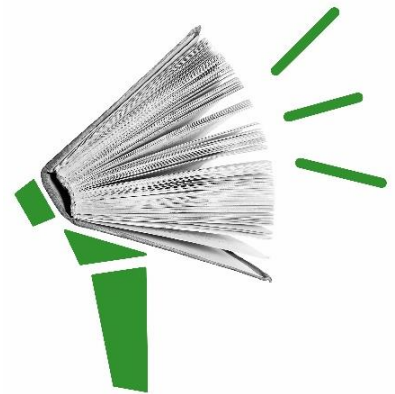


Newsletter

New Ecodesign for Sustainable Products Regulation



18 July 2024

The Ecodesign for Sustainable Products Regulation (ESPR) has been recently published - Regulation (EU) 2024/1781 of the European Parliament and the Council - setting the eco-design requirements that products must comply with to be placed on the market, with a view to improving their environmental sustainability, so that sustainable products become the standard and their global carbon and environmental footprint throughout their life cycle is reduced, while also encouraging the implementation and expansion of new circular economy business models throughout the internal market.

The Regulation applies to any physical goods placed on the market, except for:

- Food and animal feed
- Medicines and veterinary medicines
- Live plants, animals, and microorganisms
- Products of human origin
- Plant and animal products directly related to their future breeding
- Vehicles, with regard to those product aspects for which requirements are laid down under sector-specific EU legislation applicable to such vehicles

Among the various requirements envisaged to make products more sustainable, the following stand out:

- Creation of a Digital Product Passport, containing a set of specific data about the product and its life cycle, accessible electronically, allowing product traceability (its implementation depends on the approval of specific delegated acts).

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- Mandatory Green Public Procurement, where contracting authorities must award public contracts that meet the minimum established requirements, whenever appropriate, to encourage the supply and demand of environmentally sustainable products covered by delegated acts approved under the Regulation.
 - Obligation to adopt the necessary measures that can reasonably be expected to avoid the need to destroy unsold consumer products - clothing and footwear;
 - Prohibition on the destruction of unsold consumer products - clothing and footwear (applicable only to large and medium-sized enterprises, respectively, from 19 July 2026 and 19 July 2030);
 - Obligation to provide information to the public on discarded unsold consumer products (applicable only to medium and large companies, with medium companies only being obliged from 19 July 2030);
 - Among others, the ecodesign requirements to be defined in the delegated acts to be approved will include the following:
 - Durability
 - Reliability
 - Reusability
 - Improvability
 - Repairability
 - Possibility of maintenance and reconditioning
 - Presence of substances of concern
 - Energy use and energy efficiency
 - Water use and water efficiency
 - Resource use and resource efficiency
 - Recycled content
 - Remanufacturing capability
 - Recyclability
 - Material recovery capability
 - Environmental impacts, including carbon and environmental footprint
 - Expected waste generation

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- Premature obsolescence, derived from manufacturers' design choices, including the use of significantly less robust components than other components, the inability to disassemble essential components, the absence of repair information or spare parts, software that stops working when an operating system is updated, or the absence of software updates.

The Regulation comes into force today.

However, its implementation is progressive and largely depends on the approval of delegated acts by the Commission, which cannot come into force before July 19, 2025. Additionally, the delegated acts must provide for a minimum application period of 18 months from their entry into force (except in duly justified cases).

Nevertheless, considering its impact on the market, it is recommended that companies start taking measures to ensure compliance with the Regulation, namely:

- Ensure that there are sufficient resources allocated to the obligations associated with the Digital Product Passport;
- Considering from now on the design of products adapted to the Regulation's requirements;
- Developing from now on strategies to prevent the disposal of consumer products - clothing and textiles - and integrating compliance with the ban on the destruction of unsold items into internal procedures.

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