



Plenary sitting

A9-0218/2023

22.6.2023

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council establishing a framework for setting eco-design requirements for sustainable products and repealing Directive 2009/125/EC (COM(2022)0142 – C9-0132/2022 – 2022/0095(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Alessandra Moretti

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	119
ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT	121
OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY	122
OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION.....	159
PROCEDURE – COMMITTEE RESPONSIBLE	211
FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE	212

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council establishing a framework for setting eco-design requirements for sustainable products and repealing Directive 2009/125/EC (COM(2022)0142 – C9-0132/2022 – 2022/0095(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0142),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0132/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 14 July 2022¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on the Internal Market and Consumer Protection and the Committee on Industry, Research and Energy,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0218/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

¹ OJ C 443, 22.11.2022, p. 123.

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The European Green Deal²⁵ is Europe's sustainable growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, competitive, climate-neutral and circular economy. It sets the ambitious objective of ensuring that the Union becomes the first climate neutral continent by 2050. It recognises the advantages of investing in the Union's competitive sustainability by building a fairer, greener and more digital Europe. Products have a pivotal role to play in this green transition. Underlining that current production processes and consumption patterns remain too linear and dependent on a throughput of new materials extracted, traded and processed goods and finally disposed of as waste or emissions, the European Green Deal emphasises the urgent need to transition to a circular economy model and stresses the significant progress that remains to be made. It also identifies energy efficiency as a priority for the decarbonisation of the energy sector and for reaching the climate objectives in 2030 and 2050.

²⁵ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions The European Green Deal COM(2019)640 final.

Amendment 2

Proposal for a regulation

Recital 2

Amendment

(1) The European Green Deal²⁵ is Europe's sustainable growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, competitive, climate-neutral and circular economy ***and toxic-free environment***. It sets the ambitious objective of ensuring that the Union becomes the first climate neutral continent by 2050. It recognises the advantages of investing in the Union's competitive sustainability by building a fairer, greener and more digital Europe. Products have a pivotal role to play in this green transition. Underlining that current production processes and consumption patterns remain too linear and dependent on a throughput of new materials extracted, traded and processed goods and finally disposed of as waste or emissions, the European Green Deal emphasises the urgent need to transition to a circular economy model and stresses the significant progress that remains to be made. It also identifies energy efficiency as a priority for the decarbonisation of the energy sector and for reaching the climate objectives in 2030 and 2050.

²⁵ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions The European Green Deal COM(2019)640 final.

Text proposed by the Commission

(2) To accelerate the transition to a circular economy model, the Commission designed a future-oriented agenda in its Circular Economy Action Plan for a cleaner and more competitive Europe²⁶ (CEAP), with the objective of making the regulatory framework fit for a sustainable future. As set out in this plan, there is currently no comprehensive set of requirements to ensure that all products placed on the Union market become increasingly sustainable and stand the test of circularity. In particular, product design does not sufficiently promote sustainability over the whole life cycle. As a result, products are being replaced frequently, involving significant energy and resource use in order to produce and distribute new products and dispose of old ones. It is still too difficult for economic operators and citizens to make sustainable choices in relation to products given that relevant information and affordable options to do so are lacking. This leads to missed opportunities for sustainability and for value-retaining operations, limited demand for secondary materials and obstacles to the adoption of circular business models.

²⁶ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions A new Circular Economy Action Plan For a cleaner and more competitive Europe COM(2020)98 final.

Amendment

(2) To accelerate the transition to a circular economy model, the Commission designed a future-oriented agenda in its Circular Economy Action Plan for a cleaner and more competitive Europe²⁶ (CEAP), with the objective of making the regulatory framework fit for a sustainable future. ***The plan underlines that, for citizens, the circular economy will provide high-quality, functional and safe products, which are efficient and affordable, last longer and are designed for reuse, repair, and high-quality recycling.*** As set out in this plan, there is currently no comprehensive set of requirements to ensure that all products placed on the Union market become increasingly sustainable and stand the test of circularity. In particular, product design does not sufficiently promote sustainability over the whole life cycle. As a result, products are being replaced frequently, involving significant energy and resource use in order to produce and distribute new products and dispose of old ones. It is still too difficult for economic operators and citizens to make sustainable choices in relation to products given that relevant information and affordable options to do so are lacking. This leads to missed opportunities for sustainability and for value-retaining operations, limited demand for secondary materials and obstacles to the adoption of circular business models.

²⁶ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions A new Circular Economy Action Plan For a cleaner and more competitive Europe COM(2020)98 final.

Amendment 3

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Secure and sufficient availability of critical raw materials is key for a successful European twin transition while ensuring a competitive European industry. It is important that comprehensive information requirements on materials, including on critical raw materials, on products placed on the Union market be laid down in order to deliver on the approach outlined in the communication of the Commission of 3 September 2020 on Critical Raw Materials Resilience: Charting a Path towards greater Security and Sustainability ^{1a} and the resolution of the European Parliament of 24 November 2021 on a European strategy for critical raw materials ^{1b}.

^{1a} Commission communication of 3 September 2020 entitled ‘Critical Raw Materials Resilience: Charting a Path towards greater Security and Sustainability’ (COM (2020)0474)

^{1b} P9_TA(2021)0468

Amendment 4

Proposal for a regulation Recital 4

Text proposed by the Commission

Amendment

(4) In the absence of legislation at Union level, diverging national approaches to improving the environmental sustainability of products have already emerged, ranging from information requirements on the duration of software

(4) In the absence of legislation at Union level, diverging national approaches to improving the environmental sustainability of products have already emerged, ranging from information requirements on the duration of software

compatibility of electronic devices to reporting obligations on handling unsold durable goods. This is an indication that further national efforts to achieve the aims pursued by this Regulation will likely lead to further fragmentation of the internal market. Therefore, in order to safeguard the functioning of the internal market while ensuring a high level of environmental protection, there is a need for *a* regulatory framework to progressively introduce ecodesign requirements for products. This Regulation will, by making the ecodesign approach initially set out in Directive 2009/125/EC of the European Parliament and of the Council²⁹ applicable to the broadest possible range of products, provide such a framework.

²⁹ Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (Text with EEA relevance) (OJ L 285, 31.10.2009, p. 10).

compatibility of electronic devices to reporting obligations on handling unsold durable goods. This is an indication that further national efforts to achieve the aims pursued by this Regulation will likely lead to further fragmentation of the internal market. Therefore, in order to safeguard the functioning of the internal market while ensuring a high level of environmental protection, there is a need for *an ambitious* regulatory framework to progressively introduce ecodesign requirements for products. This Regulation will, by making the ecodesign approach initially set out in Directive 2009/125/EC of the European Parliament and of the Council²⁹ applicable to the broadest possible range of products, provide such a framework.

²⁹ Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (Text with EEA relevance) (OJ L 285, 31.10.2009, p. 10).

Amendment 5

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) This Regulation will *contribute to making* products fit for a climate-neutral, resource-efficient and circular economy, reducing waste and ensuring that the performance of frontrunners in sustainability progressively becomes the norm. It should provide for the setting of new ecodesign requirements to improve product durability, reusability, upgradability *and reparability*, improve possibilities for refurbishment and maintenance, address the presence of hazardous chemicals in products, increase their energy and resource efficiency,

Amendment

(5) This Regulation will *support production and consumption patterns that are aligned with the Union's overall sustainability targets, including climate, environmental, energy, resource-use and biodiversity, while staying within planetary boundaries, by establishing a legislative framework which contributes to enabling* products fit for a climate-neutral, resource-efficient and circular economy, reducing waste and ensuring that the performance of frontrunners in sustainability progressively becomes the norm. It should provide for the setting of

reduce their expected generation of waste materials and increase recycled content in products, while ensuring their performance and safety, enabling remanufacturing and high-quality recycling and reducing carbon and environmental footprints.

new ecodesign requirements to improve product durability, reusability, upgradability, **recyclability, and repairability**, improve possibilities for refurbishment and maintenance, address the presence of hazardous chemicals in products, increase their energy and resource efficiency, reduce their expected generation of waste materials and increase recycled content in products, while ensuring their performance and safety, enabling remanufacturing and high-quality recycling and reducing carbon and environmental footprints.

Amendment 6

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Practices making products prematurely obsolete or non-functional are negatively affecting consumers, and have a negative impact on the environment due to the increased material use in our economy. To ensure that products have a long lifespan for consumers, to reduce the generation of waste and to contribute to sustainable consumption, this Regulation should address such practices, in particular when they are the result of design choices by manufacturers, when software updates or accessories are not provided within an appropriate period of time, or when the functionality of a product is limited when consumers use consumables, spare parts or accessories not provided by the original manufacturer. As reparability is a cornerstone of a long lifespan for products, the Regulation should also ensure that disassembly of key components is not impeded, and access to repair information and spare parts is not limited to authorised repairers.

Amendment 7

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) The European Parliament, in its Resolution of 25 November 2020 ‘Towards a more sustainable single market for business and consumers’³⁰, **welcomed promoting** durable products which are easier to repair, re-use and recycle. In its report on the New Circular Economy Action Plan adopted on 16 February 2021³¹, the European Parliament **further endorsed the agenda presented by the Commission** in the *CEAP*. It considered that the transition to a circular economy can provide solutions to address the current environmental challenges and the economic crisis brought on by the COVID-19 pandemic. The Council, in its conclusions on ‘Making the Recovery Circular and Green’ adopted on 11 December 2020³², also welcomed the Commission’s intention to submit legislative proposals as part of a comprehensive and integrated sustainable product policy framework that promotes climate neutrality, energy and resource efficiency and a non-toxic circular economy, protects public health and biodiversity, and empowers and protects consumers and public buyers.

Amendment

(6) The European Parliament, in its Resolution of 25 November 2020 ‘Towards a more sustainable single market for business and consumers’³⁰, **called for setting a right framework to ensure the production of** durable products which are easier to repair, re-use and recycle, **while providing increased rights for consumers, including information requirements and longer legal guarantee periods**. In its report on the New Circular Economy Action Plan adopted on 16 February 2021³¹, the European Parliament **underlined that sustainable, circular, safe and non-toxic products and materials should become the norm in the Union market and not the exception and should be seen as the default choice, which is attractive, affordable and accessible for all consumers. The European Parliament also called for Union binding targets to significantly reduce Union material and consumption footprints**. It considered that the transition to a circular economy can provide solutions to address the current environmental challenges and the economic crisis brought on by the COVID-19 pandemic. The Council, in its conclusions on ‘Making the Recovery Circular and Green’ adopted on 11 December 2020³², also welcomed the Commission’s intention to submit legislative proposals as part of a comprehensive and integrated sustainable product policy framework that promotes climate neutrality, energy and resource efficiency and a non-toxic circular economy, protects public health and biodiversity, and empowers and protects consumers and public buyers.

³⁰ P9_TA(2020)0318.

³¹ P9_TA(2021)0040.

³² 13852/20.

³⁰ P9_TA(2020)0318.

³¹ P9_TA(2021)0040.

³² 13852/20.

Amendment 8

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) This Regulation should also contribute to achieving the Union's wider environmental objectives. The 8th Environmental Action Programme³⁸ enshrines in a legal framework the Union's objective of staying within the planetary boundaries and identifies enabling conditions to achieve priority objectives, which include the transition to a non-toxic circular economy. The European Green Deal also calls for the Union to better monitor, report, prevent and remedy air, water, soil and consumer products pollution. This means that chemicals, materials and products have to be *as* safe and sustainable *as possible* by design and during their life cycle, leading to non-toxic material cycles³⁹. In addition, both the European Green Deal and the CEAP recognise that the Union internal market provides a critical mass that is able to influence global standards on product sustainability and product design. This Regulation should therefore play a significant role towards achieving several targets established under the United Nations' Sustainable Development Goals of the UN's 2030 Agenda for Sustainable Development 'Responsible consumption and production'⁴⁰, both inside and outside the Union.

³⁸ Decision (EU) 2022/... of the European

Amendment

(8) This Regulation should also contribute to achieving the Union's wider environmental objectives. The 8th Environmental Action Programme³⁸ enshrines in a legal framework the Union's objective of staying within the planetary boundaries and identifies enabling conditions to achieve priority objectives, which include the transition to a non-toxic circular economy. The European Green Deal also calls for the Union to better monitor, report, prevent and remedy air, water, soil and consumer products pollution. This means that chemicals, materials and products have to be *or become* safe and sustainable by design and during their life cycle, leading to non-toxic material cycles³⁹. In addition, both the European Green Deal and the CEAP recognise that the Union internal market provides a critical mass that is able to influence global standards on product sustainability and product design. This Regulation should therefore play a significant role towards achieving several targets established under the United Nations' Sustainable Development Goals of the UN's 2030 Agenda for Sustainable Development 'Responsible consumption and production'⁴⁰, both inside and outside the Union.

³⁸ Decision (EU) 2022/... of the European

Parliament and of the Council of ... on a General Union Environment Action Programme to 2030 [Add reference when published in OJ – trilogue agreement 2 December 2021].

³⁹ As set out in the EU Action Plan Towards zero pollution for air, water and soil (COM(2021)400 final) and the Chemicals Strategy for Sustainability (COM(2020)667 final), which calls for embracing the zero pollution goals in production and consumption.

⁴⁰ Including in particular targets under SDG 12 (“Responsible consumption and production”).

Parliament and of the Council of ... on a General Union Environment Action Programme to 2030 [Add reference when published in OJ – trilogue agreement 2 December 2021].

³⁹ As set out in the EU Action Plan Towards zero pollution for air, water and soil (COM(2021)400 final) and the Chemicals Strategy for Sustainability (COM(2020)667 final), which calls for embracing the zero pollution goals in production and consumption.

⁴⁰ Including in particular targets under SDG 12 (“Responsible consumption and production”).

Amendment 9

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) The second-hand sector plays a specific role in promoting sustainable production and consumption, including in the development of new circular business models. Due to the specificities of this sector, which is based on prolonging the lifetime of a product and avoiding it becoming waste, second-hand products, in particular products that undergo refurbishment or repair, originating from within the Union should not be considered as new products that are placed on the market or put into service and should therefore not have to comply with ecodesign requirements. Second-hand products imported from third countries should comply with ecodesign requirements, but it should be possible to exempt them provided that certain conditions are met.

Amendment 10

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) In order to improve the environmental sustainability of products and to ensure the free movement of products in the internal market, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by setting out ecodesign requirements. Those ecodesign requirements should in principle apply to specific product groups, such as washing machines or washing machines and washer dryers. In order to maximise the effectiveness of ecodesign requirements and to efficiently improve environmental sustainability of products, it should also be possible to set out one or more horizontal ecodesign requirements for a wider range of products groups, such as electronic appliances or textiles. Horizontal ecodesign requirements should be established where the technical similarities of product groups allow their environmental sustainability to be improved based on the same requirements.

Amendment

(13) In order to improve the environmental sustainability of products and to ensure the free movement of products in the internal market, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by setting out ecodesign requirements. Those ecodesign requirements should in principle apply to specific product groups, such as washing machines or washing machines and washer dryers. In order to maximise the effectiveness of ecodesign requirements and to efficiently improve environmental sustainability of products, it should also be possible to set out one or more horizontal ecodesign requirements for a wider range of products groups, such as electronic appliances or textiles. Horizontal ecodesign requirements should be established where the technical similarities of product groups allow their environmental sustainability to be improved based on the same requirements. ***It is important that horizontal requirements be developed in particular on durability and repairability. Sufficient time should be provided to economic operators to adjust to new ecodesign requirements. Those horizontal requirements should take into account potential environmental benefits stemming from the use of one common charger for several products. Therefore, product groups with technical similarities should be required to be equipped with common chargers.***

Amendment 11

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) In order to allow the Commission to set requirements as appropriate to the product groups covered, ecodesign requirements should include performance and information requirements. Those requirements should be used to improve product aspects **relevant for** environmental sustainability, such as energy efficiency, durability, **reparability** and carbon and environmental footprints. Ecodesign requirements should be transparent, objective, proportionate and in compliance with international trade rules.

Amendment

(14) In order to allow the Commission to set requirements as appropriate to the product groups covered, ecodesign requirements should include performance and information requirements. Those requirements should be used to improve **relevant** product aspects **concerning** environmental sustainability, such as energy efficiency, durability, **reparability, reusability, recyclability**, and carbon and environmental footprints. Ecodesign requirements should be transparent, objective, proportionate and in compliance with international trade rules. ***Those requirements should also be based on the product parameters referred to in Annex I and, in setting them, the Commission should take into account the Union's objectives in the fields of climate, environment and biodiversity, energy efficiency and resource security. Such requirements should contribute to decreasing the Union's environmental, material and consumption footprints in order to bring them within planetary boundaries as soon as possible.***

Amendment 12

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) Once a delegated act setting ecodesign requirements is adopted by the Commission for a given product group, Member States should, in order to ensure the functioning of the internal market, no longer be allowed to set national performance requirements based on product parameters covered by such performance requirements laid down in

Amendment

(15) Once a delegated act setting ecodesign requirements is adopted by the Commission for a given product group, Member States should, in order to ensure the functioning of the internal market, no longer be allowed to set national performance requirements based on product parameters covered by such performance requirements laid down in

that delegated act, and no longer be allowed to set national information requirements based on product parameters covered by such information requirements laid down in that delegated act. In order to ensure the functioning of the internal market, the Commission should be empowered to establish that no ecodesign requirements in the form of performance requirements and/or in the form of information requirements are necessary in relation to a specific product parameter.

that delegated act, and no longer be allowed to set national information requirements based on product parameters covered by such information requirements laid down in that delegated act. In order to ensure the functioning of the internal market, the Commission should be empowered to establish that no ecodesign requirements in the form of performance requirements and/or in the form of information requirements are necessary in relation to a specific product parameter. ***It is important that the Commission duly justify its decision where it decides not to lay down performance or information requirements.***

Amendment 13

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) ***To avoid duplication of efforts and regulatory burden***, consistency should be ensured between this Regulation and requirements set in or pursuant to other Union legislation, especially products, chemicals and waste legislation⁵¹. However, the existence of empowerments under other Union legislation to set requirements with the same or similar effects as requirements under this Regulation does not limit the empowerments included in this Regulation, unless specified in this Regulation.

⁵¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation of the circular economy package - options to address the interface between chemical, product and waste legislation (COM(2018) 32 final).

Amendment

(17) Consistency should be ensured between this Regulation and requirements set in or pursuant to other Union legislation, especially products, chemicals, ***packaging*** and waste legislation⁵¹. However, the existence of empowerments under other Union legislation to set requirements with the same or similar effects as requirements under this Regulation does not limit the empowerments included in this Regulation, unless specified in this Regulation.

⁵¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation of the circular economy package - options to address the interface between chemical, product and waste legislation (COM(2018) 32 final).

Amendment 14

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) In order to take into account the diversity of products, the Commission should select the methods to assess the setting of the ecodesign requirements and, as appropriate, develop them further based on the nature of the product, its most relevant aspects and its impacts over its life cycle. In doing so, the Commission should take account of its experience in assessing the setting of requirements under Directive 2009/125/EC and the continuing efforts to develop and improve science-based assessment tools, such as the update of the methodology for ecodesign of energy-related products, and the Product Environmental Footprint method set out in Commission Recommendation (EU) 2021/2279⁵⁶, including as regards temporary storage of carbon, as well as the development of standards by international and European standardisation organisations, including on the material efficiency of energy-related products. Building on these tools and using dedicated studies when needed, the Commission should further reinforce circularity aspects (such as durability, **repairability** including **repairability** scoring, identification of chemicals hindering re-use and recycling) in the assessment of products **and in** the preparation of ecodesign requirements, and should develop new methods or tools where appropriate. New approaches may also be needed for the preparation of mandatory public procurement criteria and for bans on the destruction of unsold consumer products.

Amendment

(19) In order to take into account the diversity of products, the Commission should select the methods to assess the setting of the ecodesign requirements and, as appropriate, develop them further based on the nature of the product, its most relevant aspects and its impacts over its life cycle. In doing so, the Commission should take account of its experience in assessing the setting of requirements under Directive 2009/125/EC and the continuing efforts to develop and improve science-based assessment tools, such as the update of the methodology for ecodesign of energy-related products, and the Product Environmental Footprint method set out in Commission Recommendation (EU) 2021/2279⁵⁶, including as regards temporary storage of carbon, as well as the development of standards by international and European standardisation organisations, including on the material efficiency of energy-related products, **as well as the area of electrical engineering**. Building on these tools and using dedicated studies when needed, the Commission should further reinforce circularity aspects (such as durability, **repairability** including **repairability** scoring, **recyclability**, **reusability**, identification of chemicals hindering re-use and recycling) in the assessment of products, **in accordance with a lifecycle approach with a view to** the preparation of ecodesign requirements, and should develop new methods or tools where appropriate. New approaches may also be needed for the preparation of mandatory public procurement criteria and for bans on the destruction of unsold consumer products.

⁵⁶ Commission Recommendation (EU) 2021/2279 of 15 December 2021 on the use of the Environmental Footprint methods to measure and communicate the life cycle environmental performance of products and organisations.

⁵⁶ Commission Recommendation (EU) 2021/2279 of 15 December 2021 on the use of the Environmental Footprint methods to measure and communicate the life cycle environmental performance of products and organisations.

Amendment 15

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) Performance requirements should relate to a selected product parameter relevant to the targeted product aspect for which potential for improving environmental sustainability has been identified. Such requirements may include minimum or maximum levels of performance in relation to the product parameter, non-quantitative requirements that aim to improve performance in relation to the product parameter, or requirements related to a product's functional performance to ensure that the selected performance requirements do not negatively impact the ability of the product to perform the function for which it was designed and marketed. Regarding minimum or maximum levels, they may for example take the form of a limit on energy consumption in the use phase or on the quantities of a given material incorporated in the product, a requirement for minimum quantities of recycled content, or a limit on a specific environmental impact category or on an aggregation of all relevant environmental impacts. An example of a non-quantitative requirement is the prohibition of a specific technical solution that is detrimental to product *repairability*. Performance requirements will be used to ensure the removal of the worst performing products from the market where this is

Amendment

(20) Performance requirements should relate to a selected product parameter relevant to the targeted product aspect for which potential for improving environmental sustainability has been identified. Such requirements may include minimum or maximum levels of performance in relation to the product parameter, non-quantitative requirements that aim to improve performance in relation to the product parameter, or requirements related to a product's functional performance to ensure that the selected performance requirements do not negatively impact the ability of the product to perform the function for which it was designed and marketed. Regarding minimum or maximum levels, they may for example take the form of a limit on energy consumption in the use phase or on the quantities of a given material incorporated in the product, a requirement for minimum quantities of recycled content ***while taking into consideration the availability of recyclates***, or a limit on a specific environmental impact category or on an aggregation of all relevant environmental impacts. An example of a non-quantitative requirement is the prohibition of a specific technical solution that is detrimental to product *repairability*. Performance requirements will be used to ensure the

necessary to contribute to the environmental sustainability objectives of the Regulation.

removal of the worst performing products from the market **and to gradually move to the best performing products** where this is necessary to contribute to the environmental sustainability objectives of the Regulation. ***This Regulation should also consider the use of sustainably-sourced renewable materials in products and address the release of nano- and micro-plastics.***

Amendment 16

Proposal for a regulation Recital 22

Text proposed by the Commission

(22) Chemical safety is a recognised element of product sustainability. It is based on chemicals' intrinsic hazards to health or the environment in combination with specific or generic exposure, and is addressed by chemicals legislation, such as Regulation (EC) No 1935/2004 of the European Parliament and of the Council⁵⁸, Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁵⁹, Regulation (EC) No 1223/2009 of the European Parliament and of the Council⁶⁰, Regulation (EU) 2017/745 of the European Parliament and of the Council⁶¹ and Directive 2009/48/EC of the European Parliament and of the Council⁶². This Regulation should not enable the restriction of substances based on chemical safety, as done under other Union legislation. ***Similarly***, this Regulation should not enable the restriction of substances for reasons related to food safety. Union law on chemicals and food, however, does not allow addressing, through restrictions on certain substances, impacts on sustainability that are unrelated to chemical safety or food safety. To overcome this limitation, this Regulation should allow, under certain conditions, for the restriction, ***primarily for reasons other than chemical***

Amendment

(22) Chemical safety is a recognised element of product sustainability. It is based on chemicals' intrinsic hazards to health or the environment in combination with specific or generic exposure, and is addressed by chemicals legislation, such as Regulation (EC) No 1935/2004 of the European Parliament and of the Council⁵⁸, Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁵⁹, Regulation (EC) No 1223/2009 of the European Parliament and of the Council⁶⁰, Regulation (EU) 2017/745 of the European Parliament and of the Council⁶¹ and Directive 2009/48/EC of the European Parliament and of the Council⁶². This Regulation should not enable the restriction of substances based on chemical safety, as done under other Union legislation, ***unless there is an unacceptable risk to human health or the environment, arising from the use of a substance present in the product or product component when it is placed on the market or during the subsequent stages of its lifecycle.*** This Regulation should not enable the restriction of substances for reasons related to food safety. Union law on chemicals and food, however, does not allow addressing, through restrictions on certain substances,

or food safety, of substances present in products *or used in their manufacturing processes* which negatively affect products' sustainability. This Regulation *also* should not result in the duplication or replacement of restrictions of substances covered by Directive 2011/65/EU of the European Parliament and of the Council⁶³, which has as its objective the protection of human health and the environment, including the environmentally sound recovery and disposal of waste from electrical and electronic equipment

impacts on sustainability that are unrelated to chemical safety or food safety. To overcome this limitation, this Regulation should allow, under certain conditions, for the restriction, of substances present in products which negatively affect products' sustainability. This Regulation should *complement, where necessary, but* not result in the duplication or replacement of restrictions of substances covered by Directive 2011/65/EU of the European Parliament and of the Council⁶³, which has as its objective the protection of human health and the environment, including the environmentally sound recovery and disposal of waste from electrical and electronic equipment.

⁵⁸ Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338, 13.11.2004, p. 4).

⁵⁹ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

⁶⁰ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59).

⁶¹ Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU

⁵⁸ Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338, 13.11.2004, p. 4).

⁵⁹ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

⁶⁰ Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59).

⁶¹ Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU

(OJ L 117, 5.5.2017, p. 176).

⁶² Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1).

⁶³ Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011, p. 88).

(OJ L 117, 5.5.2017, p. 176).

⁶² Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1).

⁶³ Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011, p. 88).

Amendment 17

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) To improve environmental sustainability of products, information requirements should relate to a selected product parameter relevant to the product aspect, such as the product's environmental footprint *or* its durability. They *may* require manufacturer to make available information on the product's performance in relation to a selected product parameter or other information that may influence the way the product is handled by parties other than the manufacturer in order to improve performance in relation to such a parameter. Such information requirements should be set either in addition to, or in place of, performance requirements on the same product parameter as appropriate. Where a delegated act includes information requirements, it should indicate the method for making the required information available, such as its inclusion on a free-access website, product passport or product label. Information requirements are necessary to lead to the behavioural change needed to ensure that the environmental sustainability objectives of this Regulation are achieved. By providing a solid basis for purchasers and public authorities to

Amendment

(23) To improve environmental sustainability of products, information requirements should relate to a selected product parameter relevant to the product aspect, such as the product's environmental *and carbon* footprint *and* its durability. They *should* require manufacturer to make available information on the product's performance in relation to a selected product parameter or other information that may influence the way the product is handled by parties other than the manufacturer in order to improve performance in relation to such a parameter. Such information requirements should be set either in addition to, or in place of, performance requirements on the same product parameter as appropriate. *It is important that the Commission duly justify its decision to only lay down information requirements instead of performance requirements.* Where a delegated act includes information requirements, it should indicate the method for making the required information available *and easily accessible*, such as its inclusion on a free-access website, product passport or product label. *Essential*

compare products on the basis of their environmental sustainability, information requirements are expected to drive consumers and public authorities towards more sustainable choices.

information relating to the health, safety and rights of end-users should always be provided to consumers by physical means and be accessible through a data carrier included on the product. Information requirements are necessary to lead to the behavioural change needed to ensure that the environmental sustainability objectives of this Regulation are achieved.
Information relevant for an informed purchasing decision should be provided to the consumer prior to the purchase of the product. By providing a solid basis for purchasers and public authorities to compare products on the basis of their environmental sustainability, information requirements are expected to drive consumers and public authorities towards more sustainable choices.

Amendment 18

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) Where delegated acts include information requirements, they may in addition determine classes of performance in relation to one or more relevant product parameters, in order to facilitate comparison between products on the basis of that parameter. Classes of performance should enable differentiation of products based on their relative sustainability and could be used by both consumers and public authorities. As such, they are intended to drive the market towards more sustainable products.

Amendment

(24) Where delegated acts include information requirements, they may in addition determine classes of performance in relation to one or more relevant product parameters, in order to facilitate comparison between products on the basis of that parameter. Classes of performance should enable differentiation of products based on their relative sustainability and could be used by both consumers and public authorities. As such, they are intended to drive the market towards more sustainable products ***without compromising functionality. As information requirements on the durability and repairability of products play a central role as regards consumers engaging in sustainable consumption patterns, this Regulation should enable the establishment of repairability scores.***

Amendment 19

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) The information requirements set under this Regulation should include the requirement to make available a product passport. The product passport is an important tool for making information available to actors along the entire value chain and the availability of a product passport should significantly enhance **end-to-end** traceability of a product throughout its value chain. Among other things, the product passport should help consumers make informed choices by improving their access to **product information** relevant **to them**, allow economic operators other value chain actors such as repairers or recyclers to access relevant information, and enable competent national authorities to perform their duties. To this end, the product passport should not replace but complement non-digital forms of transmitting information, such as information in the product manual or **on a** label. In addition, it should be possible for the product passport to be used for information on other sustainability aspects applicable to the relevant product group pursuant to other Union legislation.

Amendment

(26) The information requirements set under this Regulation should include the requirement to make available a product passport. The product passport is an important tool for making information available to actors along the entire value chain and the availability of a product passport should significantly enhance **end-to-end** traceability of a product throughout its value chain. Among other things, the product passport should help consumers make informed choices by improving their access to relevant **product**, allow economic operators **and** other value chain actors, such as **professional** repairers, **independent operators, refurbishers** or recyclers to access relevant information and enable competent national authorities to perform their duties, **without endangering the protection of confidential business information**. To this end, the product passport should not replace, but complement non-digital forms of transmitting information, such as information in the product manual or **the** label. In addition, it should be possible for the product passport to be used for information on other sustainability aspects applicable to the relevant product group pursuant to other Union legislation.

Amendment 20

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) To take account of the nature of the

Amendment

(27) To take account of the nature of the

product and its market, the information to be included in the product passport should be carefully examined on a case-by-case basis when preparing product-specific rules. To optimise access to the resulting information while also protecting intellectual property rights, the product passport needs to be designed and implemented allowing differentiated access to the information included in the product passport depending on the type of information and the typology of stakeholders. Similarly, to avoid costs to companies and the public that are disproportionate to the wider benefits, the product passport should be specific to the item, batch or product model, depending on for example the complexity of the value chain, the size, nature or impacts of the products considered.

product and its market, the information to be included in the product passport should be carefully examined on a case-by-case basis when preparing product-specific rules, ***taking into consideration the cases of unique items and protection of confidential business information***. To optimise access to the resulting information while also protecting intellectual property rights, the product passport needs to be designed and implemented allowing differentiated access to the information included in the product passport depending on the type of information and the typology of stakeholders. Similarly, to avoid costs to companies and the public that are disproportionate to the wider benefits, the product passport should be specific to the item, batch or product model, depending on for example the complexity of the value chain, the size, nature or impacts of the products considered. ***The product passport should remain available for at least the expected lifetime of a specific product, but with an adequate margin to ensure the product passport is available in cases in which the product lasts for longer than expected.***

Amendment 21

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) In order to ensure interoperability, the types of permitted data carriers should be specified. For the same reason, the data carrier and the unique product identifier should be released in accordance with internationally recognised standards. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend this Regulation by replacing or adding standards in accordance with which the data carrier and the unique identifiers may be released, in

Amendment

(28) In order to ensure interoperability, the types of permitted data carriers should be specified. For the same reason, the data carrier and the unique product identifier should be released in accordance with internationally recognised standards. ***The data should be transferable through an open interoperable data exchange network without vendor lock-in.*** The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend this Regulation

light of technical or scientific progress. This should ensure that the information contained in the product passport can be recorded and transmitted by all economic operators, as well as to guarantee the compatibility of the unique identifier with external components such as scanning devices.

by replacing or adding standards in accordance with which the data carrier and the unique identifiers may be released, in light of technical or scientific progress. This should ensure that the information contained in the product passport can be recorded and transmitted by all economic operators, as well as to guarantee the compatibility of the unique identifier with external components such as scanning devices.

Amendment 22

Proposal for a regulation Recital 29

Text proposed by the Commission

(29) In order to not unnecessarily delay the establishment of ecodesign requirements other than on the product passport or to ensure that product passports can be effectively implemented, the Commission should be allowed to exempt product groups from the product passport requirements in case technical specifications are not available in relation to the essential requirements for the technical design and operation of the product passport. Similarly, in order to prevent unnecessary administrative burden for economic operator, the Commission should be allowed to exempt product groups from the product passport requirements in case other Union law already includes a system for the digital provision of product information allowing actors along the value chain to access relevant product information and facilitating the verification of product compliance by competent national authorities. These exemptions should be periodically reviewed taking into account further availability of technical specifications.

Amendment

(29) In order to not unnecessarily delay the establishment of ecodesign requirements other than on the product passport or to ensure that product passports can be effectively implemented, the Commission should be allowed to exempt product groups from the product passport requirements in case technical specifications are not available in relation to the essential requirements for the technical design and operation of the product passport. Similarly, in order to prevent unnecessary administrative burden for economic operator, the Commission should be allowed to exempt product groups from the product passport requirements ***exceptionally*** in case other Union law already includes a system for the digital provision of product information allowing actors along the value chain to access relevant product information and facilitating the verification of product compliance by competent national authorities. These exemptions should be periodically reviewed taking into account further availability of technical specifications ***and ended where possible***.

Amendment 23

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) To ensure the effective roll-out of the product passport, technical design, data requirements and operation of the product passport should adhere to a set of essential technical requirements. Such requirements should provide a basis for the consistent deployment of the product passport across sectors. Technical specifications should be established to ensure the effective implementation of those essential requirements, either in the form of harmonised standard referenced in the Official Journal or, as a fall-back option, common specification adopted by the Commission. The technical design should ensure that the product passport carries data in a secure way, respecting privacy rules. The digital product passport will be developed in an open dialogue with international partners, in order to take account of their views when developing technical specifications and to ensure that they help remove trade barriers for greener products **and** lower costs for sustainable investments, marketing and compliance. Technical specifications and requirements related to traceability across the value chain should, in order to allow for their effective implementation, to the extent possible be developed based on a consensual approach and on the involvement, buy-in, and effective collaboration of a diverse set of actors, including standardisation bodies, industry associations, consumer organisations, experts, NGOs and international partners, including developing economies.

Amendment

(33) To ensure the effective roll-out of the product passport, technical design, data requirements and operation of the product passport should adhere to a set of essential technical requirements. Such requirements should provide a basis for the consistent deployment of the product passport across sectors. Technical specifications should be established to ensure the effective implementation of those essential requirements, either in the form of harmonised standard referenced in the Official Journal or, as a fall-back option, common specification adopted by the Commission. The technical design should ensure that the product passport carries data in a secure way, respecting privacy rules. The digital product passport will be developed in an open dialogue with international partners, in order to take account of their views when developing technical specifications and to ensure that they help remove trade barriers for greener products **with extended lifecycles and circularity**, lower costs for sustainable investments, marketing and compliance **and supporting innovation**. Technical specifications and requirements related to traceability across the value chain should, in order to allow for their effective implementation, to the extent possible be developed based on a consensual approach and on the involvement, buy-in, and effective collaboration of a diverse set of actors, including standardisation bodies, industry associations, **start-ups**, consumer organisations, experts, NGOs and international partners, including developing economies.

Amendment 24

Proposal for a regulation Recital 35

Text proposed by the Commission

(35) Any processing of personal data pursuant to this Regulation should comply with the applicable rules on the protection of personal data. Processing of personal data by the competent national authorities within Member States should be carried out in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council⁶⁶. Processing of personal data by the Commission should be carried out in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council⁶⁷.

