

Discussion paper: sustainable product policy initiative

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1. Aims:

- Respond to the [Inception IA consultation](#)
- Building a more elaborated EEB perspective on what to achieve with a sustainable product policy and how to best achieve it to help for future consultations and legislative process steps
- Consolidate and develop our position with the EEB's members and partners
- Share and discuss our position with policy makers and wider stakeholders

2. Introduction: make sustainable products and services the norm

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

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

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

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

The guiding objectives of the new Sustainable Product Policy at EU level should be the protection of human health, the environment, and the global climate, the respect of highest social and working conditions standards along value chains (including outside of Europe), as well as the reinforcement of the single market. It shall contribute to the

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

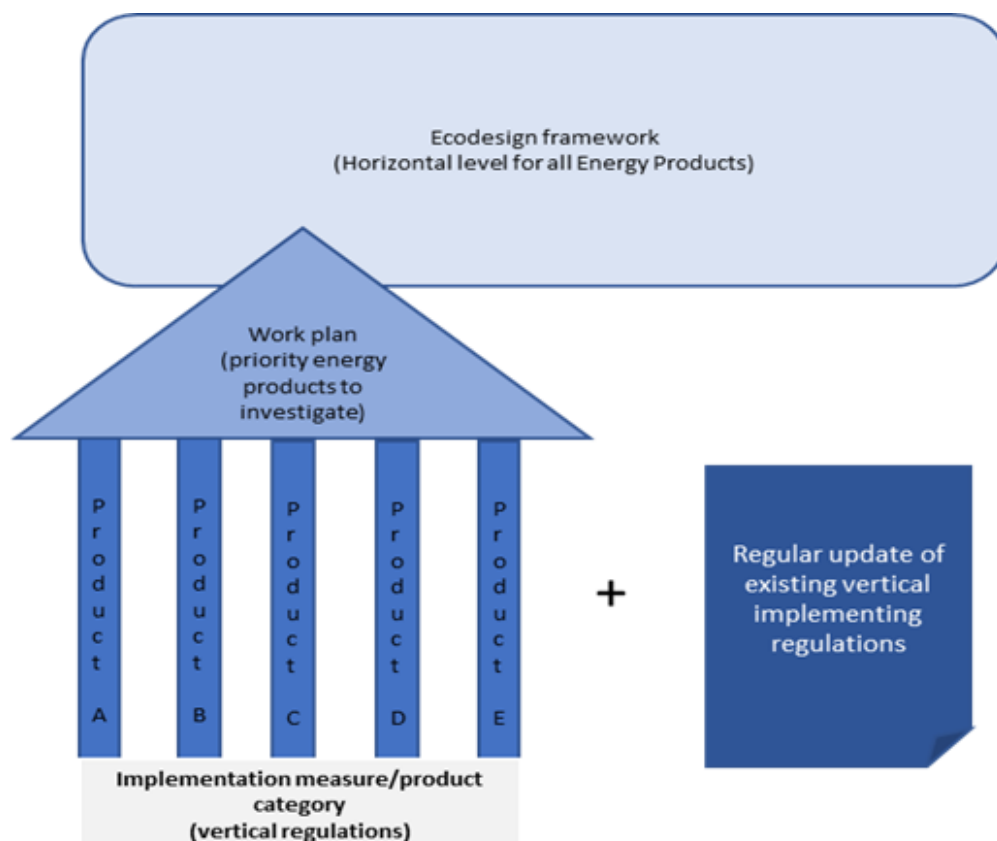
reduction of virgin resource use and the overall material and consumption footprint of the EU. It shall endeavor to retain the value of products and materials if possible, reduce the dependence on resource extraction, and design waste out of the economic system through life cycle thinking and value chain integration. Broader aspects may also be considered such as a distinction between essential and non-essential products, the contribution of production to job creation, the contribution of a sector or product to public wellbeing.

