its criteria becoming mandatory for the whole market in a staged approach and over time, as stated, following a top performer approach: ecodesign and ecolabel criteria should be developed in synergy so that when ecodesign requirements reflect what were the ecolabel criteria in last years, the ecolabel criteria are boosted to give a direction to the market. This approach aims to increase consistency between product policy instruments, and streamline the decision process for each product category: each time we revisit a product category with an investigation study, we update all related policy instruments for that category (including GPP and EPR modulation criteria). E.g: when we revise the ecodesign implementing measure for displays, we also revise the associated (energy) labelling scheme and the ecolabel scheme, making sure the ecodesign requirements meet the past ecolabel performances while also ensuring that the new ecolabel criteria reflect the best resource and energy efficiency performances.

4.3 - Make best use of PEF to identify hot spots and help substantiate green claims

The product environmental footprint initiative (PEF) presents a harmonised European methodology for conducting life cycle analysis on products. In this way, PEF can provide one of

the supporting methodologies in the SPPI and notably through the Commission's initiative on green claims. However, the limitations of PEF and its implementation imply that it should not be used in isolation as a decision-making tool, nor should it be the basis of a mandatory labelling scheme. The following applications for PEF should be considered within the SPPI:

- Consider PEF to identify hot spots for each product category, taking into account its recognized current limitations to properly address and quantify some important impacts such as land use and exposure toxicity.
- Integrate PEF into the methodology for the development of vertical product policy requirements for ecodesign and other instruments (including the EU Ecolabel), but complementing it with other methods to improve PEF's accuracy (e.g. on toxicity, socioeconomics, and qualitative aspects such as recycled content)
- PEF data, where available, should be submitted within the product passport. In the absence of a PEF study a default performance will be displayed in the passport representing a worst in class performance.
- Allow "claims" (i.e. written information not a label) on PEF impact categories, but avoid claims on the overall sustainability of a product based on PEF. These claims should only be permitted where they represent a better than the benchmark performance, address impact categories relevant to the product group, and do not result in burden shifting to other impacts. - Green claims on overall environmental performance should be reserved for "best in class" products based on EU ecolabel and equivalent ISO Type 1 labels.
- Restricting green claims that may create confusion for consumers, notably by considering a pre-approval process for green allegations taking inspiration on the existing pre-approval scheme for health and nutrition claims in food. In addition, the pre-approval process should set strict principles for the accreditation of labels which can be used in the market to inform consumers on the sustainability of products (E.g. independent bodies set the standards and regularly update them with the broader engagement of stakeholders including independent civil society organisations, third party auditing from accredited and independent organisations,...).
- Restrict public and online targeted marketing for unsustainable/unhealthy products, the product list to be considered unhealthy/unsustainable to be defined by a multistakeholders college with equal weight between industry, CSOs and authorities;

We discourage the Commission from developing a PEF label but rather focus on developing the existing EU Ecolabel to identify the best products on the market. If a PEF label would be voluntary, companies would only have incentive to disclose it on “green” products. If mandatory, it would be less comprehensive or ambitious than the EU Ecolabel and other well-known national Ecolabels, with the risk of guiding consumers to products that have an average or slightly average performance.. The best way forward would be to ensure that EU Ecolabel continues to be the reference for the most sustainable products in the market. This, in combination with the mandatory requirements taking off the market unsustainable products, makes redundant a new EU labelling scheme for products with average (or slightly above average) performance based on PEF.

5. Sustainable procurement: unleash its potential to accelerate the uptake of sustainable products and services

- Make Green public procurement the default option for public authorities as sustainable products should be the default option for consumers, but also make sustainable procurement the default option for any company having to report on its sustainability. There is no justification why public authorities should be procuring sustainably when private companies can escape their responsibility with regards sustainable sourcing, notably when private companies compete with public services or are operating under a delegated mandate of public authorities (schools, hospitals, social housing, waste and water management, energy and transport services, etc.) In that perspective it is suggested to:

- **Set a monitoring system of public procurement with staged binding minimum ratio of sustainable procurement over all procurement in volume and value, well above the 50% indicative target that was set in 2010;**
- Taking inspiration from the Energy Efficiency Directive Article 6 obliging central governments to purchase only goods, services and buildings with high energy-efficiency performance, an horizontal principle could be introduce in the SPI requiring the procurement of the most sustainable goods with a reference to the EU Ecolabel and relevant certifications meeting the Public Procurement Directive requirements when available or in accordance with metrics to be further developed in vertical legislation

- Set a **mandatory reporting of the ratio of sustainable procurement on all procurement made by private companies (above a given threshold of revenue or employees), as a binding reporting dimension under their non financial reporting obligations**
- Set high level, symbolic and public orientated political commitments linked to procurement to drive engagement in sustainable procurement, demonstrate political ambition and deliver significant resource/pollution savings, e.g.
 - All public education buildings should procure organic food only by 2030
 - All public buildings and events should ban single use cutlery and single use packaging by 2024
 - ...