⁶⁶ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

⁶⁷ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Amendment

(35) Any processing of personal data pursuant to this Regulation should comply with the applicable rules on the protection of personal data. Processing of personal data by the competent national authorities within Member States should be carried out in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council⁶⁶ ***with particular attention being paid to the principles of data protection by design and by default.*** Processing of personal data by the Commission should be carried out in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council⁶⁷. ***Personal data of end-users should not be stored in the digital product passport.***

⁶⁶ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

⁶⁷ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Amendment 25

Proposal for a regulation
Recital 39

Text proposed by the Commission

(39) To drive consumers towards **more** sustainable choices, labels should, when required by the delegated acts adopted pursuant to this Regulation, provide information allowing for the effective comparison of products, for instance by indicating classes of performance. Specifically for consumers, physical labels can be an additional source of information at the place of sale. They can provide a quick visual basis for consumers to distinguish between products based on their performance in relation to a specific product parameter or set of product parameters. They should, where appropriate, also allow for the accessing of additional information by bearing specific references like website addresses, dynamic QR codes, links to online labels or any appropriate consumer-oriented means. The Commission should set out in the relevant delegated act the most effective way of displaying such labels, including in the case of online distance selling, taking into account the implications for customers and economic operators and the characteristics of the products concerned. The Commission may also require the label to be printed on the packaging of the product.

Amendment 26

Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) Consumers should be protected from misleading information that could hamper their choices for more sustainable products. For this reasons it should be prohibited to place on the market products

Amendment

(39) To drive consumers towards sustainable choices, labels should, when required by the delegated acts adopted pursuant to this Regulation, provide **clear and easily understandable** information allowing for the effective comparison of products, for instance by indicating classes of performance. Specifically for consumers, physical labels can be an additional source of information at the place of sale. They can provide a quick visual basis for consumers to distinguish between products based on their performance in relation to a specific product parameter or set of product parameters. They should, where appropriate, also allow for the accessing of additional information by bearing specific references like website addresses, dynamic QR codes, links to online labels or any appropriate consumer-oriented means. The Commission should set out in the relevant delegated act the most effective way of displaying such labels, including in the case of online distance selling, taking into account the implications for customers and economic operators and the characteristics of the products concerned. The Commission may also require the label to be printed on the packaging of the product.

Amendment

(41) Consumers should be protected from misleading information that could hamper their choices for more sustainable products. For this reasons it should be prohibited to place on the market products

bearing a label mimicking the labels provided for in this Regulation.

bearing a label ***with misleading or contradictory information or*** mimicking the labels provided for in this Regulation. ***However, it should be possible to continue to display an EU Ecolabel or other existing type I ecolabels as set out in Regulation (EC) No 66/2010.***

Amendment 27
Proposal for a regulation
Recital 42

Text proposed by the Commission

(42) To deliver in the most efficient way on the European Green Deal's objectives and to address the most impactful products first, the Commission should carry out a prioritisation of products to be regulated under this Regulation and requirements that will apply to them. Based on the process followed for prioritisation under Directive 2009/125/EC, the Commission should adopt a working plan, covering at least 3 years, laying down a list of product groups for which it plans to adopt delegated acts as well as the product aspects for which it intends to adopt delegated acts of horizontal application. The Commission should base its prioritisation on a set of criteria pertaining in particular to the delegated acts' ***potential*** contribution to the Union climate, environmental and energy objectives and their potential for improving the product aspects selected without disproportionate costs to the public and economic operators. Considering their importance for meeting the Union's energy objectives, the working plans should include an adequate share of actions related to energy-related products. Member States and stakeholders should also be consulted through the Ecodesign Forum. Due to the complementarities between this Regulation and Regulation (EU) 2017/1369 for energy-related products, the timelines for the working plan under this Regulation and the one

Amendment

(42) To deliver in the most efficient way on the European Green Deal's objectives and to address the most impactful products first, the Commission should carry out a prioritisation of products to be regulated under this Regulation and requirements that will apply to them. Based on the process followed for prioritisation under Directive 2009/125/EC, the Commission should adopt a working plan, covering at least 3 years, laying down a list of product groups for which it plans to adopt delegated acts as well as the product aspects for which it intends to adopt delegated acts of horizontal application, ***and the estimated timelines for their establishment. The working plan and its updates should be publicly available and presented to the European Parliament before their adoption.*** The Commission should ***consider in particular those product groups identified in this Regulation,*** and base its prioritisation on a set of criteria pertaining in particular to the delegated acts' contribution to the Union climate, environmental and energy objectives and their potential for improving the product aspects selected without disproportionate costs to the public and economic operators. Considering their importance for meeting the Union's energy objectives, the working plans should include an adequate share of actions related to energy-related products. Member States

provided for under Article 15 of Regulation (EU) 2017/1369 should be aligned.

and stakeholders should also be consulted through the Ecodesign Forum. Due to the complementarities between this Regulation and Regulation (EU) 2017/1369 for energy-related products, the timelines for the working plan under this Regulation and the one provided for under Article 15 of Regulation (EU) 2017/1369 should be aligned.

Amendment 28
Proposal for a regulation
Recital 42 a (new)

Text proposed by the Commission

Amendment

(42a) The cement industry, as one of the most energy-, material- and carbon-intensive sectors, is currently responsible for around 7% of global and 4% of EU CO₂ emissions^{1a}, which makes it a key sector for alignment with the Paris climate agreement and the Union's climate objectives as quickly as possible. While construction products, including cement, are to be covered under [the forthcoming Regulation laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011 (2022/0094 COD)], they remain under the scope of this Regulation. To avoid a lack of product requirements urgently needed to reach our climate and environment objectives, any absence of adequate performance and information requirements for these products under [the forthcoming Regulation laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011 (2022/0094 COD)] should trigger their inclusion in the next working plan of this Regulation.

^{1a} Decarbonisation options for the cement industry, EUR 31378 EN, Publications Office of the European Union, Luxembourg, 2023, ISBN 978-92-76-61599-6, doi:10.2760/174037, JRC131246.

Amendment 29

Proposal for a regulation

Recital 43

Text proposed by the Commission

(43) ***In addressing construction products, this Regulation should set requirements on final products only when the obligations created by [the revised Construction Products Regulation] and its implementation are unlikely to sufficiently achieve the environmental sustainability objectives pursued by this Regulation.*** In addition, when formulating working plans, the Commission should take into account that, in continuation of current practice, [the revised Construction Products Regulation] will, in relation to energy-related products that are also construction products, give prevalence to sustainability requirements set under this Regulation. This should be the case for instance for heaters, boilers, heat pumps, water and space heating appliances, fans, cooling and ventilating systems and photovoltaic products (excluding building-integrated photovoltaic panels). For these products, [the revised Construction Products Regulation] may intervene in a complementary manner where needed, mainly in relation to safety aspects, also taking account of other Union legislation on products such as on gas appliances, low voltage, and machinery.

Amendment

(43) When formulating working plans, the Commission should take into account that, in continuation of current practice, [the revised Construction Products Regulation] will, in relation to energy-related products that are also construction products, give prevalence to sustainability requirements set under this Regulation. This should be the case for instance for heaters, boilers, heat pumps, water and space heating appliances, fans, cooling and ventilating systems and photovoltaic products (excluding building-integrated photovoltaic panels). For these products, [the revised Construction Products Regulation] may intervene in a complementary manner where needed, mainly in relation to safety aspects, also taking account of other Union legislation on products such as on gas appliances, low voltage, and machinery.

Amendment 30

Proposal for a regulation

Recital 44

(44) In order to encourage self-regulation as a valid alternative to regulatory approaches, this Regulation should, in continuation of Directive 2009/125/EC, include the possibility for industry to submit self-regulation measures. The Commission should assess the **self-regulation** measures proposed by industry, along with the information and evidence submitted by the signatories, including in light of the international trade commitments of the Union and the need to ensure coherence with Union law. **In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on** the Commission to adopt and update an act listing the self-regulation measures considered as valid alternatives to a delegated act setting ecodesign requirements. It is also appropriate, for instance in view of relevant market or technological developments within the product group concerned, that the Commission be able to request a revised version of the self-regulation measure whenever considered necessary. Once a self-regulation measure is listed in **an implementing** act, there is a legitimate expectation for economic operators that the Commission will not adopt a delegated act establishing ecodesign requirements for this specific product group. However, it is not excluded that the Commission may adopt horizontal ecodesign requirements also applying to the products covered by a recognised self-regulation measure for the product aspects not addressed by that **self-regulation** measure. Where the Commission considers that a **self-regulation** measure no longer fulfils the criteria set in this Regulation, it should remove that self-regulation from the **implementing** act listing the recognised self-regulation measures. Consequently, ecodesign requirements may then be

(44) In order to encourage self-regulation as a valid alternative to regulatory approaches, this Regulation should, in continuation of Directive 2009/125/EC, include the possibility for industry to submit self-regulation measures **when those products or product groups are not included in the ecodesign working plan. Self-regulation measures should be aligned with the objectives of this Regulation.** The Commission should assess the **self-regulation** measures proposed by industry, along with the information and evidence submitted by the signatories, including in light of the international trade commitments of the Union and the need to ensure coherence with Union law. The Commission **is empowered to adopt delegated acts** to adopt and update an act listing the self-regulation measures considered as valid alternatives to a delegated act setting ecodesign requirements. It is also appropriate, for instance in view of relevant market or technological developments within the product group concerned, that the Commission be able to request a revised version of the self-regulation measure whenever considered necessary. Once a self-regulation measure is listed in **a delegated** act, there is a legitimate expectation for economic operators that the Commission will not adopt a delegated act establishing ecodesign requirements for this specific product group. However, it is not excluded that the Commission may adopt horizontal ecodesign requirements also applying to the products covered by a recognised self-regulation measure for the product aspects not addressed by that **self-regulation** measure. Where the Commission considers that a **self-regulation** measure no longer fulfils the criteria set in this Regulation, it should remove that self-regulation from the **delegated** act listing the recognised self-

established for the product groups previously addressed by the self-regulation measure, in accordance with this Regulation.

regulation measures. Consequently, ecodesign requirements may then be established for the product groups previously addressed by the self-regulation measure, in accordance with this Regulation.

Amendment 31
Proposal for a regulation
Recital 45

Text proposed by the Commission

(45) Micro, small and medium-sized enterprises (SMEs) could greatly benefit from an increase in the demand for sustainable products but could also face costs and difficulties with some of the requirements. The Member States and the Commission should, in their respective areas of responsibility, provide adequate information, ensure targeted and specialised training, and provide specific assistance and support, including financial, to SMEs active in the manufacturing of products for which ecodesign requirements are set. Those *actions* should, *for example, cover the calculation of the product environmental footprint and the technical implementation of* the product passport. Member States actions should be taken in respect of applicable State aid rules.

Amendment

(45) Micro, small and medium-sized enterprises (SMEs) could greatly benefit from an increase in the demand for sustainable products but could also face costs and difficulties with some of the requirements. ***In order to support SMEs,*** the Member States and the Commission should, in their respective areas of responsibility, provide adequate information, ensure targeted and specialised training, and provide specific assistance and support, including, ***through existing funding and financing tools*** financial, to ***micro-enterprises and*** SMEs active in the manufacturing of products for which ecodesign requirements are set. Those ***measures*** should ***at least include specific mechanisms to facilitate compliance with the requirements set out in*** the product passport ***and with conducting life-cycle assessments.*** Member States actions should be taken in respect of applicable State aid rules.

Amendment 32
Proposal for a regulation
Recital 46

Text proposed by the Commission

(46) The destruction of unsold consumer products, such as textiles and footwear, by economic operators is becoming a

Amendment

(46) The destruction of unsold consumer products, such as textiles and footwear ***as well as electrical and electronic***

widespread environmental problem across the Union, in particular due to the rapid growth of online sales. It amounts to a loss of valuable economic resources as goods are produced, transported and afterwards destroyed without ever being used for their intended purpose. It is therefore necessary, in the interest of environmental protection, that this Regulation establishes a framework to prevent the destruction of unsold products primarily intended for consumers pursuant to Directive (EU) 2019/771 of the European Parliament and of the Council⁶⁹, including products that have been returned by a consumer in view of their right of withdrawal as laid down by Directive (EU) 2011/83/EU of the European Parliament and of the Council⁷⁰. This will reduce the environmental impact of those products by reducing the generation of waste and by disincentivising overproduction of products. In addition, given that several Member States have introduced national legislation on the destruction of unsold consumer products thereby creating market distortions, harmonised rules on the destruction of unsold consumer products are necessary to ensure that distributors, retailers and other economic operators are subject to the same rules and incentives across Member States.

⁶⁹ Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 6).

⁷⁰ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European

equipment or devices by economic operators is becoming a widespread environmental problem across the Union, in particular due to the rapid growth of online sales. It amounts to a loss of valuable economic resources as goods are produced, transported and afterwards destroyed without ever being used for their intended purpose. It is therefore necessary, in the interest of environmental protection, that this Regulation establishes a framework to prevent the destruction of unsold products primarily intended for consumers pursuant to Directive (EU) 2019/771 of the European Parliament and of the Council⁶⁹, including products that have been returned by a consumer in view of their right of withdrawal as laid down by Directive (EU) 2011/83/EU of the European Parliament and of the Council⁷⁰. This will reduce the environmental impact of those products by reducing the generation of waste and by disincentivising overproduction of products. In addition, given that several Member States have introduced national legislation on the destruction of unsold consumer products thereby creating market distortions, harmonised rules on the destruction of unsold consumer products are necessary to ensure that distributors, retailers and other economic operators are subject to the same rules and incentives across Member States.

⁶⁹ Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 6).

⁷⁰ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European

Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

Amendment 33
Proposal for a regulation
Recital 47

Text proposed by the Commission

(47) To dis-incentivise the destruction of unsold consumer products and to further generate data on the occurrence of this practice, this Regulation should introduce a transparency obligation for economic operators holding consumer products in the Union, requiring them to disclose information on the number of unsold consumer products discarded per year. **The economic operator** should indicate the product type or category, the reasons for their discarding and their delivery for subsequent waste treatment operations. **While economic operators should be free to determine how to disclose that information in a manner appropriate to their business environment**, it should be considered a best practice to include the required information in a publicly available non-financial statement drafted in accordance with Article 19a of Directive 2013/34/EU of the European Parliament and of the Council⁷¹ where applicable.

⁷¹ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).

Amendment

(47) To dis-incentivise the destruction of unsold consumer products and to further generate data on the occurrence of this practice, this Regulation should introduce a transparency obligation for economic operators holding consumer products in the Union, requiring them to disclose information on the number of unsold consumer products discarded per year **on a website of the Commission**. Economic operators should indicate the product type or category, the reasons for their discarding and their delivery for subsequent waste treatment operations. It should **also** be considered a best practice to include the required information in a publicly available non-financial statement drafted in accordance with Article 19a of Directive 2013/34/EU of the European Parliament and of the Council⁷¹ where applicable.

⁷¹ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).

Amendment 34
Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) In order to avoid the destruction of unsold consumer products, where the destruction of such products is prevalent, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by prohibiting the destruction of such products. Given the wide range of products that may potentially be destroyed without ever being sold or used, it is necessary to establish such empowerment in this Regulation. However, the prohibition set in the delegated acts should apply to specific product groups to be determined based on an assessment by the Commission of the extent to which the destruction of such products takes place in practice, taking into account the information made available by economic operators where appropriate. To ensure that this obligation is proportionate, the Commission should consider specific exemptions under which destroying unsold consumer products may still be permitted, for instance in view of health and safety concerns. To monitor the effectiveness of this prohibition and to dis-incentivise circumvention, economic operators should be required to disclose the number of unsold consumer products destroyed and the reasons for their destruction under applicable exemptions. Finally, to avoid any undue administrative burden on **SMEs**, they should be exempted from the obligations to disclose their unsold discarded products and from the prohibition to discard specific products groups set in delegated acts. However, where there is reasonable evidence that **SMEs** may be used to circumvent those obligations, the Commission should be

Amendment

(48) In order to avoid the destruction of unsold consumer products, where the destruction of such products is prevalent, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by prohibiting the destruction of such products. Given the wide range of products that may potentially be destroyed without ever being sold or used, it is necessary to establish such empowerment in this Regulation. However, the prohibition set in the delegated acts should apply to specific product groups to be determined based on an assessment by the Commission of the extent to which the destruction of such products takes place in practice, taking into account the information made available by economic operators where appropriate. To ensure that this obligation is proportionate, the Commission should consider specific exemptions under which destroying unsold consumer products may still be permitted, for instance in view of health and safety concerns. ***The Commission should also provide economic operators with sufficient time to adjust to the new requirements of such a ban.*** To monitor the effectiveness of this prohibition and to dis-incentivise circumvention, economic operators should be required to disclose the number of unsold consumer products destroyed and the reasons for their destruction under applicable exemptions. Finally, to avoid any undue administrative burden on **small, medium and micro-enterprises**, they should be exempted from the obligations to disclose their unsold discarded products and from the prohibition to discard specific products

able to require, in those delegated acts, for some product groups, that these obligations also apply to micro, small or medium sized enterprises.

groups set in delegated acts. However, where there is reasonable evidence that ***small, medium, micro-enterprises*** may be used to circumvent those obligations, the Commission should be able to require, in those delegated acts, for some product groups, that these obligations also apply to micro, small or medium sized enterprises. ***One year after ... [the date of the entry into force of this Regulation], the destruction of unsold consumer products by economic operators should be prohibited for textiles and footwear, as well as for electrical and electronic equipment, given that sufficient evidence exists to demonstrate that the destruction of such products is taking place and is harmful for the environment.***

Amendment 35
Proposal for a regulation
Recital 59

Text proposed by the Commission

(59) It is essential that online marketplaces cooperate closely with the market surveillance authorities. An obligation of cooperation with market surveillance authorities is imposed on information society service providers under Article 7(2) of Regulation (EU) 2019/1020 of the European Parliament and of the Council⁷⁴ in relation to products covered by that Regulation, including products for which ecodesign requirements are set. ***To further improve cooperation to tackle illegal content related to non-compliant products, this Regulation should include concrete obligations to put this cooperation into practice as regards online marketplaces. For instance, market surveillance authorities are constantly improving the technological tools they use for online market surveillance in order to identify non-compliant products sold online. For these tools to be operational, online marketplaces should grant access to***

Amendment

(59) It is essential that online marketplaces cooperate closely with the market surveillance authorities. An obligation of cooperation with market surveillance authorities is imposed on information society service providers under Article 7(2) of Regulation (EU) 2019/1020 of the European Parliament and of the Council⁷⁴ in relation to products covered by that Regulation, including products for which ecodesign requirements are set. ***In order to keep pace with technological development and new means of sale, the compliance by design obligations laid down for providers of online marketplaces in Article 31 of Regulation (EU) 2022/2065 of the European Parliament and of the Council^{74a} should apply for the purpose of information required by Article 25 and 30(1) of this Regulation and, where applicable, for the requirements laid down in the delegated acts adopted pursuant to Article 4 of this***

their interfaces. Moreover, market surveillance authorities may also need to scrape data from the online marketplaces.

*Regulation. The enforcement of those obligations should be subject to the rules laid down in Chapter IV of Regulation (EU) 2022/2065. For the purposes of Article 31, paragraph 3, of Regulation (EU) 2022/2065, providers of online marketplaces should **make use at least of the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020. It should be possible for the single point of contact under this Regulation to be the same as the point of contact under Article 11 of Regulation (EU) 2022/2065, without endangering the objective of treating issues linked to product safety in a swift and specific manner.***

⁷⁴ Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L169, 25.6.2019, p. 1).

⁷⁴ Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L169, 25.6.2019, p. 1).

^{74a} **Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).**

Amendment 36

Proposal for a regulation

Recital 68

Text proposed by the Commission

(68) In the absence of harmonised standards, recourse to common specifications should be used as a fall-back solution to facilitate the manufacturer's obligation to comply with ecodesign requirements, for instance when the standardisation process is blocked due to lack of consensus between stakeholders or

Amendment

(68) ***The current Union standardisation framework which is based on the principles of the so-called 'New Approach' and on Regulation (EU) 1025/2012 represents the framework to elaborate standards that provide a presumption of conformity with the relevant requirements set out in this***

where there are undue delays in establishing a harmonised standard. Such delays could for example occur when the required quality is not reached. In addition, recourse to this solution should be possible where the Commission has restricted or withdrawn the references to relevant harmonised standards in line with Article 11(5) of Regulation (EU) No 1025/2012. Compliance with common specifications should also give rise to the presumption of conformity.

Regulation. In the absence of *relevant references to* harmonised standards, recourse to common specifications, *via the adoption of implementing acts*, should be used as a fall-back solution to facilitate the manufacturer's obligation to comply with ecodesign requirements, for instance when the standardisation process is blocked due to lack of consensus between stakeholders or where there are undue delays in establishing a harmonised standard *and the prescribed deadline cannot be respected*. Such delays could for example occur when the required quality is not reached. In addition, recourse to this solution should be possible where the Commission has restricted or withdrawn the references to relevant harmonised standards in line with Article 11(5) of Regulation (EU) No 1025/2012. Compliance with common specifications should also give rise to the presumption of conformity. ***In order to ensure efficiency, the Commission should involve relevant stakeholders in the process of establishing the common specifications that cover the ecodesign requirements of this Regulation.***

Amendment 37
Proposal for a regulation
Recital 86

Text proposed by the Commission

(86) In order to incentivise consumers to make sustainable choices, in particular when the more sustainable products are not affordable enough, mechanisms such as eco-vouchers and green taxation should be provided for. When Member States decide to make use of incentives to reward the best-performing products among those for which classes of performance have been set by delegated acts pursuant to this Regulation, they should do so by targeting those incentives at the highest two populated classes of performance, unless otherwise indicated by the relevant

Amendment

(86) In order to incentivise consumers to make sustainable choices, in particular when the more sustainable products are not affordable enough, mechanisms such as eco-vouchers ***that can only be used to purchase products and services respecting the environment***, and green taxation should be provided for. When Member States decide to make use of incentives to reward the best-performing products among those for which classes of performance have been set by delegated acts pursuant to this Regulation, they should do so by targeting those incentives

delegated act. However, Member States should not be able to prohibit the placing on the market of a product based on its class of performance. For the same reason, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by further specifying which product parameters or related levels of performance Member States' incentives concern in case no class of performance is determined in the applicable delegated act or where classes of performance are established in relation to more than one product parameter. The introduction of Member State incentives should be without prejudice to the application of the Union State aid rules.

at the highest two populated classes of performance, unless otherwise indicated by the relevant delegated act. However, Member States should not be able to prohibit the placing on the market of a product based on its class of performance. For the same reason, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by further specifying which product parameters or related levels of performance Member States' incentives concern in case no class of performance is determined in the applicable delegated act or where classes of performance are established in relation to more than one product parameter. The introduction of Member State incentives should be without prejudice to the application of the Union State aid rules.

Amendment 38
Proposal for a regulation
Recital 87

Text proposed by the Commission

(87) Public procurement amounts to 14% of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects public health and biodiversity, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to require, where appropriate, contracting authorities and entities as defined in Directive 2014/24/EU⁷⁸ and 2014/25/EU⁷⁹ of the European Parliament and of the Council, to align their procurement with specific green public procurement criteria or targets, to be set out in the delegated acts adopted pursuant to this Regulation. The criteria or targets set by delegated acts for specific product groups should be complied with not only when directly procuring those products in public supply contracts but also

Amendment

(87) Public procurement amounts to 14% of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects public health and biodiversity, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to require, where appropriate, contracting authorities and entities as defined in Directive 2014/24/EU⁷⁸ and 2014/25/EU⁷⁹ of the European Parliament and of the Council, to align their procurement with specific green public procurement criteria or targets, to be set out in the delegated acts adopted pursuant to this Regulation. The criteria or targets set by delegated acts for specific product groups should be complied with not only when directly procuring those products in public supply contracts but also

in public works or public services contracts where those products will be used for activities constituting the subject matter of those contracts. Compared to a voluntary approach, mandatory criteria or targets will ensure that the leverage of public spending to boost demand for better performing products is maximised. The criteria should be transparent, objective and non-discriminatory.

⁷⁸ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

⁷⁹ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

Amendment 39 **Proposal for a regulation** **Recital 88**

Text proposed by the Commission

(88) Effective enforcement of ecodesign requirements is essential to ensure equal competition in the Union market and to ensure that this Regulation's expected benefits and contribution to achieving the Union's climate, energy and circularity objectives are achieved. Therefore, Regulation (EU) 2019/1020 setting out a horizontal framework for market surveillance and control of products entering the Union market should apply to products for which ecodesign requirements are set pursuant to this Regulation, in so far as there are no specific provisions with the same objective, nature or effect in this Regulation. In addition, to lower the

in public works or public services contracts where those products will be used for activities constituting the subject matter of those contracts. Compared to a voluntary approach, mandatory criteria or targets will ensure that the leverage of public spending to boost demand for better performing products is maximised **in all Member States**. The criteria should be transparent, objective and non-discriminatory.

⁷⁸ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

⁷⁹ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

Amendment

(88) Effective enforcement of ecodesign requirements is essential to ensure equal competition in the Union market and to ensure that this Regulation's expected benefits and contribution to achieving the Union's climate, energy and circularity objectives are achieved. Therefore, Regulation (EU) 2019/1020 setting out a horizontal framework for market surveillance and control of products entering the Union market should apply to products for which ecodesign requirements are set pursuant to this Regulation, in so far as there are no specific provisions with the same objective, nature or effect in this Regulation. In addition, to lower the

problematic levels of non-compliance of products covered by implementing measures adopted under Directive 2009/125/EC, to better prevent non-compliance with future ecodesign requirements, and taking account of the broader scope and increased ambition of this Regulation compared to Directive 2009/125/EC, this Regulation should contain specific additional rules **complementing** the framework created by Regulation (EU) 2019/1020. Those specific additional rules should be aimed at further strengthening the planning, coordination and support of Member State efforts and should provide additional tools for the Commission to ensure sufficient action is taken by market surveillance **authorities** to prevent non-compliance with ecodesign requirements.

Amendment 40
Proposal for a regulation
Recital 90

Text proposed by the Commission

(90) To ensure that appropriate checks are performed on an adequate scale in relation to ecodesign requirements, Member States should draw up a dedicated action plan identifying the products or requirements identified as priorities for market surveillance under this Regulation and the activities planned to reduce non-compliance of relevant products or with relevant ecodesign requirements. Where relevant, this action plan should be part of Member States' national market surveillance strategies adopted pursuant to Article 13 of Regulation (EU) 2019/1020.

problematic levels of non-compliance of products covered by implementing measures adopted under Directive 2009/125/EC, to better prevent non-compliance with future ecodesign requirements, and taking account of the broader scope and increased ambition of this Regulation compared to Directive 2009/125/EC, this Regulation should contain specific additional rules **complementing** the framework created by Regulation (EU) 2019/1020. Those specific additional rules should be aimed at further strengthening the planning, coordination and support of Member State efforts and should provide additional tools for the Commission to ensure sufficient action is taken by market surveillance **authorities** to prevent non-compliance with ecodesign requirements **and re-establish compliance where relevant**.

Amendment

(90) To ensure that appropriate checks are performed on an adequate scale in relation to ecodesign requirements, Member States should draw up a dedicated action plan identifying the products or requirements identified as priorities for market surveillance under this Regulation and the activities planned to reduce **or bring to an end** non-compliance of relevant products or with relevant ecodesign requirements. Where relevant, this action plan should be part of Member States' national market surveillance strategies adopted pursuant to Article 13 of Regulation (EU) 2019/1020.

Amendment 41
Proposal for a regulation
Recital 91

Text proposed by the Commission

(91) Priorities for market surveillance under this Regulation should be identified based on objective criteria such as the levels of non-compliance observed or the environmental impacts resulting from non-compliance. The activities planned to address those priorities should in turn be proportionate to the facts leading to their prioritisation. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to determine products and requirements that Member States should consider as priorities for market surveillance in the context of their action plans identifying priorities for market surveillance under this Regulation and activities planned to reduce non-compliance.

Amendment 42
Proposal for a regulation
Recital 92

Text proposed by the Commission

(92) Where problematic levels of non-compliance with ecodesign requirements are observed despite the enhanced planning, coordination and support laid down by this Regulation, the Commission should be able to intervene to ensure that market surveillance authorities perform checks on an adequate scale. Therefore, in order to safeguard the effective enforcement of ecodesign requirements, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to lay down a minimum number of checks to be performed on specific products or requirements. This

Amendment

(91) Priorities for market surveillance under this Regulation should be identified based on objective criteria such as the levels of non-compliance observed or the environmental impacts resulting from non-compliance **or the number of complaints received**. The activities planned to address those priorities should in turn be proportionate to the facts leading to their prioritisation. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to determine products and requirements that Member States should consider as priorities for market surveillance in the context of their action plans identifying priorities for market surveillance under this Regulation and activities planned to reduce non-compliance.

Amendment

(92) Where problematic levels of non-compliance with ecodesign requirements are observed despite the enhanced planning, coordination and support laid down by this Regulation, the Commission should be able to intervene **promptly and efficiently** to ensure that market surveillance authorities perform checks on an adequate scale. Therefore, in order to safeguard the effective enforcement of ecodesign requirements, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to lay down a minimum number of checks to be performed on specific products or

empowerment should be additional to the empowerment in Article 11(4) of Regulation (EU) 2019/1020.

requirements. This empowerment should be additional to the empowerment in Article 11(4) of Regulation (EU) 2019/1020.

Amendment 43
Proposal for a regulation
Recital 94

Text proposed by the Commission

(94) To further strengthen coordination of market surveillance authorities, the administrative cooperation group ('ADCO') set up pursuant to Regulation (EU) 2019/1020 should, for the purposes of identifying the products or requirements identified as priorities for market surveillance under this Regulation and the activities planned to reduce non-compliance is Regulation, meet at regular intervals and identify common priorities for market surveillance to be taken into account in Member States' action plans, priorities for the provision of Union support, and ecodesign requirements that are interpreted differently leading to market distortion.

Amendment

(94) To further strengthen coordination of market surveillance authorities, the administrative cooperation group ('ADCO') set up pursuant to Regulation (EU) 2019/1020 should, for the purposes of identifying the products or requirements identified as priorities for market surveillance under this Regulation and the activities planned to reduce **or bring to an end** non-compliance is Regulation, meet at regular intervals and identify common priorities for market surveillance to be taken into account in Member States' action plans, priorities for the provision of Union support, and ecodesign requirements that are interpreted differently leading to market distortion.

Amendment 44
Proposal for a regulation
Recital 95

Text proposed by the Commission

(95) To support Member States in their efforts to ensure sufficient action is taken to prevent non-compliance with ecodesign requirements, the Commission should, where relevant, make use of the support measures provided for in Regulation (EU) 2019/1020. The Commission should organise and, where appropriate finance, joint market surveillance and testing projects in areas of common interest, joint investments in market surveillance capacities and common trainings for the

Amendment

(95) To support Member States in their efforts to ensure sufficient action is taken to prevent non-compliance with ecodesign requirements, the Commission should, where relevant, make use of the support measures provided for in Regulation (EU) 2019/1020. The Commission should organise and, where appropriate finance, joint market surveillance and testing projects in areas of common interest, joint investments in market surveillance capacities and common trainings for the

staff of market surveillance authorities, notifying authorities and notified bodies. In addition, the Commission should draw up guidelines on how to apply and enforce ecodesign requirements *where necessary* to ensure their harmonised application.

staff of market surveillance authorities, notifying authorities and notified bodies. In addition, the Commission should draw up guidelines on how to apply and enforce ecodesign requirements to ensure their harmonised application.

Amendment 45
Proposal for a regulation
Recital 101

Text proposed by the Commission

(101) To enhance trust in products placed on the market, in particular as regards the fact that they comply with ecodesign requirements, the public needs to be sure that economic operators placing non-compliant products on the market will be subject to penalties. It is therefore necessary that Member States lay down effective, proportionate and dissuasive penalties in national law for failure to comply with this Regulation.

Amendment

(101) To enhance trust in products placed on the market, in particular as regards the fact that they comply with ecodesign requirements, the public needs to be sure that economic operators placing non-compliant products on the market will be subject to penalties. It is therefore necessary that Member States lay down effective, proportionate and dissuasive penalties in national law for failure to comply with this Regulation. ***To facilitate more consistent application of penalties, common non-exhaustive criteria should be established for determining the types and levels of penalties to be imposed in the event of infringements of this Regulation. Such criteria should include, inter alia, the nature and gravity of the infringement and the economic benefits derived from and the environmental damage caused by the infringement, insofar as these can be determined.***

Amendment 46
Proposal for a regulation
Article 1 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

This Regulation establishes a framework to improve the environmental sustainability of products and to ensure free movement in the internal market by setting ecodesign

Amendment

This Regulation establishes a framework to improve the environmental sustainability of products ***in order to make sustainable products the norm and to reduce their***

requirements that products shall fulfil to be placed on the market or put into service. Those ecodesign requirements, which shall be further elaborated by the Commission in delegated acts, relate to:

overall environmental footprint over their lifecycle, and to ensure free movement in the internal market by setting ecodesign requirements that products shall fulfil to be placed on the market or put into service. Those ecodesign requirements, which shall be further elaborated by the Commission in delegated acts, relate to:

Amendment 47

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 1 – point g

Text proposed by the Commission

Amendment

(g) product remanufacturing ***and recycling***;

(g) product remanufacturing;

Amendment 48

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) product recycling;

Amendment 49

Proposal for a regulation

Article 2 – paragraph 1 – point 13

Text proposed by the Commission

Amendment

(13) ‘end-of-life’ means the life cycle stage that begins when a product is discarded and ends when the product is returned to nature ***as a waste product*** or enters another product’s life cycle;

(13) ‘end-of-life’ means the life cycle stage that begins when a product is discarded and ends when the ***waste material of the*** product is returned to nature or enters another product’s life cycle;

Amendment 50

Proposal for a regulation

Article 2 – paragraph 1 – point 15

Text proposed by the Commission

(15) ‘class of performance’ means a range of performance levels in relation to one or more product parameters referred to in Annex I, ordered into successive steps to allow for product differentiation;

Amendment

(15) ‘class of performance’ means a range of performance levels in relation to one or more product parameters referred to in Annex I, ***based on a common methodology for the product or product group***, ordered into successive steps to allow for product differentiation;

Amendment 51

Proposal for a regulation

Article 2 – paragraph 1 – point 16

Text proposed by the Commission

(16) ‘remanufacturing’ means an industrial process in which a product is produced from objects that are waste, products or components and in which at least one change is made to the product that affects the safety, performance, purpose or type of the product typically placed on the market with a commercial guarantee;

Amendment

(16) ‘remanufacturing’ means an industrial process in which a product is produced from objects that are waste, products or components and in which at least one change is made to the product that ***significantly*** affects the safety ***or*** performance, ***or affects the*** purpose or type of the product typically placed on the market with a commercial guarantee;

Amendment 52

Proposal for a regulation

Article 2 – paragraph 1 – point 17

Text proposed by the Commission

(17) ‘upgrading’ means enhancing the functionality, performance, capacity or aesthetics of a product;

Amendment

(17) ‘upgrading’ means enhancing the functionality, performance, capacity, ***safety*** or aesthetics of a product;

Amendment 53

Proposal for a regulation

Article 2 – paragraph 1 – point 18

Text proposed by the Commission

(18) ‘refurbishment’ means ***preparing or modifying*** an object that is ***waste or a***

Amendment

(18) ‘refurbishment’ means ***testing, maintaining or repairing*** an object that is

product to restore its performance or functionality within the intended use, **range of performance and maintenance** originally conceived at the design stage, **or to meet applicable technical standards or regulatory requirements**, with the result of making a fully functional product;

a product **or waste** to restore its performance or functionality within the intended use originally conceived at the design stage, with the result of making a fully functional product;

Amendment 54
Proposal for a regulation
Article 2 – paragraph 1 – point 20 a (new)

Text proposed by the Commission

Amendment

(20a) 'premature obsolescence' means making available on the market a product with a feature which limits its foreseeable lifetime;

Amendment 55
Proposal for a regulation
Article 2 – paragraph 1 – point 21

Text proposed by the Commission

Amendment

(21) 'durability' means the ability of a product to function **as** required, under **specified** conditions of use, maintenance and repair, until a limiting event prevents **its** functioning;

(21) 'durability' means the ability of a product to function **and maintain for a certain period of time its** required **function and performance** under **normal** conditions of use, maintenance and repair until a limiting event prevents **the product from** functioning;

Amendment 56
Proposal for a regulation
Article 2 – paragraph 1 – point 22

Text proposed by the Commission

Amendment

(22) 'reliability' means the probability that a product functions as required under given conditions for a given duration without a limiting event;

(22) 'reliability' means the **high** probability that a product functions as required under given conditions for a given duration without a limiting event;

Amendment 57
Proposal for a regulation
Article 2 – paragraph 1 – point 23

Text proposed by the Commission

(23) ‘environmental footprint’ means a quantification of **a** product’s environmental impacts, whether in relation to a single environmental impact category or an aggregated set of impact categories based on the Product Environmental Footprint method;

Amendment

(23) ‘environmental footprint’ means a quantification of product **life cycle**’s environmental impacts, whether in relation to a single environmental impact category or an aggregated set of impact categories based on the Product Environmental Footprint method **or other scientific methods developed by international organisations and widely tested in collaboration with different industry sectors and recognised by the Commission**;

Amendment 58
Proposal for a regulation
Article 2 – paragraph 1 – point 25 a (new)

Text proposed by the Commission

Amendment

(25a) ‘material footprint’ means the quantification of the materials needed for a product system as the sum of biomass, fossil fuels, metal ores and non-metallic minerals consumed;

Amendment 59
Proposal for a regulation
Article 2 – paragraph 1 – point 28 – point a

Text proposed by the Commission

Amendment

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

(a) meets the criteria laid down in Article 57 of Regulation (EC) No 1907/2006; or

Amendment 60
Proposal for a regulation
Article 2 – paragraph 1 – point 28 – point b – indent 9 a (new)

Text proposed by the Commission

Amendment

- **substances regulated under Regulation (EU) No 2019/1021 of the European Parliament and of the Council^{1a};**

^{1a} Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (OJ L 169, 25.6.2019, p. 45).