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

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

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

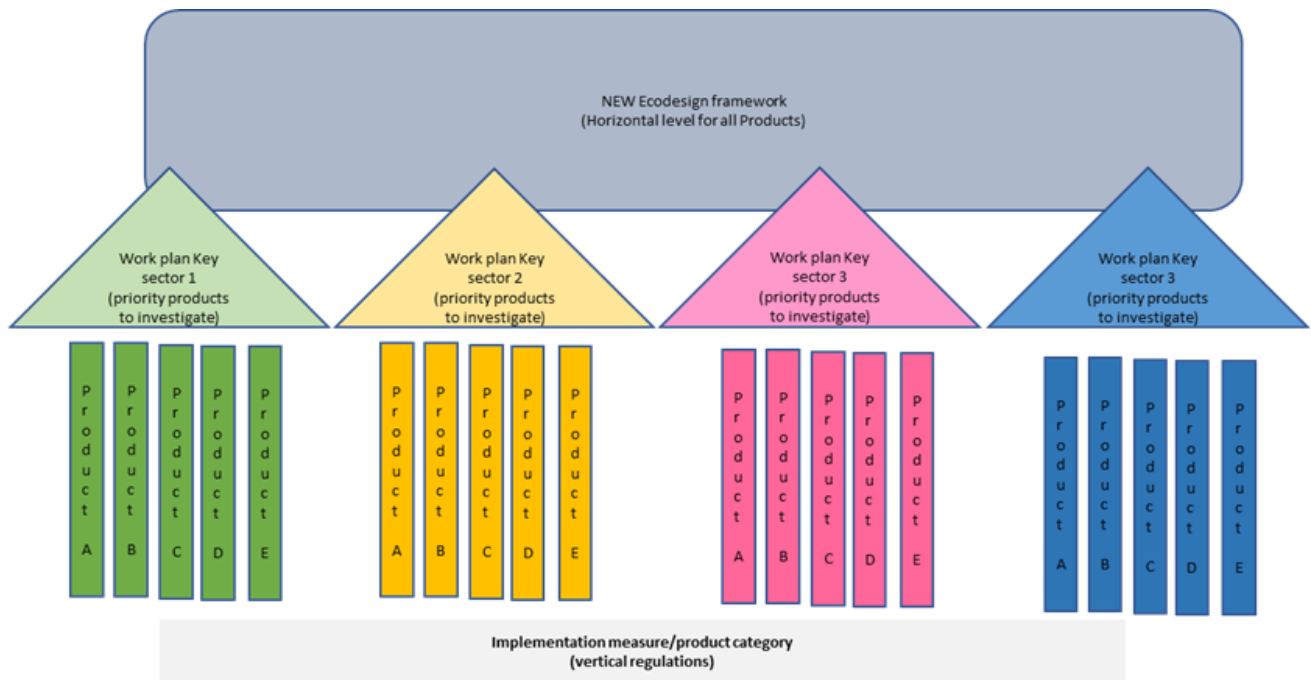
² By 2020 ecodesign and energy labelling is estimated to deliver energy savings of around 154 Mtoe per year in primary energy, more than the annual primary energy consumption of Italy. For consumers, this translates into €470 savings per household per year on energy bills.



For example:

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

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



The existing framework should have broader legal provisions that can apply to all products (not only energy products anymore) at a horizontal level but allows for parallel work plans and related vertical regulatory implementing measures. **It is essential to permit parallel work plans and the definition of sectoral implementing measures to make sure policies on key sectors can be developed simultaneously.**

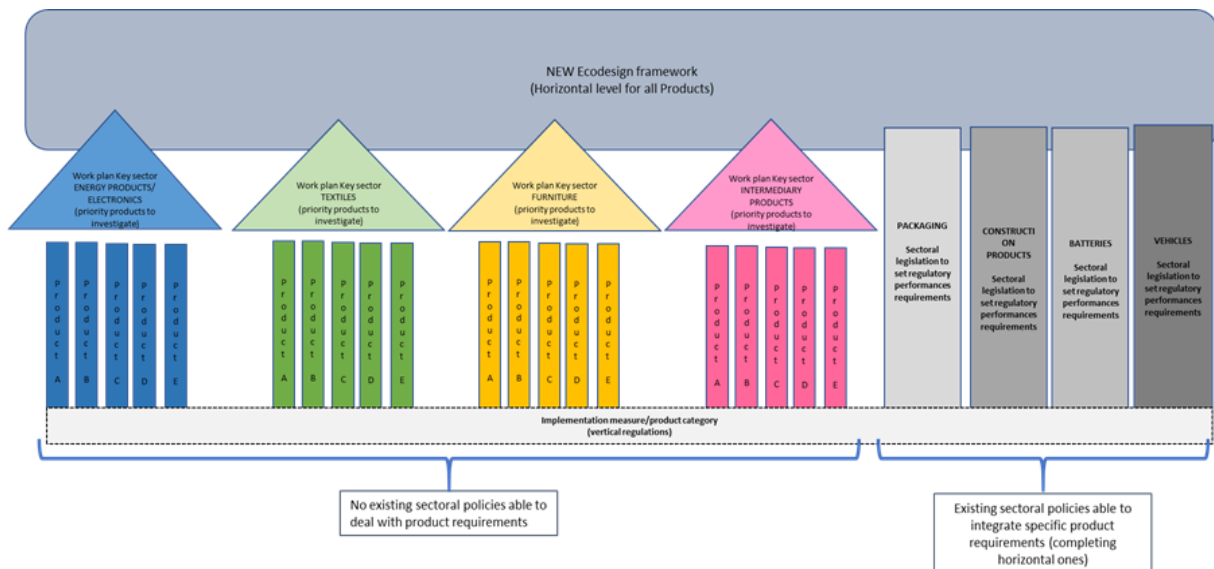
The approach for developing vertical requirements may be adapted per sector - notably to optimise governance resources and timely with respect to environmental savings potential and allow for implementation within a reasonable timeline - for example it may not be appropriate to have an ecodesign preparatory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

For example:

- The new Ecodesign framework could stipulate the type of Life cycle (footprint), circularity and material/chemicals contents information that all products placed on the market should provide to feed digital product passports (horizontal level)
- Specific work plans per key sector could be set to prioritise product categories within each sector (e.g.: what are the priority products for textiles, for furniture, for electronics...)

