

Why the EU should include circular economy products in its Ecodesign Regulation

THE EU PROPOSAL On 30 March 2022, the European Commission published a proposal for a regulation establishing a framework for setting eco-design requirements for sustainable products, replacing the current rules that only apply to energy-related products.



The proposal, covers almost all categories of physical goods, aims to improve the environmental performance and circularity of products sold in the EU market, by setting minimum requirements on aspects such as durability, reparability, upgradability, recyclability, recycled content, carbon footprint, and environmental information. The proposal also introduces a new tool called the Digital Product Passport, which will provide relevant information about products' sustainability features throughout their life cycle.

ISSUE WITH THE PROPOSAL However, one of the key aspects that the proposal does not take into account is how it deals with circular economy products, which are products that have been imported as second-hand, repaired or refurbished, or that are works of art, collectors' items, antiques, or unique or handmade. These products can have environmental benefits by extending their useful life, reducing waste generation, and saving resources. According to the proposal, the Commission may decide to either exclude these products from the scope of the regulation or to exempt them from some of the requirements when setting eco-design rules for specific product groups. However, this decision is left to the discretion of the Commission and is not based on any clear criteria or principles.



SPECIFIC CONCERNS This approach raises several concerns and questions:

- How will the Commission ensure a fair and consistent application of this approach across different product groups and types of circular economy products?
- How will the Commission avoid creating loopholes or incentives for circumventing eco-design requirements by importing or producing circular economy products?
- How will the Commission protect consumers and the environment from potential risks associated with circular economy products in terms of safety, quality, compatibility, and compliance with existing or future eco-design requirements?
- How will the Commission prevent market distortions or unfair competition between circular economy products and other products that comply with eco-design requirements?



PROPOSED SOLUTIONS Therefore, I argue that the Commission should reconsider its approach and take into account circular economy products more explicitly and systematically in its eco-design rules. The Commission should:



- Define clear criteria and principles for identifying and assessing circular economy products and their environmental impacts.
- Establish specific eco-design requirements or exemptions for circular economy products that reflect their specific characteristics and challenges.
- Provide specific information requirements for circular economy products that could be addressed by the Digital Product Passport.
- Promote best practices and standards for circular economy products and encourage their uptake by consumers and businesses.