Amendment 61

Proposal for a regulation

Article 2 – paragraph 1 – point 28 – point b – indent 9 b (new)

Text proposed by the Commission

Amendment

- **specific restricted substances listed in Annex XVII of Regulation (EC) No 1907/2006.**

Amendment 62

Proposal for a regulation

Article 2 – paragraph 1 – point 35

Text proposed by the Commission

Amendment

(35) ‘destruction’ means the intentional damaging or discarding of a product as waste with the exception of discarding for the only purpose of delivering a product for preparing for re-use or remanufacturing operations;

(35) ‘destruction’ means the intentional damaging or discarding of a product as waste with the exception of discarding for the only purpose of delivering a product for preparing for re-use, **refurbishing** or remanufacturing operations;

Amendment 63

Proposal for a regulation

Article 2 – paragraph 1 – point 37

Text proposed by the Commission

Amendment

(37) ‘unsold consumer product’ means any consumer product that has not been

(37) ‘unsold consumer product’ means any consumer product **fit for consumption**

sold **or that has been** returned by a consumer in view of their right of withdrawal in accordance with Article 9 of Directive (EU) 2011/83/EU;

or sale that has not been sold **including surplus, excessive inventory, overstock and deadstock, including products** returned by a consumer in view of their right of withdrawal in accordance with Article 9 of Directive (EU) 2011/83/EU;

Amendment 64

Proposal for a regulation Article 2 – paragraph 1 – point 46 a (new)

Text proposed by the Commission

Amendment

(46a) ‘independent operator’ means a natural or legal person who is independent from the manufacturer and is directly or indirectly involved in the refurbishment, repair, maintenance or repurposing of the product, and includes waste management operators, refurbishers, repairers, manufacturers or distributors of repair equipment, tools or spare parts, as well as publishers of technical information, operators offering inspection and testing services and operators offering training for installers, manufacturers and repairers of equipment;

Amendment 65

Proposal for a regulation Article 2 – paragraph 1 – point 46 b (new)

Text proposed by the Commission

Amendment

(46b) ‘professional repairer’ means a natural or legal person who provides repair or maintenance services for a product, irrespective of whether that person acts within the manufacturer’s distribution system or independently;

Amendment 66

Proposal for a regulation

Article 2 – paragraph 1 – point 55

Text proposed by the Commission

(55) ‘online marketplace’ means a provider of an intermediary service using **software, including a website, part of a website or an application, that** allows customers to conclude distance contracts with economic operators for the sale of products covered by delegated acts adopted pursuant to Article 4;

Amendment

(55) ‘online marketplace’ means a provider of an intermediary service using **an online interface which** allows customers to conclude distance contracts with economic operators for the sale of products covered by delegated acts adopted pursuant to Article 4;

Amendment 67

Proposal for a regulation

Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

The definition of ‘electrical and electronic equipment’ or ‘EEE’ in Article 3, point (1)(a) of Directive 2012/19/EU of the European Parliament and of the Council shall apply^{1a}.

^{1a} Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 197, 24.7.2012, p. 38).

Amendment 68

Proposal for a regulation

Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

The definitions of ‘supplier of a substance or a mixture’ and ‘supplier of an article’ in Article 3, points (32) and (33), respectively, of Regulation (EC) 1907/2006 shall apply.

Amendment 69
Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

The Commission is empowered to adopt delegated acts in accordance with Article 66 to supplement this Regulation by establishing ecodesign requirements for, or in relation to, products to improve their environmental sustainability. Those requirements shall include the elements listed in Annex VI and shall be established in accordance with Articles 5, 6 and 7 and Chapter III. The empowerment to adopt ecodesign requirements includes the power to establish that no performance requirements, no information requirements or neither performance nor information requirements are necessary for certain specified product parameters referred to in Annex I.

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 66 to supplement this Regulation by establishing ecodesign requirements for, or in relation to, products to improve their environmental sustainability. Those requirements shall include the elements listed in Annex VI and shall be established in accordance with Articles 5, 6 and 7 and Chapter III. The empowerment to adopt ecodesign requirements includes the power to establish that no performance requirements, no information requirements or ***that in exceptional cases*** neither performance nor information requirements are necessary for certain specified product parameters referred to in Annex I.

Amendment 70
Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The empowerment to adopt ecodesign requirements shall include the power to establish that no ecodesign requirements apply for imported second-hand products or product groups, for a limited period of time, where on the basis of the impact assessment conducted under Article 5(4)(b) the Commission concludes that:

(a) it is relevant to exempt a given imported second-hand product or product group on account of the substantial share that it represents on the relevant Union second-hand product market and the genuine consumer demand that it responds to; and

(b) such an exemption would not undermine the achievement of the objectives of this Regulation and the broader application of ecodesign requirements on the relevant Union product market; and

(c) the resource savings due to the placing on the market of the imported second-hand product or product group outweigh the benefits of the ecodesign requirements for new products or product groups.

Amendment 71
Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

When establishing ecodesign requirements in delegated acts referred to in the first subparagraph, the Commission shall also supplement this Regulation by specifying the applicable conformity assessment procedures from among the modules set out in Annex IV to this Regulation and Annex II to Decision No 768/2008/EC, with the adaptations necessary in view of the product or ecodesign requirements concerned, in accordance with Article 36.

Amendment

When establishing ecodesign requirements in delegated acts referred to in the first subparagraph, ***the Commission shall provide economic operators with sufficient time to adjust to the new requirements, particularly taking into consideration the needs of micro enterprises and SMEs.*** The Commission shall also supplement this Regulation by specifying the applicable conformity assessment procedures from among the modules set out in Annex IV to this Regulation and Annex II to Decision No 768/2008/EC, with the adaptations necessary in view of the product or ecodesign requirements concerned, in accordance with Article 36.

Amendment 72
Proposal for a regulation
Article 4 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) specifying the methodology to assess the reparability of a product, define the classes of performance to be displayed

by the reparability score, and define the product categories to which the reparability score shall apply;

Amendment 73
Proposal for a regulation
Article 5 – paragraph 1 – point g

Text proposed by the Commission

(g) presence of substances of concern;

Amendment

(g) presence of substances of concern
in products;

Amendment 74
Proposal for a regulation
Article 5 – paragraph 1 – point k

Text proposed by the Commission

(k) possibility of remanufacturing *and recycling;*

Amendment

(k) possibility of remanufacturing;

Amendment 75
Proposal for a regulation
Article 5 – paragraph 1 – point k a (new)

Text proposed by the Commission

Amendment

(ka) possibility of recycling;

5

Amendment 76
Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

However, where two or more product groups display technical similarities allowing a product aspect referred to in paragraph 1 to be improved based on a common requirement, ecodesign

Amendment

Where two or more product groups display technical similarities allowing a product aspect referred to in paragraph 1 to be improved based on a common requirement, ecodesign requirements may be established

requirements may be established horizontally for those product groups.

horizontally for those product groups.
Those horizontal requirements may be further specified through the establishment of ecodesign requirements for a specific product group covered by a horizontal ecodesign requirement.

Amendment 77
Proposal for a regulation
Article 5 – paragraph 4 – introductory part

Text proposed by the Commission

4. When preparing ecodesign requirements, the Commission shall:

Amendment

4. When preparing ecodesign requirements, the Commission shall ***ensure consistency and avoid conflicting requirements with other Union legislation and shall:***

Amendment 78
Proposal for a regulation
Article 5 – paragraph 4 – point a – point i

Text proposed by the Commission

(i) Union climate, environmental ***and*** energy efficiency ***priorities and*** other related Union ***priorities***;

Amendment

(i) Union ***objectives concerning:***

- ***the climate, in particular the objective to achieve climate neutrality at the latest by 2050 as set out in Regulation (EU) 2021/1119;***
- ***the environment, including biodiversity, resource efficiency and security and reduction of the environmental, material and consumption footprints, and staying within the planetary boundaries as set out in the 8th Environmental Action Programme;***
- ***non-toxicity;***
- ***energy efficiency; and***
- ***other related Union objectives;***

Amendment 79
Proposal for a regulation
Article 5 – paragraph 4 – point a – point ii

Text proposed by the Commission

(ii) relevant Union legislation, including the extent to which it addresses the relevant product aspects listed in paragraph 1;

Amendment

(ii) relevant Union legislation, including the extent to which it addresses the relevant product aspects listed in paragraph 1 ***and the do no significant harm principle within the meaning of Article 17 of Regulation (EU) 2020/852;***

Amendment 80
Proposal for a regulation
Article 5 – paragraph 4 – point a – point ii a (new)

Text proposed by the Commission

Amendment

(iia) relevant international agreements;

Amendment 81
Proposal for a regulation
Article 5 – paragraph 4 – point a – point v a (new)

Text proposed by the Commission

Amendment

(va) prioritisation of measures in accordance with the waste hierarchy laid down in Directive 2008/98/EC;

Amendment 82
Proposal for a regulation
Article 5 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) carry out an impact assessment based on best available evidence and analyses, and as appropriate on additional studies and research results produced under European funding programmes. ***In doing so, the Commission shall ensure that the depth of analysis of the product aspects listed in paragraph 1 is proportionate to***

(b) carry out an impact assessment based on best available evidence and analyses, and as appropriate on additional studies and research results produced under European funding programmes. The establishment of ecodesign requirements on the ***product*** aspects listed in paragraph 1 shall not be unduly delayed by

their significance. The establishment of ecodesign requirements on the ***most significant*** aspects ***of a product among those*** listed in paragraph 1 shall not be unduly delayed by uncertainties regarding the possibility to establish ecodesign requirements to improve other aspects of that product;

uncertainties regarding the possibility to establish ecodesign requirements to improve other aspects of that product. ***In the impact assessments, the Commission shall:***

(i) ensure that all the product aspects listed in paragraph 1 are analysed and that the depth of analysis of the product aspects listed in paragraph 1 is proportionate to their significance;

(ii) ensure that trade-offs between the different product aspects listed in paragraph 1 are analysed;

(iii) provide an assessment of the expected reduction of the environmental, carbon and material footprints by the new ecodesign requirements;

(iv) provide an assessment of the fulfilment of criteria established in Article 4, second paragraph, on imported second-hand products, where relevant;

(v) provide an assessment of any relevant impacts on human health;

(vi) provide an assessment of the minimum level of performance of a product or a product group, that needs to be potentially attained in the future in order for that product or product group to be in line with the Union's objectives as listed in paragraph 4, point (a)(i);

Where appropriate, the impact assessment shall also be used to support the setting of criteria on green public procurement, Ecolabel, as well as other economic incentives in order to improve consistency between different policy instruments.

Amendment 83
Proposal for a regulation
Article 5 – paragraph 4 – point c a (new)

Text proposed by the Commission

Amendment

(ca) take into consideration the protection of confidential business information;

Amendment 84
Proposal for a regulation
Article 5 – paragraph 4 – point c b (new)

Text proposed by the Commission

Amendment

(cb) take into consideration any feedback provided by public consultations;

Amendment 85
Proposal for a regulation
Article 5 – paragraph 5 – point a

Text proposed by the Commission

Amendment

(a) there shall be no significant negative impact on the functionality of the product, from the perspective of the user;

(a) there shall be no significant negative impact on the functionality **or safety** of the product, from the perspective of the user;

Amendment 86
Proposal for a regulation
Article 5 – paragraph 5 – point c

Text proposed by the Commission

Amendment

(c) there shall be no significant negative impact on consumers in terms of the affordability of relevant products, also taking into account access to second-hand products, durability and the life cycle cost of products;

(c) there shall be no significant negative impact on consumers in terms of the affordability of relevant products, also taking into account access to second-hand products, **including imported second-hand products**, durability and the life cycle cost of products;

Amendment 87
Proposal for a regulation
Article 5 – paragraph 5 – point d

Text proposed by the Commission

(d) there shall be no disproportionate negative impact on the competitiveness of economic actors, ***at least of*** SMEs;

Amendment

(d) there shall be no disproportionate negative impact on the competitiveness of economic actors, ***in particular of micro-enterprises and*** SMEs;

Amendment 88
Proposal for a regulation
Article 5 – paragraph 5 – point f

Text proposed by the Commission

(f) there shall be no disproportionate administrative burden on manufacturers or other economic actors.

Amendment

(f) there shall be no disproportionate administrative burden on manufacturers or other economic actors, ***in particular for micro-enterprises and SMEs;***

Amendment 89
Proposal for a regulation
Article 5 – paragraph 5 – point f a (new)

Text proposed by the Commission

Amendment

(fa) there shall be sufficient time given to manufacturers or other economic actors to adjust to the new requirements, particularly taking into consideration the needs of micro-enterprises and SMEs.

Amendment 90
Proposal for a regulation
Article 5 – paragraph 8

Text proposed by the Commission

8. The Commission shall publish relevant studies and analyses used in the establishment of ecodesign requirements in accordance with this Regulation.

Amendment

8. The Commission shall publish relevant studies and analyses ***once available, including the impact assessments referred to in paragraph 4, point (b),*** used in the establishment of

ecodesign requirements in accordance with this Regulation.

Amendment 91
Proposal for a regulation
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Durability and reparability of products

1. When setting the ecodesign requirements pursuant to Article 5(1), the Commission shall ensure that manufacturers do not limit the durability of a product making it prematurely obsolete, in particular as a result of the design of a specific feature, the use of consumables, spare parts, or non-provision of software updates or accessories within an appropriate period of time.

2. When setting the ecodesign requirements pursuant to Article 5(1), the Commission shall ensure that manufacturers do not limit the reparability of products by impeding the disassembly of key components or limiting access to repair information and spare parts exclusively to authorised repairers.

Amendment 92
Proposal for a regulation
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Performance requirements referred to in paragraph 1 shall be based on the product parameters referred to in Annex I and shall, as appropriate, include:

2. Performance requirements referred to in paragraph 1 shall be based on the ***relevant*** product parameters referred to in Annex I and shall, as appropriate, include:

Amendment 93
Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

3. Performance requirements based on the product parameter set out in Annex I, point (f), shall not restrict the presence of substances in products for reasons relating primarily to chemical safety.

Amendment

3. Performance requirements based on the product parameter set out in Annex I, point (f), shall not restrict the presence of substances in products for reasons relating primarily to chemical safety, ***unless there is an unacceptable risk to human health or the environment, arising from the use of a substance present in the product or product component when it is placed on the market or during the subsequent stages of its lifecycle.***

Amendment 94
Proposal for a regulation
Article 7 – paragraph 2 – point b – paragraph 1 – point ii

Text proposed by the Commission

(ii) information for consumers and other end-users on how to install, use, maintain and repair the product in order to minimise its impact on the environment and to ensure optimum durability, as well as on how to return or dispose of the product at end-of-life;

Amendment

(ii) ***clear and easily understandable*** information for consumers and other end-users on how to install, use, maintain and repair the product in order to minimise its impact on the environment and to ensure optimum durability, as well as on how to return or dispose of the product at end-of-life;

Amendment 95
Proposal for a regulation
Article 7 – paragraph 2 – point b – paragraph 1 – point ii a (new)

Text proposed by the Commission

Amendment

(iia) clear and easily understandable information for consumers and other end-users, on how to install third-party operating systems;

Amendment 96
Proposal for a regulation
Article 7 – paragraph 2 – point b – paragraph 1 – point ii b (new)

Text proposed by the Commission

Amendment

(iib) relevant information for providers of repair and refurbishment services and operators involved in preparing for reuse, reuse, repair and disassembly;

Amendment 97
Proposal for a regulation
Article 7 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

Those classes of performance shall correspond to statistically significant improvements in performance levels.

Those classes of performance shall correspond to statistically significant improvements in performance levels ***and shall use as the minimum level the minimum performance requirements established pursuant to Article 6.***

Amendment 98
Proposal for a regulation
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where appropriate, based on the evidence provided in the impact assessment referred to in Article 5(4), point (b), information requirements on the performance of the product related to reparability shall take the form of a reparability score to enable end-users to easily compare the performance of products. The methodology to assess the reparability of products shall be developed according to the specificities of product categories and laid down in the relevant delegated act adopted under Article 4. That delegated act shall also define the content and layout of the label containing the reparability score, as appropriate, in

accordance with Article 14, using clear and easy-to-understand language and pictograms, to avoid overload of information for consumers.

When available, the methodology to assess the reparability of products may include other relevant aspects of a product, such as durability, reliability or robustness, and be further specified in the relevant delegated act taking into account specificities of the product category.

Amendment 99

Proposal for a regulation

Article 7 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission

The information requirements referred to in paragraph 1 shall enable the tracking of all substances of concern throughout the life cycle of products, unless such tracking is already enabled by another delegated act adopted pursuant to Article 4 covering the products concerned, and shall include at least the following:

Amendment

The information requirements referred to in paragraph 1 shall enable the tracking of all substances of concern ***present in the product as placed on the market, in accordance with a threshold-based approach***, throughout the life cycle of products, unless such tracking is already enabled by another delegated act adopted pursuant to Article 4 covering the products concerned, and shall include at least the following:

Amendment 100

Proposal for a regulation

Article 7 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission

(a) the name of the substances of concern present in the product;

Amendment

(a) the ***International Union of Pure and Applied Chemistry (IUPAC)*** name of the substances of concern present in the product, ***including the chemical identification number, that is the European Inventory of Existing Commercial Chemical Substances (EINECS) or European List of Notified Chemical Substances (ELINCS) number or Chemical Abstract Service (CAS)***

number;

Amendment 101
Proposal for a regulation
Article 7 – paragraph 5 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) relevant instructions for the safe use of the product;

(d) relevant instructions for the safe use of the product ***and the environmentally sound management of the product at the end of its life;***

Amendment 102
Proposal for a regulation
Article 7 – paragraph 5 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) information relevant for disassembly.

(e) information relevant for disassembly ***and preparation for reuse.***

Amendment 103
Proposal for a regulation
Article 7 – paragraph 5 – subparagraph 3

Text proposed by the Commission

Amendment

Exemptions referred to in the second subparagraph, point (c), may be provided based on the technical feasibility or relevance of tracking substances of concern, the need to protect confidential business information and in other duly justified cases.

Exemptions referred to in the second subparagraph, point (c), may be provided based on the technical feasibility or relevance of tracking substances of concern, the ***existence of analytical methods to detect and quantify them,*** the need to protect confidential business information and in other duly justified cases.

Amendment 104
Proposal for a regulation
Article 7 – paragraph 6 – subparagraph 2 – point e

Text proposed by the Commission

(e) in a user manual;

Amendment

(e) in a user manual ***or other documentation accompanying the product,***

Amendment 105
Proposal for a regulation
Article 7 – paragraph 6 – subparagraph 3

Text proposed by the Commission

Information ***ensuring the traceability of substances pursuant to paragraph 5*** shall be ***given either on*** the product ***or*** be accessible through a data carrier included on the product.

Amendment

Information ***that is essential to the health, safety, and rights of end-users*** shall be ***provided and shall be accessible in physical form with*** the product ***and*** be accessible through a data carrier included on the product.

Amendment 106
Proposal for a regulation
Article 7 – paragraph 6 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

Information relevant for an informed purchasing decision shall be provided to consumers prior to the purchase of a product.

Amendment 107
Proposal for a regulation
Article 7 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The information to be supplied pursuant to information requirements shall be provided in accordance with accessibility requirements under Directive (EU) 2019/882 of the European Parliament and of the Council^{1a}.

1^a Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

Amendment 108
Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. The information requirements referred to in Article 7(1) shall provide that products can only be placed on the market or put into service if a product passport is available in accordance with the applicable delegated act adopted pursuant to Article 4 and Articles 9 and 10.

Amendment

1. The information requirements referred to in Article 7(1) shall provide that products can only be placed on the market or put into service if a product passport is available in accordance with the applicable delegated act adopted pursuant to Article 4 and Articles 9 and 10. ***The information in the product passport shall be accurate, complete and up to date.***

Amendment 109
Proposal for a regulation
Article 8 – paragraph 2 – point a

Text proposed by the Commission

(a) the information to be included in the product passport pursuant to Annex III;

Amendment

(a) the information to be included in the product passport pursuant to Annex III ***with specific consideration for confidential business information.***

Amendment 110
Proposal for a regulation
Article 8 – paragraph 2 – point f

Text proposed by the Commission

(f) the actors that shall have access to information in the product passport and to what information they shall have access, including customers, end-users, manufacturers, importers and distributors, dealers, repairers, remanufacturers,

Amendment

(f) the actors that shall have access to information in the product passport and to what information they shall have access, including customers, end-users, manufacturers, importers and distributors, dealers, ***professional*** repairers,

recyclers, competent national authorities, **public interest** organisations and the Commission, or any organisation acting on their behalf;

independent operators, refurbishers, remanufacturers, recyclers, competent national authorities, **civil society** organisations, **researchers, trade unions** and the Commission, or any organisation acting on their behalf;

Amendment 111
Proposal for a regulation
Article 8 – paragraph 2 – point g

Text proposed by the Commission

(g) the actors that **may** introduce or update the information in the product passport, including where needed the creation of a new product passport, and what information they may introduce or update, including manufacturers, repairers, maintenance professionals, remanufacturers, recyclers, competent national authorities, and the Commission, or any organisation acting on their behalf;

Amendment

(g) the actors that **shall** introduce or update the information in the product passport, including where needed the creation of a new product passport **that shall be linked to the product passport or passports of the original product**, and what information they may introduce or update, including manufacturers, **professional** repairers, **independent operators, refurbishers**, maintenance professionals, remanufacturers, recyclers, competent national authorities, and the Commission, or any organisation acting on their behalf, **avoiding duplication of information and reporting**;

Amendment 112
Proposal for a regulation
Article 8 – paragraph 2 – point h

Text proposed by the Commission

(h) the period **for** which the product passport shall remain available.

Amendment

(h) the period **during** which the product passport shall remain available **which shall correspond to at least the expected lifetime of a specific product**.

Amendment 113
Proposal for a regulation
Article 8 – paragraph 3 – point a

Text proposed by the Commission

(a) ensure that actors along the value chain, ***in particular consumers, economic operators and competent national authorities***, can access product information relevant to them;

Amendment

(a) ensure that actors along the value chain, can ***easily*** access product information relevant to them;

Amendment 114

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) it shall be connected through a data carrier to a unique product identifier;

Amendment

(a) it shall be connected through a data carrier to a unique product identifier ***which shall identify the product, independently of any product passport's identifier and of any internet domain name***;

Amendment 115

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

(d) all information included in the product passport shall be based on open, standards, developed with an inter-operable format and shall be machine-readable, structured, and searchable, in accordance with the essential requirements set out in Article 10;

Amendment

(d) all information included in the product passport shall be based on open standards, developed with an inter-operable format and shall be machine-readable, structured, and searchable, ***and shall be transferable through an open inter-operable data exchange network without vendor lock-in*** in accordance with the essential requirements set out in Article 10;

Amendment 116

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) personal data related to the end-user of the product shall not be stored in

the product passport;

Amendment 117
Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

3. The economic operator placing the product on the market shall provide dealers with a digital copy of the data carrier to allow **the dealer** to make it accessible to customers where they cannot physically access the product. The economic operator shall provide that digital copy free of charge and within 5 working days of the **dealer's** request.

Amendment

3. The economic operator placing the product on the market shall provide dealers **and online marketplaces** with a digital copy of the data carrier to allow **them** to make it accessible to customers where they cannot physically access the product. The economic operator shall provide that digital copy free of charge and within 5 working days of **receiving** the request.

Amendment 118
Proposal for a regulation
Article 10 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(aa) product passports shall be interoperable with existing product databases, such as the Substances of Concern In articles, as such or in complex objects (Products) (SCIP) database and the European Product Registry for Energy Labelling (EPREL) database, whenever feasible and relevant;

Amendment 119
Proposal for a regulation
Article 10 – paragraph 1 – point b

Text proposed by the Commission

(b) **consumers, economic** operators and other relevant actors shall have free access to the product passport based on their respective access rights set out in the applicable delegated act adopted pursuant to Article 4;

Amendment

(b) **customers, end-users, manufacturers, importers and distributors, dealers, professional repairers, independent operators, refurbishers, remanufacturers, recyclers, competent national authorities, civil**

society organisations, trade unions and other relevant actors shall have free *of charge and easy* access to the product passport based on their respective access rights set out in the applicable delegated act adopted pursuant to Article 4;

Amendment 120
Proposal for a regulation
Article 10 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) product passports shall be designed and operated so that they are user-friendly;

Amendment 121
Proposal for a regulation
Article 10 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the data included in the product passport shall be stored the economic operator responsible for its creation or by operators authorised to act on their behalf;

(c) the data included in the product passport shall be stored *by* the economic operator responsible for its creation or by operators authorised to act on their behalf;

Amendment 122
Proposal for a regulation
Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Comparison Platform

1. By [enter the date 12 months after the entry into force of this Regulation], the Commission shall set up and maintain a publicly accessible online tool allowing stakeholders to compare information included in the product passports stored by the economic operator in accordance with Article 10(c). The tool shall be

designed to guarantee that stakeholders can search for the information in line with their respective access rights pursuant to Article 10(1)(b).

Amendment 123
Proposal for a regulation
Article 14 – paragraph 1 – point b

Text proposed by the Commission

(b) the layout of the label **taking account** visibility and legibility;

Amendment

(b) the layout of the label **ensuring** visibility and legibility;

Amendment 124
Proposal for a regulation
Article 14 – paragraph 1 – point c

Text proposed by the Commission

(c) the manner in which the label shall be displayed to customers including in case of distance selling, taking into account the requirements set out in Article 26 and the implications for the relevant economic operators;

Amendment

(c) the manner in which the label shall be displayed to customers including in case of distance selling, taking into account the requirements set out in Article 26, **the requirements set out in Directive (EU) 2019/882**, and the implications for the relevant economic operators;

Amendment 125
Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

2. Where an information requirement entails the inclusion in a label of the class of performance of a product as referred to in Article 7(4), the layout of the label referred to in paragraph 1, point (b), shall enable customers to easily compare product performance in relation to the relevant product parameter and to choose better performing products.

Amendment

2. Where an information requirement entails the inclusion in a label of the class of performance of a product as referred to in Article 7(4), the layout of the label referred to in paragraph 1, point (b), shall **be clear and easily understandable, and shall** enable customers to easily compare product performance in relation to the relevant product parameter and to choose better performing products.

Amendment 126
Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Where delegated acts adopted pursuant to Article 4 do not require products to have a label, those products may not be placed on the market or put into service if they supply or display labels which are likely to mislead or confuse customers with respect to the labels provided for in Article 14.

Amendment

Products **shall** not be placed on the market or put into service if they supply or display labels which are likely to mislead or confuse customers with respect to the labels provided for in Article 14, **including where delegated acts adopted pursuant to Article 4 do not require products to have a label.**

Amendment 127
Proposal for a regulation
Article 16 – paragraph 1 – point c

Text proposed by the Commission

(c) the distribution of the environmental impacts, energy use and waste generation across the value chain, **in particular whether they take place within the Union;**

Amendment

(c) the distribution of the **climate and** environmental impacts, energy **use, resource** use and waste generation across the value chain;

Amendment 128
Proposal for a regulation
Article 16 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Commission shall adopt **and regularly update** a working plan, **covering a period of at least 3 years, setting** out a list of product groups for which it intends to establish ecodesign requirements in accordance with this Regulation. That list shall include products aspects referred to in Article 5(1) for which the Commission intends to adopt horizontal ecodesign requirements established pursuant to Article 5(2), second subparagraph.

Amendment

The Commission shall adopt a working plan **and make it publicly available, together with the relevant preparatory documents. The working plan shall set** out a list of product groups for which it intends to establish ecodesign requirements in accordance with this Regulation **and the estimated timelines for their establishment.** That list shall include products aspects referred to in Article 5(1) for which the Commission intends to adopt horizontal ecodesign requirements established pursuant to Article 5(2), second

subparagraph. ***The working plan shall cover a period of at least 3 years and it shall be regularly updated.***

Amendment 129

Proposal for a regulation

Article 16 – paragraph 2 – subparagraph 2

Text proposed by the Commission

When adopting or updating the working plan referred to in the first subparagraph, the Commission shall take into account the criteria set out in paragraph 1 of this Article and shall consult the Ecodesign Forum referred to in Article 17.

Amendment

When adopting or updating the working plan referred to in the first subparagraph, the Commission shall take into account the criteria set out in paragraph 1 of this Article and shall consult the Ecodesign Forum referred to in Article 17 ***within an appropriate timeframe.***

Amendment 130

Proposal for a regulation

Article 16 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Commission shall present the draft working plan and its updates to the European Parliament before their adoption.

Amendment 131

Proposal for a regulation

Article 16 – paragraph 2 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

For the period 2024-2027, the Commission shall consider prioritising the following product groups in the first working plan that is to be adopted no later than ... [insert the date 3 months after the entry into force of this Regulation]. If any of the following product groups is not included in the working plan, the Commission shall provide a justification for its decision in the working plan:

- *iron, steel*
- *aluminium*
- *textiles, notably garments and footwear*
- *furniture, including mattresses*
- *tyres*
- *detergents*
- *paints*
- *lubricants*
- *chemicals*
- *energy related products, the implementing measures for which need to be revised or newly defined*
- *ICT products and other electronics.*

Amendment 132
Proposal for a regulation
Article 16 – paragraph 2 – subparagraph 2 c (new)

Text proposed by the Commission

Amendment

Any absence of adequate performance and information requirements on the environment and carbon footprint for cement under [the forthcoming Regulation laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011 (2022/0094 COD)] by 2027 shall trigger the inclusion of cement as a priority product category in the next working plan of this Regulation.

Amendment 133
Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

Amendment

The Commission shall ensure that when it

The Commission shall ensure that when it

conducts its activities, it observes a balanced participation of Member States' representatives and all interested parties involved with the product or product group in question, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental protection *groups and* consumer organisations. *These parties shall contribute in particular to preparing ecodesign requirements, examining the effectiveness of the established market surveillance mechanisms and assessing self-regulation measures.*

Amendment 134
Proposal for a regulation
Article 17 – paragraph 1 a (new)

Text proposed by the Commission

conducts its activities, it observes a balanced participation of Member States' representatives and all interested parties involved with the product or product group in question, such as industry, including SMEs, *social enterprises* and craft industry, *waste management operators, standardisation organisations*, trade unions *and associations*, traders, retailers, importers, environmental protection *organisations*, consumer organisations, *researchers and other experts.*

Amendment

The parties referred to in the first paragraph shall contribute in particular to preparing ecodesign requirements, and examining the effectiveness of the established market surveillance mechanisms and assessing self-regulation measures.

Amendment 135
Proposal for a regulation
Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

The Commission shall publish on its website the upcoming meetings of the 'Ecodesign Forum', ensuring that relevant parties are informed in sufficient time before a consultation takes place.

Amendment 136
Proposal for a regulation
Article 17 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

The Ecodesign Forum shall carry out its tasks in a full transparent manner. The Commission shall publish the adopted conclusions and minutes of the meetings of the Ecodesign Forum and all other relevant documents on the website of the Commission.

Amendment 137

Proposal for a regulation

Article 17 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

The Ecodesign Forum may request the Commission to prepare ecodesign requirements for a particular product group. The Commission shall take such a request into consideration.

Amendment 138

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

Amendment

1. Two or more economic operators may submit a self-regulation measure establishing ecodesign requirements for products to the Commission as an alternative to a delegated act adopted pursuant to Article 4. Those operators shall provide evidence that the criteria referred to in paragraph 3, points (a) to (e), are fulfilled. With respect to paragraph 3, point (a), that evidence shall consist of a structured technical, environmental and economic analysis, justifying the ecodesign requirements and objectives of the self-regulation measure, and assessing the impacts of the ecodesign requirements set in that self-regulation measure.

1. Two or more economic operators may submit a self-regulation measure establishing ecodesign requirements for products to the Commission as an alternative to a delegated act adopted pursuant to Article 4, ***if the products are not included in the working plan***. Those operators shall provide evidence that the criteria referred to in paragraph 3, points (a) to (e), are fulfilled. With respect to paragraph 3, point (a), that evidence shall consist of a structured technical, environmental and economic analysis, justifying the ecodesign requirements and objectives of the self-regulation measure, and assessing the impacts of the ecodesign

requirements set in that self-regulation measure.

Amendment 139

Proposal for a regulation

Article 18 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The self-regulation measure shall contain the following information:

The self-regulation measure ***submitted pursuant to paragraph 1*** shall contain the following information:

Amendment 140

Proposal for a regulation

Article 18 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) the ecodesign requirements applicable to products covered by the self-regulation measure;

(b) the ecodesign requirements, ***as set out in Article 5***, applicable to products covered by the self-regulation measure;

Amendment 141

Proposal for a regulation

Article 18 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) rules on information to be reported by signatories and on testing and inspections.

(d) rules on information to be reported by signatories and ***rules*** on testing and inspections;

Amendment 142

Proposal for a regulation

Article 18 – paragraph 2 – subparagraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) rules on the consequences of the non-compliance of a signatory;

Amendment 143

Proposal for a regulation

Article 18 – paragraph 2 – subparagraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) an explanation as to how the self-regulation measure submitted pursuant to paragraph 1 improves the environmental sustainability of products in line with the objectives of this Regulation and ensures the free movement in the internal market more quickly or at a lesser expense than a delegated act adopted pursuant to Article 4.

Amendment 144
Proposal for a regulation
Article 18 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The information referred to in this paragraph shall be kept up-to-date and be available on a publicly accessible website.