- Specific measures should then be defined for those priority product categories within each sector (e.g mattresses for furniture)

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



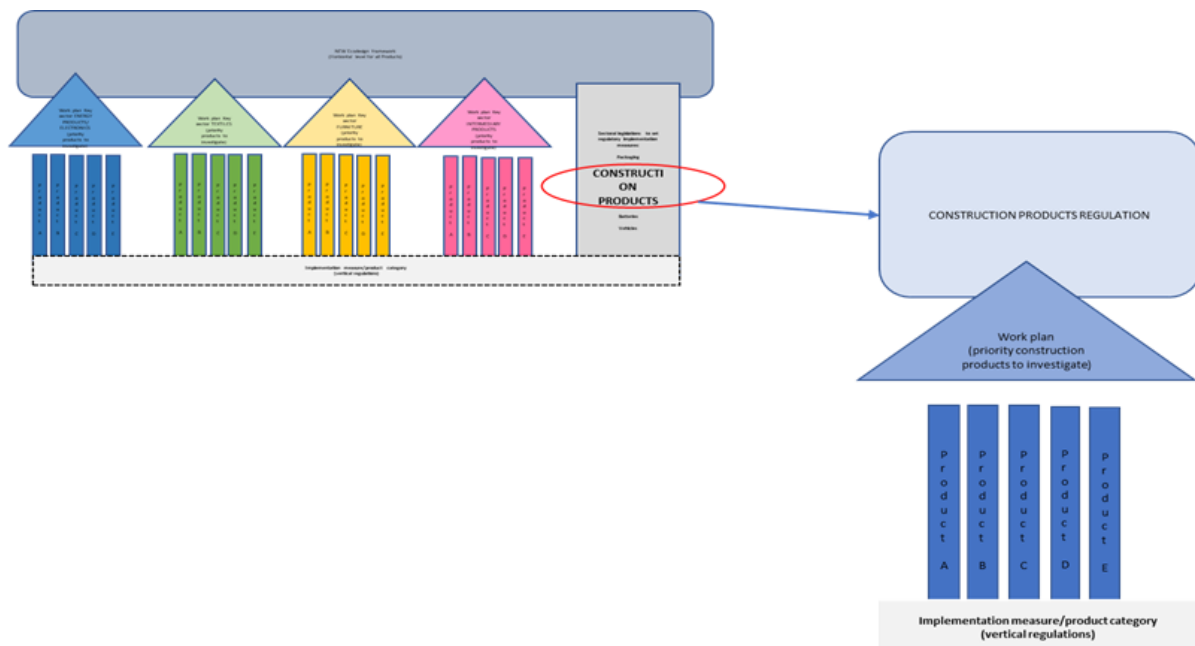
For example:

- The new Batteries Directive includes specific product requirements adapted to batteries which compliment the horizontal requirements defined for all products and thus also applying to batteries under the new framework. The same goes for Packaging and Packaging Waste Directive, that can define specific requirements for packaging, for construction products and for vehicles (*although for this later the existing regulation specifically targets the end of life – End of Life Vehicles Directive from 2000 and the name could be changed when revising it to clearly express it shall cover product design requirements as well*)

- There are no sectoral policies for the time being on textiles, furniture and intermediary products and those could be covered under the reformed Ecodesign by a specific work plan and the design of specific implementing measures per product category (or broader product group as above) relevant for the sector.

- Of course the energy products/electronics sector is already covered under Ecodesign and the work should be continuing for this sector - including in the forthcoming Circular ICT initiative.

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



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

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

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

- Allow for a minimum level of sustainability to be maintained on product groups not within priority sectors, thus supporting the political objective to make sustainable products the norm
- Save governance resources and implementation time lag compared to a product by product approach
- Provide a strong market signal to manufacturers and create a level playing field for competing products which may not be in the same product category

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

- **Mandatory product information**, requiring at least **materials** (bill of materials) **and chemicals contents** (bill of substances), **circularity performance** (durability, reparability, reusability, recyclability including presence of hazardous chemicals and maintenance), **environmental footprint** (starting with carbon and material including hazardous materials footprint, but progressively extended to more dimensions), **due diligence certificates** proving a respect of minimum social and labour conditions standards along the supply chain. This information should **be available as individual variables under the digital product passport**. The key principle of **no data, no market shall be applied**. That means that a product can be legally present on the market only if it has a documented digital product passport accessible publicly. Additional information could be made available based on voluntary initiative by a company and integrated in the digital passport (e.g proof of sustainable sourcing of some materials). Additional information, beyond legally required information could potentially provide a sound basis for further incentives (e.g access to sustainable procurement qualification, modulation of EPR fees). At this horizontal level, the type and minimum consolidation rules to declare the information should be set, not the specifics tailored to the sectoral and vertical product categories. Product data collection should also be designed in order to facilitate and provide input to the development of vertical measures - for example providing robust stock and market data for use in preparatory studies. The system should also be designed in order to remove barriers to SMEs or artisan producers - for example in view of the resource intensity of developing a product environmental profile for a product, a default “proxy” profile could be included in the product passport. However, this proxy profile should represent a poor environmental performance, in order to incentivise producers to provide more information and prove their products perform better than the proxy.