- As **criteria to qualify a procurement green or sustainable**, it could be referred to EU criteria as developed under GPP policy (both for public and private organisations) or if deemed too comprehensive/ too complicated for monitoring, use nationally defined criteria and relevant Ecolabels reported to the EU and other MSs for potential approval and mutual recognition (e.g. only some priority aspects covered by the EU GPP criteria list). As EU criteria are openly discussed among various stakeholders including CSOs and made publicly available, any alternative criteria to qualify a procurement green or sustainable should be developed through an open stakeholder process and made publicly available, including for procurement by private organisations. This publicity of what would qualify a procurement as green or sustainable are also essential to enable a perfect transparency during the tendering processes.

- EU **Ecolabel products should be by default considered meeting the criteria of sustainable product procurement**, as this will help their uptake while simplifying the evaluation and verification duty of procurement department

6. Circular business models and material ownership: promoted under sound conditions

- "Product as a service", 'Access over ownership', 'disown ownership', lease, rent, share are all associated with expected resources savings and increased responsibility of placers on the market. As such, those business models should be encouraged, e.g by providing vouchers to access these services by the most vulnerable public who cannot necessarily access them or by

considering a lower VAT rate. **However, circular business models and the material ownership models per se do not grant sustainability** (as biobased products do not grant sustainability per se) and those business models should not be incentivized or recognized a special status, unless:

- **the products and services they offer respect the same minimum sustainability requirements as any products and services placed on the market** (a given business model should not act as a by-pass for sustainability performances criteria of the products being offered)
- **the liability and necessary consumers protection rules are respected** and clearly referred to in contractual arrangements (e.g the burden of proof in case of defective products should be under the placer on the market, not the consumer, as for any products owned by a consumer)
- The service model also respects social sustainability requirements - e.g. avoiding poorly paid uncontracted platform workers, or subcontracted parties without due diligence on providers.

7. EEB Policy Briefs to support the Sustainable product policy initiative

- **ESG Due Diligence in EU Product Rules** [*Integration of social and environmental due diligence criteria in product requirements, market incentives and the product passport*](#)
- [**Integration of the non-toxic environment goal in product policy**](#)

8. EEB & partners position papers and reports on specific product groups/sectors

[On electronics](#)

[On textiles](#)

[On furniture](#)

[On batteries](#)

[On construction products](#)

[On packaging](#)

[On vehicles](#)

9. Additional EEB position papers and publications

<https://eeb.org/library/a-circular-economy-within-ecological-limits/>

<https://eeb.org/library/european-civil-society-strategy-for-sustainable-textile-garments-leather-and-footwear/>

<https://eeb.org/library/towards-a-eu-product-policy-that-works-for-people-and-the-planet/>

<https://eeb.org/library/towards-a-socially-sustainable-and-circular-ict-sector/>

<https://eeb.org/library/industrial-transformation-for-a-more-resilient-future/>

<https://eeb.org/library/comments-on-a-sustainable-finance-strategy-for-the-circular-economy/>

<https://eeb.org/library/10-policy-priorities-to-reduce-waste/>

<https://eeb.org/library/coolproducts-report/>

<https://eeb.org/library/circular-economy-opportunities-for-digital-products/>

<https://eeb.org/library/circular-economy-opportunities-in-the-furniture-sector/>

<https://eeb.org/library/circular-economy-patterns-in-europe/>

<https://eeb.org/library/keeping-it-clean-how-to-protect-the-circular-economy-from-hazardous-substances/>

<https://eeb.org/library/turning-fear-into-hope-corona-crisis-measures-to-help-build-a-better-future/>

<https://eeb.org/library/inception-report-substantiating-green-claims-eeb-feedback/>

<https://eeb.org/library/empowering-consumers-in-the-green-transition-eeb-feedback/>

<https://eeb.org/library/towards-a-healthy-affordable-and-sustainable-built-environment/>

<https://eeb.org/library/avoiding-blind-posts-promoting-circular-and-fair-business-models/>