The information referred to in this paragraph shall be kept up-to-date and be available on a publicly accessible website **of the Commission. The economic operators shall notify without delay the Commission of any changes to the self-regulation measure, in particular any changes to the signatories.**

Amendment 145
Proposal for a regulation
Article 18 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The Commission shall assess the proposed self-regulation measure, and, where necessary, shall seek scientific advice from Union decentralised agencies. On the basis of that assessment, it shall establish whether it is a valid alternative to a delegated act adopted pursuant to Article 4 where the following criteria are fulfilled:

The Commission shall assess the proposed self-regulation measure, and, where necessary, shall seek scientific advice from Union decentralised agencies. **The Commission shall also consult the Ecodesign forum on the self-regulation measure submitted pursuant to paragraph 1.** On the basis of that assessment, it shall establish whether it is a valid alternative to a delegated act adopted pursuant to Article 4 where the following criteria are fulfilled:

Amendment 146
Proposal for a regulation
Article 18 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

(a) the self-regulation measure contributes to improving the environmental sustainability of products and ensuring the free movement in the internal market quickly or at a lesser expense than a delegated act adopted pursuant to Article 4;

Amendment

(a) the self-regulation measure contributes to improving the environmental sustainability of products ***in line with the objectives of this Regulation*** and ensuring the free movement in the internal market ***more*** quickly or at a lesser expense than a delegated act adopted pursuant to Article 4;

Amendment 147
Proposal for a regulation
Article 18 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The Commission shall adopt ***an implementing act*** containing a list of self-regulation measures established as valid alternatives to a delegated act adopted pursuant to Article 4. That ***implementing*** act shall be adopted in accordance with the advisory procedure referred to in Article 67(2).

Amendment

The Commission shall adopt ***a delegated act in accordance with Article 66*** containing a list of self-regulation measures established as valid alternatives to a delegated act adopted pursuant to Article 4. That ***delegated*** act shall be adopted in accordance with the advisory procedure referred to in Article 67(2).

Amendment 148
Proposal for a regulation
Article 18 – paragraph 4

Text proposed by the Commission

4. The Commission may at any point in time request the signatories of a self-regulation measure to submit a revised and updated version of that measure in view of relevant market or technological developments within the product group concerned or where it has reason to believe that the criteria set out in paragraph 3 are no longer fulfilled.

Amendment

4. The Commission may at any point in time request the signatories of a self-regulation measure to submit a revised and updated version of that measure in view of relevant market or technological developments within the product group concerned or where it has reason to believe that the criteria set out in paragraph 3 are no longer fulfilled. ***The signatories shall submit a revised and updated version of that measure within three months of the***

request made by the Commission.

Amendment 149
Proposal for a regulation
Article 18 – paragraph 5

Text proposed by the Commission

5. Once a self-regulation measure has been listed in ***an implementing*** act adopted pursuant to paragraph 3, second subparagraph, the signatories of that measure shall report to the Commission, at regular intervals set out in that ***implementing*** act, on the progress towards achieving the objectives of the self-regulation measures and to demonstrate that the criteria set in paragraph 3, points (a) to (e), remain fulfilled. ***Those*** reports shall ***also*** be made available on a publicly accessible website.

Amendment

5. Once a self-regulation measure has been listed in ***a delegated*** act adopted pursuant to paragraph 3, second subparagraph, the signatories of that measure shall report to the Commission, at regular intervals set out in that ***delegated*** act, on the progress towards achieving the objectives of the self-regulation measures and to demonstrate that the criteria set in paragraph 3, points (a) to (e), remain fulfilled. ***Where a signatory does not comply with the requirements of the self-regulation measure, it shall take corrective action. The independent inspector shall notify the Commission of the lack of compliance of a signatory. Progress reports, including compliance reports made by the independent inspector, and notifications about lack of compliance and corresponding corrective action*** shall be made available on a publicly accessible website ***of the Commission.***

Amendment 150
Proposal for a regulation
Article 18 – paragraph 6

Text proposed by the Commission

6. Where the Commission considers, based on information received pursuant to paragraphs 4 or 5, that a self-regulation measure no longer fulfils the criteria set out in paragraph 3, it shall delete it from the list referred to in that paragraph. In such cases, the Commission may decide to adopt ecodesign requirements applicable to the

Amendment

6. Where the Commission considers, based on information received pursuant to paragraphs **2**, 4 or 5, that a self-regulation measure no longer fulfils the criteria set out in paragraph 3, it shall delete it from the list referred to in that paragraph. In such cases, the Commission may decide to adopt ecodesign requirements applicable to the

product covered by that self-regulation measure.

product covered by that self-regulation measure.

Amendment 151
Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

1. In the context of programmes from which SMEs can benefit, the Commission shall take into account initiatives which help SMEs to integrate environmental sustainability aspects including energy efficiency in their value chain.

Amendment

1. In the context of programmes from which ***micro-enterprises and*** SMEs can benefit, the Commission shall take into account initiatives which help ***micro-enterprises and*** SMEs to integrate environmental sustainability aspects including energy efficiency in their value chain.

Amendment 152
Proposal for a regulation
Article 19 – paragraph 2

Text proposed by the Commission

2. When adopting delegated acts pursuant to Article 4 the Commission shall, where appropriate, accompany those acts with guidelines covering specificities of SMEs active in the product or product group sector affected for facilitating the application of this Regulation by SMEs.

Amendment

2. When adopting delegated acts pursuant to Article 4 the Commission shall, where appropriate, accompany those acts with guidelines covering specificities of ***micro-enterprises and*** SMEs active in the product or product group sector affected for facilitating the application of this Regulation by ***micro-enterprises and*** SMEs. ***The Commission shall consult micro-enterprises' and SMEs' representative organisations in the drafting of the guidelines.***

Amendment 153
Proposal for a regulation
Article 19 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Member States shall take appropriate measures to help SMEs apply ecodesign

Amendment

Member States shall take appropriate measures to help ***micro-enterprises and***

requirements set out in delegated acts adopted pursuant to Article 4..

SMEs apply ecodesign requirements set out in delegated acts adopted pursuant to Article 4. ***When preparing such measures, Member States shall consult micro-enterprises' and SMEs' representative organisations.***

Amendment 154
Proposal for a regulation
Article 19 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Those measures shall at least include ensuring the availability of one-stop shops or similar mechanisms to raise awareness and create networking opportunities for SMEs to adapt to requirements.

Amendment

Those measures shall at least include ensuring the availability of one-stop shops or similar mechanisms to raise awareness and create networking opportunities for ***micro-enterprises and*** SMEs to adapt to requirements. ***Those measures shall also at least include specific mechanisms to facilitate compliance with the requirements set out in Articles 8 to 12a and with conducting life cycle assessments.***

Amendment 155
Proposal for a regulation
Article 19 – paragraph 3 – subparagraph 3 – point a

Text proposed by the Commission

(a) financial support, including by giving fiscal advantages ***and*** providing physical and digital infrastructure investments;

Amendment

(a) financial support, including by giving fiscal advantages, ***enabling participation in the Ecodesign Forum,*** providing physical and digital infrastructure investments;

Amendment 156
Proposal for a regulation
Article 20 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) the number of unsold consumer products discarded per year, differentiated

Amendment

(a) the number ***and percentage*** of unsold consumer products discarded per

per type or category of products;

year, differentiated per type or category of products;

Amendment 157

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

(c) the delivery of discarded products to preparing for re-use, remanufacturing, recycling, energy recovery and disposal operations in accordance with the waste hierarchy as defined by Article 4 of Directive 2008/98/EC.

Amendment

(c) the delivery of discarded products to **donation**, preparing for re-use, remanufacturing, recycling, energy recovery and disposal operations in accordance with the waste hierarchy as defined by Article 4 of Directive 2008/98/EC.

Amendment 158

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The economic operator shall disclose that information on a freely accessible website **or otherwise make it publicly available**, until a delegated act adopted pursuant to paragraph 3 starts applying to the category of unsold consumer products discarded by the operator in question.

Amendment

The economic operator shall disclose that information on a freely accessible website **of the Commission**, until a delegated act adopted pursuant to paragraph 3 starts applying to the category of unsold consumer products discarded by the operator in question.

Amendment 159

Proposal for a regulation

Article 20 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Commission **may** adopt implementing acts setting out the format for the disclosure of the information referred to in paragraph 1, including the type or category and how the information is to be verified.

Amendment

The Commission **shall** adopt implementing acts setting out the format for the disclosure of the information referred to in paragraph 1, including the type or category and how the information is to be verified.

Amendment 160
Proposal for a regulation
Article 20 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 66 to supplement this Regulation by prohibiting economic operators to destroy unsold consumer products ***in the Union***, where the destruction of unsold consumer products falling within a certain product group has ***significant*** environmental impact.

Amendment 161

Proposal for a regulation
Article 20 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 66 to supplement this Regulation by prohibiting economic operators to destroy unsold consumer products, where the destruction of unsold consumer products falling within a certain product group has ***non-negligible*** environmental impact.

Amendment

On the basis of information provided under paragraph 1, the Commission shall by ... [insert the date 2 years after the entry into force of this Regulation] and every 3 years thereafter publish a report on the destruction of unsold goods. In that report, the Commission shall identify the products for which it considers necessary to adopt a delegated act prohibiting the destruction of unsold goods.

Amendment 162
Proposal for a regulation
Article 20 – paragraph 3 – subparagraph 2 – point a

Text proposed by the Commission

(a) health and safety concerns;

Amendment

(a) health, ***hygiene*** and safety concerns;

Amendment 163
Proposal for a regulation
Article 20 – paragraph 3 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) damage to products as a result of their handling or detected after a product has been returned **by a consumer**;

(b) damage to products **that cannot be repaired in a cost-effective manner** as a result of their handling or detected after a product has been returned;

Amendment 164

Proposal for a regulation

Article 20 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(c) **fitness of the product for the purpose for which it is intended, taking into account, where applicable, Union and national law and technical standards;**

deleted

Amendment 165

Proposal for a regulation

Article 20 – paragraph 3 – subparagraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) counterfeit products.

Amendment 166

Proposal for a regulation

Article 20 – paragraph 5 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the number of unsold consumer products destroyed;

(a) the number **and percentage** of unsold consumer products destroyed;

Amendment 167

Proposal for a regulation

Article 20 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Commission shall provide economic operators with sufficient time to

adjust to new requirements.

Amendment 168
Proposal for a regulation
Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20a

1. One year after ... [insert the date of the entry into force of this Regulation], the destruction of unsold consumer products by economic operators shall be prohibited for the following product categories:

(a) textiles and footwear;

(b) electrical and electronic equipment.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 66 to supplement this Regulation to set out certain exemptions from the prohibitions referred to in paragraph 1 where it is appropriate taking into account the following:

(a) health, hygiene and safety concerns;

(b) damage to products that cannot be repaired in a cost-effective manner as a result of their handling or detected after a product has been returned;

(c) refusal of products for donation, preparing for re-use or remanufacturing;

(d) counterfeit products.

3. Where unsold products are destroyed under an exemption referred to in paragraph 2, the responsible economic operator shall disclose on a freely accessible website or otherwise make publicly available:

(a) the number and percentage of unsold products destroyed;

(b) the reasons for the destruction of the unsold products, referring to the applicable exemption;

(c) the delivery of the products destroyed to recycling, energy recovery and disposal operations in accordance with the waste hierarchy as defined by Article 4 of Directive 2008/98/EC.

The details of and format for the disclosure of information provided for in the implementing act adopted pursuant to Article 20(2) shall apply to the information to be disclosed pursuant to this paragraph, unless the delegated act adopted pursuant to paragraph 2 provides otherwise.

4. This Article shall not apply to SMEs.

However, the Commission may, in the delegated acts adopted pursuant to paragraph 2, provide that the prohibition of the destruction of unsold consumer products referred to in paragraph 1 or the disclosure obligation referred to in paragraph 3 shall apply to:

(a) medium-sized enterprises, where there is sufficient evidence that they account for a substantial proportion of unsold consumer products being destroyed;

(b) micro-enterprises and small or medium-sized enterprises, where there is sufficient evidence that they may be used to circumvent the prohibition on the destruction of unsold consumer products referred to in paragraph 1 or the disclosure obligation referred to in paragraph 3.

Amendment 169
Proposal for a regulation
Article 21 – paragraph 3

Text proposed by the Commission

Amendment

3. Manufacturers shall keep the technical documentation and the EU declaration of conformity for 10 years after the product has been placed on the market or put into service. Delegated acts adopted pursuant to Article 4 may specify a period longer or shorter than 10 years in order to take account of the nature of the products or requirements concerned.

3. Manufacturers shall keep the technical documentation and the EU declaration of conformity for 10 years after the product has been placed on the market or put into service. Delegated acts adopted pursuant to Article 4 may specify a period longer or shorter than 10 years in order to take account of the nature of the products, ***the complexity of the information to be provided***, or requirements concerned.

Amendment 170
Proposal for a regulation
Article 21 – paragraph 7

Text proposed by the Commission

7. Manufacturers shall ensure ***that*** that a product covered by a delegated act adopted pursuant to Article 4 is accompanied by instructions that enable consumers and other end-users to safely assemble, install, operate, store, maintain, repair and dispose of the product in a language that can be easily understood by consumers and other end-users, as determined by the Member State concerned. Such instructions shall be clear, understandable and legible and include at least the information specified in the delegated acts adopted pursuant to Article 4 and pursuant to Article 7(2)(b), point (ii).

Amendment

7. Manufacturers shall ensure that a product covered by a delegated act adopted pursuant to Article 4 is accompanied by instructions ***in digital format*** that enable consumers and other end-users to safely assemble, install, operate, store, maintain, repair and dispose of the product in a language that can be easily understood by consumers and other end-users, as determined by the Member State concerned. Such instructions shall be clear, understandable and legible and include at least the information specified in the delegated acts adopted pursuant to Article 4 and pursuant to Article 7(2)(b), point (ii). ***The delegated acts adopted pursuant to Article 4 shall also specify the period during which such instructions shall be made accessible online. Such period shall not be less than 10 years after placing the product on the market.***

Amendment 171
Proposal for a regulation
Article 21 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. When providing the instructions referred to in paragraph 7, the

manufacturer shall present them in a format that makes it possible to download them and save on an electronic device so that the consumer or other end-user can access them at all times.

Amendment 172
Proposal for a regulation
Article 21 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. *Upon request of the consumer or other end-user at the time of the purchase or up to 6 months after that purchase, the manufacturer shall provide the instructions in paper format free of charge.*

Amendment 173
Proposal for a regulation
Article 21 – paragraph 7 c (new)

Text proposed by the Commission

Amendment

7c. *The delegated acts adopted pursuant to Article 4 may specify, in well-justified cases, that certain concise information forming part of the instructions provided for in paragraph 7 of this Article may be provided in paper format.*

Amendment 174
Proposal for a regulation
Article 21 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Amendment

Manufacturers who consider or have reason to believe that a product covered by a delegated act adopted pursuant to Article 4 that they *have* been placed on the market or put into service is not in conformity with the requirements set out in those delegated acts shall *immediately* take the necessary

Manufacturers who consider or have reason to believe that a product covered by a delegated act adopted pursuant to Article 4 that they *has* been placed on the market or put into service is not in conformity with the requirements set out in those delegated acts shall *without undue delay* take the

corrective measures to bring that product into conformity, *to* withdraw it or recall it, if appropriate.

necessary corrective measures to bring that product into conformity, *or to immediately* withdraw it or recall it, if appropriate.

Amendment 175

Proposal for a regulation

Article 21 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Manufacturers shall establish publicly available communication channels such as a telephone number, electronic address or dedicated section of their website, taking into account the accessibility needs for persons with disabilities, in order to allow end-users to submit complaints or concerns regarding the potential non-conformity of products.

Manufacturers shall take appropriate measures when they consider that there is a case of non-compliance with the requirements set out in this Regulation, and inform market surveillance authorities. Manufacturers shall keep a register of complaints and concerns only as long as it is necessary for the purpose of this Regulation and make it available upon request from a market surveillance authority.

Amendment 176

Proposal for a regulation

Article 21 – paragraph 9 – subparagraph 1

Text proposed by the Commission

Amendment

Manufacturers shall, further to a reasoned request from a competent national authority, provide all the information and documentation necessary to demonstrate the conformity of the product, including the technical documentation in a language that can be easily understood by that authority. That information and documentation shall be provided in either

Manufacturers shall, further to a reasoned request from a competent national authority, provide all the information and documentation necessary to demonstrate the conformity of the product, including the technical documentation in a language that can be easily understood by that authority. That information and documentation shall be provided in either

paper or electronic form. The relevant documents shall be made available within **10** days of receipt of a request by a competent national authority.

paper or electronic form. The relevant documents shall be made available **as soon as possible and no later than** within **15** days of receipt of a request by a competent national authority.

Amendment 177
Proposal for a regulation
Article 22 – paragraph 2 – point d

Text proposed by the Commission

(d) further to a request from a competent national authority, make available relevant documents within **10** days of the receipt of such a request ;

Amendment

(d) further to a request from a competent national authority, make available relevant documents **as soon as possible and no later than** within **15** days of the receipt of such a request;

Amendment 178
Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

4. Importers shall ensure that the product is accompanied by instructions that enable the consumer to assemble, install, operate, store, maintain, repair and dispose of the product, in a language that can be easily understood by consumers and other end users, as determined by the Member State concerned. Such instructions shall be clear, understandable and legible and shall include at least the information specified in the delegated acts adopted pursuant to Article 4.

Amendment

4. Importers shall ensure that the product is accompanied by instructions that enable the consumer to assemble, install, operate, store, maintain, repair and dispose of the product, in a language that can be easily understood by consumers and other end users, as determined by the Member State concerned. Such instructions shall be clear, understandable and legible and shall include at least the information specified in the delegated acts adopted pursuant to Article 4. **The obligations set in Article 21, paragraphs 7b and 7c shall apply mutatis mutandis.**

Amendment 179
Proposal for a regulation
Article 23 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Importers who consider or have reason to

Amendment

Importers who consider or have reason to

believe that a product covered by a delegated act adopted pursuant to Article 4, which they have placed on the market or put into service, is not in conformity with the requirements set out in that act shall **immediately** take the corrective measures necessary to bring that product into conformity, **to** withdraw it or recall it, if appropriate.

believe that a product covered by a delegated act adopted pursuant to Article 4, which they have placed on the market or put into service, is not in conformity with the requirements set out in that act shall **without undue delay** take the corrective measures necessary to bring that product into conformity, **or to immediately** withdraw it or recall it, if appropriate.

Amendment 180

Proposal for a regulation

Article 23 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Importers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a product, including technical documentation, in a language that can be easily understood by that authority. That information and documentation shall be provided in either paper or electronic form. The relevant documents shall be made available within **10** days of receipt of a request by the competent authority of a Member State.

Amendment

Importers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a product, including technical documentation, in a language that can be easily understood by that authority. That information and documentation shall be provided in either paper or electronic form. The relevant documents shall be made available **as soon as possible and no later than** within **15** days of receipt of a request by the competent authority of a Member State.

Amendment 181

Proposal for a regulation

Article 24 – paragraph 2 – point b

Text proposed by the Commission

(b) the product is accompanied by the required documents and by instructions, to enable the consumer to assemble, install, operate, store, maintain, and dispose of the product, in a language that can be easily understood by consumers and other end-users, as determined by the Member State in which the product is to be made available on the market, and that such instructions are clear, understandable and

Amendment

(b) the product is accompanied by the required documents and by instructions, to enable the consumer to assemble, install, operate, store, maintain, and dispose of the product, in a language that can be easily understood by consumers and other end-users, as determined by the Member State in which the product is to be made available on the market, and that such instructions are clear, understandable and

legible and include at least the information set out in Article 7(2), point (b), point (ii), as laid down in the delegated act adopted pursuant to Article 4;

legible and include at least the information set out in Article 7(2), point (b), point (ii), as laid down in the delegated act adopted pursuant to Article 4; ***the obligations set in Article 21, paragraphs 7b and 7c, shall apply mutatis mutandis;***

Amendment 182
Proposal for a regulation
Article 25 – paragraph 3 – point c

Text proposed by the Commission

(c) not provide or display other labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the information included on the label.

Amendment

(c) not provide or display other labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the information included on the label ***regarding ecodesign requirements.***

Amendment 183
Proposal for a regulation
Article 25 a (new)

Text proposed by the Commission

Amendment

Article 25a

Obligations of suppliers

The supplier of a substance or a mixture or the supplier of an article shall provide free of charge all the relevant information to the economic operators to facilitate its compliance with the performance and information requirements set out in this Regulation.

Amendment 184
Proposal for a regulation
Article 26 – paragraph 4 – point b

Text proposed by the Commission

(b) not provide or display other labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with

Amendment

(b) not provide or display other labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with

respect to the information included on the label.

respect to the information included on the label ***by mimicking mandatory labels or by providing information contradicting or inconsistent with mandatory labels. These restrictions shall not comprise the EU Ecolabel provided for in Regulation (EC) No 66/2010 and other nationally or regionally recognised EN ISO 14024 type 1-Ecolabels as referred to in that Regulation.***

Amendment 185
Proposal for a regulation
Article 29 – title

Text proposed by the Commission

Amendment

Obligations of online marketplaces ***and online search engines***

Obligations of online marketplaces

Amendment 186
Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

Amendment

1. ***The cooperation referred to in Article 7(2) of Regulation (EU) 2019/1020 shall, with regard to online marketplaces and for the purposes of this Regulation, include in particular:***

1. Online marketplaces ***shall cooperate***, for the purposes of this Regulation, ***with the market surveillance authorities, at the request of the market surveillance authorities and in specific cases, to facilitate any action taken to eliminate or, if that is not possible, to mitigate the risks presented by a product that is or was offered for sale online through their services.***

(a) cooperating to ensure effective market surveillance measures, including by abstaining from putting in place obstacles to such measures;

(b) informing the market surveillance authorities of any action taken;

(c) establishing a regular and structured exchange of information on offers that have been removed on the

basis of this Article by online marketplaces;

(d) allowing online tools operated by market surveillance authorities to access their interfaces in order to identify non-compliant products;

(e) upon request of the market surveillance authorities, when online marketplaces or online sellers have put in place technical obstacles to the extraction of data from their online interfaces, allowing those authorities to scrape such data for product compliance purposes based on the identification parameters provided by the requesting market surveillance authorities.

Amendment 187

Proposal for a regulation

Article 29 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

For the purpose of the requirements of [Article 22(7)] of Regulation (EU) .../... [the Digital Services Act], online marketplaces shall design and organise their online interface in a way that enables dealers to fulfil their obligations set out in Article 25 and allows economic operators to fulfil their obligations under Article 30(1) of this Regulation.

deleted

Amendment 188

Proposal for a regulation

Article 29 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The information shall be able to be provided for each product offered and displayed or otherwise made easily accessible by customers on the product listing.

deleted

Amendment 189
Proposal for a regulation
Article 29 – paragraph 2 – subparagraph 3

Text proposed by the Commission

In particular, where delegated acts adopted pursuant to Article 4 require online visual advertising for certain products to be accompanied by online electronic information to be displayed on the display mechanism, online marketplaces shall enable dealers to show it. This obligation shall also apply to online search engines and other online platforms that provide online visual advertising for the products concerned.

Amendment

deleted

Amendment 190
Proposal for a regulation
Article 29 – paragraph 3

Text proposed by the Commission

3. As far as powers conferred by Member States in accordance with Article 14 of Regulation (EU) 2019/1020 are concerned, Member States shall confer on their market surveillance authorities the power, **for all products covered by a relevant delegated act adopted pursuant to Article 4, to order an online marketplace to remove** specific **illegal** content referring to a non-compliant product **from its** online interface, disable access to it or display an explicit warning to end-users when they access it. Such orders shall comply with [Article 8(1)] of Regulation (EU) .../... [the Digital Services Act].

Amendment

3. As far as powers conferred by Member States in accordance with Article 14 of Regulation (EU) 2019/1020 are concerned, Member States shall confer on their market surveillance authorities the power, **as regards** specific content referring to **an offer of** a non-compliant product **with the requirements of this Regulation, to issue an order requiring the providers of online marketplaces to remove such content from their** online interface, disable access to it or display an explicit warning to end-users when they access it. Such orders shall comply with [Article 8(1)] of Regulation (EU) .../... [the Digital Services Act].

Amendment 191
Proposal for a regulation
Article 29 – paragraph 4

Text proposed by the Commission

Amendment

4. **Online marketplaces shall take the necessary measures to receive and process the orders referred to in paragraph 2 in accordance with [Article 8] of Regulation (EU) .../... [the Digital Services Act].**

deleted

Amendment 192

Proposal for a regulation

Article 29 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Online marketplaces shall establish a single contact point allowing for direct communication with Member States' market surveillance authorities in relation to compliance with this Regulation and the delegated acts adopted pursuant to Article 4.

Amendment

Online marketplaces shall establish **or appoint an existing contact point as** a single contact point allowing for direct communication with Member States' market surveillance authorities in relation to compliance with this Regulation and the delegated acts adopted pursuant to Article 4 **and enable consumers to communicate directly and rapidly with them in relation to ecodesign requirements.**

Amendment 193

Proposal for a regulation

Article 29 – paragraph 5 – subparagraph 2

Text proposed by the Commission

This contact point may be the same contact point as the one referred to in [Article 20(1)] of Regulation (EU) .../... [the General Product Safety Regulation] or [Article **10(1)**] of Regulation (EU) .../... **[the Digital Services Act].**

Amendment

This contact point may be the same contact point as the one referred to in [Article 20(1)] of Regulation (EU) .../... [the General Product Safety Regulation] or Article **11** of Regulation (EU) **2022/2065.**

Amendment 194

Proposal for a regulation

Article 30 – paragraph 1 – point c

Text proposed by the Commission

(c) information **to identify** the product, including its type and, **where available, batch or serial number and** any other

Amendment

(c) information **allowing the identification of** the product, including **a picture of it**, its type and any other product

product identifier.

identifier.

Amendment 195

Proposal for a regulation

Article 30 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

When requiring manufacturers, their authorised representatives or importers to make parts of the technical documentation related to the relevant product digitally available pursuant to Article 4, third subparagraph, point (a), the Commission shall take into account the following criteria:

When requiring, ***upon a reasoned request from a national competent authority,*** manufacturers, their authorised representatives or importers to make parts of the technical documentation related to the relevant product digitally available pursuant to Article 4, third subparagraph, point (a), the Commission shall take into account the following criteria:

Amendment 196

Proposal for a regulation

Article 31 – paragraph 3 – subparagraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the need to ensure protection of data and data privacy;

Amendment 197

Proposal for a regulation

Article 31 – paragraph 3 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) collecting the in-use data if it can be accessed remotely via the internet, ***unless*** the end-user ***expressly refuses*** to make ***that*** data available;

(a) collecting the in-use data if it can be accessed remotely via the internet ***following explicit consent by*** the end-user ***in accordance with Regulation (EU) 2016/679*** to make ***the*** data available;

Amendment 198

Proposal for a regulation

Article 33 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Software or firmware updates shall not worsen product performance in relation to any of the product parameters regulated in delegated acts adopted pursuant to Article 4 by which the products are covered or the functional performance from the perspective of the user when measured with the test method used for the conformity assessment, except with explicit consent of the end-user prior to the update. No performance change shall occur as a result of rejecting the update.

Amendment

Software or firmware updates shall not **significantly** worsen product performance in relation to any of the product parameters regulated in delegated acts adopted pursuant to Article 4 by which the products are covered or the functional performance from the perspective of the user when measured with the test method used for the conformity assessment, except with explicit consent of the end-user prior to the update. No performance change shall occur as a result of rejecting the update.

Amendment 199
Proposal for a regulation
Article 35 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3).

Amendment

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3).
Where a harmonised standard is adopted by a European standardisation organisation and proposed to the Commission for the publication of its reference in the Official Journal of the European Union, the Commission shall assess the harmonised standards in accordance with Regulation (EU) 1025/2012. When the reference of a harmonised standard is published in the Official Journal of the European Union, the Commission shall repeal the implementing acts or parts thereof containing the same ecodesign requirements.

Amendment 200
Proposal for a regulation
Article 58 – paragraph 1

Text proposed by the Commission

1. Requirements pursuant to Article 4,

Amendment

1. ***Without prejudice to Directives***

third subparagraph, point (h) for public contracts awarded by contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, *may* take the form of mandatory technical specifications, selection criteria, award criteria, contract performance clauses, or targets, as appropriate.

2014/24/EU and 2014/25/EU, requirements pursuant to Article 4, third subparagraph, point (h) for public contracts awarded by contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, *shall* take the form of mandatory technical specifications, selection criteria, award criteria, contract performance clauses, or targets, as appropriate.

Amendment 201
Proposal for a regulation
Article 58 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States, together with the Commission, shall provide assistance to national contracting authorities to upskill and reskill staff in charge of green public procurement.

Amendment 202
Proposal for a regulation
Article 58 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the need to ensure sufficient demand for more environmentally sustainable products;

(b) **environmental benefits and** the need to ensure sufficient demand for more environmentally sustainable products;

Amendment 203
Proposal for a regulation
Article 59 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Without prejudice to Article 13 of Regulation (EU) 2019/1020, each Member State shall, at least every 2 years, draw up

Without prejudice to Article 13 of Regulation (EU) 2019/1020, each Member State shall, at least every 2 years, draw up

an action plan outlining the market surveillance activities planned to ensure that appropriate checks are performed on an adequate scale in relation to this Regulation and the delegated acts adopted pursuant to Article 4. Each Member State shall draw up the first such action plan by [16 July 2024].

an action plan outlining the market surveillance activities planned to ensure that appropriate checks, ***including physical and laboratory checks based on adequate samples***, are performed on an adequate scale in relation to this Regulation and the delegated acts adopted pursuant to Article 4. Each Member State shall draw up the first such action plan by [16 July 2024].

Amendment 204

Proposal for a regulation

Article 59 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

(b) the market surveillance activities planned in order to reduce non-compliance for those products or requirements identified as priorities, including the nature and minimum number of checks to be performed during the period covered by the action plan.

Amendment

(b) the market surveillance activities planned in order to reduce ***or bring to an end*** non-compliance for those products or requirements identified as priorities, including the nature and minimum number of checks to be performed during the period covered by the action plan.

Amendment 205

Proposal for a regulation

Article 59 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the number of complaints received from end-users, consumer organisations or other information received from economic operators or the media;

Amendment 206

Proposal for a regulation

Article 59 – paragraph 3

Text proposed by the Commission

3. The nature and number of checks planned pursuant to paragraph 1, point (b), shall be proportionate to the objective criteria used to identify the priorities in line

Amendment

3. The nature and number of checks planned pursuant to paragraph 1, point (b), shall be proportionate to the objective criteria used to identify the priorities in line with paragraph 2. ***For product categories***

with paragraph 2.

identified as representing a high risk of non-compliance, market surveillance authorities shall consider that those checks shall include physical and laboratory checks based on adequate samples.

Amendment 207
Proposal for a regulation
Article 59 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In order to carry out market surveillance in relation to this Regulation and to the delegated acts adopted pursuant to Article 4, Member States shall ensure that their market surveillance authorities have the necessary resources, including sufficient budgetary and other resources, such as a sufficient number of competent personnel, expertise, procedures and other arrangements for the proper performance of their duties.

Amendment 208
Proposal for a regulation
Article 59 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission may adopt *implementing* acts listing the products or requirements that Member States shall *at least consider* as priorities for market surveillance pursuant to paragraph 1, point (a).

The Commission may adopt *delegated* acts *in accordance with Article 66 to supplement this Regulation* by listing the products or requirements that Member States shall *include* as priorities for market surveillance pursuant to paragraph 1, point (a).

Amendment 209
Proposal for a regulation
Article 59 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 67(2).

deleted

Amendment 210

Proposal for a regulation

Article 60 – paragraph 1 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) where relevant, the priorities included in the ***implementing*** acts referred to in Article 59(5).

(d) where relevant, the priorities included in the ***delegated*** acts referred to in Article 59(5).

Amendment 211

Proposal for a regulation

Article 61 – paragraph 1

Text proposed by the Commission

Amendment

1. Market surveillance authorities shall enter into the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 information on the nature and severity of any penalty imposed in relation to non-compliance with this Regulation.

1. Market surveillance authorities shall enter into the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 information on the ***number and nature of checks performed, as well as the*** nature and severity of any penalty imposed in relation to non-compliance with this Regulation.

Amendment 212

Proposal for a regulation

Article 61 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall publish the report referred to in paragraph 2 of this Article in the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall make public a summary of the report.

3. The Commission shall publish the report referred to in paragraph 2 of this Article in the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall make public ***both*** a summary of the report ***and the report***.

Amendment 213

Proposal for a regulation

Article 62 – paragraph 2 – subparagraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) where appropriate, consult with stakeholders and experts.

Amendment 214

Proposal for a regulation

Article 63 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Where, in the course of that evaluation, the market surveillance authorities find that the product does not comply with the requirements laid down in the applicable delegated acts adopted pursuant to Article 4, they shall without delay require the relevant economic operator to take appropriate and proportionate corrective action, within a reasonable period prescribed by the market surveillance authorities and commensurate with the nature and where relevant the degree of the non-compliance, to bring the non-compliance to an end. The corrective action required to be taken by the economic operator may include the actions listed in Article 16(3) of Regulation (EU) 2019/1020.

Where, in the course of that evaluation, the market surveillance authorities find that the product does not comply with the requirements laid down in the applicable delegated acts adopted pursuant to Article 4, they shall without delay require the relevant economic operator to take appropriate and proportionate corrective action, within a reasonable period prescribed by the market surveillance authorities and commensurate with the nature and where relevant the degree of the non-compliance, to bring the non-compliance to an end. The corrective action required to be taken by the economic operator may include **as a minimum** the actions listed in Article 16(3) of Regulation (EU) 2019/1020.

Amendment 215

Proposal for a regulation

Article 66 – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 4, Article 9(1), second subparagraph, Article 11(4), Article 20(3), and Article 61(1) shall be conferred on the Commission for a period of **six** years from

2. The power to adopt delegated acts referred to in Article 4, Article 9(1), second subparagraph, Article 11(4), Article 20(3), and Article 61(1) shall be conferred on the Commission for a period of **five** years from

[*one month after* the entry into force of this act]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the *six-year* period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

[the *date of* entry into force of this act]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the *five-year* period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Amendment 216
Proposal for a regulation
Article 66 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 4, Article 9(1), second subparagraph, Article 11(4), Article 20(3), and Article **61(1)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 217
Proposal for a regulation
Article 68 – paragraph 1

Text proposed by the Commission

Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive, *taking into account the extent of non-compliance and the number of units of non-complying products placed*

Amendment

3. The delegation of power referred to in Article 4, Article 9(1), second subparagraph, Article 11(4), Article 20(3), and Article **60(1)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those provisions by [one year after the date of application of this

on the Union market. Member States shall notify the Commission of those provisions by [one year after the date of application of this Regulation] at the latest and shall notify it without delay of any subsequent amendment affecting them.

Regulation] at the latest and shall notify it without delay of any subsequent amendment affecting them.

Amendment 218
Proposal for a regulation
Article 68 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

When determining the type and level of penalties to be imposed in the event of infringements, the competent authorities of the Member States shall give due regard to the following criteria:

- (a) the nature, gravity and duration of the infringement, including the number of units of non-complying products placed on the Union market;*
- (b) where appropriate, the intentional or negligent character of the infringement;*
- (c) the financial strength of the natural or legal person held responsible, as indicated for example by the total turnover of the legal person held responsible or the annual income of the natural person held responsible;*
- (d) the economic benefits derived from the infringement by the natural or legal person held responsible, insofar as they can be determined;*
- (e) the damage to human health or the environment caused by the infringement, insofar as it can be determined;*
- (f) any action taken by the natural or legal person held responsible to mitigate or remedy the damage caused;*
- (g) the level of cooperation of the natural or legal person held responsible*

with the competent authority;

(h) previous infringements by the natural or legal person held responsible;

(i) any action aiming to circumvent or obstruct administrative controls and

(j) any other aggravating or mitigating factor applicable to the circumstances of the case.

Amendment 219
Proposal for a regulation
Article 68 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The Member States shall at least be able to impose the following penalties in the event of infringements of this Regulation:

(a) fines;

(b) confiscation of revenues gained by the natural or legal person from a transaction related to the infringement;

(c) exclusion from public procurement procedures.

Amendment 220
Proposal for a regulation
Article 69 – title

Text proposed by the Commission

Amendment

Evaluation

Monitoring and evaluation

Amendment 221
Proposal for a regulation
Article 69 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. The Commission shall compile relevant data on products and product groups subject to ecodesign requirements,

including on their life-cycle, environmental, carbon and material footprints with a view to evaluating the improvements of the environmental sustainability of those products. On the basis of those data, the Commission shall publish an annual report.

The Commission shall regularly, and at least once every 3 years following the adoption of ecodesign requirements, conduct an evaluation of such requirements, with a view to identifying the need for potential reviews.