- **Restriction of substances of concern for which there are available substitutes** to minimise their presence in products.³ This would go beyond SVHC and anchor the principle of substitution of hazardous substances by safer alternatives, or via the use of alternative materials or designs, wherever it is technically feasible, in products placed on the EU market. As stated in the Sustainable chemicals strategy, use as a default option a "preventive approach across legislation – the 'generic approach to risk management'" as recommended under the Chemicals Strategy for Sustainability. As the modalities of the generic approach to risk management are not yet set, follow the recommendations of the Chemicals Strategy for sustainability to prioritise substances identified as "most harmful" under the Chemicals Strategy for grouped restrictions. **Ensuring the availability of information on chemical content of products and material** is key to enable substitution and safe recycling. The SPI should introduce information requirements to track the presence of substances of concern through the life cycle of materials and products. It should also ensure full disclosure of chemicals contents. This should be encouraged on a voluntary basis until it becomes mandatory, and possibly rewarded through further incentives (e.g. access to sustainable procurement qualification, modulation of EPR fees, EU Ecolabel criteria). The sustainable product policy should make clear that secondary raw materials should be as safe as virgin raw materials when it comes to chemicals contents⁴
- **Restrict the use of disposable solutions** when other options are available in the sector/product category. By default, disposable solutions should then be phased out of the market with possible derogations coming with justifications where those disposable solutions cannot be sustainably replaced.

³ Note the Sustainable Chemicals Strategy (SCS) refers to the use of the SPPI for minimising the presence of substances of concern in products, and to ensure that consumer products do not contain chemicals that cause cancers, gene mutations, affect the reproductive or the endocrine system, or are persistent and bioaccumulative. The SCS defines substances of concern as those related primarily to the circular economy, substances having a chronic effect for human health or the environment (Candidate list in REACH and Annex VI to the CLP Regulation) but also those which hamper recycling for safe and high quality secondary materials.

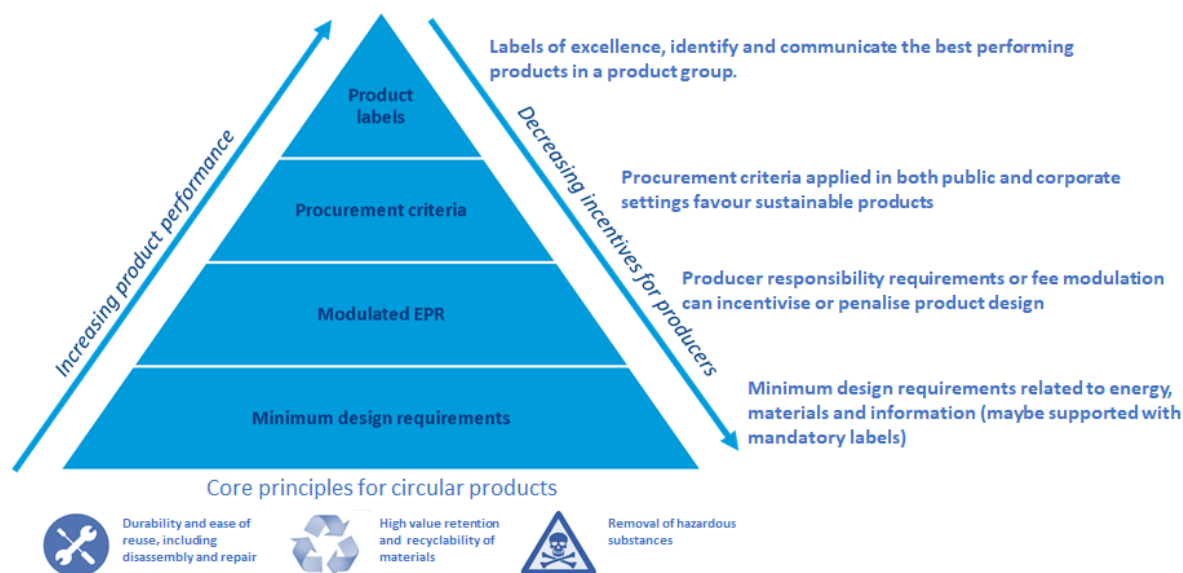
⁴ the Chemicals Strategy for Sustainability states: "it is necessary to ensure that substances of concern in products and recycled materials are minimised. As a principle, the same limit values for hazardous substances should apply for virgin and recycled material. However, there might be exceptional circumstances where a derogation to this principle may be necessary. This would be under the condition that the use of the recycled material is limited to clearly defined applications where there is no negative impact on consumer health and the environment, and where the used of the recycled material compared to virgin material is justified on the basis of a case by case analysis"