Amendment 222
Proposal for a regulation
Article 69 – paragraph 1

Text proposed by the Commission

No *sooner* than [8 years after the date of application of this Regulation], the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of products. The Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.

Amendment

No *later* than [6 years after the date of application of this Regulation], **and every 6 years thereafter**, the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of products. The Commission shall **also evaluate the use of exemptions for imported second-hand products or product groups provided for in delegated acts adopted pursuant to Article 4 this Regulation.**

No later than [insert the date 4 years after the date of application of this Regulation], the Commission shall consider the inclusion of social sustainability and due diligence requirements within the scope of this Regulation.

The Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions, **and make it publicly available.** Member States shall

provide the Commission with the information necessary for the preparation of that report.

Amendment 223
Proposal for a regulation
Article 69 a (new)

Text proposed by the Commission

Amendment

Article 69a

Remedies for lack of compliance

- 1. In the event of non-compliance of a product with ecodesign requirements, the product shall be considered to be in nonconformity with the sales contract, in the meaning of the Article 5 of the Directive (EU) 2019/771, and shall give consumers the right to a remedy under the conditions set out in Article 13 of this Directive, independently of the expiry of the time limits as defined by Article 10 of this Directive.***
- 2. The marketing or offering for sale of a product which is non-compliant with ecodesign requirements shall be considered an unfair commercial practice in accordance with Article 5 of Directive 2005/29/EC and therefore give consumers the right to a remedy under Article 11a of this Directive.***

Amendment 224
Proposal for a regulation
Article 69 b (new)

Text proposed by the Commission

Amendment

Article 69b

Amendment to Directive (EU) 2020/1828
Point (27) of Annex I to Directive (EU) 2020/1828 of the European Parliament and of the Council^{1a} shall be replaced by the following:

‘(27) Regulation (EU) .../... of the European Parliament and of the Council ... on establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC.’

^{1a} Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (OJ L 409, 4.12.2020, p. 1).

Amendment 225
Proposal for a regulation
Annex I – paragraph 1 – introductory part

Text proposed by the Commission

The following parameters **may**, as appropriate, and where necessary supplemented by others, be used as a basis for improving the product aspects referred to in Article 5(1):

Amendment

The following parameters **shall**, as appropriate, and where necessary supplemented by others, be used, **individually or combined**, as a basis for improving the product aspects referred to in Article 5(1):

Amendment 226
Proposal for a regulation
Annex I – paragraph 1 – point b

Text proposed by the Commission

(b) ease of repair and maintenance as expressed through: characteristics, availability **and** delivery time of spare parts, modularity, compatibility with commonly available spare parts, availability of repair and maintenance instructions, number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials,

Amendment

(b) ease of repair and maintenance, **while taking into consideration product safety**, as expressed through: characteristics, availability, delivery time **and affordability** of spare parts, modularity, compatibility with commonly available **tools and** spare parts, availability of repair and maintenance instructions, number of materials and components used, use of standard components, use of component and material coding standards

number and complexity of processes and tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed;

for the identification of components and materials, number and complexity of processes and ***whether specialised tools are*** needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed;

Amendment 227

Proposal for a regulation

Annex I – paragraph 1 – point d

Text proposed by the Commission

(d) ease ***and*** quality of recycling as expressed through: use of easily recyclable materials, safe, easy and non-destructive access to recyclable components and materials or components and materials containing hazardous substances, material composition and homogeneity, possibility for high-purity sorting, number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed;

Amendment

(d) ease, quality ***and economic viability*** of recycling as expressed through: use of easily recyclable materials, safe, easy and non-destructive access to recyclable components and materials or components and materials containing hazardous substances ***and*** material composition and homogeneity, possibility for high-purity sorting, ***design for recycling***, number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed;

Amendment 228

Proposal for a regulation

Annex I – paragraph 1 – point e

Text proposed by the Commission

(e) avoidance of technical solutions detrimental to re-use, upgrading, repair, maintenance, refurbishment, remanufacturing and recycling of products

Amendment

(e) avoidance of technical solutions detrimental to re-use, upgrading, repair, maintenance, refurbishment, remanufacturing and recycling of products

and components;

and components, ***while taking into consideration product safety***;

Amendment 229
Proposal for a regulation
Annex I – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) avoidance of premature obsolescence;

Amendment 230
Proposal for a regulation
Annex I – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) use of substances, on their own, as constituents of substances or in mixtures, during the production process of products, or leading to their presence in products, including once these products become waste;

(f) use of substances, ***and in particular the use of substances of concern***, on their own, as constituents of substances or in mixtures, during the production process of products, or leading to their presence in products, including once these products become waste;

Amendment 231
Proposal for a regulation
Annex I – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) use or content of sustainably sourced renewable materials;

Amendment 232
Proposal for a regulation
Annex I – paragraph 1 – point h b (new)

Text proposed by the Commission

Amendment

(hb) use or content of critical raw materials:

Amendment 233
Proposal for a regulation
Annex I – paragraph 1 – point m a (new)

Text proposed by the Commission

Amendment

(ma) the material footprint of the product;

Amendment 234
Proposal for a regulation
Annex I – paragraph 1 – point n

Text proposed by the Commission

Amendment

(n) microplastic release;

(n) microplastic *and nanoplastic* release;

Amendment 235
Proposal for a regulation
Annex I – paragraph 1 – point p

Text proposed by the Commission

Amendment

(p) amounts of waste generated, including plastic waste and packaging waste and their ease of re-use, and amounts of hazardous waste generated;

(p) amounts of waste generated, including plastic waste and packaging waste and their ease of re-use, *ease of recycling* and amounts of hazardous waste generated;

Amendment 236
Proposal for a regulation
Annex I – paragraph 1 – point q

Text proposed by the Commission

Amendment

(q) conditions for use.

(q) conditions for use, *including the environmental impact and benefits during use;*

Amendment 237
Proposal for a regulation
Annex I – paragraph 1 – point q a (new)

Text proposed by the Commission

Amendment

(qa) impacts on human health;

Amendment 238
Proposal for a regulation
Annex I – paragraph 1 – point q b (new)

Text proposed by the Commission

Amendment

(qb) secure and sustainable supply of raw materials.

Amendment 239
Proposal for a regulation
Annex II – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Performance requirements shall be set as follows:

Performance requirements shall contribute to achieving the objectives mentioned in Article 5(4), point (a), and take into account the results of the relevant impact assessments. The performance requirements shall be set as follows:

Amendment 240
Proposal for a regulation
Annex II – paragraph 1 – point 1 – paragraph 2

Text proposed by the Commission

Amendment

The technical, environmental and economic analysis shall also identify, for the parameter under consideration, the best-performing products and technologies available on the market.

The technical, environmental and economic analysis shall also identify, for the parameter under consideration, the best-performing products and technologies available on the market **as well as expected technology improvements. It shall also take into account existing sectoral roadmaps as set out in Regulation (EU) 2021/1119.**

Amendment 241
Proposal for a regulation
Annex II – paragraph 1 – point 1 – paragraph 4

Text proposed by the Commission

Based on this analysis, and taking into account economic and technical feasibility, including the availability of key resources and technologies, as well as the potential for improvement, levels or non-quantitative requirements shall be defined.

Amendment

Based on this analysis, and taking into account ***the adverse effects on human health and the environment of the product over its life cycle, planetary boundaries,*** the economic and technical feasibility, including the availability of key resources and technologies, as well as the potential for improvement, levels or non-quantitative requirements shall be defined.

Amendment 242
Proposal for a regulation
Annex VI – paragraph 1 – point 8

Text proposed by the Commission

(8) implementation dates, any staged or transitional measure or periods, taking into ***account possible impacts on*** SMEs or on specific product groups manufactured primarily by SMEs;

Amendment

(8) implementation dates, any staged or transitional measure or periods, ***in particular*** taking into ***consideration the needs of micro-enterprises and*** SMEs or on specific product groups manufactured primarily by ***micro-enterprises and*** SMEs;

Amendment 243
Proposal for a regulation
Annex VII – paragraph 1 introductory wording

Text proposed by the Commission

The following non-exhaustive list of indicative criteria ***may*** be used to assess self-regulation measures as an alternative to a delegated act adopted pursuant to Article 4 of this Regulation:

Amendment

The following non-exhaustive list of indicative criteria ***shall*** be used to assess self-regulation measures as an alternative to a delegated act adopted pursuant to Article 4 of this Regulation:

Amendment 244
Proposal for a regulation
Annex VII – paragraph 1 – point 2

Text proposed by the Commission

Self-regulation measures must respond to the policy objectives of this Regulation and must be consistent with the economic and social dimensions of sustainable development. Self-regulation measures must have an integrated approach to the protection of the interests of consumers, health, quality of life and economic interests.

Amendment

Self-regulation measures must respond to the policy objectives of this Regulation and must be consistent with the economic and social dimensions of sustainable development. Self-regulation measures must have an integrated approach to the protection of the ***environment***, interests of consumers, health, quality of life and economic interests.

Amendment 245
Proposal for a regulation
Annex VII – paragraph 1 – point 4

Text proposed by the Commission

The objectives defined by the signatories in their self-regulation measures must be set in clear and unambiguous terms, starting from a well-defined baseline. If the self-regulation measure covers a long time-span, interim targets must be included. It must be possible to monitor compliance with objectives and interim targets in an affordable and credible way using clear and reliable indicators.

Amendment

The objectives defined by the signatories in their self-regulation measures must be set in clear, ***quantifiable*** and unambiguous terms, starting from a well-defined baseline. If the self-regulation measure covers a long time-span, interim targets must be included. It must be possible to monitor compliance with objectives and interim targets in an affordable and credible way using clear and reliable indicators.

Amendment 246
Proposal for a regulation
Annex VII – paragraph 1 – point 5 – subpoint 1

Text proposed by the Commission

With a view to ensuring transparency, self-regulation measures must be publicised, including online and via other electronic means of disseminating information.

Amendment

With a view to ensuring transparency, self-regulation measures must be publicised, including online ***on a publicly accessible website of the Commission*** and via other electronic means of disseminating information.

Amendment 247
Proposal for a regulation
Annex VII – paragraph 1 – point 5 – subpoint 2

Text proposed by the Commission

Stakeholders including Member States, industry, environmental NGOs and consumers' associations must be invited to comment on a self-regulation measure.

Amendment

Stakeholders including Member States, industry ***within the Union and in third countries***, environmental NGOs and consumers' associations must be invited to comment on a self-regulation measure.

Amendment 248
Proposal for a regulation
Annex VII – paragraph 1 – point 6 – subpoint 4

Text proposed by the Commission

Where a signatory ***has not complied*** with the requirements of the self-regulation measure, it must take corrective action.

Amendment

Where a signatory ***does not comply*** with the requirements of the self-regulation measure, it must take corrective action. ***The independent inspector must notify the other signatories participating in the self-regulation measure of a lack of compliance by a signatory and of the corrective action the signatory intends to take. If the signatory has not undertaken sufficient corrective action within three months, it must be dismissed from the self-regulation measure.***

EXPLANATORY STATEMENT

In the Ecodesign for Sustainable Products Regulation (ESPR), the Commission proposes new rules to make goods placed on the Union market sustainable.

The Rapporteur welcomes the proposal of the Commission, but she considers that several aspects could be strengthened.

The ESPR is meant to contribute achieving the EU's overall climate, environmental and energy goals, while supporting economic growth, job creation and social inclusion. As a result, the Rapporteur considers that in addition to setting ambitious environmental requirements, it should also encompass social aspects. Therefore, the Rapporteur extends the scope of the Regulation to also cover the social sustainability of products and due diligence aspects along the value chain. In addition, the Union's objectives to achieve climate neutrality by 2050 at the latest and to reduce the overall material and consumption footprint should be taken into account when preparing ecodesign requirements.

The current proposal enables the Commission to determine in the working plans the products that should be prioritised for the establishment of ecodesign requirements. In the Rapporteur's opinion however, in order to deliver in the most efficient way the European Green Deal's objectives and to address the products with the highest negative impacts first, some product categories should already be prioritised. These product categories are iron, steel, cement, aluminium, textiles (notably garments and footwear), furniture (including mattresses), tyres, detergents, paints, lubricants, chemicals, energy-related products whose implementing measures need to be revised or newly defined, and ICT products. The working plan shall be publicly available and be presented to the European Parliament before its adoption. The Commission should provide a justification if it chooses not to prioritise any of the listed product groups.

The Rapporteur reinforces some of the provisions related to the information rights for the consumers and end-users. Clear and easily understandable information for consumers and other end-users is particularly necessary to steer sustainable consumption patterns and to ensure adequate measures are taken at the end of life of the product. All information relevant for a purchasing decision shall be provided to the consumers prior to the purchase of a product on the product's packaging, in the digital product passport, on a label or on a free access website of application, as appropriate. Information that is essential to the health, safety, and rights of end-users should be provided in physical format with the product and be accessible through a data carrier included on the product.

In continuation of the existing Consultation Forum under the Ecodesign Directive, the proposal establishes an Ecodesign Forum with a balanced participation of Member States' representatives and all interested parties involved with the product or product group in question. The Ecodesign Forum would provide expertise to the Commission on the working plan and on the preparation of ecodesign requirements, before the Commission formally exercises its delegated powers. The Rapporteur reinforces the provisions on the Forum by making its functioning more transparent and by enabling the Eco-design Forum to propose to the Commission to prepare ecodesign requirements for a particular product group, which the Commission shall take into consideration.

Whereas self-regulation appears to be a sensible idea in theory, the experience has shown mixed

results, and the Rapporteur prefers to prioritise resources for the establishment of eco-design requirements through delegated acts. Therefore, the Rapporteur has decided to delete the possibility to create new self-regulation measures but she has introduced a transitional provision according to which Directive 2009/125/EC shall continue to apply to voluntary agreements or other self-regulation measures adopted before the entry into force of this Regulation.

Finally the destruction of unsold consumer products, such as textiles and footwear, by economic operators is becoming a widespread environmental problem across the Union, in particular due to the rapid growth of online sales. It amounts to a loss of valuable economic resources as goods are produced, transported and afterwards destroyed without ever being used for their intended purpose. The destruction of unsold goods is a non-sense from environmental point of view, and needs to be effectively tackled. According to the Rapporteur, the provisions in the ESPR are not ambitious enough as the prohibition of the destruction of unsold goods would be subordinated to a future delegated act that will delay action. This is why she introduces a horizontal ban for textiles and electronic appliances, two categories for which there is ample existing evidence to prohibit the destruction of unsold items. In addition, the Rapporteur considers that excluding medium enterprises from the provision on unsold consumer goods is not proportionate and could create loopholes. She decides hence to exclude only the small and micro enterprises.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
The European Consumer Organization - BEUC
The European Environmental Bureau - EEB
Municipal Waste Europe
Back Market
Business Europe
APPLiA – Home Appliance Europe
Cosmetics Europe
Confindustria
Federchimica
Eni - Versailles
Lighting Europe
LVMH
Unilever
Policy Hub
AISE International associations for maintenance products
Digital Europe
ECOS
Games Consoles Voluntary agreement (GCVA)
Right to repair coalition
European Furniture Industries Confederation

31.3.2023 **OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY**

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a regulation of the European Parliament and of the Council on Establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC
(COM(2022)0142 – C9-0132/2022 – 2022/0095(COD))

Rapporteur for opinion(*): Maria Spyraiki

(*) Associated committee – Rule 57 of the Rules of Procedure

SHORT JUSTIFICATION

Waste prevention and circularity are fundamental pillars of the Green Deal. According to the new Circular Economy Action Plan (CEAP), all packaging on the market must be reusable or recyclable by 2030. In that direction, the reduction of natural resources used for production, the extension of a lifetime, the improvement of its repairability and the adoption of circular economies are the best way to extend the useful life of a product¹.

Eco-design addresses the consumption of resources and energy and reduces the lifecycle environmental impacts of products by extending the use phase. Especially for industrial enterprises and SMEs, the transformation to circular business models can be curbed by operational tools and the need for more relevant data². However, the optimal eco-design solution is only sometimes generated in the conceptual design stage due to the complex association of the life cycle design information. Therefore, this policy should also reflect ecodesign alternations³.

The current Ecodesign Directive has successfully delivered environmental and energy efficiency objectives for energy-related products, regulating measurable, verifiable parameters of the product based on a clear and transparent methodology. Therefore, the Rapporteur generally supports many elements of the Commission proposal. However, any new requirement should be measurable on the product and designed to be efficiently enforced unless tested cost-efficiently and within a short enough time. Therefore, the Rapporteur suggests building on the experience of the ecodesign instrument.

Moreover, the proposal for a new Regulation on Ecodesign for Sustainable Products (ESPR) should enable a comprehensive and harmonised set of requirements for the sustainability of products placed on the EU market. The industry should undertake those requirements through continual sustainability improvements and encouraging consumers to adopt more sustainable

¹ <https://www.sciencedirect.com/science/article/pii/S2212827122001007>

² <https://www.sciencedirect.com/science/article/pii/S0959652621030432>

³ <https://www.sciencedirect.com/science/article/pii/S0959652622021175>

ways. Even though room for improvement that certain technologies or product design choices may have should be left.

Ecodesign and information requirements harmonisation at the EU level by using harmonised methodologies to assess environmental impact is necessary to achieve the sustainability of products. The Rapporteur stresses that the regulations should bring added value to users, avoiding unnecessary and burdensome replications of information in existing databases. To improve environmental sustainability, future regulation requirements should identify the most appropriate variables, considering that product parameters can be interdependent and affect each other (e.g. repairability can affect reliability, etc.).

Additionally, it is important to ensure that the definitions included in the Regulation are clear and the list of parameters and criteria is exhaustive to cover all possible sustainability aspects across all products. But there is a need to establish overarching product sustainability criteria to minimise the product's negative environmental and social impacts.

Furthermore, information disclosure responsibility along the supply chain should be shared. Sharing responsibilities in the supply chain for generating and providing information should be reflected in the Regulation. Data and information shall originate from suppliers, while the obligation to provide such information will rest on manufacturers placing the final products on the EU market.

Concerning the Digital Product Passport (DPP), it should rely on existing databases to avoid unnecessary and burdensome replication, reduce waste and enable consumers to play a more active role in the green and digital transitions. The DPP could be an effective tool to facilitate communication along the value chain and ensure that the value of information, materials and products is preserved. Information gaps, as identified in the Circular Economy Action Plan, are a key negative externality that needs to be addressed to make sustainable products the norm. Thus, the DPP information should be limited, with added value to the key stakeholders.

Furthermore, the Rapporteur believes that all requirements set by the Regulation must be implemented with sufficient transition times to minimise market distortions. A sufficient lead time should be granted between the publication of legislation and the application of new product requirements, particularly because of the need for developing harmonised standards because the industry needs to adapt its processes for implementing new or updated legal requirements through complex supply chains.

AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

Amendment 1 Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) This Regulation will contribute to making products fit for a climate-neutral, resource-efficient and circular economy, reducing waste and ensuring that the performance of frontrunners in sustainability progressively becomes the norm. It should provide for the setting of new ecodesign requirements to improve product durability, reusability, upgradability and reparability, improve possibilities for refurbishment and maintenance, address the presence of hazardous chemicals in products, increase their energy and resource efficiency, reduce their expected generation of waste materials and increase recycled content in products, while ensuring their performance and safety, enabling remanufacturing and high-quality recycling and reducing carbon and environmental footprints.

Amendment

(5) This Regulation will contribute to making products fit for a climate-neutral, resource-efficient and circular economy, reducing waste and ensuring that the performance of frontrunners in sustainability progressively becomes the norm. It should provide for the setting of new ecodesign requirements to improve product durability, reusability, upgradability and reparability, improve possibilities for refurbishment and maintenance, address the presence of hazardous chemicals in products, increase their energy and resource efficiency, reduce their expected generation of waste materials and increase recycled content in products, while ensuring their performance and safety, enabling remanufacturing and high-quality recycling and reducing carbon and environmental footprints, ***tackling microplastics pollution for the relevant product categories and in coherence with the relevant product regulations.***

Amendment 2

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) In order to allow the Commission to set requirements as appropriate to the product groups covered, ecodesign requirements should include performance and information requirements. Those requirements should be used to improve product aspects relevant for environmental sustainability, such as energy efficiency, durability, reparability and carbon and environmental footprints. Ecodesign requirements should be transparent, objective, proportionate and in compliance with international trade rules.

Amendment

(14) In order to allow the Commission to set requirements as appropriate to the product groups covered, ecodesign requirements should include performance and information requirements. Those requirements should be used to improve product aspects relevant for environmental sustainability, such as energy efficiency, durability, reparability, ***reuse, refurbishment*** and carbon and environmental footprints. Ecodesign requirements should be transparent, objective, proportionate and in compliance

with international trade rules.

Amendment 3
Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) To improve environmental sustainability of products, information requirements should relate to a selected product parameter relevant to the product aspect, such as the product's environmental footprint or its durability. They may require manufacturer to make available information on the product's performance in relation to a selected product parameter or other information that may influence the way the product is handled by parties other than the manufacturer in order to improve performance in relation to such a parameter. Such information requirements should be set either in addition to, or in place of, performance requirements on the same product parameter as appropriate. Where a delegated act includes information requirements, it should indicate the method for making the required information available, such as its inclusion on a free-access website, product passport or product label. Information requirements are necessary to lead to the behavioural change needed to ensure that the environmental sustainability objectives of this Regulation are achieved. By providing a solid basis for purchasers and public authorities to compare products on the basis of their environmental sustainability, information requirements are expected to drive consumers and public authorities towards more sustainable choices.

Amendment

(23) To improve environmental sustainability of products, information requirements should relate to a selected product parameter relevant to the product aspect, such as the product's environmental **and carbon** footprint or its durability. They may require manufacturer to make available information on the product's performance in relation to a selected product parameter or other information that may influence the way the product is handled by parties other than the manufacturer in order to improve performance in relation to such a parameter. Such information requirements should be set either in addition to, or in place of, performance requirements on the same product parameter as appropriate. Where a delegated act includes information requirements, it should indicate the method for making the required information available **and easily accessible**, such as its inclusion on a free-access website, product passport or product label. Information requirements are necessary to lead to the behavioural change needed to ensure that the environmental sustainability objectives of this Regulation are achieved. By providing a solid basis for purchasers and public authorities to compare products on the basis of their environmental sustainability, information requirements are expected to drive consumers and public authorities towards more sustainable choices.

Amendment 4
Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Information on the presence of substances of concern in products is a key element to identify and promote products that are sustainable. The chemical composition of products determines largely their functionalities and impacts, as well as the possibilities for their re-use or for recovery once they become waste. The Chemicals Strategy for Sustainability⁶⁴ calls for minimising the presence of substances of concern in products, and ensuring the availability of information on chemical content and safe use, by introducing information requirements and tracking the presence of substances of concern throughout the life cycle of materials and products. Regulation (EC) No 1272/2008 of the European Parliament and of the Council⁶⁵ and other existing chemicals legislation such as Regulation (EC) No 1223/2009 already ensure communication on hazards to health or the environment posed by certain substances of concern on their own or in a mixture. Users of substances and mixtures should also be informed about pertinent sustainability-related information not primarily related to hazards to health *or* the environment. Furthermore, users of products other than substances or mixtures, and managers of waste from such products, should also receive sustainability-related information, including information primarily related to chemicals' hazards to health *or* the environment. Therefore, this Regulation should allow for the setting of requirements related to the tracking and communication of sustainability information, including the presence of substances of concern in products throughout their life cycle, including with a view to their decontamination and recovery when they become waste. Such a framework should aim to progressively cover all substances of concern in all

Amendment

(25) Information on the presence of ***intentionally added microplastics and*** substances of concern in products is a key element to identify and promote products that are sustainable. The chemical composition of products determines largely their functionalities and impacts, as well as the possibilities for their re-use or for recovery once they become waste. The Chemicals Strategy for Sustainability⁶⁴ calls for minimising the presence of substances of concern in products, and ensuring the availability of information on chemical content and safe use, by introducing information requirements and tracking the presence of substances of concern throughout the life cycle of materials and products. Regulation (EC) No 1272/2008 of the European Parliament and of the Council⁶⁵ and other existing chemicals legislation such as Regulation (EC) No 1223/2009 already ensure communication on hazards to health or the environment posed by certain substances of concern on their own or in a mixture. Users of substances and mixtures should also be informed about pertinent sustainability-related information not primarily related to hazards to health ***and to*** the environment. Furthermore, users of products other than substances or mixtures, and managers of waste from such products, should also receive sustainability-related information, including information primarily related to chemicals' hazards to health ***and to*** the environment. Therefore, this Regulation should allow for the setting of requirements related to the tracking and communication of sustainability information, including the presence of substances of concern in products throughout their life cycle, including with a view to their decontamination and recovery when they become waste. ***A similar approach should be applied to***

products listed in working plans setting out the product groups the Commission intends to tackle.

intentionally added non-biodegradable micro plastics. Such a framework should aim to tackle microplastic pollution and substances of concern in all products listed in working plans setting out the product groups the Commission intends to tackle. Such a framework should aim to progressively cover ***these particles and*** all substances of concern in all products listed in working plans setting out the product groups the Commission intends to tackle.

⁶⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Chemicals Strategy for Sustainability Towards a Toxic-Free Environment COM(2020)667 final.

⁶⁵ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

⁶⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Chemicals Strategy for Sustainability Towards a Toxic-Free Environment COM(2020)667 final.

⁶⁵ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

Amendment 5

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) The information requirements set under this Regulation should include the requirement to make available a product passport. The product passport is an important tool for making information available to actors along the entire value chain and the availability of a product passport should significantly enhance end-to-end traceability of a product throughout its value chain. Among other things, the product passport should help consumers make informed choices by improving their

Amendment

(26) The information requirements set under this Regulation should include the requirement to make available a product passport. The product passport is an important tool for making information available to actors along the entire value chain and the availability of a product passport should significantly enhance end-to-end traceability of a product throughout its value chain. Among other things, the product passport should help consumers make informed choices by improving their

access to product information relevant to them, allow economic operators other value chain actors such as repairers or recyclers to access relevant information, and enable competent national authorities to perform their duties. To this end, the product passport should not replace but complement non-digital forms of transmitting information, such as information in the product manual or on a label. In addition, it should be possible for the product passport to be used for information on other sustainability aspects applicable to the relevant product group pursuant to other Union legislation.

access to product information relevant to them, allow economic operators other value chain actors such as *professional* repairers or recyclers to access relevant information, and enable competent national authorities to perform their duties. To this end, the product passport should not replace but complement non-digital forms of transmitting information, such as information in the product manual or on a label. In addition, it should be possible for the product passport to be used for information on other sustainability aspects applicable to the relevant product group pursuant to other Union legislation.

Amendment 6
Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) In order to not unnecessarily delay the establishment of ecodesign requirements other than on the product passport or to ensure that product passports can be effectively implemented, the Commission should be allowed to exempt product groups from the product passport requirements in case technical specifications are not available in relation to the essential requirements for the technical design and operation of the product passport. Similarly, in order to prevent unnecessary administrative burden for economic operator, the Commission should be allowed to exempt product groups from the product passport requirements in case other Union law already includes a system for the digital provision of product information allowing actors along the value chain to access relevant product information and facilitating the verification of product compliance by competent national authorities. These exemptions should be periodically reviewed taking into account further availability of technical

Amendment

(29) In order to not unnecessarily delay the establishment of ecodesign requirements other than on the product passport or to ensure that product passports can be effectively implemented, the Commission should be allowed to exempt product groups from the product passport requirements *exceptionally* in case technical specifications are not available in relation to the essential requirements for the technical design and operation of the product passport. Similarly, in order to prevent unnecessary administrative burden for economic operator, the Commission should be allowed to exempt product groups from the product passport requirements in case other Union law already includes a system for the digital provision of product information allowing actors along the value chain to access relevant product information and facilitating the verification of product compliance by competent national authorities. These exemptions should be periodically reviewed taking into account further availability of technical

specifications.

specifications *and eliminated where possible*.

Amendment 7
Proposal for a regulation
Recital 45

Text proposed by the Commission

(45) Micro, small and medium-sized enterprises (SMEs) could greatly benefit from an increase in the demand for sustainable products but could also face costs and difficulties with some of the requirements. The Member States and the Commission should, in their respective areas of responsibility, provide adequate information, ensure targeted and specialised training, and provide specific assistance and support, including financial, to SMEs active in the manufacturing of products for which ecodesign requirements are set. Those actions should, for example, cover the calculation of the product environmental footprint and the technical implementation of the product passport. Member States actions should be taken in respect of applicable State aid rules.

Amendment

(45) Micro, small and medium-sized enterprises (SMEs) could greatly benefit from an increase in the demand for sustainable products but could also face costs and difficulties with some of the requirements. ***In order to ensure competitiveness of European SMEs***, the Member States and the Commission should, in their respective areas of responsibility, provide adequate information, ensure targeted and specialised training, and provide specific assistance and support, including financial, to SMEs active in the manufacturing of products for which ecodesign requirements are set. Those actions should, for example, cover the calculation of the product environmental footprint and the technical implementation of the product passport. Member States actions should be taken in respect of applicable State aid rules.

Amendment 8
Proposal for a regulation
Recital 86

Text proposed by the Commission

(86) In order to incentivise consumers to make sustainable choices, in particular when the more sustainable products are not affordable enough, mechanisms such as eco-vouchers and green taxation should be provided for. When Member States decide to make use of incentives to reward the best-performing products among those for which classes of performance have been set by delegated acts pursuant to this

Amendment

(86) In order to incentivise consumers to make sustainable choices, in particular when the more sustainable products are not affordable enough, mechanisms such as eco-vouchers ***that can only be used to purchase products and services respecting the environment***, and green taxation should be provided for. When Member States decide to make use of incentives to reward the best-performing products

Regulation, they should do so by targeting those incentives at the highest two populated classes of performance, unless otherwise indicated by the relevant delegated act. However, Member States should not be able to prohibit the placing on the market of a product based on its class of performance. For the same reason, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by further specifying which product parameters or related levels of performance Member States' incentives concern in case no class of performance is determined in the applicable delegated act or where classes of performance are established in relation to more than one product parameter. The introduction of Member State incentives should be without prejudice to the application of the Union State aid rules.

among those for which classes of performance have been set by delegated acts pursuant to this Regulation, they should do so by targeting those incentives at the highest two populated classes of performance, unless otherwise indicated by the relevant delegated act. However, Member States should not be able to prohibit the placing on the market of a product based on its class of performance. For the same reason, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by further specifying which product parameters or related levels of performance Member States' incentives concern in case no class of performance is determined in the applicable delegated act or where classes of performance are established in relation to more than one product parameter. The introduction of Member State incentives should be without prejudice to the application of the Union State aid rules.

Amendment 9
Proposal for a regulation
Recital 87

Text proposed by the Commission

(87) Public procurement amounts to 14% of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects public health and biodiversity, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to require, where appropriate, contracting authorities and entities as defined in Directive 2014/24/EU⁷⁸ and 2014/25/EU⁷⁹ of the European Parliament and of the Council, to align their procurement with specific green public procurement criteria or targets, to be set out in the delegated acts adopted pursuant to this Regulation. The criteria or

Amendment

(87) Public procurement amounts to 14% of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a circular economy that protects public health and biodiversity, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to require, where appropriate, contracting authorities and entities as defined in Directive 2014/24/EU⁷⁸ and 2014/25/EU⁷⁹ of the European Parliament and of the Council, to align their procurement with specific green public procurement criteria or targets, to be set out in the delegated acts adopted pursuant to this Regulation. The criteria or

targets set by delegated acts for specific product groups should be complied with not only when directly procuring those products in public supply contracts but also in public works or public services contracts where those products will be used for activities constituting the subject matter of those contracts. Compared to a voluntary approach, mandatory criteria or targets will ensure that the leverage of public spending to boost demand for better performing products is maximised. The criteria should be transparent, objective and non-discriminatory.

⁷⁸ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

⁷⁹ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

Amendment 10

Proposal for a regulation

Recital 92

Text proposed by the Commission

(92) Where problematic levels of non-compliance with ecodesign requirements are observed despite the enhanced planning, coordination and support laid down by this Regulation, the Commission should be able to intervene to ensure that market surveillance authorities perform checks on an adequate scale. Therefore, in order to safeguard the effective enforcement of ecodesign requirements, the power to adopt acts in accordance with Article 290 TFEU should be delegated to

targets set by delegated acts for specific product groups should be complied with not only when directly procuring those products in public supply contracts but also in public works or public services contracts where those products will be used for activities constituting the subject matter of those contracts. Compared to a voluntary approach, mandatory criteria or targets will ensure that the leverage of public spending to boost demand for better performing products is maximised ***in all Member States***. The criteria should be transparent, objective and non-discriminatory.

⁷⁸ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

⁷⁹ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

Amendment

(92) Where problematic levels of non-compliance with ecodesign requirements are observed despite the enhanced planning, coordination and support laid down by this Regulation, the Commission should be able to intervene ***promptly and efficiently*** to ensure that market surveillance authorities perform checks on an adequate scale. Therefore, in order to safeguard the effective enforcement of ecodesign requirements, the power to adopt acts in accordance with Article 290 TFEU

the Commission to lay down a minimum number of checks to be performed on specific products or requirements. This empowerment should be additional to the empowerment in Article 11(4) of Regulation (EU) 2019/1020.

should be delegated to the Commission to lay down a minimum number of checks to be performed on specific products or requirements. This empowerment should be additional to the empowerment in Article 11(4) of Regulation (EU) 2019/1020.

Amendment 11
Proposal for a regulation
Recital 93

Text proposed by the Commission

(93) Based on data entered into the information and communication system for market surveillance, the Commission should draw up a report containing information on the nature and number of checks performed, on the levels of non-compliance identified and on the nature and severity of penalties imposed in relation to ecodesign requirements over the two previous calendar years. The reports should contain a comparison of Member States' activities with the activities planned and indicative benchmarks for market surveillance authorities.

Amendment

(93) Based on data entered into the information and communication system for market surveillance, the Commission should draw up a report containing information on the nature and number of checks performed, on the levels of non-compliance identified and on the nature and severity of penalties imposed in relation to ecodesign requirements over the two previous calendar years. The reports should ***be publicly accessible and*** contain a comparison of Member States' activities with the activities planned and indicative benchmarks for market surveillance authorities.

Amendment 12
Proposal for a regulation
Article 1 – paragraph 1 – subparagraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(f a) recycled and other low-impact content, such as responsibly resourced renewable materials.

Amendment 13
Proposal for a regulation
Article 2 – paragraph 1 – point 23

Text proposed by the Commission

Amendment

(23) ‘environmental footprint’ means a quantification of a product’s environmental impacts, whether in relation to a single environmental impact category or an aggregated set of impact categories based on the Product Environmental Footprint method;

(23) ‘environmental footprint’ means a quantification of a product’s environmental impacts, whether in relation to a single environmental impact category or an aggregated set of impact categories based on the Product Environmental Footprint method ***and relevant Product Environmental Footprint Category Rules (PEFCRs), or other scientifically validated and verifiable lifecycle based standards and category rules ensuring accuracy and reliability according to the future other methods or tools in accordance with Union law;***

Amendment 14
Proposal for a regulation
Article 2 – paragraph 1 – point 25

Text proposed by the Commission

(25) ‘carbon footprint’ means the sum of greenhouse gas (GHG) emissions and GHG removals in a product system, expressed as CO₂ equivalents and based on a life cycle assessment using the single impact category of climate change;

Amendment

(25) ‘carbon footprint’ means the sum of greenhouse gas (GHG) emissions and GHG removals in a product system, expressed as CO₂ equivalents ***as defined in the certification of carbon removals*** and based on a life cycle assessment using the single impact category of climate change;

Amendment 15
Proposal for a regulation
Article 2 – paragraph 1 – point 35

Text proposed by the Commission

(35) ‘destruction’ means the intentional damaging or discarding of a product as waste with the exception of discarding for the only purpose of delivering a product for preparing for re-use or remanufacturing operations;

Amendment

(35) ‘destruction’ means the intentional damaging or discarding of a product as waste with the exception of discarding for the only purpose of delivering a product for preparing for re-use or remanufacturing operations. ***A product is considered destroyed or discarded as soon as the information is made available to the authorities in accordance with Article 20.***

Amendment 16
Proposal for a regulation
Article 2 – paragraph 1 – point 45

Text proposed by the Commission

(45) ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;

Amendment

(45) ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market, ***including remanufacturers and companies which repair and upgrade products;***

Amendment 17
Proposal for a regulation
Article 2 – paragraph 1 – point 59

Text proposed by the Commission

(59) ‘product presenting a serious risk’ means a product presenting a risk ***for which, based on an assessment, the degree of the relevant non-compliance or the associated harm is considered to require rapid intervention by the market surveillance authorities, including cases where the effects of the non-compliance are not immediate.***

Amendment

(59) ‘product presenting a serious risk’ means a product presenting a risk ***as identified by the Regulation (EU) .../... [Regulation of the European Parliament and of the Council on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council, and repealing Council Directive 87/357/EEC and Directive 2001/95/EC of the European Parliament and of the Council as proposed by COM(2021)0346].***

Amendment 18
Proposal for a regulation
Article 2 – paragraph 1 – point 59 a (new)

Text proposed by the Commission

Amendment

(59a) ‘recyclability’ means the ability of materials built into products to be effectively separated out from the waste stream, collected, sorted and aggregated in specific streams and then recycled again within relevant industrial processes to be turned into recycled materials or products, whilst minimising quality or

functionality losses compared to the original material or product.

Amendment 19

Proposal for a regulation

Article 2 – paragraph 1 – point 59 b (new)

Text proposed by the Commission

Amendment

(59b) ‘renewability and renewability of materials and use or content of renewable raw materials’ means the ability for a natural resource to naturally replenish and recover with a limited negative impact on the climate, environment and biodiversity.

Amendment 20

Proposal for a regulation

Article 2 – paragraph 1 – point 59 c (new)

Text proposed by the Commission

Amendment

(59c) "professional repairer" means an operator or undertaking which provides professional repair and maintenance services.

Amendment 21

Proposal for a regulation

Article 4 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) requiring manufacturers, their authorised representatives or importers to collect, anonymise, or report to the Commission the in-use data referred to in point (c), in accordance with Article 31(3);

(d) ***subject to adequate protection of privacy rights, and confidential and sensitive information***, requiring manufacturers, their authorised representatives or importers to collect, anonymise, or report to the Commission the in-use data referred to in point (c), in accordance with Article 31(3);

Amendment 22

Proposal for a regulation
Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

Delegated acts referred to in the first paragraph shall apply at the earliest 18 months after the entry into force of that delegated act.

Amendment 23
Proposal for a regulation
Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The Commission shall, as appropriate to the relevant product groups and with due consideration for all stages of their life cycle, establish ecodesign requirements to improve the following product aspects:

1. The Commission shall, as appropriate to the relevant product groups and with due consideration for all stages of their life cycle ***and to existing product-specific regulation including Union's widely used or mandatory product-specific standards and guidelines***, establish ecodesign requirements to improve the following product aspects:

Amendment 24
Proposal for a regulation
Article 5 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) presence of substances of concern;

(g) presence of substances of concern, ***while ensuring coherence with other Union law related to chemical safety;***

Amendment 25
Proposal for a regulation
Article 5 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) presence of non-biodegradable intentionally added microplastics;

Amendment 26
Proposal for a regulation
Article 5 – paragraph 1 – point k

Text proposed by the Commission

(k) possibility of remanufacturing **and recycling**;

Amendment

(k) possibility of remanufacturing;

Amendment 27
Proposal for a regulation
Article 5 – paragraph 1 – point k a (new)

Text proposed by the Commission

(ka) recyclability and ease of recycling;

Amendment

Amendment 28
Proposal for a regulation
Article 5 – paragraph 1 – point n a (new)

Text proposed by the Commission

(na) renewability of materials and use or content of renewable raw materials;

Amendment

Amendment 29
Proposal for a regulation
Article 5 – paragraph 2 – subparagraph 3

Text proposed by the Commission

A horizontal ecodesign requirement established pursuant to the second subparagraph may cover products falling in the scope of a self-regulation measure established as a valid alternative pursuant to Article 18(3), where the Commission considers that that self-regulation measure does not address the product aspect covered by that horizontal ecodesign requirement.

Amendment

A horizontal ecodesign requirement established pursuant to the second subparagraph ***shall not cover products falling in scope of a mandatory vertical ecodesign measure, unless it is duly justified. However, it*** may cover products falling in the scope of a self-regulation measure established as a valid alternative pursuant to Article 18(3), where the Commission considers that that self-regulation measure does not address the product aspect covered by that horizontal ecodesign requirement.

Amendment 30
Proposal for a regulation
Article 5 – paragraph 4 – point a – point i

Text proposed by the Commission

(i) Union climate, environmental and energy efficiency priorities and other related Union priorities;

Amendment

(i) Union climate, environmental and energy efficiency, ***resource security and biodiversity*** priorities ***with the view to reach the Green Deal goals***, and other related Union priorities;

Amendment 31
Proposal for a regulation
Article 5 – paragraph 4 – point a – point ii

Text proposed by the Commission

(ii) relevant Union legislation, including the extent to which it addresses the relevant product aspects listed in paragraph 1;

Amendment

(ii) relevant Union legislation, including the extent to which it addresses the relevant product aspects listed in paragraph 1 ***to ensure harmonisation and to avoid duplication or overregulation***;

Amendment 32
Proposal for a regulation
Article 5 – paragraph 5 – point d

Text proposed by the Commission

(d) there shall be no disproportionate negative impact on the competitiveness of economic actors, ***at least of*** SMEs;

Amendment

(d) there shall be no disproportionate negative impact on the competitiveness of economic actors, ***in particular for*** SMEs;

Amendment 33
Proposal for a regulation
Article 5 – paragraph 5 – point d a (new)

Text proposed by the Commission

Amendment

(da) appropriate instruments of financial and educational support for businesses, especially for SMEs, shall be ensured;

Amendment 34
Proposal for a regulation
Article 5 – paragraph 5 – point f

Text proposed by the Commission

(f) there shall be no disproportionate administrative burden on manufacturers or other economic actors.

Amendment

(f) there shall be no disproportionate administrative burden on manufacturers or other economic actors, ***in particular for SMEs;***

Amendment 35
Proposal for a regulation
Article 5 – paragraph 5 – point f a (new)

Text proposed by the Commission

Amendment

(fa) the requirements shall contribute to the Union’s climate and environmental objectives and targets;

Amendment 36
Proposal for a regulation
Article 5 – paragraph 5 – point f b (new)

Text proposed by the Commission

Amendment

(fb) they shall be technically feasible in accordance with commercially available and state-of-art technologies.

Amendment 37
Proposal for a regulation
Article 5 – paragraph 6 – introductory part

Text proposed by the Commission

Amendment

6. The Commission shall, ***where appropriate***, require supply chain actors to:

6. The Commission shall require supply chain actors to:

Amendment 38
Proposal for a regulation
Article 5 – paragraph 6 – point a

Text proposed by the Commission

(a) provide, upon request, manufacturers, notified bodies and competent national authorities with available **information** related to their supplies or services that is relevant in order to verify compliance with ecodesign requirements;

Amendment

(a) provide, upon request, manufacturers, notified bodies and competent national authorities with available **to the supply chain actor according to the Digital Product Passport of the product category in question, according to Article 8**, related to their supplies or services that is relevant in order to verify compliance with ecodesign requirements;

Amendment 39
Proposal for a regulation
Article 5 – paragraph 6 – point b

Text proposed by the Commission

(b) allow, in the absence of information referred to in point (a), manufacturers to assess their supplies or services in order to verify compliance with ecodesign requirements and give access to relevant documents or facilities to those manufacturers;

Amendment

(b) allow, in the absence of information referred to in point (a) **and in line with intellectual property considerations**, manufacturers to assess their supplies or services in order to verify compliance with ecodesign requirements and give access to relevant documents or facilities to those manufacturers;

Amendment 40
Proposal for a regulation
Article 5 – paragraph 8

Text proposed by the Commission

8. The Commission shall publish relevant studies and analyses used in the establishment of ecodesign requirements in accordance with this Regulation.

Amendment

8. The Commission shall publish, **in due time before the adoption of delegated acts**, relevant studies and analyses used in the establishment of ecodesign requirements in accordance with this Regulation.

Amendment 41
Proposal for a regulation
Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *The first such delegated act covering all elements referred to in paragraph 1 shall be adopted by ... [30 months after the date of entry into force of this Regulation].*

Amendment 42
Proposal for a regulation
Article 7 – paragraph 6 – subparagraph 3

Text proposed by the Commission

Amendment

Information *ensuring the traceability of substances pursuant to paragraph 5* shall be *given either on the product or be accessible through a data carrier included on the product.*

Priority should be given to providing the information via electronic means. The information requirements shall be clear and appropriate allowing the users to make comparisons between products.

Amendment 43
Proposal for a regulation
Article 7 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. *Any supplier of an article, a substance or a mixture, shall provide the recipient of that article, substance or mixture, with sufficient information, free of charge, to allow the manufacturers to comply with information requirements related to the product aspects listed in Article 5(1).*

Amendment 44
Proposal for a regulation
Article 8 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) the actors that shall have access to information in the product passport and to what information they shall have access, including customers, end-users, manufacturers, importers and distributors,

(f) the actors that shall have access to information in the product passport and to what information they shall have access, including customers, end-users, manufacturers, importers and distributors,

dealers, repairers, remanufacturers, recyclers, competent national authorities, public interest organisations and the Commission, or any organisation acting on their behalf;

dealers, **professional** repairers, remanufacturers, recyclers, competent national authorities, public interest organisations and the Commission, or any organisation acting on their behalf;

Amendment 45

Proposal for a regulation

Article 8 – paragraph 2 – point g

Text proposed by the Commission

(g) the actors that may introduce or update the information in the product passport, including where needed the creation of a new product passport, and what information they may introduce or update, including manufacturers, repairers, maintenance professionals, remanufacturers, recyclers, competent national authorities, and the Commission, or any organisation acting on their behalf;

Amendment

(g) the actors that may introduce or update the information in the product passport, including where needed the creation of a new product passport, and what information they may introduce or update, including manufacturers, **professional** repairers, maintenance professionals, remanufacturers, recyclers, competent national authorities, and the Commission, or any organisation acting on their behalf;

Amendment 46

Proposal for a regulation

Article 8 – paragraph 3 – point a

Text proposed by the Commission

(a) ensure that actors along the value chain, in particular consumers, economic operators and competent national authorities, can access product information relevant to them;

Amendment

(a) ensure that actors along the value chain, in particular consumers, economic operators and competent national authorities, can **easily** access product information relevant to them;

Amendment 47

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

(d) all information included in the product passport shall be based on open, standards, developed with an inter-operable format and shall be machine-readable,

Amendment

(d) all information included in the product passport shall be based on open, standards, developed with an inter-operable format and shall be machine-readable,

structured, and searchable, in accordance with the essential requirements set out in Article 10;

structured, and searchable, in accordance with the essential requirements set out in Article 10 **and respecting trade secret information**;

Amendment 48

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) it shall integrate with existing databases including existing industry solutions, where appropriate;

Amendment 49

Proposal for a regulation

Article 10 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) product passports shall be fully interoperable with other product passports required by delegated acts adopted pursuant to Article 4 in relation to the technical, semantic and organisational aspects of end-to-end communication and data transfer;

(a) product passports shall be fully interoperable with other product passports required by delegated acts adopted pursuant to Article 4 in relation to the technical, semantic and organisational aspects of end-to-end communication and data transfer **and with existing product databases, where appropriate;**

Amendment 50

Proposal for a regulation

Article 10 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) consumers, economic operators and other relevant actors shall have free access to the product passport based on their respective access rights set out in the applicable delegated act adopted pursuant to Article 4;

(b) consumers, economic operators and other relevant actors shall have free **and easy** access to the product passport based on their respective access rights set out in the applicable delegated act adopted pursuant to Article 4;

Amendment 51

Proposal for a regulation
Article 10 – paragraph 1 – point d

Text proposed by the Commission

(d) if the data included in the product passport is stored or otherwise processed by operators authorised to act on their behalf, those operators shall not be allowed to sell, re-use or process such data, in whole or in part, beyond what is necessary for the provision of the relevant storing or processing services;

Amendment

(d) if the data included in the product passport is stored or otherwise processed by operators authorised to act on their behalf, those operators shall not be allowed to sell, re-use or process such data, in whole or in part, beyond what is necessary for the provision of the relevant storing or processing services, **and those operators must ensure sufficient cybersecurity for the data;**

Amendment 52
Proposal for a regulation
Article 10 – paragraph 1 – point f

Text proposed by the Commission

(f) the rights to access and to introduce, modify or update information in product passport shall be restricted based on the access rights specified in delegated acts adopted pursuant to Article 4;

Amendment

(f) the rights to access and to introduce, modify or update information in product passport shall be restricted based on the access rights specified in delegated acts adopted pursuant to Article 4 **with specific consideration of information that constitutes trade secrets or proprietary information;**

Amendment 53
Proposal for a regulation
Article 10 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) The product passport shall be a long-lasting part of the product, as long as the product exists on the market, for the entire life cycle of the product;

Amendment 54
Proposal for a regulation
Article 10 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) An appropriate transition period for the implementation of the Digital Product Passport shall apply in order to ensure a proper functioning of the Digital Product Passport.

Amendment 55
Proposal for a regulation
Article 12 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall ensure information in the Digital Product Passport is integrated with functioning reporting systems in Member States, in order to avoid unnecessary administrative burden on businesses.

Amendment 56
Proposal for a regulation
Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. When prioritising products to be covered by ecodesign requirements in accordance with this Regulation, the Commission shall take into account their potential contribution to achieving Union climate, environmental and energy efficiency objectives, as well as the following criteria:

1. When prioritising products to be covered by ecodesign requirements in accordance with this Regulation, the Commission shall take into account their potential contribution to achieving Union climate, environmental and energy efficiency objectives, ***their contribution in fostering the Union’s economic resilience and competitiveness***, as well as the following criteria:

Amendment 57
Proposal for a regulation
Article 16 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the distribution of ***the*** environmental impacts, energy use and

(c) the distribution of ***climate and*** environmental impacts, energy use and

waste generation across the value chain, *in particular whether they take place within the Union*;

waste generation across the value chain *and across the entire life cycle of the product*;

Amendment 58

Proposal for a regulation

Article 16 – paragraph 2 – subparagraph 2

Text proposed by the Commission

When adopting or updating the working plan referred to in the first subparagraph, the Commission shall take into account the criteria set out in paragraph 1 of this Article and shall consult the Ecodesign Forum referred to in Article 17.

Amendment

When adopting or updating the working plan referred to in the first subparagraph, the Commission shall take into account the criteria set out in paragraph 1 of this Article and shall consult the Ecodesign Forum *in an appropriate timeframe as referred to in Article 17, and present in due time before the adoption of the working plan a draft to the European Parliament for consultation.*

Amendment 59

Proposal for a regulation

Article 16 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The first working plan shall be adopted no later than 3 months after the adoption of this regulation. The first delegated acts to be established as according to the first working plan shall include one or more product groups to cover the textile industry.

Amendment 60

Proposal for a regulation

Article 17 – paragraph 1

Text proposed by the Commission

The Commission shall ensure that when it conducts its activities, it observes a balanced participation of Member States' representatives and all interested parties *involved with* the product or product group

Amendment

The Commission shall ensure that when it conducts its activities, it observes a balanced participation of Member States' representatives and all interested parties *relevant for and with expertise in* the

in question, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental protection groups **and** consumer organisations. These parties shall contribute in particular to preparing ecodesign requirements, examining the effectiveness of the established market surveillance mechanisms and assessing self-regulation measures.

product or product group in question, such as **a broad representation of industry, including sector organisations across all value chains**, including SMEs and craft **and recycling** industry, trade unions, traders, retailers, importers, environmental **and climate** protection groups, **environmental and climate experts**, consumer **and standardisation** organisations **and other relevant registered NGOs**. **The Ecodesign Forum shall also invite relevant stakeholders within the value chains that lead to the European Market from outside the Union, to share their views and expertise**. These parties shall contribute in particular to preparing ecodesign requirements, examining the effectiveness of the established market surveillance mechanisms and assessing self-regulation measures **in a transparent process**.

Amendment 61
Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission

To that end, the Commission shall establish an expert group, in which those parties shall meet, referred to as the ‘Ecodesign Forum’.

Amendment

To that end, the Commission shall establish an expert group, in which those parties shall meet, referred to as the ‘Ecodesign Forum’. **The Commission shall ensure adequate and balanced representation of the parties referred to in paragraph 1, covered by the product groups that are to be regulated in accordance with the working plans according to Art. 16(2) over time. The expert group shall strive for gender balance. The Forum shall advise the Commission on the delegated acts referred to in Article 4. The Forum shall carry out its tasks in accordance with the principle of transparency. The Commission shall publish the minutes of the meetings of the Forum and other relevant documents on the Commission website.**

Amendment 62
Proposal for a regulation
Article 18 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

(b) the market share in terms of volume of the signatories to the self-regulation measure in relation to the products covered by that measure is at least **80** % of units placed on the market or put into service;

Amendment

(b) the market share in terms of volume of the signatories to the self-regulation measure in relation to the products covered by that measure is at least **70** % of units placed on the market or put into service;

Amendment 63
Proposal for a regulation
Article 18 – paragraph 4

Text proposed by the Commission

4. The Commission may at any point in time request the signatories of a self-regulation measure to submit a revised and updated version of that measure in view of relevant market or technological developments within the product group concerned or where it has reason to believe that the criteria set out in paragraph 3 are no longer fulfilled.

Amendment

4. The Commission may at any point in time request the signatories of a self-regulation measure to submit a revised and updated version of that measure in view of relevant market or technological developments within the product group concerned or where it has reason to believe that the criteria set out in paragraph 3 are no longer fulfilled. ***The Commission shall substantiate and justify its request in writing and provide for a reasonable time period for the signatories to react and potentially submit a revised and updated version.***

Amendment 64
Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

1. In the context of programmes from which SMEs can benefit, the Commission shall ***take into account*** initiatives which help SMEs to integrate environmental sustainability aspects including energy efficiency in their value chain.

Amendment

1. In the context of programmes from which SMEs can benefit, the Commission shall ***offer*** initiatives, which help SMEs to integrate environmental sustainability aspects including energy efficiency in their value chain.

Amendment 65
Proposal for a regulation
Article 19 – paragraph 3 – subparagraph 3 – point b

Text proposed by the Commission

Amendment

(b) access to finance;

(b) access to finance, *for example, for tender opportunities at Union and national level*;

Amendment 66
Proposal for a regulation
Article 19 – paragraph 3 – subparagraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) Support the implementation of the requirements set out in this Regulation and the Delegated Acts;

Amendment 67
Proposal for a regulation
Article 26 – title

Text proposed by the Commission

Amendment

Obligations related to labels

Obligations related to labels *and suppliers*

Amendment 68
Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

Amendment

1. Where a delegated act adopted pursuant to Article 4 requires products to have a label as referred to in Article 14, the economic operator placing the product on the market or putting it into service shall ensure that products are accompanied, for each individual unit and free of charge, by printed labels in accordance with that delegated act.

1. Where a delegated act adopted pursuant to Article 4 requires products to have a label as referred to in Article 14, the economic operator placing the product on the market or putting it into service shall ensure that products are accompanied, for each individual unit and free of charge, by printed *and/or digital* labels in accordance with that delegated act. *For sustainability reasons, preference shall be given to*

digital labels, where this does not interfere with ease of access to clear information for the consumer.

Amendment 69
Proposal for a regulation
Article 26 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Any supplier of an article, a substance or a mixture shall provide economic operators responsible for compliance with Articles 6 and 7 with sufficient available information related to their supplies or services that are relevant to ensure products comply with the performance and information requirements pursuant to Article 6 and 7. If the recipient of the article, substance or mixture is not economic operator responsible for compliance with the information requirements set out in Articles 6 and 7, the recipient of the article, substance or the mixture shall ensure that the information referred to in the first paragraph of this Article is communicated to the economic operator responsible for compliance with the information requirements set out in Article 6 and 7.

Amendment 70
Proposal for a regulation
Article 31 – paragraph 3 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) collecting the in-use data if it can be accessed remotely via the internet, **unless** the end-user expressly **refuses** to make that data available;

(a) collecting the in-use data if it can be accessed remotely via the internet, **only if** the end-user **has** expressly **allowed** to make that data available;

Amendment 71
Proposal for a regulation

Article 31 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *The Commission shall, for every delegated act every three years after implementation, analyse the data points collected with a view to assessing the regulation's impact against its stated goals.*

Amendment 72

Proposal for a regulation

Article 58 – paragraph 1

Text proposed by the Commission

Amendment

1. Requirements pursuant to Article 4, third subparagraph, point (h) for public contracts awarded by contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, **may** take the form of mandatory technical specifications, selection criteria, award criteria, contract performance clauses, or targets, as appropriate.

1. Requirements pursuant to Article 4, third subparagraph, point (h) for public contracts awarded by contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, **shall** take the form of mandatory technical specifications, selection criteria, award criteria, contract performance clauses, or targets, as appropriate.

Amendment 73

Proposal for a regulation

Article 69 – paragraph 1

Text proposed by the Commission

Amendment

No sooner than [8 years after the date of **application** of this Regulation], the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of products. The Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the

By ... [eight years after the date of **entry into force** of this Regulation], the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of products. The Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the

Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.

Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.

Amendment 74
Proposal for a regulation
Article 69 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

For the purpose of the second paragraph, the Commission shall take into account the conclusions of its report and, as appropriate, the positions of the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions, if any.

Amendment 75
Proposal for a regulation
Annex I – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

The following parameters ***may, as*** appropriate, ***and*** where necessary supplemented by others, be used as a basis for improving the product aspects referred to in Article 5(1):

The following parameters, ***justified by an*** appropriate ***life cycle and circularity assessment, and,*** where necessary supplemented by others, ***shall*** be used, ***individually or aggregated,*** as a basis for improving the product aspects referred to in Article 5(1):

Amendment 76
Proposal for a regulation
Annex I – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) ease and quality of recycling as expressed through: use of easily recyclable materials, safe, easy and non-destructive access to recyclable components and materials or components and materials containing hazardous substances, material composition and homogeneity, possibility for high-purity sorting, number of

(d) ease and quality of recycling as expressed through: use of easily recyclable materials, safe, easy and non-destructive access to recyclable components and materials or components and materials containing hazardous substances, material composition and homogeneity, possibility for high-purity sorting, ***design for***

materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed;

recycling, number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed;

Amendment 77

Proposal for a regulation

Annex I – paragraph 1 – point e

Text proposed by the Commission

(e) avoidance of technical solutions detrimental to re-use, upgrading, repair, maintenance, refurbishment, remanufacturing and recycling of products and components;

Amendment

(e) avoidance of technical solutions detrimental to re-use, upgrading, repair, maintenance, refurbishment, remanufacturing and recycling of products and components, ***unless required, to ensure the safety of the product***;

Amendment 78

Proposal for a regulation

Annex I – paragraph 1 – point p

Text proposed by the Commission

(p) amounts of waste generated, including plastic waste and packaging waste and their ease of re-use, and amounts of hazardous waste generated;

Amendment

(p) amounts of waste generated, including plastic waste and packaging waste and their ease of re-use, ***ease of recycling*** and amounts of hazardous waste generated;

Amendment 79

Proposal for a regulation

Annex I – paragraph 1 – point q

Text proposed by the Commission

(q) conditions for use.

Amendment

(q) conditions for use, ***including the environmental impact and benefits during***

the use.

Amendment 80
Proposal for a regulation
Annex I – paragraph 1 – point q a (new)

Text proposed by the Commission

Amendment

(qa) *renewability of materials and use or content of renewable raw materials.*

Amendment 81
Proposal for a regulation
Annex VII – paragraph 1

Text proposed by the Commission

Amendment

The following non-exhaustive list of indicative criteria **may** be used to assess self-regulation measures as an alternative to a delegated act adopted pursuant to Article 4 of this Regulation:

The following non-exhaustive list of indicative criteria **shall** be used to assess self-regulation measures as an alternative to a delegated act adopted pursuant to Article 4 of this Regulation:

Amendment 82
Proposal for a regulation
Annex VII – paragraph 3

Text proposed by the Commission

Amendment

Self-regulation measures must respond to the policy objectives of this Regulation and must be consistent with the economic and social dimensions of sustainable development. Self-regulation measures must have an integrated approach to the protection of the interests of consumers, health, quality of life and economic interests.

Self-regulation measures must respond to the policy objectives of this Regulation and must be consistent with the economic and social dimensions of sustainable development. Self-regulation measures must have an integrated approach to the protection of the interests of consumers, health, quality of life and economic interests. ***If they are not to be implemented before the adoption of a delegated act, they shall demonstrate a higher ambition than the corresponding delegated act.***

Amendment 83
Proposal for a regulation

Annex VII – paragraph 7

Text proposed by the Commission

Stakeholders including Member States, industry, environmental NGOs and consumers' associations must be invited to comment on a self-regulation measure.

Amendment

Stakeholders including Member States, industry, environmental **registered** NGOs and consumers' associations must be invited to comment on a self-regulation measure, ***including stakeholders of the value chain based outside the Union.***

ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the opinion, until the adoption thereof in committee:

Entity and/or person
European Furniture Industries Confederation
International Association for Soaps, Detergents and Maintenance Products
FEICA
CONEBI-European association of the Bicycle, E-Bike and Parts & Accessories
APPLIA
CEPI-European association representing the paper industry
AMCHAM EU
Games Consoles Voluntary Agreement (GCVA)
NESTE
EEB-EUROPEAN ENVIRONMENTAL BUREAU
EUROFER-European Steel Association
Construction Products Europe AISBL
EBIA - European Bedding Industries' Association
CEI-Bois - European Confederation of Woodworking Industries
EPF - European Panel Federation
EUROPUR - European Association of Flexible Polyurethane Foam Blocks Manufacturers

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC
References	COM(2022)0142 – C9-0132/2022 – 2022/0095(COD)
Committee responsible Date announced in plenary	ENVI 2.5.2022
Opinion by Date announced in plenary	ITRE 2.5.2022
Associated committees - date announced in plenary	15.9.2022
Rapporteur for the opinion Date appointed	Maria Spyragi 5.5.2022
Discussed in committee	28.11.2022
Date adopted	28.3.2023
Result of final vote	+: 57 –: 5 0: 5
Members present for the final vote	Matteo Adinolfi, Nicola Beer, François-Xavier Bellamy, Hildegard Bentele, Tom Berendsen, Vasile Blaga, Paolo Borchia, Marc Botenga, Markus Buchheit, Martin Buschmann, Cristian-Silviu Buşoi, Jerzy Buzek, Maria da Graça Carvalho, Ignazio Corrao, Beatrice Covassi, Ciarán Cuffe, Josianne Cutajar, Nicola Danti, Martina Dlabajová, Christian Ehler, Valter Flego, Niels Fuglsang, Lina Gálvez Muñoz, Jens Geier, Nicolás González Casares, Bart Groothuis, Christophe Grudler, Robert Hajšel, Romana Jerković, Seán Kelly, Izabela-Helena Kloc, Łukasz Kohut, Andrius Kubilius, Marisa Matias, Dan Nica, Angelika Niebler, Niklas Nienaaß, Johan Nissinen, Mauri Pekkarinen, Morten Petersen, Markus Pieper, Maria Spyragi, Beata Szydło, Riho Terras, Patrizia Toia, Marie Toussaint, Isabella Tovaglieri, Henna Virkkunen, Pernille Weiss, Carlos Zorrinho
Substitutes present for the final vote	Alex Agius Saliba, Rasmus Andresen, Tiziana Beghin, Franc Bogovič, Jakop G. Dalunde, Pietro Fiocchi, Klemen Grošelj, Martin Hojsík, Marina Kaljurand, Dace Melbārde, Rob Rooken, Bronis Ropè, Ernő Schaller-Baross, Jordi Solé, Susana Solís Pérez
Substitutes under Rule 209(7) present for the final vote	Pär Holmgren, Sven Simon

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

57	+
ECR	Pietro Fiocchi, Izabela-Helena Kloc, Beata Szydło
NI	Tiziana Beghin
PPE	François-Xavier Bellamy, Hildegard Bentele, Tom Berendsen, Vasile Blaga, Franc Bogovič, Cristian-Silviu Buşoi, Jerzy Buzek, Maria da Graça Carvalho, Christian Ehler, Seán Kelly, Andrius Kubilius, Dace Melbārde, Angelika Niebler, Markus Pieper, Sven Simon, Maria Spyrali, Riho Terras, Henna Virkkunen, Pernille Weiss
Renew	Nicola Beer, Nicola Danti, Martina Dlabajová, Valter Flego, Bart Groothuis, Klemen Grošelj, Christophe Grudler, Martin Hojsík, Mauri Pekkarinen, Morten Petersen, Susana Solís Pérez
S&D	Alex Agius Saliba, Beatrice Covassi, Josianne Cutajar, Niels Fuglsang, Lina Gálvez Muñoz, Jens Geier, Nicolás González Casares, Robert Hajšel, Romana Jerković, Marina Kaljurand, Łukasz Kohut, Dan Nica, Patrizia Toia, Carlos Zorrinho
Verts/ALE	Rasmus Andresen, Ignazio Corrao, Ciarán Cuffe, Jakop G. Dalunde, Pär Holmgren, Niklas Nienaaß, Bronis Ropé, Jordi Solé, Marie Toussaint

5	-
ECR	Johan Nissinen, Rob Rooker
ID	Markus Buchheit
The Left	Marc Botenga, Marisa Matias

5	0
ID	Matteo Adinolfi, Paolo Borchia, Isabella Tovaglieri
NI	Martin Buschmann, Ernő Schaller-Baross

Key to symbols:

+ : in favour

- : against

0 : abstention

27.4.2023

OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a Regulation of the European Parliament and of the Council establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC
(COM((2022)0142 – C9-0132/2022 – 2022/0095(COD))

Rapporteur for opinion (*): David Cormand

(*) Associated committee – Rule 57 of the Rules of Procedure

SHORT JUSTIFICATION

The Ecodesign Regulation is the first milestone to make our internal market truly sustainable. Europe succeeded in creating a single market for the exchange of goods and services that establishes the Union as the largest market in the world. We must now use this power wisely to make it compatible with our European values.

The market is subject to a detrimental market failure that favours economic actors who adopt production methods and create products undermining the environment and social rights. To ensure fair competition, market rules must instead reward those who produce and innovate in line with our social and environmental rights.

The Rapporteur wants to ensure that this Regulation allows us to stay within planetary boundaries and contribute to meeting EU's environmental and climate targets. This Regulation must therefore endorse this level of ambition through the adoption of ambitious eco-design requirements and put an end to unsustainable business models that are only economically profitable at the expense of environmental standards and social rights. Thus, the negative impact on the competitiveness of economic actors should not be an obstacle in itself to the achievement of our ecodesign objectives.

Moreover, the Rapporteur believes the Regulation should lay a minimum level for ecodesign requirements to exclude the least performant products from the market. However, Member States should be able to set more stringent requirements and restrict the entry and use of certain products based on environmental objectives. This allows for a more flexible approach to attaining the Union's environmental objectives in the respect of the subsidiarity principle. Given the urgency of the environmental and climate crisis, preventing Member States from acting locally will only delay the already very late action needed. It is also in line with article 193 of the Treaty on the Functioning of the European Union which provides that Member States shall not be prevented from introducing more stringent protective measures in relation to environmental matters.

Concerning the scope of the Regulation, the Rapporteur proposes to include digital services that are not linked to a product. Digital services are a growing part of our economy and starting to promote their ecodesign insurgent. Given their intangible nature, the Rapporteur proposes to develop a label for the ecodesign of digital services and calls the Commission to develop a robust methodology based on best practices in the sector. Such label should reward actors developing eco-designed digital services and serve as a marker for public procurement and private actors' choices.

The Commission proposes to regulate ecodesign criteria by product category. The Rapporteur welcomes this approach, which allows for granularity in legislative action. However, he is of the opinion that some aspects require horizontal provisions to ensure that we design truly durable and repairable products. He thus proposes to introduce some horizontal requirements on durability and reparability. A general ban on premature obsolescence practices, including software obsolescence, is the natural element of a Regulation on Ecodesign of products. Furthermore, this reflects what the commission has proposed to address under Consumer Law in its proposal "Empowering Consumers in the Green Transition". Moreover, it is fundamental that reparability be at the heart of Ecodesign requirements by banning certain product designs that prevent a product to be repaired but also by providing access to right tools and information to all actors of the sector. The Rapporteur therefore proposes to detail the criteria that the Commission will have to consider in the framework of a European reparability score, including in particular the price of spare parts and their delivery time. These two elements are indeed at the heart of the concerns of Europeans when questioned about the modalities of recourse to repair and should be reflected in the methodology to establish such a reparability score. Last but not least, the extent of the product lifespan covered by the durability requirement must be reflected in the relevant consumer rights. The Rapporteur therefore calls for the duration of legal guarantees to be aligned with the estimated lifetime of product category in each delegated act.

The Digital Product Passport is a great tool for the free circulation of data and the transparency of value chains. Opening access to data related to the ecodesign of products to researchers, NGOs, economic actors and concerned consumers will allow the opening of new markets and the promotion of the most virtuous actors in their field. The Rapporteur also introduces the exclusion of the storage of personal data of end-users of products in order to prevent the establishment of a generalized surveillance.

Finally, the rapporteur proposes to make some improvement on the market surveillance chapter of this Regulation to ensure its effective enforcement. He proposes to require Member States to establish mechanisms where end-users can easily lodge a complaint in case of non-compliance; He also introduces a minimum set of penalties that market surveillance authorities can apply to infringers.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

Amendment 1
Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) In the absence of legislation at Union level, diverging national approaches to improving the environmental sustainability of products have already emerged, ranging from information requirements on the duration of software compatibility of electronic devices to reporting obligations on handling unsold durable goods. This is an indication that further national efforts to achieve the aims pursued by this Regulation will likely lead to further fragmentation of the internal market. Therefore, in order to safeguard the functioning of the internal market while ensuring a high level of environmental protection, there is a need for a regulatory framework to progressively introduce ecodesign requirements for products. This Regulation will, by making the ecodesign approach initially set out in Directive 2009/125/EC of the European Parliament and of the Council²⁹ applicable to the broadest possible range of products, provide such a framework.

²⁹ Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (Text with EEA relevance) (OJ L 285, 31.10.2009, p. 10).

Amendment 2
Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) This Regulation will contribute to making products fit for a climate-neutral, resource-efficient and circular economy,

Amendment

(4) In the absence of legislation at Union level, diverging national approaches to improving the environmental sustainability of products have already emerged, ranging from information requirements on the duration of software compatibility of electronic devices to reporting obligations on handling unsold durable goods. This is an indication that further national efforts to achieve the aims pursued by this Regulation will likely lead to further fragmentation of the internal market. Therefore, in order to safeguard the functioning of the internal market while ensuring a high level of environmental protection, there is a need for ***an ambitious*** regulatory framework to progressively introduce ecodesign requirements for products. This Regulation will, by making the ecodesign approach initially set out in Directive 2009/125/EC of the European Parliament and of the Council²⁹ applicable to the broadest possible range of products, provide such a framework.

²⁹ Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (Text with EEA relevance) (OJ L 285, 31.10.2009, p. 10).

Amendment

(5) This Regulation will contribute to making products fit for a climate-neutral, resource-efficient and circular economy,

reducing waste and ensuring that the performance of frontrunners in sustainability progressively becomes the norm. It should provide for the setting of new ecodesign requirements to improve product durability, reusability, upgradability and reparability, *improve* possibilities for refurbishment and maintenance, address the presence of hazardous chemicals in products, increase their energy and resource efficiency, reduce their expected generation of waste materials and increase recycled content in products, while ensuring their performance and safety, enabling remanufacturing and high-quality recycling and reducing carbon and environmental footprints.

reducing waste and ensuring that the performance of frontrunners in sustainability progressively becomes the norm. It should provide for the setting of new ecodesign requirements to improve product durability, reusability, upgradability and reparability, *ensure* possibilities for refurbishment and maintenance, address the presence of hazardous chemicals in products, increase their energy and resource efficiency, reduce their expected generation of waste materials and increase recycled content in products, while ensuring their performance and safety, enabling remanufacturing and high-quality recycling and reducing carbon and environmental footprints. ***By doing so, this Regulation should aim at supporting production and consumption patterns that are aligned with the Union's overall sustainability targets, including climate, environmental, energy, resources-use and biodiversity. As this Regulation will establish provisions to extend the lifecycle of products, it should not impede the reuse of components or spare parts for repairing products.***

Amendment 3
Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Dwindling natural resources and the proliferation of waste make it essential to establish sustainable patterns of production and consumption which are commensurate with planetary boundaries and focus on a more effective and sustainable use of resources.