- **Ban premature obsolescence** through introducing mandatory durability requirements (as part of circularity performance) or longer free guarantees matching the expected lifetime of the products and **by setting dissuasive sanctions** in case of proven case of *programmed* obsolescence, being hardware or software related (e.g: dissuasive sanctions are public naming and shaming, financial penalties and restriction of access to the market for a given period). Premature obsolescence may be qualified through relevant indicators, such as where a minimum share (e.g. 10%) of products fail before the minimum expected lifetime for a product category.⁵
- **Prohibit the destruction of unsold goods** and of any material stocks unless there has been a prior assessment that their reuse is not possible and that their destruction is the most sustainable option. Such assessments should be involving multiple stakeholders from authorities, from industry and the civil society organisations.
- **Extended Producer Responsibility**, under its various forms, **should be made systematic for all products placed on the market**, except when not appropriate (e.g: intermediary materials such as steel, cement and chemicals that will be embedded in products or systems). – Extended **Producer financial responsibility should be extended beyond the end of life stage, notably towards use stage** (repairability, consumables waste, emissions during use stage, durability for example) **and design/manufacturing stages** (ecodesign, hazardous contents, sustainable sourcing). **Extended Producer financial responsibility should be modulated according to environmental performance along their value chain and circularity potential**. Thus implementing the principle of the **polluter pays**. Associated fee modulation systems should complement minimum performance requirements and potential labelling schemes, ensuring as far as possible **a consistent alignment with the minimum ecodesign performance requirements** (to avoid a multiplication of criteria and measurement methods). That means for example being based on the same set of performance criteria but modulated according to how better the concerned products are compared to minimum legal requirements, or bringing complementary aspects not covered by minimum performance requirements (e.g total disclosure of material and hazardous contents if minimum information requirements only require a partial disclosure). Overall the fees from any EPR system should not result in a lock-in to business

⁵ See recent study illustrating standards and statistical approaches for indicating product lifetime https://www.umweltbundesamt.de/sites/default/files/medien/479/publikationen/texte_115-2020_weiterentwicklung_von_strategien_gegen_obsoleszenz_einschliesslich_rechtlicher_instrumente.pdf

as usual, but rather be earmarked to facilitate market transformation (e.g. moving from landfilling, incineration and primitive recycling towards reuse and waste prevention).

A hierarchy of interrelated instruments and core principles



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

3.3 – Possible provisions at sectoral/vertical level:

At sectoral/vertical level, we recommend to define staged **minimum performances requirements** with regards:

- **Durability, disassembly & repairability, dismantling & recyclability, interoperability of consumables.** Durability requirements within the free guarantee period should be aligned with the expected lifetime/expected use cycles of products placed on the market (e.g 12 years for fridge freezers; 3 years for a T-shirt or their equivalent use cycles). Disassembly, repairability and interoperability of consumables

should be ensured beyond the expected average life time of products to expand their longevity (e.g minimum 10 years for a smartphone, 15 years for a printer). Interoperability of consumables should be considered a default approach that could be derogated to only under proper justifications of functionality or safety issues, with these justifications being evaluated by an expert committee including public authorities, industry and civil society.

- The **main environmental impacts of the sector or product category as documented by environmental footprint**, notably **GWP or CO2 footprint, abiotic resources depletion or total material footprint including hazardous chemicals use and emissions, water footprint**

- **energy use/efficiency** when appropriate (energy products)

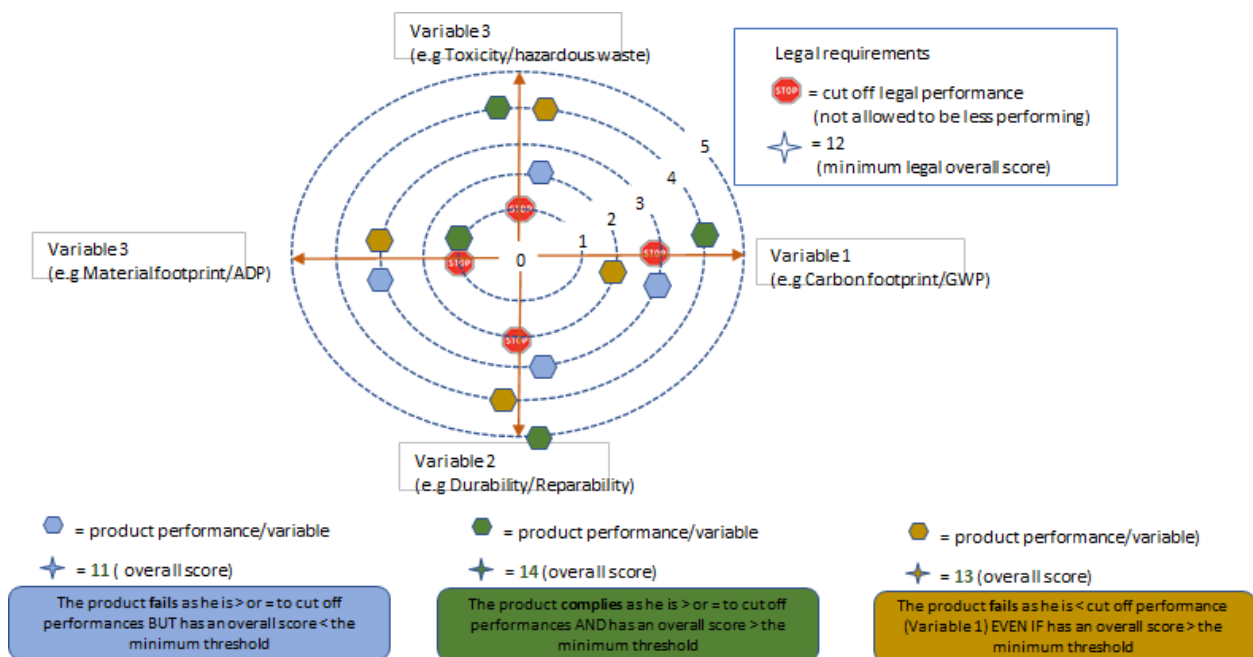
- **contents of hazardous substances if the specific product category makes it necessary to go beyond the horizontal restrictions, for ex. because of the potential exposure of vulnerable population, because of the potential for continuous or universal exposure or because of the potential for high chemical leakage..** Using product policy to restrict further the use of chemicals in specific products or components permits to target the specific chemical hazards of each sector/products, which can allow more ambition than horizontal legislation (potentially increasing the circularity of products) and can improve product safety. When setting sectoral restrictions, the methodology should prioritise the grouping of substances assessed as most present or relevant per product groups (e.g. PFAS on textiles).

These minimum performance levels should be set as **legal requirements formulated in primary policy texts**, as implementing or delegated acts, and not only through secondary standards. **Harmonized standards should support the measurement, declaration and verification of the legal performance requirements, as exist today under current Ecodesign.** It is essential that minimum performance levels are defined in law set by the EU institutions and not through standardisation processes. The private nature of standardisation does not enable fair and transparent public participation, as discussion on standards are dominated by industry representatives and not open to the same possibility of multi-stakeholders participation..

Where there is a need for collecting data and a risk of asymmetry of information between stakeholders (e.g. when one stakeholder has the expertise and the data necessary to investigate a product category), national authorities should be given a greater role to help the EU Commission services define the minimum regulatory

requirements of the implementing measures. This is to balance the risk of asymmetry of information through nationally commissioned studies and market investigations which compliment the EC service studies. For example, most ecodesign measures today have benefited from the complementary expertise provided by national experts and national studies to enhance EU Commission preparatory studies with limited budget, and consequently the need for restricting the collection of data by hired consultants. This question of robust and more comprehensive investigations through combining EU Commission and national expertise should be considered prior to institutional concerns with regards the impact of a 'lisbonisation' of Ecodesign on the balance of power between EU Commission, national authorities and the EU Parliament. Similarly, providing financial means to the EU Parliament and Environmental and Social Committee should be considered to run complementary investigations to the studies commissioned by the EU Commission.

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



E.g. (merely illustrative, not pretending any accuracy) It could be required that a T-shirt needs at minimum to resist X washing and drying cycles, do not leach hazardous chemicals during use or washing, be fully recyclable and comply with due diligence legislation. Those will be defined as cut off criteria. To meet the full sustainability profile that could be required by the implementing measure, for example, on carbon footprinting/GWP or material footprint/ADP, the companies could decide between various strategies such as use of recycled contents, sustainable bio-based materials or other choice of low impacts raw materials etc.

This combination of cut off performance thresholds and flexible pathways to achieve a sustainable profile required by the implementing measure would unleash innovations in various directions while not renouncing the ambition of progressing towards sustainability as the norm.

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

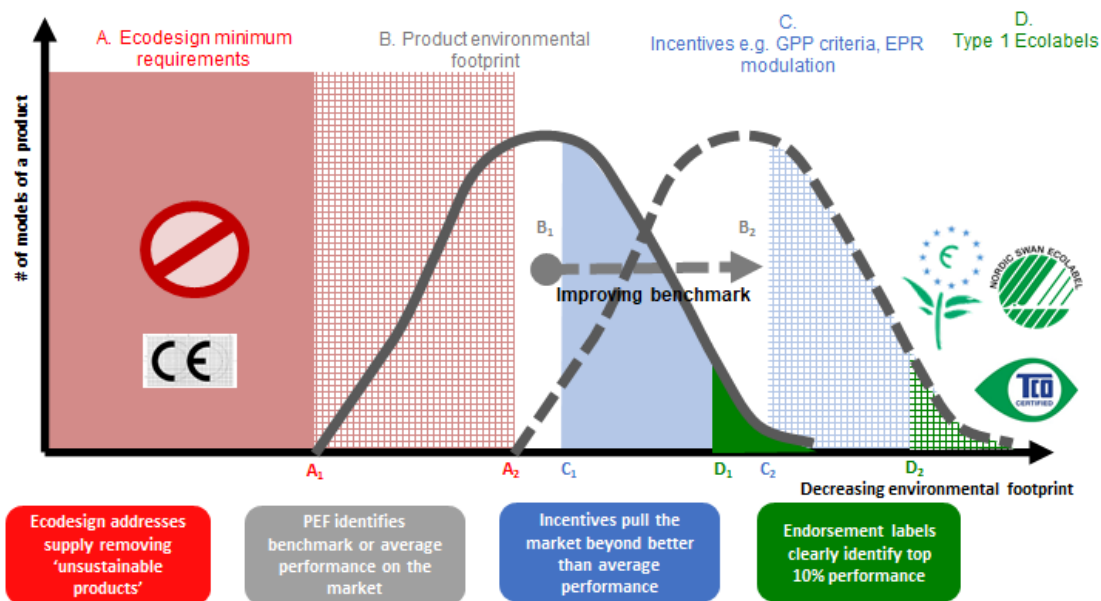
This reform is not only about extending the scope of a powerful piece of legislation, it is also about taking it as an opportunity to improve its overall governance, help EU decision makers and citizens gain ownership of a fundamental policy that will affect their daily life and allocate the necessary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