Amendment 4
Proposal for a regulation
Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) The use of renewable raw materials can play an important role in achieving the goals of this Regulation and creating reusable and recyclable materials. In this context, the ecodesign requirements set out in this Regulation should take account of the feedstock used to produce products. Recycled content or content of renewable resources should be sustainably sourced and produced with nature-positive outcomes.

**Amendment 5
Proposal for a regulation
Recital 5 c (new)**

Text proposed by the Commission

Amendment

(5c) Several practices associated with early obsolescence of products should be addressed by this Regulation. Such practices include planned obsolescence practices, which should be understood as a commercial policy involving deliberately planning or designing a product with a limited useful life so that it prematurely becomes obsolete or non-functional after a certain period of time. Engaging in practices that lead to the shortening of a product's lifespan or purchasing products that are expected to last longer than they actually do causes consumer detriment. Furthermore, early obsolescence practices have an overall negative impact on the environment in the form of increased material waste. Therefore, addressing those practices will likely reduce the amount of waste, contributing to a more sustainable consumption.

**Amendment 6
Proposal for a regulation
Recital 6**

Text proposed by the Commission

(6) The European Parliament, in its Resolution of 25 November 2020 ‘Towards a more sustainable single market for business and consumers’³⁰, **welcomed promoting** durable products which are easier to repair, re-use and recycle. In its report on the New Circular Economy Action Plan adopted on 16 February 2021³¹, the European Parliament further endorsed the agenda presented by the Commission in the CEAP. It considered that the transition to a circular economy can provide solutions to address the current environmental challenges and the economic crisis brought on by the COVID-19 pandemic. The Council, in its conclusions on ‘Making the Recovery Circular and Green’ adopted on 11 December 2020³², also welcomed the Commission’s intention to submit legislative proposals as part of a comprehensive and integrated sustainable product policy framework that promotes climate neutrality, energy and resource efficiency and a non-toxic circular economy, protects public health and biodiversity, and empowers and protects consumers and public buyers.

³⁰ P9_TA(2020)0318.

³¹ P9_TA(2021)0040.

³² 13852/20.

Amendment 7
Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) In order to create an effective and future-proof regulatory framework, it is necessary to allow for the setting of ecodesign requirements on all physical

Amendment

(6) The European Parliament, in its resolution of 25 November 2020 ‘Towards a more sustainable single market for business and consumers’³⁰, **called for setting an appropriate framework to ensure the production of** durable products which are easier to repair, re-use and recycle. In its report on the New Circular Economy Action Plan adopted on 16 February 2021³¹, the European Parliament further endorsed the agenda presented by the Commission in the CEAP. It considered that the transition to a circular economy can provide solutions to address the current environmental challenges and the economic crisis brought on by the COVID-19 pandemic. The Council, in its conclusions on ‘Making the Recovery Circular and Green’ adopted on 11 December 2020³², also welcomed the Commission’s intention to submit legislative proposals as part of a comprehensive and integrated sustainable product policy framework that promotes climate neutrality, energy and resource efficiency and a non-toxic circular economy, protects public health and biodiversity, and empowers and protects consumers and public buyers.

³⁰ P9_TA(2020)0318.

³¹ P9_TA(2021)0040.

³² 13852/20.

Amendment

(11) In order to create an effective and future-proof regulatory framework, it is necessary to allow for the setting of ecodesign requirements on all physical

goods placed on the market or put into service, including components and intermediate products. This should allow the Commissions to take into account the broadest range of products possible when prioritising the establishment of ecodesign requirements and thereby maximise their effectiveness. Where needed, specific exemptions should be made when setting ecodesign requirements, for example for products with a particular purpose that could not be fulfilled when complying with ecodesign requirements. In addition, exemptions should be made at the level of the framework for those products for which it is already clear that ecodesign requirements would not be suitable or where other frameworks provide for the setting of such requirements. This should be the case for food and feed as defined in Regulation (EC) No 178/2002 of the European Parliament and of the Council⁴⁴, medicinal products for human use as defined in Directive 2001/83/EC of the European Parliament and of the Council⁴⁵, veterinary medicinal products as defined in Regulation (EU) 2019/6 of the European Parliament and of the Council⁴⁶, living plants, animals and micro-organisms, products of human origin, and products of plants and animals relating directly to their future reproduction.

⁴⁴ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

⁴⁵ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

goods placed on the market or put into service, including components and intermediate products. This should allow the Commissions to take into account the broadest range of products possible when prioritising the establishment of ecodesign requirements and thereby maximise their effectiveness. ***It is crucial that duplication or overlap of regulation is avoided.*** Where needed, specific exemptions should be made when setting ecodesign requirements, for example for products with a particular purpose that could not be fulfilled when complying with ecodesign requirements. In addition, exemptions should be made at the level of the framework for those products for which it is already clear that ecodesign requirements would not be suitable or where other frameworks provide for the setting of such requirements. This should be the case for food and feed as defined in Regulation (EC) No 178/2002 of the European Parliament and of the Council⁴⁴, medicinal products for human use as defined in Directive 2001/83/EC of the European Parliament and of the Council⁴⁵, veterinary medicinal products as defined in Regulation (EU) 2019/6 of the European Parliament and of the Council⁴⁶, living plants, animals and micro-organisms, products of human origin, and products of plants and animals relating directly to their future reproduction.

⁴⁴ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

⁴⁵ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67).

⁴⁶ Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43).

⁴⁶ Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43).

Amendment 8
Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) In order to improve the environmental sustainability of products and to ensure the free movement of products in the internal market, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by setting out ecodesign requirements. Those ecodesign requirements should in principle apply to specific product groups, such as washing machines or washing machines and washer dryers. In order to maximise the effectiveness of ecodesign requirements and to efficiently improve environmental sustainability of products, it should also be possible to set out one or more horizontal ecodesign requirements for a wider range of products groups, such as electronic appliances or textiles. Horizontal ecodesign requirements should be established where the technical similarities of product groups allow their environmental sustainability to be improved based on the same requirements.

Amendment

(13) In order to improve the environmental sustainability of products and to ensure the free movement of products in the internal market, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by setting out ecodesign requirements. Those ecodesign requirements should in principle apply to specific product groups, such as washing machines or washing machines and washer dryers. In order to maximise the effectiveness of ecodesign requirements and to efficiently improve environmental sustainability of products, it should also be possible to set out one or more horizontal ecodesign requirements for a wider range of products groups, such as electronic appliances or textiles. Horizontal ecodesign requirements should be established where the technical similarities of product groups allow their environmental sustainability to be improved based on the same requirements. ***Those horizontal requirements should take into account potential environmental benefits stemming from the use of one common charger for several products. Therefore, product groups with technical similarities, i.e. gardening tools and power drills or products protected against moisture and water ingress should be required to be equipped with common chargers.***

Amendment 9
Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) When adopting delegated acts, the Commission should specify the implementation time for each delegated act and provide sufficient time for economic operators to prepare. This period should be adapted depending on product category specifications.

Amendment 10

Proposal for a regulation
Recital 19

Text proposed by the Commission

Amendment

(19) In order to take into account the diversity of products, the Commission should select the methods to assess the setting of the ecodesign requirements and, as appropriate, develop them further based on the nature of the product, its most relevant aspects and its impacts over its life cycle. In doing so, the Commission should take account of its experience in assessing the setting of requirements under Directive 2009/125/EC and the continuing efforts to develop and improve science-based assessment tools, such as the update of the methodology for ecodesign of energy-related products, and the Product Environmental Footprint method set out in Commission Recommendation (EU) 2021/2279⁵⁶, including as regards temporary storage of carbon, as well as the development of standards by international and European standardisation organisations, including on the material efficiency of energy-related products. Building on these tools and using dedicated studies when needed, the Commission should further reinforce circularity aspects (such as durability, reparability including

(19) In order to take into account the diversity of products, the Commission should select the methods to assess the setting of the ecodesign requirements and, as appropriate, develop them further based on the nature of the product, its most relevant aspects and its impacts over its life cycle. In doing so, the Commission should take account of its experience in assessing the setting of requirements under Directive 2009/125/EC and the continuing efforts to develop and improve science-based assessment tools, such as the update of the methodology for ecodesign of energy-related products, and the Product Environmental Footprint method set out in Commission Recommendation (EU) 2021/2279⁵⁶, including as regards temporary storage of carbon, as well as the development of standards by international and European standardisation organisations, including on the material efficiency of energy-related products. ***Other scientifically validated, auditable methods based international technical standards or European technical standards should also be taken into***

reparability scoring, identification of chemicals hindering re-use and recycling) in the assessment of products and in the preparation of ecodesign requirements, and should develop new methods or tools where appropriate. New approaches may also be needed for ***the preparation of mandatory public procurement criteria and for*** bans on the destruction of unsold consumer products.

account. Building on these tools and using dedicated studies when needed, the Commission should further reinforce circularity aspects (such as durability, reparability including reparability scoring, identification of chemicals hindering re-use and recycling) in the assessment of products and in the preparation of ecodesign requirements, and should develop new methods or tools where appropriate. New approaches may also be needed for bans on the destruction of unsold consumer products.

⁵⁶ Commission Recommendation (EU) 2021/2279 of 15 December 2021 on the use of the Environmental Footprint methods to measure and communicate the life cycle environmental performance of products and organisations.

⁵⁶ Commission Recommendation (EU) 2021/2279 of 15 December 2021 on the use of the Environmental Footprint methods to measure and communicate the life cycle environmental performance of products and organisations.

Amendment 11 **Proposal for a regulation** **Recital 23 a (new)**

Text proposed by the Commission

Amendment

(23a) When specifying the format of instructions to be provided by manufacturers, the Commission should ensure that digitalisation does not compromise the protection of human health and safety.

Amendment 12 **Proposal for a regulation** **Recital 26**

Text proposed by the Commission

Amendment

(26) The information requirements set under this Regulation should include the requirement to make available a product passport. The product passport is an important tool for making information available to actors along the entire value

(26) The information requirements set under this Regulation should include the requirement to make available a product passport. The product passport is an important tool for making information available to actors along the entire value

chain and the availability of a product passport should significantly enhance end-to-end traceability of a product throughout its value chain. Among other things, the product passport should help consumers make informed choices by improving their access to product information relevant to them, allow economic operators other value chain actors such as repairers or recyclers to access relevant information, and enable competent national authorities to perform their duties. To this end, the product passport should not replace but complement non-digital forms of transmitting information, such as information in the product manual or on a label. In addition, it should be possible for the product passport to be used for information on other sustainability aspects applicable to the relevant product group pursuant to other Union legislation.

chain and the availability of a product passport should significantly enhance end-to-end traceability of a product throughout its value chain. Among other things, the product passport should help consumers make informed choices by improving their access to product information relevant to them, allow economic operators other value chain actors such as *professional* repairers, *refurbishers*, or recyclers to access relevant information, and enable competent national authorities to perform their duties. To this end, the product passport should not replace but complement non-digital forms of transmitting information, such as information in the product manual or on a label. In addition, it should be possible for the product passport to be used for information on other sustainability aspects applicable to the relevant product group pursuant to other Union legislation.

Amendment 13
Proposal for a regulation
Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) *The digital product passport should be designed in a secure way and take into consideration that information may constitute trade secret in line with Directive (EU) 2016/943.*

Amendment 14
Proposal for a regulation
Recital 39

Text proposed by the Commission

Amendment

(39) To drive consumers towards more sustainable choices, labels should, when required by the delegated acts adopted pursuant to this Regulation, provide information allowing for the effective comparison of products, for instance by

(39) To drive consumers towards more sustainable choices, labels should, when required by the delegated acts adopted pursuant to this Regulation, provide information allowing for the effective comparison of products, for instance by

indicating classes of performance. Specifically for consumers, physical labels can be an additional source of information at the place of sale. They can provide a quick visual basis for consumers to distinguish between products based on their performance in relation to a specific product parameter or set of product parameters. They should, where appropriate, also allow for the accessing of additional information by bearing specific references like website addresses, dynamic QR codes, links to online labels or any appropriate consumer-oriented means. The Commission should set out in the relevant delegated act the most effective way of displaying such labels, including in the case of online distance selling, taking into account the implications for customers and economic operators and the characteristics of the products concerned. The Commission may also require the label to be printed on the packaging of the product.

indicating classes of performance *in terms of reparability, durability or overall sustainability with the objective of achieving a unique label*. Specifically for consumers, physical labels can be an additional source of information at the place of sale. They can provide a quick visual basis for consumers to distinguish between products based on their performance in relation to a specific product parameter or set of product parameters. They should, where appropriate, also allow for the accessing of additional information by bearing specific references like website addresses, dynamic QR codes, links to online labels or any appropriate consumer-oriented means. The Commission should set out in the relevant delegated act the most effective way of displaying such labels, including in the case of online distance selling, taking into account the implications for customers and economic operators and the characteristics of the products concerned. The Commission may also require the label to be printed on the packaging of the product.

Amendment 15
Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) Consumers should be protected from misleading information that could hamper their choices for more sustainable products. For this reasons it should be prohibited to place on the market products bearing a label mimicking the labels provided for in this Regulation.

Amendment

(41) Consumers should be protected from misleading information that could hamper their choices for more sustainable products. For this reasons it should be prohibited to place on the market products bearing a label mimicking the labels provided for in this Regulation. ***On the other hand, displaying additional labels, such as EU Ecolabel or other existing type 1 ecolabels, should not be considered as misleading.***

Amendment 16

Proposal for a regulation
Recital 59

Text proposed by the Commission

(59) It is essential that online marketplaces cooperate closely with the market surveillance authorities. An obligation of cooperation with market surveillance authorities is imposed on information society service providers under Article 7(2) of Regulation (EU) 2019/1020 of the European Parliament and of the Council⁷⁴ in relation to products covered by that Regulation, including products for which ecodesign requirements are set. ***To further improve cooperation to tackle illegal content related to non-compliant products, this Regulation should include concrete obligations to put this cooperation into practice as regards online marketplaces. For instance, market surveillance authorities are constantly improving the technological tools they use for online market surveillance in order to identify non-compliant products sold online. For these tools to be operational, online marketplaces should grant access to their interfaces. Moreover, market surveillance authorities may also need to scrape data from the online marketplaces.***

⁷⁴ Regulation (EU) 2019/1020 of the European Parliament and of the Council of

Amendment

(59) It is essential that online marketplaces cooperate closely with the market surveillance authorities. An obligation of cooperation with market surveillance authorities is imposed on information society service providers under Article 7(2) of Regulation (EU) 2019/1020 of the European Parliament and of the Council⁷⁴ in relation to products covered by that Regulation, including products for which ecodesign requirements are set. ***In order to keep pace with technological development and new means of sale, the compliance by design obligations laid down for providers of online marketplaces in Article 31 of Regulation (EU) 2022/2065 of the European Parliament and of the Council should apply for the purpose of information required by Article 25 and 30(1) of this Regulation and, where applicable, for the requirements laid down in the delegated acts adopted pursuant to Article 4 of this Regulation. The enforcement of those obligations should be subject to the rules laid down in Chapter IV of Regulation (EU) 2022/2065. For the purposes of Article 31, paragraph 3 of Regulation (EU) 2022/2065, providers of online marketplaces should make use at least of the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020. The single point of contact under this Regulation might be the same as the point of contact under Article 11 of Regulation (EU) 2022/2065, without endangering the objective of treating issues linked to product safety in a swift and specific manner.***

⁷⁴ Regulation (EU) 2019/1020 of the European Parliament and of the Council of

20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L169, 25.6.2019, p. 1).

20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L169, 25.6.2019, p. 1).

Amendment 17
Proposal for a regulation
Recital 68

Text proposed by the Commission

(68) In the absence of harmonised standards, recourse to common specifications should be used as a fall-back solution to facilitate the manufacturer's obligation to comply with ecodesign requirements, for instance when the standardisation process is blocked due to lack of consensus between stakeholders or where there are undue delays in establishing a harmonised standard. Such delays could for example occur when the required quality is not reached. In addition, recourse to this solution should be possible where the Commission has restricted or withdrawn the references to relevant harmonised standards in line with Article 11(5) of Regulation (EU) No 1025/2012. Compliance with common specifications should also give rise to the presumption of conformity.

Amendment

(68) ***The current Union standardisation framework which is based on the principles of the so-called 'New Approach' and on Regulation (EU) 1025/2012 represents the framework to elaborate standards that provide presumption of conformity with the relevant requirements set out in this Regulation.*** In the absence of ***relevant references to*** harmonised standards, recourse to common specifications, ***via the adoption of implementing acts,*** should be used as a fall-back solution to facilitate the manufacturer's obligation to comply with ecodesign requirements, for instance when the standardisation process is blocked due to lack of consensus between stakeholders or where there are undue delays in establishing a harmonised standard ***and the prescribed deadline cannot be respected.*** Such delays could for example occur when the required quality is not reached. In addition, recourse to this solution should be possible where the Commission has restricted or withdrawn the references to relevant harmonised standards in line with Article 11(5) of Regulation (EU) No 1025/2012. Compliance with common specifications should also give rise to the presumption of conformity. ***In order to ensure efficiency, the Commission should involve relevant stakeholders in the process of establishing the common specifications that cover the ecodesign requirements of this Regulation.***

Amendment 18
Proposal for a regulation
Recital 88

Text proposed by the Commission

(88) Effective enforcement of ecodesign requirements is essential to ensure equal competition in the Union market and to ensure that this Regulation's expected benefits and contribution to achieving the Union's climate, energy and circularity objectives are achieved. Therefore, Regulation (EU) 2019/1020 setting out a horizontal framework for market surveillance and control of products entering the Union market should apply to products for which ecodesign requirements are set pursuant to this Regulation, in so far as there are no specific provisions with the same objective, nature or effect in this Regulation. In addition, to lower the problematic levels of non-compliance of products covered by implementing measures adopted under Directive 2009/125/EC, to better prevent non-compliance with future ecodesign requirements, and taking account of the broader scope and increased ambition of this Regulation compared to Directive 2009/125/EC, this Regulation should contain specific additional rules complementing the framework created by Regulation (EU) 2019/1020. Those specific additional rules should be aimed at further strengthening the planning, coordination and support of Member State efforts and should provide additional tools for the Commission to ensure sufficient action is taken by market surveillance authorities to prevent non-compliance with ecodesign requirements.

Amendment 19
Proposal for a regulation

Amendment

(88) Effective enforcement of ecodesign requirements is essential to ensure equal competition in the Union market and to ensure that this Regulation's expected benefits and contribution to achieving the Union's climate, energy and circularity objectives are achieved. Therefore, Regulation (EU) 2019/1020 setting out a horizontal framework for market surveillance and control of products entering the Union market should apply to products for which ecodesign requirements are set pursuant to this Regulation, in so far as there are no specific provisions with the same objective, nature or effect in this Regulation. In addition, to lower the problematic levels of non-compliance of products covered by implementing measures adopted under Directive 2009/125/EC, to better prevent non-compliance with future ecodesign requirements, and taking account of the broader scope and increased ambition of this Regulation compared to Directive 2009/125/EC, this Regulation should contain specific additional rules complementing the framework created by Regulation (EU) 2019/1020. Those specific additional rules should be aimed at further strengthening the planning, coordination and support of Member State efforts and should provide additional tools for the Commission to ensure sufficient action is taken by market surveillance authorities to prevent non-compliance with ecodesign requirements *and re-establish conformity where relevant.*

Recital 90

Text proposed by the Commission

(90) To ensure that appropriate checks are performed on an adequate scale in relation to ecodesign requirements, Member States should draw up a dedicated action plan identifying the products or requirements identified as priorities for market surveillance under this Regulation and the activities planned to reduce non-compliance of relevant products or with relevant ecodesign requirements. Where relevant, this action plan should be part of Member States' national market surveillance strategies adopted pursuant to Article 13 of Regulation (EU) 2019/1020.

Amendment 20 Proposal for a regulation Recital 91

Text proposed by the Commission

(91) Priorities for market surveillance under this Regulation should be identified based on objective criteria such as the levels of non-compliance observed or the environmental impacts resulting from non-compliance. The activities planned to address those priorities should in turn be proportionate to the facts leading to their prioritisation. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to determine products and requirements that Member States should consider as priorities for market surveillance in the context of their action plans identifying priorities for market surveillance under this Regulation and activities planned to reduce non-compliance.

Amendment

(90) To ensure that appropriate checks are performed on an adequate scale in relation to ecodesign requirements, Member States should draw up a dedicated action plan identifying the products or requirements identified as priorities for market surveillance under this Regulation and the activities planned to reduce **or bring to an end** non-compliance of relevant products or with relevant ecodesign requirements. Where relevant, this action plan should be part of Member States' national market surveillance strategies adopted pursuant to Article 13 of Regulation (EU) 2019/1020.

Amendment

(91) Priorities for market surveillance under this Regulation should be identified based on objective criteria such as the levels of non-compliance observed or the environmental impacts resulting from non-compliance **or the number of complaints received**. The activities planned to address those priorities should in turn be proportionate to the facts leading to their prioritisation. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to determine products and requirements that Member States should consider as priorities for market surveillance in the context of their action plans identifying priorities for market surveillance under this Regulation and activities planned to reduce non-compliance.

Amendment 21
Proposal for a regulation
Recital 94

Text proposed by the Commission

(94) To further strengthen coordination of market surveillance authorities, the administrative cooperation group ('ADCO') set up pursuant to Regulation (EU) 2019/1020 should, for the purposes of identifying the products or requirements identified as priorities for market surveillance under this Regulation and the activities planned to reduce non-compliance is Regulation, meet at regular intervals and identify common priorities for market surveillance to be taken into account in Member States' action plans, priorities for the provision of Union support, and ecodesign requirements that are interpreted differently leading to market distortion.

Amendment 22
Proposal for a regulation
Recital 95

Text proposed by the Commission

(95) To support Member States in their efforts to ensure sufficient action is taken to prevent non-compliance with ecodesign requirements, the Commission should, where relevant, make use of the support measures provided for in Regulation (EU) 2019/1020. The Commission should organise and, where appropriate finance, joint market surveillance and testing projects in areas of common interest, joint investments in market surveillance capacities and common trainings for the staff of market surveillance authorities, notifying authorities and notified bodies. In addition, the Commission should draw up guidelines on how to apply and enforce ecodesign requirements *where necessary*

Amendment

(94) To further strengthen coordination of market surveillance authorities, the administrative cooperation group ('ADCO') set up pursuant to Regulation (EU) 2019/1020 should, for the purposes of identifying the products or requirements identified as priorities for market surveillance under this Regulation and the activities planned to reduce *or bring to an end* non-compliance is Regulation, meet at regular intervals and identify common priorities for market surveillance to be taken into account in Member States' action plans, priorities for the provision of Union support, and ecodesign requirements that are interpreted differently leading to market distortion.

Amendment

(95) To support Member States in their efforts to ensure sufficient action is taken to prevent non-compliance with ecodesign requirements, the Commission should, where relevant, make use of the support measures provided for in Regulation (EU) 2019/1020. The Commission should organise and, where appropriate finance, joint market surveillance and testing projects in areas of common interest, joint investments in market surveillance capacities and common trainings for the staff of market surveillance authorities, notifying authorities and notified bodies. In addition, the Commission should draw up guidelines on how to apply and enforce ecodesign requirements to ensure their

to ensure their harmonised application.

harmonised application.

Amendment 23

Proposal for a regulation

Article 1 – paragraph 2 – introductory part

Text proposed by the Commission

2. This Regulation shall apply to any physical good that is placed on the market or put into service, including components and intermediate products. However, it shall not apply to:

Amendment

2. This Regulation shall apply to any physical good that is placed on the market or put into service, ***after the entry into force of this Regulation***, including components and intermediate products. However, it shall not apply to:

Amendment 24

Proposal for a regulation

Article 1 – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) works of art, collectors' items and antiques.

Amendment 25

Proposal for a regulation

Article 2 – paragraph 1 – point 16

Text proposed by the Commission

(16) ‘remanufacturing’ means an industrial process in which a product is produced from objects that are waste, products or components and in which at least one change is made to the product that affects the safety, performance, purpose or type of the product typically placed on the market with a commercial guarantee;

Amendment

(16) ‘remanufacturing’ means an industrial process in which a product is produced ***or substantially modified*** from objects that are waste, products or components and in which at least one change is made to the product that affects the safety, performance, purpose or type of the product typically placed on the market with a commercial guarantee ***and requiring a new conformity assessment to ensure compliance with applicable new requirements***;

Amendment 26

Proposal for a regulation
Article 2 – paragraph 1 – point 17

Text proposed by the Commission

(17) ‘upgrading’ means enhancing the functionality, performance, capacity or *aesthetics* of a product;

Amendment

(17) ‘upgrading’ means enhancing the functionality, performance, capacity or *safety* of a product;

Amendment 27
Proposal for a regulation
Article 2 – paragraph 1 – point 17 a (new)

Text proposed by the Commission

Amendment

(17a) ‘software update’ means a free update, including either a security update or a functionality or feature update, that is necessary to keep goods with digital elements, digital content and digital services in conformity in accordance with Directives (EU) 2019/770 and (EU) 2019/771;

Amendment 28
Proposal for a regulation
Article 2 – paragraph 1 – point 18

Text proposed by the Commission

Amendment

(18) ‘refurbishment’ means preparing or modifying an object that is waste or a product to restore *its performance or* functionality within the intended use, range of performance and maintenance originally conceived at the design stage, or to meet applicable technical standards or regulatory requirements, with the result of making a fully functional product;

(18) ‘refurbishment’ means preparing or modifying an object that is waste or a product to restore functionality within the intended use, range of performance and maintenance originally conceived at the design stage, or to meet applicable technical standards or regulatory requirements, with the result of making a fully functional product;

Amendment 29
Proposal for a regulation
Article 2 – paragraph 1 – point 20 a (new)

Text proposed by the Commission

Amendment

(20a) ‘professional repairer’ means a natural or legal person who provides repair or maintenance services on a product, irrespective of whether that person acts within the manufacturer’s distribution system or independently;

Amendment 30
Proposal for a regulation
Article 2 – paragraph 1 – point 21

Text proposed by the Commission

(21) ‘durability’ means the ability of a product to function **as required**, under specified conditions of use, maintenance and repair, until a limiting event prevents its functioning;

Amendment

(21) ‘durability’ means the ability of a product to function under specified conditions of use, maintenance and repair, until a limiting event prevents its functioning;

Amendment 31
Proposal for a regulation
Article 2 – paragraph 1 – point 37

Text proposed by the Commission

(37) ‘unsold consumer product’ means any consumer product that has not been sold or that has been returned by a consumer in view of their right of withdrawal in accordance with Article 9 of Directive (EU) 2011/83/EU;

Amendment

(37) ‘unsold consumer product’ means any consumer product that has not been sold, **and which is fit for consumption or sale, including surplus, excessive inventory, overstock, deadstock and samples**, or **any consumer product** that has been returned by a consumer in view of their right of withdrawal in accordance with Article 9 of Directive (EU) 2011/83/EU;

Amendment 32
Proposal for a regulation
Article 2 – paragraph 1 – point 55

Text proposed by the Commission

(55) ‘online marketplace’ means a provider of an intermediary service using **software, including a website, part of a website or an application, that** allows

Amendment

(55) ‘online marketplace’ means a provider of an intermediary service using **an online interface which** allows customers to conclude distance contracts

customers to conclude distance contracts with economic operators for the sale of products covered by delegated acts adopted pursuant to Article 4;

with economic operators for the sale of products covered by delegated acts adopted pursuant to Article 4;

Amendment 33
Proposal for a regulation
Article 2 – paragraph 1 – point 55 a (new)

Text proposed by the Commission

Amendment

(55a) ‘online interface’ means any software, including a website, part of a website or an application, including mobile applications;

Amendment 34
Proposal for a regulation
Article 3 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall not prohibit, restrict or impede the placing on the market or putting into service of products on grounds of non-compliance with national requirements relating to product parameters referred to in Annex I, for which a delegated act adopted pursuant to Article 4 provides that no performance, ***no information or neither performance nor information*** requirements are necessary.

4. Member States shall not prohibit, restrict or impede the placing on the market or putting into service of products on grounds of non-compliance with national requirements relating to product parameters referred to in Annex I, for which a delegated act adopted pursuant to Article 4 provides that no performance requirements are necessary.

Amendment 35
Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

Amendment

When establishing ecodesign requirements in delegated acts referred to in the first subparagraph, the Commission shall also supplement this Regulation by specifying the applicable conformity assessment procedures from among the modules set out in Annex IV to this Regulation and

When establishing ecodesign requirements in delegated acts referred to in the first subparagraph, the Commission shall also supplement this Regulation by specifying the applicable conformity assessment procedures from among the modules set out in Annex IV to this Regulation and

Annex II to Decision No 768/2008/EC, with the adaptations necessary in view of the product or ecodesign requirements concerned, in accordance with Article 36.

Annex II to Decision No 768/2008/EC, with the adaptations necessary, **including a risk assessment approach**, in view of the product or ecodesign requirements concerned, in accordance with Article 36.

Amendment 36
Proposal for a regulation
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

Those delegated acts shall allow economic operators sufficient time to prepare for the implementation of the new requirements.

Amendment 37
Proposal for a regulation
Article 4 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) requiring manufacturers, their authorised representatives or importers to make parts of the technical documentation related to the relevant product digitally available to the Commission or market surveillance authorities ***without request***, in accordance with Article 30(3);

(a) requiring manufacturers, their authorised representatives or importers to make parts of the technical documentation related to the relevant product digitally available to the Commission or market surveillance authorities in accordance with Article 30(3);

Amendment 38
Proposal for a regulation
Article 4 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) requiring manufacturers, their authorised representatives or importers to make available to the Commission information on the quantities of a product covered by those delegated acts placed on the market or put into service, in accordance with Article 31(1);

(b) requiring manufacturers, their authorised representatives or importers to make available to the Commission information on the quantities of a product covered by those delegated acts placed on the market or put into service, in accordance with Article 31(1); ***for cases where precise data are unavailable for a specific product category, estimated***

quantities shall be made available;

Amendment 39
Proposal for a regulation
Article 4 – paragraph 3 – point d

Text proposed by the Commission

(d) requiring manufacturers, their authorised representatives or importers to collect, anonymise, or report to the Commission the in-use data referred to in point (c), in accordance with Article 31(3);

Amendment

(d) requiring manufacturers, their authorised representatives or importers to collect, anonymise, or report to the Commission the in-use data referred to in point (c), in accordance with Article 31(3) ***while taking into account privacy considerations;***

Amendment 40
Proposal for a regulation
Article 4 – paragraph 3 – point h a (new)

Text proposed by the Commission

Amendment

(ha) specifying the methodology to assess the reparability of a product, define the classes of performance to be displayed by the reparability score, inter alia, and define the product categories to which it will apply.

Amendment 41
Proposal for a regulation
Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission shall, as appropriate to the relevant product groups and with due consideration for all stages of their life cycle, establish ecodesign requirements to improve the following product aspects:

Amendment

1. The Commission shall, as appropriate to the relevant product groups and with due consideration for all stages of their life cycle establish ecodesign requirements to improve the following product aspects ***while taking into account potential interdependencies and trade-offs between these product aspects :***

Amendment 42
Proposal for a regulation
Article 5 – paragraph 4 – point a – point ii

Text proposed by the Commission

(ii) relevant Union legislation, including the extent to which it addresses the relevant product aspects listed in paragraph 1;

Amendment

(ii) relevant Union legislation, including the extent to which it addresses the relevant product aspects listed in paragraph 1, ***to ensure consistency and to avoid duplication or overlap of requirements***;

Amendment 43
Proposal for a regulation
Article 5 – paragraph 4 – point b

Text proposed by the Commission

(b) carry out an impact assessment based on best available evidence ***and*** analyses, and as appropriate on additional studies and research results produced under European funding programmes. In doing so, the Commission shall ensure that the depth of analysis of the product aspects listed in paragraph 1 is proportionate to their significance. The establishment of ecodesign requirements on the most significant aspects of a product among those listed in paragraph 1 shall not be unduly delayed by uncertainties regarding the possibility to establish ecodesign requirements to improve other aspects of that product;

Amendment

(b) carry out an impact assessment based on best available evidence analyses ***and appropriate consultations, including through expert groups***, and as appropriate on additional studies and research results produced under European funding programmes. In doing so, the Commission shall ensure that the depth of analysis of the product aspects listed in paragraph 1 is proportionate to their significance ***and assess their economic feasibility***. The establishment of ecodesign requirements on the most significant aspects of a product among those listed in paragraph 1 shall not be unduly delayed by uncertainties regarding the possibility to establish ecodesign requirements to improve other aspects of that product;

Amendment 44
Proposal for a regulation
Article 5 – paragraph 5 – point a

Text proposed by the Commission

(a) there shall be no significant negative impact on the functionality of the

Amendment

(a) there shall be no significant negative impact on the functionality ***and safety*** of the product, from the perspective

product, from the perspective of the user;

of the user;

Amendment 45
Proposal for a regulation
Article 5 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Supply chain actors shall provide the necessary information available to them to enable the economic operators to comply with the performance and information requirements set out in Article 6 and 7 of this Regulation and delegated acts adopted under this Regulation.

Amendment 46
Proposal for a regulation
Article 5 – paragraph 8

Text proposed by the Commission

Amendment

8. The Commission shall publish relevant studies **and** analyses used in the establishment of ecodesign requirements in accordance with this Regulation.

8. The Commission shall publish **without undue delay the** relevant studies, analyses **and impact assessments** used in the establishment of ecodesign requirements in accordance with this Regulation.

Amendment 47
Proposal for a regulation
Article 5 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Ecodesign requirements shall be without prejudice to and be interpreted in a way that does not undermine the effective application of the sustainability due diligence requirements laid down in other Union legislative acts.

Amendment 48

Proposal for a regulation
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Prohibition of premature obsolescence of products

The Commission shall prohibit identified and known practices that result in shortening a product's lifespan as part of the eco-design requirements under the delegated act adopted pursuant to Article 4, as appropriate.

Amendment 49
Proposal for a regulation
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where appropriate, based on the evidence provided in the impact assessment referred to in Article 5(4), point (b), information requirements on the performance of the product related to reparability shall take the form of a reparability score to enable end-users to easily compare the performance of products. The methodology to assess the reparability of products shall be developed according to the specificities of product categories and specified in the relevant delegated act adopted under Article 4. That delegated act shall also define the content and layout of the label containing the reparability score, as appropriate, in accordance with Article 14, using clear and easy-to-understand language and pictograms, to avoid overload of information for consumers.

When available, the methodology to assess the reparability of products may include other relevant aspects of a product, such as durability, reliability or robustness, and be further specified in the relevant delegated act taking into account

specificities of the product category.

Amendment 50
Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission

7. The information to be supplied pursuant to information requirements shall be provided in a language which can be easily understood by consumers and other end-users, as determined by the Member State in which the product is to be made available on the market or put into service.