Notably:

- Setting an implementing measure regulation for a specific energy product category takes between 4 and 5 years on average today. This is not sustainable if we expect to multiply the sectors and product categories under the Ecodesign scope, but above all if we want to reach our climate targets, operate within planet boundaries and meet our SDGs commitments. **The decision process needs to be accelerated while continuing to ensure a proper consultation of concerned national experts and stakeholders.** This can notably be done by **reinforcing the resources dedicated to the policy at EU and national levels, including for market surveillance.** This can also be enhanced through **getting more real time data on products placed on the market. This is also one of the goals of the digital product passport.** In that perspective all products placed on the EU market should be covered by a requirement to provide information on their sustainability performances in a digital format, illustrating the already mentioned

principle of *no data, no market*. **First the existing energy label database should be immediately opened to all energy products placed on the market, second any new sector and product category placed under the Ecodesign scope should be documented in a digital space.** This would save time in terms of data collection and more precise, real time data should improve the effectiveness of policy making in line with market innovation. **The process to deliver implementing measures should be better time bounded with clear deadlines** for when a specific measure should be released as soon as investigations and consultations start (e.g.: from the launch of a preparatory study to the approval of a measure, it should not take longer than 36 months on average for an energy product).

- **Minimum requirements defined under implementing measures should be aligned with our climate and environmental emergency, our carbon neutrality & SDGs commitments** (“to make products fit for a climate neutral, resource efficient and circular economy, reduce waste and ensure that the performance of frontrunners in sustainability progressively becomes the norm” as expressed in the CE action plan). Today under current Ecodesign Policy, we too often delay effective requirements reflecting the optimal option for consumers and the society. This should be changed to target immediately the requirements presenting the best benefits for consumers and the society, notably by reflecting in the minimum design performance thresholds for the societal costs of products, beyond their mere operational costs, such as energy use (e.g. health costs linked to air pollution and hazardous materials, resources use costs and dependency linked to our virgin resources consumption). We should not be shy on the stringency of the minimum requirements and sustainability profile of products if sustainable products are to become the norm. Inspired by front runners, Ecolabel and benchmark products, staged requirements set in implementing measures should provide the clear visibility to the market that we will equal the front runners of today in coming years, not in decades. **This represents a top performer approach**, where the performance criteria of most sustainable products of today become the minimum requirements for the whole product category in a given time frame adapted to the design cycles of products. E.g. the existing EU Ecolabel criteria for textiles can become the minimum requirements (i.e. the norm) in the next 4 year.



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

- Finally, **the current implementation of Ecodesign and Energy Labelling policy on energy related products should not be derailed by the revision process**, the measures should be released as soon as they are finalized to bring a legal certainty and enabling an early an anticipation by the industry, as well as to deliver their benefits on the market as soon as possible. As stated above for all vertical requirements, the 'package approach' grouping measures to release them at the same time should be abandoned.

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

4.1 – Providing trustfull information to consumer

Each product sector and subsequent product category minimum requirements should be complemented with *better consumer information as is currently the case with the Ecodesign and Energy Labelling frameworks for energy-related products*

Sustainability labelling should be approached with caution to avoid being an outlet for greenwashing strategies and to not contribute to end user and consumer confusion

with an overflow of information. It should be supported the provision of environmental information on key environmental hotspots to consumers provided it is of demonstrated added value to raise the ambition of certain sectors, and provided the information is environmentally relevant, reliable, understandable, comprehensive, comparable and verifiable. This can, in part, be addressed through the development of an EU legal framework requiring companies to substantiate claims via the Product Environmental Footprint method; but also through the strengthening of best in class types of labels (such as Type I Ecolabels).

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

The Ecolabel scheme is a multi-dimensional ISO Type 1 information scheme, meaning it is third party verified and regularly updated with the involvement of stakeholders. It aims to reward the 10% best products on the market at a given time. Its role should be reinforced in a dynamic sustainable product policy to make sustainable products the norm. The Ecolabel should inspire mandatory measures under the sustainable product policy framework, as the scheme has been a pioneer in introducing climate change, biodiversity, circularity, zero pollution and toxicity within products requirements.

The interplay between Ecodesign and the Ecolabel offers an opportunity for the Commission to establish a new system for how the EU Ecolabel and Ecodesign can work together. Today, criteria are often developed for the same product groups, but the processes are not well aligned. In the future, we would like to see the EU Ecolabel as a benchmark with its criteria becoming mandatory for the whole market in a staged approach and over time, as stated, following a top performer approach: eco-design and ecolabel criteria should be developed in synergy so that when eco-design requirements reflect what were the ecolabel criteria in last years, the ecolabel criteria are boosted to give a direction to the market.

This approach aims to increase consistency between product policy instruments, and streamline the decision process for each product category: each time we revisit a product category with an investigation study, we update all related policy instruments for that category (including GPP and EPR modulation criteria). E.g: when we revise the eco-design implementing measure for displays, we also revise the associated (energy) labelling scheme and the ecolabel scheme, making sure the eco-design requirements meet the past ecolabel performances while also ensuring that the new ecolabel criteria reflect the best resource and energy efficiency performances.