Amendment

7. The information to be supplied pursuant to information requirements shall be provided in a language which can be easily understood by consumers and other end-users, as determined by the Member State in which the product is to be made available on the market or put into service, ***and in accordance with accessibility requirements under Directive (EU) 2019/882.***

Amendment 51
Proposal for a regulation
Article 8 – paragraph 2 – point d

Text proposed by the Commission

(d) whether the product passport is to correspond to the model, batch, or item level;

Amendment

(d) whether the product passport is to correspond to the model, batch, or, ***where appropriate***, item level;

Amendment 52
Proposal for a regulation
Article 8 – paragraph 2 – point e

Text proposed by the Commission

(e) the manner in which the product passport shall be made accessible to customers before they are bound by a sales contract, including in case of distance selling;

Amendment

(e) the manner in which ***the non-confidential information contained in*** the product passport shall be made accessible to customers before they are bound by a sales contract, including in case of distance selling, ***and in accordance with Directive (EU) 2019/882;***

Amendment 53

Proposal for a regulation
Article 8 – paragraph 2 – point f

Text proposed by the Commission

(f) the actors that shall have access to information in the product passport and to what information they shall have access, including customers, end-users, manufacturers, importers and distributors, dealers, repairers, remanufacturers, recyclers, competent national authorities, public interest organisations and the Commission, or any organisation acting on their behalf;

Amendment

(f) the actors that shall have access to information in the product passport and to what information they shall have access, including customers, end-users, manufacturers, importers and distributors, dealers, **refurbishers, professional** repairers, remanufacturers, recyclers, competent national authorities, public interest organisations, **researchers** and the Commission, or any organisation acting on their behalf;

Amendment 54
Proposal for a regulation
Article 8 – paragraph 2 – point g

Text proposed by the Commission

(g) the actors that may introduce or update the information in the product passport, including where needed the creation of a new product passport, and what information they may introduce or update, including manufacturers, repairers, maintenance professionals, remanufacturers, recyclers, competent national authorities, and the Commission, or any organisation acting on their behalf;

Amendment

(g) the actors that may introduce or update the information in the product passport, including where needed the creation of a new product passport, and what information they may introduce or update, including manufacturers, **refurbishers, professional** repairers, maintenance professionals, remanufacturers, recyclers, competent national authorities, and the Commission, or any organisation acting on their behalf;

Amendment 55
Proposal for a regulation
Article 8 – paragraph 3 – point b

Text proposed by the Commission

(b) facilitate the verification of product compliance by competent national authorities; and

Amendment

(b) facilitate the verification of product compliance by competent national authorities **within one single instrument**; and

Amendment 56
Proposal for a regulation
Article 8 – paragraph 3 – point c

Text proposed by the Commission

(c) improve traceability of products along the value chain.

Amendment

(c) improve traceability of products along the value chain ***without compromising the data security of economic operators;***

Amendment 57
Proposal for a regulation
Article 8 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) be relevant for the assessment of the sustainability of products and in relation to ensuring free movement in the internal market.

Amendment 58
Proposal for a regulation
Article 9 – paragraph 1 – subparagraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) where relevant, it shall rely and interplay with other product databases, and provide for a single entry point for economic operators;

Amendment 59
Proposal for a regulation
Article 9 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

(d) all information included in the product passport shall be based on open, standards, developed with an inter-operable format and shall be machine-readable, structured, and searchable, in accordance with the essential requirements set out in

Amendment

(d) all information included in the product passport shall be ***up-to-date*** based on open standards, developed with an inter-operable format and shall be machine-readable, structured, and searchable in accordance with the essential requirements

Article 10;

set out in Article 10;

Amendment 60

Proposal for a regulation

Article 9 – paragraph 1 – subparagraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) personal data related to the end-user of the product shall not be stored in or extrapolated from the product passport;

Amendment 61

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

Amendment

3. The economic operator placing the product on the market shall provide dealers with a digital copy of the data carrier to allow ***the dealer*** to make it accessible to customers where they cannot physically access the product. The economic operator shall provide that digital copy free of charge and within 5 working days of the ***dealer's*** request.

3. The economic operator placing the product on the market shall provide dealers ***and online marketplaces*** with a digital copy of the data carrier to allow ***them*** to make it accessible to customers where they cannot physically access the product. The economic operator shall provide that digital copy free of charge and within 5 working days ***upon receipt*** of the request.

Amendment 62

Proposal for a regulation

Article 10 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the data included in the product passport shall be stored the economic operator responsible for its creation or by operators authorised to act on their behalf;

(c) the data included in the product passport shall be stored ***and maintained up to date by*** the economic operator responsible for its creation or by operators authorised to act on their behalf.

Amendment 63

Proposal for a regulation

Article 14 – paragraph 1 – point c

Text proposed by the Commission

(c) the manner in which the label shall be displayed to customers including in case of distance selling, taking into account the requirements set out in Article 26 and the implications for the relevant economic operators;

Amendment

(c) the manner in which the label shall be displayed to customers including in case of distance selling, taking into account the requirements set out in Article 26 and ***where relevant, the applicable requirements established under Directive (EU) 2019/882, as well as*** the implications for the relevant economic operators;

Amendment 64

Proposal for a regulation

Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The information requirements referred to in Article 7(1) shall take the form of a unique label in an appropriate format and covering the product aspects referred to in Article 5(1) which are relevant for consumers, for each product category, if appropriate.

Amendment 65

Proposal for a regulation

Article 21 – paragraph 3

Text proposed by the Commission

Amendment

3. Manufacturers shall keep the technical documentation and the EU declaration of conformity for 10 years after the product has been placed on the market or put into service. Delegated acts adopted pursuant to Article 4 may specify a period longer or shorter than 10 years in order to take account of the nature of the products or requirements concerned.

3. Manufacturers shall keep the technical documentation and the EU declaration of conformity for 10 years after the product has been placed on the market or put into service. Delegated acts adopted pursuant to Article 4 may specify a period longer or shorter than 10 years in order to take account of the nature of the products, ***the complexity of the information to be provided,*** or requirements concerned.

Amendment 66

Proposal for a regulation

Article 21 – paragraph 7

Text proposed by the Commission

7. Manufacturers shall ensure **that** that a product covered by a delegated act adopted pursuant to Article 4 is accompanied by instructions that enable consumers and other end-users to safely assemble, install, operate, store, maintain, repair and dispose of the product in a language that can be easily understood by consumers and other end-users, as determined by the Member State concerned. Such instructions shall be clear, understandable and legible and include at least the information specified in the delegated acts adopted pursuant to Article 4 and pursuant to Article 7(2)(b), point (ii).

Amendment

7. Manufacturers shall ensure that a product covered by a delegated act adopted pursuant to Article 4 is accompanied by instructions **in digital format** that enable consumers and other end-users to safely assemble, install, operate, store, maintain, repair and dispose of the product in a language that can be easily understood by consumers and other end-users, as determined by the Member State concerned. Such instructions shall be clear, understandable and legible and include at least the information specified in the delegated acts adopted pursuant to Article 4 and pursuant to Article 7(2)(b), point (ii). ***The delegated acts adopted pursuant to Article 4 shall also specify the period during which such instructions shall be made accessible online. Such period shall not be less than 10 years after placing the product on the market.***

Amendment 67
Proposal for a regulation
Article 21 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. When providing the instructions referred to in paragraph 7, the manufacturer shall present them in a format that makes it possible to download them and save on an electronic device so that the consumer or other end-user can access them at all times.

Amendment 68
Proposal for a regulation
Article 21 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. Upon request of the consumer or other end-user at the time of the purchase or up to 6 months after that purchase, the

manufacturer shall provide the instructions in paper format free of charge.

Amendment 69
Proposal for a regulation
Article 21 – paragraph 7 c (new)

Text proposed by the Commission

Amendment

7c. *The delegated acts adopted pursuant to Article 4 may specify, in well-justified cases, that certain concise information forming part of the instructions provided for in paragraph 7 of this Article may be provided in paper format.*

Amendment 70
Proposal for a regulation
Article 21 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Amendment

Manufacturers who consider or have reason to believe that a product covered by a delegated act adopted pursuant to Article 4 that they *have* been placed on the market or put into service is not in conformity with the requirements set out in those delegated acts shall *immediately* take the necessary corrective measures to bring that product into conformity, *to* withdraw it or recall it, if appropriate.

Manufacturers who consider or have reason to believe that a product covered by a delegated act adopted pursuant to Article 4 that they *has* been placed on the market or put into service is not in conformity with the requirements set out in those delegated acts shall *without undue delay* take the necessary corrective measures to bring that product into conformity, *or to immediately* withdraw it or recall it, if appropriate.

Amendment 71
Proposal for a regulation
Article 21 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. *Manufacturers shall establish publicly available communication channels such as a telephone number, electronic address or dedicated section of their website, taking into account the*

accessibility needs for persons with disabilities, in order to allow end-users to submit complaints or concerns regarding the potential non-conformity of products.

Manufacturers shall take appropriate measures when they consider that there is a case of non-compliance with the requirements set out in this Regulation, and inform market surveillance authorities. Manufacturers shall keep a register of complaints and concerns only as long as it is necessary for the purpose of this Regulation and make it available upon request from a market surveillance authority.

Amendment 72
Proposal for a regulation
Article 21 – paragraph 9 – subparagraph 1

Text proposed by the Commission

Manufacturers shall, further to a reasoned request from a competent national authority, provide all the information and documentation necessary to demonstrate the conformity of the product, including the technical documentation in a language that can be easily understood by that authority. That information and documentation shall be provided in either paper or electronic form. The relevant documents shall be made available within **10** days of receipt of a request by a competent national authority.

Amendment

Manufacturers shall, further to a reasoned request from a competent national authority, provide all the information and documentation necessary to demonstrate the conformity of the product, including the technical documentation in a language that can be easily understood by that authority. That information and documentation shall be provided in either paper or electronic form. The relevant documents shall be made available **as soon as possible and no later than** within **15** days of receipt of a request by a competent national authority.

Amendment 73
Proposal for a regulation
Article 22 – paragraph 2 – point d

Text proposed by the Commission

(d) further to a request from a competent national authority, make available relevant documents within **10**

Amendment

(d) further to a request from a competent national authority, make available relevant documents **as soon as**

days of the receipt of such a request ;

possible and no later than within **15** days of the receipt of such a request;

Amendment 74
Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

4. Importers shall ensure that the product is accompanied by instructions that enable the consumer to assemble, install, operate, store, maintain, repair and dispose of the product, in a language that can be easily understood by consumers and other end users, as determined by the Member State concerned. Such instructions shall be clear, understandable and legible and shall include at least the information specified in the delegated acts adopted pursuant to Article 4.

Amendment

4. Importers shall ensure that the product is accompanied by instructions that enable the consumer to assemble, install, operate, store, maintain, repair and dispose of the product, in a language that can be easily understood by consumers and other end users, as determined by the Member State concerned. Such instructions shall be clear, understandable and legible and shall include at least the information specified in the delegated acts adopted pursuant to Article 4. ***The obligations set in Article 21, paragraphs (7b) and (7c) shall apply mutatis mutandis.***

Amendment 75
Proposal for a regulation
Article 23 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Importers who consider or have reason to believe that a product covered by a delegated act adopted pursuant to Article 4, which they have placed on the market or put into service, is not in conformity with the requirements set out in that act shall ***immediately*** take the corrective measures necessary to bring that product into conformity, ***to*** withdraw it or recall it, if appropriate.

Amendment

Importers who consider or have reason to believe that a product covered by a delegated act adopted pursuant to Article 4, which they have placed on the market or put into service, is not in conformity with the requirements set out in that act shall ***without undue delay*** take the corrective measures necessary to bring that product into conformity, ***or to immediately*** withdraw it or recall it, if appropriate.

Amendment 76
Proposal for a regulation
Article 23 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Importers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a product, including technical documentation, in a language that can be easily understood by that authority. That information and documentation shall be provided in either paper or electronic form. The relevant documents shall be made available within **10** days of receipt of a request by the competent authority of a Member State.

Amendment 77

Proposal for a regulation

Article 24 – paragraph 2 – point b

Text proposed by the Commission

(b) the product is accompanied by the required documents and by instructions, to enable the consumer to assemble, install, operate, store, maintain, and dispose of the product, in a language that can be easily understood by consumers and other end-users, as determined by the Member State in which the product is to be made available on the market, and that such instructions are clear, understandable and legible and include at least the information set out in Article 7(2), point (b), point (ii), as laid down in the delegated act adopted pursuant to Article 4;

Amendment 78

Proposal for a regulation

Article 25 – paragraph 3 – point c

Text proposed by the Commission

(c) not provide or display other labels,

Amendment

Importers shall, further to a reasoned request from a competent national authority, provide it with all the information and documentation necessary to demonstrate the conformity of a product, including technical documentation, in a language that can be easily understood by that authority. That information and documentation shall be provided in either paper or electronic form. The relevant documents shall be made available ***as soon as possible and no later than*** within **15** days of receipt of a request by the competent authority of a Member State.

Amendment

(b) the product is accompanied by the required documents and by instructions, to enable the consumer to assemble, install, operate, store, maintain, and dispose of the product, in a language that can be easily understood by consumers and other end-users, as determined by the Member State in which the product is to be made available on the market, and that such instructions are clear, understandable and legible and include at least the information set out in Article 7(2), point (b), point (ii), as laid down in the delegated act adopted pursuant to Article 4; ***the obligations set in Article 21, paragraphs (7b) and 7(c) shall apply mutatis mutandis;***

Amendment

(c) not provide or display other labels,

marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the information included on the label.

marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the information included on the label ***regarding ecodesign requirements***.

Amendment 79
Proposal for a regulation
Article 26 – paragraph 4 – point b

Text proposed by the Commission

(b) not provide or display other labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the information included on the label.

Amendment

(b) not provide or display other labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with respect to the information included on the label; ***those limitations shall be without prejudice to the use of the EU ecolabel and other type 1-ecolabels established in the Member States as long as those labels fulfill the criteria from the [Green Claims Initiative]***.

Amendment 80
Proposal for a regulation
Article 29 – title

Text proposed by the Commission

Obligations of online marketplaces ***and online search engines***

Amendment

Obligations of online marketplaces

Amendment 81
Proposal for a regulation
Article 29 – paragraph 1 – introductory part

Text proposed by the Commission

1. ***The cooperation referred to in Article 7(2) of Regulation (EU) 2019/1020 shall, with regard to online marketplaces and for the purposes of this Regulation, include in particular:***

Amendment

1. Online marketplaces ***shall cooperate***, for the purposes of this Regulation, ***with the market surveillance authorities, at the request of the market surveillance authorities and in specific cases, to facilitate any action taken to eliminate or, if that is not possible, to mitigate the risks presented by a product that is or was offered for sale online***

through their services.

- (a) cooperating to ensure effective market surveillance measures, including by abstaining from putting in place obstacles to such measures;*
- (b) informing the market surveillance authorities of any action taken;*
- (c) establishing a regular and structured exchange of information on offers that have been removed on the basis of this Article by online marketplaces;*
- (d) allowing online tools operated by market surveillance authorities to access their interfaces in order to identify non-compliant products;*
- (e) upon request of the market surveillance authorities, when online marketplaces or online sellers have put in place technical obstacles to the extraction of data from their online interfaces, allowing those authorities to scrape such data for product compliance purposes based on the identification parameters provided by the requesting market surveillance authorities.*

Amendment 82

Proposal for a regulation

Article 29 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

For the purpose of the requirements of [Article 22(7)] of Regulation (EU) .../... [the Digital Services Act], online marketplaces shall design and organise their online interface in a way that enables dealers to fulfil their obligations set out in Article 25 and allows economic operators to fulfil their obligations under Article 30(1) of this Regulation.

deleted

Amendment 83

Proposal for a regulation
Article 29 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The information shall be able to be provided for each product offered and displayed or otherwise made easily accessible by customers on the product listing.

deleted

Amendment 84
Proposal for a regulation
Article 29 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

In particular, where delegated acts adopted pursuant to Article 4 require online visual advertising for certain products to be accompanied by online electronic information to be displayed on the display mechanism, online marketplaces shall enable dealers to show it. This obligation shall also apply to online search engines and other online platforms that provide online visual advertising for the products concerned.

deleted

Amendment 85
Proposal for a regulation
Article 29 – paragraph 3

Text proposed by the Commission

Amendment

3. As far as powers conferred by Member States in accordance with Article 14 of Regulation (EU) 2019/1020 are concerned, Member States shall confer on their market surveillance authorities the power, **for all products covered by a relevant delegated act adopted pursuant to Article 4, to order an online marketplace to remove** specific **illegal** content referring to a non-compliant product **from its** online interface, disable access to it or display an explicit warning to end-users when they

3. As far as powers conferred by Member States in accordance with Article 14 of Regulation (EU) 2019/1020 are concerned, Member States shall confer on their market surveillance authorities the power, **as regards** specific content referring to **an offer of** a non-compliant product **with the requirements of this Regulation, to issue an order requiring the providers of online marketplaces to remove such content from their** online interface, disable access to it or display an

access it. Such orders shall comply with [Article 8(1)] of Regulation (EU) .../... [the Digital Services Act].

explicit warning to end-users when they access it. Such orders shall comply with [Article 8(1)] of Regulation (EU) .../... [the Digital Services Act].

Amendment 86
Proposal for a regulation
Article 29 – paragraph 4

Text proposed by the Commission

Amendment

4. Online marketplaces shall take the necessary measures to receive and process the orders referred to in paragraph 2 in accordance with [Article 8] of Regulation (EU) .../... [the Digital Services Act].

deleted

Amendment 87
Proposal for a regulation
Article 29 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

Online marketplaces shall establish a single contact point allowing for direct communication with Member States' market surveillance authorities in relation to compliance with this Regulation and the delegated acts adopted pursuant to Article 4.

Online marketplaces shall establish **or appoint an existing contact point as** a single contact point allowing for direct communication with Member States' market surveillance authorities in relation to compliance with this Regulation and the delegated acts adopted pursuant to Article 4 **and enable consumers to communicate directly and rapidly with them in relation to ecodesign requirements.**

Amendment 88
Proposal for a regulation
Article 29 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

This contact point may be the same contact point as the one referred to in [Article 20(1)] of Regulation (EU) .../... [the General Product Safety Regulation] or [Article **10(I)**] of Regulation (EU) .../...

This contact point may be the same contact point as the one referred to in [Article 20(1)] of Regulation (EU) .../... [the General Product Safety Regulation] or Article **11** of Regulation (EU) **2022/2065**.

[the Digital Services Act].

Amendment 89
Proposal for a regulation
Article 30 – paragraph 1 – point c

Text proposed by the Commission

(c) information *to identify* the product, including its type and, *where available, batch or serial number and* any other product identifier.

Amendment

(c) information *allowing the identification of* the product, including *a picture of it*, its type and any other product identifier.

Amendment 90
Proposal for a regulation
Article 30 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

When requiring manufacturers, their authorised representatives or importers to make parts of the technical documentation related to the relevant product digitally available pursuant to Article 4, third subparagraph, point (a), the Commission shall take into account the following criteria:

Amendment

When requiring, *upon a reasoned request from a national competent authority*, manufacturers, their authorised representatives or importers to make parts of the technical documentation related to the relevant product digitally available pursuant to Article 4, third subparagraph, point (a), the Commission shall take into account the following criteria:

Amendment 91
Proposal for a regulation
Article 31 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The Commission shall ensure that the resulting data is processed securely and in compliance with Union law.

Amendment

The Commission shall ensure that the resulting data is processed securely and in compliance with Union law *and that the resulting data, if published, are published in aggregated form.*

Amendment 92
Proposal for a regulation
Article 31 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) the technical feasibility of recording in-use data;

Amendment

(b) the technical feasibility of recording in-use data ***taking into account cybersecurity, data protection and data storage***;

Amendment 93

Proposal for a regulation

Article 33 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Software or firmware updates shall not worsen product performance in relation to any of the product parameters regulated in delegated acts adopted pursuant to Article 4 by which the products are covered or the functional performance from the perspective of the user when measured with the test method used for the conformity assessment, except with explicit consent of the end-user prior to the update. No performance change shall occur as a result of rejecting the update.

Amendment

Software or firmware updates shall not ***significantly*** worsen product performance in relation to any of the product parameters regulated in delegated acts adopted pursuant to Article 4 by which the products are covered or the functional performance from the perspective of the user when measured with the test method used for the conformity assessment, except with explicit consent of the end-user prior to the update. No performance change shall occur as a result of rejecting the update.

Amendment 94

Proposal for a regulation

Article 35 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3).

Amendment

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3). ***Where a harmonised standard is adopted by a European standardisation organisation and proposed to the Commission for the publication of its reference in the Official Journal of the European Union, the Commission shall assess the harmonised standards in accordance with Regulation (EU) 1025/2012. When the reference of a harmonised standard is published in the Official Journal of the European Union,***

the Commission shall repeal the implementing acts or parts thereof containing the same ecodesign requirements.

Amendment 95
Proposal for a regulation
Article 58 – paragraph 1

Text proposed by the Commission

1. Requirements pursuant to Article 4, third subparagraph, point (h) for public contracts awarded by contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, may take the form of mandatory technical specifications, selection criteria, award criteria, contract performance clauses, or targets, as appropriate.

Amendment

1. ***Without prejudice to Directives 2014/24/EU and 2014/25/EU,*** requirements pursuant to Article 4, third subparagraph, point (h) for public contracts awarded by contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU, may take the form of mandatory technical specifications, selection criteria, award criteria, contract performance clauses, or targets, as appropriate, ***while taking into consideration the specific needs and constraints of small local authorities.***

Amendment 96
Proposal for a regulation
Article 58 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States and the Commission shall provide technical and financial assistance to national contracting authorities to upskill and reskill the staff in charge of green public procurement.

Amendment 97
Proposal for a regulation
Article 58 – paragraph 2 – introductory part

Text proposed by the Commission

2. When establishing requirements pursuant to Article 4, third subparagraph, point (h), for public contracts, the Commission shall take into account the following criteria:

Amendment 98
Proposal for a regulation
Article 58 – paragraph 2 – point b

Text proposed by the Commission

(b) the need to ensure sufficient demand for more environmentally sustainable products;

Amendment 99
Proposal for a regulation
Article 58 – paragraph 2 – point c

Text proposed by the Commission

(c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable products, without entailing disproportionate costs.

Amendment 100
Proposal for a regulation
Article 58 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2. When establishing requirements pursuant to Article 4, third subparagraph, point (h), for public contracts, the Commission shall ***consult, in accordance with Article 17, Member States and relevant stakeholders, and*** take into account the following criteria:

Amendment

(b) ***environmental benefits and*** the need to ensure sufficient demand for more environmentally sustainable products;

Amendment

(c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable products, ***and the availability of those products on the market,*** without entailing disproportionate costs.

Amendment

2a. Notwithstanding paragraph 1 of this Article, Member States may use officially recognised EN ISO 14024 ecolabels as an award criteria, technical specification or contract performance requirements in line with Article 43 of

Amendment 101
Proposal for a regulation
Article 58 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. This Article shall not apply to contracts awarded in the fields of defence and security in accordance with Directive 2009/81/EC.

Amendment 102
Proposal for a regulation
Article 58 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. For the purposes of this Article, the Commission shall conduct a detailed assessment when establishing requirements for public contracts awarded by contracting authorities, which demonstrates how the criteria as outlined in paragraph 2 has been taken into account.

Amendment 103
Proposal for a regulation
Article 59 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Without prejudice to Article 13 of Regulation (EU) 2019/1020, each Member State shall, at least every 2 years, draw up an action plan outlining the market surveillance activities planned to ensure that appropriate checks are performed on an adequate scale in relation to this Regulation and the delegated acts adopted pursuant to Article 4. Each Member State shall draw up the first such action plan by [16 July 2024].

Without prejudice to Article 13 of Regulation (EU) 2019/1020, each Member State shall, at least every 2 years, draw up an action plan outlining the market surveillance activities planned to ensure that appropriate checks, ***including physical and laboratory checks based on adequate samples***, are performed on an adequate scale in relation to this Regulation and the delegated acts adopted pursuant to Article 4. Each Member State shall draw up the

first such action plan by [16 July 2024].

Amendment 104

Proposal for a regulation

Article 59 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

(b) the market surveillance activities planned in order to reduce non-compliance for those products or requirements identified as priorities, including the nature and minimum number of checks to be performed during the period covered by the action plan.

Amendment

(b) the market surveillance activities planned in order to reduce ***or bring to an end*** non-compliance for those products or requirements identified as priorities, including the nature and minimum number of checks to be performed during the period covered by the action plan.

Amendment 105

Proposal for a regulation

Article 59 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the number of complaints received from end-users, consumer organisations or other information received from economic operators or media;

Amendment 106

Proposal for a regulation

Article 59 – paragraph 3

Text proposed by the Commission

3. The nature and number of checks planned pursuant to paragraph 1, point (b), shall be proportionate to the objective criteria used to identify the priorities in line with paragraph 2.

Amendment

3. The nature and number of checks planned pursuant to paragraph 1, point (b), shall be proportionate to the objective criteria used to identify the priorities in line with paragraph 2. ***For product categories identified as representing a high risk of non-compliance, market surveillance authorities shall consider that those checks shall include physical and laboratory checks based on adequate samples.***

Amendment 107
Proposal for a regulation
Article 59 – paragraph 5

Text proposed by the Commission

The Commission may adopt **implementing** acts listing the products or requirements that Member States shall **at least consider** as priorities for market surveillance pursuant to paragraph 1, point (a).

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 67(2).

Amendment

The Commission may adopt **delegated** acts **in accordance with Article 66 to supplement this Regulation by** listing the products or requirements that Member States shall **include** as priorities for market surveillance pursuant to paragraph 1, point (a).

Amendment 108
Proposal for a regulation
Article 60 – paragraph 1 – subparagraph 2 – point d

Text proposed by the Commission

(d) where relevant, the priorities included in the **implementing** acts referred to in Article 59(5).

Amendment

(d) where relevant, the priorities included in the **delegated** acts referred to in Article 59(5).

Amendment 109
Proposal for a regulation
Article 61 – paragraph 1

Text proposed by the Commission

1. Market surveillance authorities shall enter into the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 information on the nature and severity of any penalty imposed in relation to non-compliance with this Regulation.

Amendment

1. Market surveillance authorities shall enter into the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 information on the **number and nature of checks performed, as well as the** nature and severity of any penalty imposed in relation to non-compliance with this Regulation.

Amendment 110
Proposal for a regulation

Article 61 – paragraph 3

Text proposed by the Commission

3. The Commission shall publish the report referred to in paragraph 2 of this Article in the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall make public a summary of the report.

Amendment

3. The Commission shall publish the report referred to in paragraph 2 of this Article in the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall make public **both** a summary of the report **and the report**.

Amendment 111

Proposal for a regulation

Article 62 – paragraph 2 – subparagraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) where appropriate, consult with stakeholders and experts.

Amendment 112

Proposal for a regulation

Article 63 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Where, in the course of that evaluation, the market surveillance authorities find that the product does not comply with the requirements laid down in the applicable delegated acts adopted pursuant to Article 4, they shall without delay require the relevant economic operator to take appropriate and proportionate corrective action, within a reasonable period prescribed by the market surveillance authorities and commensurate with the nature and where relevant the degree of the non-compliance, to bring the non-compliance to an end. The corrective action required to be taken by the economic operator may include the actions listed in Article 16(3) of Regulation (EU) 2019/1020.

Where, in the course of that evaluation, the market surveillance authorities find that the product does not comply with the requirements laid down in the applicable delegated acts adopted pursuant to Article 4, they shall without delay require the relevant economic operator to take appropriate and proportionate corrective action, within a reasonable period prescribed by the market surveillance authorities and commensurate with the nature and where relevant the degree of the non-compliance, to bring the non-compliance to an end. The corrective action required to be taken by the economic operator may include **as a minimum** the actions listed in Article 16(3) of Regulation (EU) 2019/1020.

Amendment 113
Proposal for a regulation
Article 69 – paragraph 1

Text proposed by the Commission

No sooner than [8 years after the date of application of this Regulation], the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of products. The Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.

Amendment

No sooner than [8 years after the date of application of this Regulation], the Commission shall carry out an evaluation of this Regulation and of its contribution to the functioning of the internal market and the improvement of the environmental sustainability of products, ***the impact on product costs and affordability and on the competitiveness of businesses in general. That evaluation shall consider the inclusion of social requirements in the scope of this Regulation.*** The Commission shall present a report on the main findings to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions. Member States shall provide the Commission with the information necessary for the preparation of that report.

Amendment 114
Proposal for a regulation
Article 69 a (new)

Text proposed by the Commission

Amendment

Article 69a

***Amendment to Directive (EU) 2020/1828
Point (27) of Annex I to Directive (EU)
2020/1828 shall be replaced by the
following:***

***‘(27) Regulation (EU) .../... of the
European Parliament and of the Council
... on establishing a framework for setting
ecodesign requirements for sustainable
products and repealing Directive
2009/125/EC.’***

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR FOR THE OPINION HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft opinion, until the adoption thereof in committee:

Entity and/or person
The European Consumer Organization - BEUC
The European Environmental Bureau - EEB
Backmarket
E-Bay
Business Europe
ANEC
CEN-CENELEC
Syctom
Refurbed
Privacy International
Danish Business Authority
European Organization for Packaging and the Environment - EUROOPEN
ADEME
Halte à l'obsolescence programmée - HOP
Avery Dennison
Etsy
ECOS
I fixit
Right to repair coalition

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC		
References	COM(2022)0142 – C9-0132/2022 – 2022/0095(COD)		
Committee responsible Date announced in plenary	ENVI 2.5.2022		
Opinion by Date announced in plenary	IMCO 2.5.2022		
Associated committees - date announced in plenary	15.9.2022		
Rapporteur for the opinion Date appointed	David Cormand 31.8.2022		
Discussed in committee	26.10.2022	24.1.2023	28.3.2023
Date adopted	25.4.2023		
Result of final vote	+: -: 0:	39 1 2	
Members present for the final vote	Alex Agius Saliba, Andrus Ansip, Pablo Arias Echeverría, Alessandra Basso, Adam Bielan, Biljana Borzan, Vlad-Marius Botoș, Anna Cavazzini, David Cormand, Alexandra Geese, Sandro Gozi, Maria Grapini, Svenja Hahn, Krzysztof Hetman, Virginie Joron, Eugen Jurzyca, Arba Kokalari, Marcel Kolaja, Andrey Kovatchev, Jean-Lin Lacapelle, Maria-Manuel Leitão-Marques, Morten Løkkegaard, Adriana Maldonado López, Antonius Manders, Leszek Miller, Anne-Sophie Pelletier, Miroslav Radačovský, René Repasi, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein, Kim Van Sparrentak, Marion Walsmann		
Substitutes present for the final vote	Marc Angel, Salvatore De Meo, Ivars Ijabs, Kosma Złotowski		
Substitutes under Rule 209(7) present for the final vote	Colm Markey, Bogdan Rzońca, Maria Walsh		

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

39	+
ECR	Adam Bielan, Bogdan Rzońca, Kosma Zlotowski
ID	Virginie Joron, Jean-Lin Lacapelle
PPE	Pablo Arias Echeverría, Salvatore De Meo, Krzysztof Hetman, Arba Kokalari, Andrey Kovatchev, Antonius Manders, Colm Markey, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Maria Walsh, Marion Walsmann
Renew	Andrus Ansip, Vlad-Marius Botoș, Sandro Gozi, Svenja Hahn, Ivars Ijabs, Morten Løkkegaard, Róza Thun und Hohenstein
S&D	Alex Agius Saliba, Marc Angel, Biljana Borzan, Maria Grapini, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Leszek Miller, René Repasi, Christel Schaldemose
The Left	Anne-Sophie Pelletier
Verts/ALE	Anna Cavazzini, David Cormand, Alexandra Geese, Marcel Kolaja, Kim Van Sparrentak

1	-
ECR	Eugen Jurzyca

2	0
ID	Alessandra Basso
NI	Miroslav Radačovský

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC	
References	COM(2022)0142 – C9-0132/2022 – 2022/0095(COD)	
Date submitted to Parliament	31.3.2022	
Committee responsible Date announced in plenary	ENVI 2.5.2022	
Committees asked for opinions Date announced in plenary	ITRE 2.5.2022	IMCO 2.5.2022
Associated committees Date announced in plenary	ITRE 15.9.2022	IMCO 15.9.2022
Rapporteurs Date appointed	Alessandra Moretti 16.5.2022	
Discussed in committee	12.1.2023	
Date adopted	15.6.2023	
Result of final vote	+: 68 –: 12 0: 8	
Members present for the final vote	Mathilde Androuët, Maria Arena, Marek Paweł Balt, Traian Băsescu, Aurélie Beigneux, Sergio Berlato, Alexander Bernhuber, Malin Björk, Michael Bloss, Delara Burkhardt, Pascal Canfin, Sara Cerdas, Mohammed Chahim, Maria Angela Danzi, Esther de Lange, Christian Doleschal, Bas Eickhout, Cyrus Engerer, Agnès Evren, Helène Fritzon, Malte Gallée, Andreas Glueck, Catherine Griset, Martin Hojsík, Pär Holmgren, Jan Huitema, Yannick Jadot, Adam Jarubas, Karin Karlsbro, Petros Kokkalis, Joanna Kopcińska, Peter Liese, Sylvia Limmer, Javi López, César Luena, Marian-Jean Marinescu, Fulvio Martusciello, Marina Measure, Tilly Metz, Silvia Modig, Dolors Montserrat, Alessandra Moretti, Grace O’Sullivan, Nikos Papandreou, Jutta Paulus, Francesca Peppucci, Jessica Polfjärd, Erik Poulsen, Nicola Procaccini, María Soraya Rodríguez Ramos, Sándor Rónai, Maria Veronica Rossi, Christine Schneider, Günther Sidl, Ivan Vilibor Sinčić, Nils Torvalds, Edina Tóth, Achille Variati, Petar Vitanov, Mick Wallace, Emma Wiesner, Michal Wiezik, Tiemo Wölken, Anna Zalewska	
Substitutes present for the final vote	Milan Brglez, Antoni Comín i Oliveres, Rosanna Conte, Christophe Hansen, Sara Matthieu, Max Orville, Robert Roos, Róza Thun und Hohenstein, Nikolaj Villumsen, Sarah Wiener	
Substitutes under Rule 209(7) present for the final vote	Tom Berendsen, Franc Bogovič, Daniel Caspary, Herbert Dorfmann, Lena Düpont, Roman Haider, Maria Noichl, Alessandro Panza, Rob Rooken, Bert-Jan Ruissen, Anne Sander, Simone Schmiedtbauer, Tom Vandenkendelaere, Veronika Vrecionová	
Date tabled	22.6.2023	

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

68	+
NI	Antoni Comín i Oliveres, Maria Angela Danzi
PPE	Traian Băsescu, Tom Berendsen, Alexander Bernhuber, Franc Bogovič, Daniel Caspary, Christian Doleschal, Herbert Dorfmann, Lena Düpont, Agnès Evren, Christophe Hansen, Adam Jarubas, Esther de Lange, Peter Liese, Fulvio Martusciello, Dolores Montserrat, Francesca Peppucci, Jessica Polfjård, Anne Sander, Simone Schmiedtbauer, Christine Schneider, Tom Vandenkendelaere
Renew	Pascal Canfin, Martin Hojsík, Jan Huitema, Karin Karlsbro, Max Orville, Erik Poulsen, María Soraya Rodríguez Ramos, Róza Thun und Hohenstein, Nils Torvalds, Emma Wiesner, Michal Wiezik
S&D	Maria Arena, Marek Paweł Balt, Milan Brglez, Delara Burkhardt, Sara Cerdas, Mohammed Chahim, Cyrus Engerer, Hélène Fritzon, Javi López, César Luena, Alessandra Moretti, Maria Noichl, Nikos Papandreou, Sándor Rónai, Günther Sidl, Achille Variati, Petar Vitanov, Tiemo Wölken
The Left	Malin Björk, Petros Kokkalis, Marina Mesure, Silvia Modig, Nikolaj Villumsen, Mick Wallace
Verts/ALE	Michael Bloss, Bas Eickhout, Malte Gallée, Pär Holmgren, Yannick Jadot, Sara Matthieu, Tilly Metz, Grace O'Sullivan, Jutta Paulus, Sarah Wiener

12	-
ECR	Sergio Berlato, Joanna Kopcińska, Nicola Procaccini, Rob Rooken, Robert Roos, Veronika Vrecionová, Anna Zalewska
ID	Rosanna Conte, Roman Haider, Sylvia Limmer, Alessandro Panza, Maria Veronica Rossi

8	0
ECR	Bert-Jan Ruissen
ID	Mathilde Androuët, Aurélia Beigneux, Catherine Griset
NI	Ivan Vilibor Sinčić, Edina Tóth
PPE	Marian-Jean Marinescu
Renew	Andreas Glueck

Key to symbols:

+ : in favour

- : against

0 : abstention