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

The product environmental footprint initiative (PEF) presents a harmonised European methodology for conducting life cycle analysis on products. In this way, PEF can provide one of the supporting methodologies in the SPPI and notably through the Commission's initiative on green claims. However, the limitations of PEF and its implementation imply that it should not be used in isolation as a decision-making tool, nor should it be the basis of a mandatory labelling scheme.

The following applications for PEF should be considered within the SPPI:

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

stakeholders including independent civil society organisations, third party auditing from accredited and independent organisations,...).

- Restrict public and online targeted marketing for unsustainable/unhealthy products, the product list to be considered unhealthy/unsustainable to be defined by a multi-stakeholders college with equal weight between industry, CSOs and authorities;

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

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

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

- **Set a monitoring system of public procurement with staged binding minimum ratio of sustainable procurement over all procurement in volume and value, well above the 50% indicative target that was set in 2010;**
- Taking inspiration from the Energy Efficiency Directive Article 6 obliging central governments to purchase only goods, services and buildings with high energy-efficiency performance, the SPI could introduce an horizontal principle requiring the procurement of the most sustainable goods, referring to the EU Ecolabel and

certifications meeting the Public Procurement Directive requirements when available, or in accordance with metrics further developed in vertical legislation.

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

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

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

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

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

material ownership models per se do not grant sustainability (as biobased products do not grant per se sustainability) and those business models should not be incentivized or recognized a special status unless:

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

7. Existing EEB position papers and publications

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Relevant extracts from the [EC Roadmap](#)

“The CE Action plan announces a sustainable product policy legislative initiative to make products fit for a climate neutral, resource efficient and circular economy, reduce waste and ensure that **the performance of frontrunners in sustainability progressively becomes the norm**”.

“The Commission will establish sustainability principles and other mechanisms **to regulate sustainability-related aspects in a wide range of product related instruments**”

“The Sustainable Product Policy Initiative aims at correcting the following market and regulatory failures:

1. **Product-related externalities are not fully internalised**: the linear production and consumption pattern of ‘take-make-use-dispose’ does not provide producers with sufficient incentives along the supply chains to make their products more sustainable. The average lifespan of many products has become shorter over the last decades⁶. Many products break too quickly, many cannot be easily and safely reused, repaired or recycled, and many are made for single use only. Furthermore, there are concerns over the environmental impact and working conditions in which materials are sourced and/or products produced.
2. EU initiatives and legislation only partially address sustainability aspects of products, either on a mandatory or voluntary basis. The Ecodesign Directive successfully regulates energy efficiency and some circularity features of energy-related products covered by implementing measures. At the same time, instruments such as the EU Ecolabel or the EU green public procurement (GPP) are broader in scope but have reduced impact due to the limitations of voluntary approaches. In fact, there is no comprehensive set of requirements to ensure that all products placed on the EU market become increasingly sustainable.
3. **The lack of reliable information on sustainability along value chains** related to many products placed on the EU market *de facto* reducing the ability of economic operators upstream in the value chain to offer more sustainable products, and for consumers and procurers to choose products with the lowest environmental footprint.”

“In line with the Green Deal objectives, EU product policy needs to contribute to keeping climate and environmental impacts linked to resource and energy use, production and use of products within **planetary boundaries**”.

“This initiative will aim to provide the basis for ensuring high environmental performance of all products and, to the extent possible and relevant, services on the EU market, **by setting out sustainability principles and specific requirements linked to environmental and, where appropriate, social aspects**”

“Amongst other things, this will require improved information flows through, inter alia, mobilising the potential of digitalisation of product information, including solutions such as **digital passports and tagging**”.

“This will enable the setting at EU level of appropriate minimum sustainability and/or information requirements for specific groups of products, giving priority to addressing product groups identified in the context of the value chains featuring in the Action Plan, such as electronics, ICT and textiles but also furniture and high impact intermediate products such as steel, cement and chemicals”.

“the following measures will be considered:

- establishing overarching product sustainability principles;
- establishing EU rules to make producers responsible for providing more circular products and intervening before products can become waste (for example providing products as a service, providing repair service/or ensuring spare parts availability);
- establishing EU rules for setting requirements on mandatory sustainability labelling and/or disclosure of information to market actors along value chains in the form of a digital product passport;
- establishing EU rules for setting mandatory minimum sustainability requirements on public procurement of products;

- requirements to address social aspects throughout the product lifecycle as part of sustainability principles and requirements, where appropriate and feasible;
- measures on production processes, for example to facilitate recycled content or remanufacturing and to track the use of hazardous substances in such processes;
- Measures to ban the destruction of unsold durable goods.

Some of these measures would be of horizontal nature, while others would target specific sectors in particular.

This initiative will be developed in close coordination with other initiatives announced in the CEAP, in particular the initiative on empowering consumers for the green transition and the initiative on the substantiation of environmental claims using product and organisational environmental footprint methods. Together these initiatives will seek to establish a coherent policy framework whereby sustainable goods, services and business models become the norm and consumption patterns are more sustainable.
