

CEN and CENELEC response to the EC consultation on a SUSTAINABLE PRODUCTS INITIATIVE

22 June 2022

Executive Summary

At its heart is the revision of the Directive 2009/125/EC on Ecodesign requirements for energy-related products to become a Regulation of the Ecodesign on sustainable products (ESPR), entails sustainability requirements as one of the means to achieve the European Green Deal, and Circular Economy Action Plan. This new EC proposal supports the transition to a more Circular model that is in line with the standardization work conducted up to now in Europe. CEN, CENELEC, and Eco-CG welcome the EU Commission's revision of the Ecodesign Directive for Sustainable Products, as circulated under a proposal within the Regulatory Package on 30 March 2022.

Standardization is one of the pillars that made the Ecodesign Directive a success over the years and CEN and CENELEC are committed to contributing to the new Regulation's implementation. Nevertheless, it should be noticed some points, more described in detail below, for helping for optimal enforcement and applicability of this expected new and updated Ecodesign directive for Sustainable Products:

Call to follow NLF Principles, for more coherence and consistency across legislation (Art. 35)

CEN and CENELEC welcome the broadened scope of application to the widest range of sectors possible, and not only to energy related products. However, the Regulation's Article 35 on common specifications does not follow the New Legislative Framework (NLF) principles foreseen by the EU harmonization legislation. Therefore if common specifications are to be maintained, we ask for an improvement of the text when this fallback option can be activated by the European Commission.

Digital Product Passport (DDP) – no delegated acts

CEN and CENELEC are pleased that the role played by standards is formally recognized and further extended, being prominent in the development of a Digital Product Pass (DPP). However, here again we call for the safeguard of the NLF principles and encourage the EC to pursue an effective system using voluntary standards.

Ecodesign and energy labelling working plan for 2022-2024

It should also be pointed out that the delayed development of the "Ecodesign and energy labelling working plan for 2022-2024" demonstrates a lack of resources that could slow down the implementation of ecodesign requirements. Hence, CEN and CENELEC are ready to engage with the European Commission to address this matter together in order to avoid further delays in the future.

INTRODUCTION

CEN and CENELEC welcome the Sustainable Products Initiative as being instrumental to achieve the EU Green Deal and the UN Sustainable Development Goals (SDGs). With the Ecodesign Regulation on Sustainable Products (ESPR), the European Commission aims at having products that are durable, reliable, reusable, and repairable. To reach these objectives, standardization has a strategic role to play. Therefore, we are pleased that the proposed Regulation restates the necessity of harmonized European Standards as a basis for ecodesign requirements and that the scope of the ESPR has been enlarged to new sectors, as well as for the introduction of the planned Digital Product Passport (DPP).

WELCOMING ESPR EXTENDED SCOPE

The Sustainable Products Initiative has enlarged the scope of the products touched by the ecodesign requirements to encompass more than 60% of the total products in the market. With a wider ESPR scope, this means that many more CEN and CENELEC Technical Committees will be developing standardization work to respond to ecodesign essential requirements.

At the center of the coordination of the ecodesign activities in CEN and CENELEC is the Ecodesign Coordination Group ([CEN/CENELEC ECO-CG](#)). It works together with the CEN-CENELEC Sector Forum 'Energy Management and Energy Transition' ([SFEM](#)) and the Circular Economy Topic Group of the CEN-CENELEC Strategic Advisory Body on Environment ([CEN/CENELEC/SABE/CE-TG](#)), which was created in reaction to the Circular Economy Action Plan to provide a faster and more coordinated response to the horizontal and cross sectorial standardization needs related to the European circular economy-related initiatives.

The Digital Product Pass (DPP) will also concern most products, and therefore a variety of sectors. Here the [CEN-CENELEC-ETSI Coordination Group on Smart Manufacturing \(SMa-CG\)](#), which coordinates the European standardization activities relating to digitization of industrial value chains, will also be involved.

CALL TO FOLLOW NLF PRINCIPLES & FOR MORE COHERENCE AND CONSISTENCY ACROSS LEGISLATION – ARTICLE 35

While the development of standards is entrusted to the European Standardization Organizations (ESOs) in accordance with Regulation 1025/2012, the European Commission foresees in its Article 35 on Common Specifications that it may itself adopt "implementing acts", which would make the ESPR non-compliant to the NLF set out by the EU harmonization legislation. This fallback option would go against Article 3 of Decision 768/2008/EC which does not foresee the adoption of implementing acts establishing technical specifications. Instead, according to Article 3(1), legislation shall restrict itself to setting out the essential requirements determining the level of the protection of public interests, and, according to Article 3(2), where the legislation sets out essential requirements, it shall provide for recourse to harmonized standards. Only where recourse to essential requirements is not possible or not appropriate, in view of the objective of ensuring the adequate protection of consumers, public health and the environment or other aspects of public interest protection, detailed specifications may be set out in the legislation concerned.

It is not sufficient to state that the European Commission needs a fallback solution when harmonized standards do not exist, e.g. the standardization process is blocked due to a lack of consensus between stakeholders or there are undue delays in the establishment of a harmonized standard.

Therefore, if the reference to common specification is to remain, we call the legislators to make the text clearer, more concrete. CEN and CENELEC note positively that when it regards presumption of conformity, hence referring to harmonized European Standards, Article 35 is somewhat more concrete than other proposed regulations (e.g. Machinery Regulation, Batteries Regulation, Data Act or Artificial Intelligence Act). However, framing better the use of implementing act will avoid uncertainties and simplify the collaboration with the ESOs. This can be further supported by the work done in conjunction with the proposed recommendation of the European Standardization Strategy on technical specifications.

The text of Article 35 should be more concrete when it states that implementing acts can be used instead of Harmonized Standards when there are:

1. Recital a)

- either “undue delays in the standardization procedure”:
This wording is vague and does not explain what such an undue delay is or who or what causes the delay.
- or “the request has not been accepted by any of the European standardization organizations”: this requires clarification to ensure an open dialogue between the ESO and the European Commission, supporting good collaboration work and mutual trust.
- or “*the request has not been accepted by any of the European standardization organizations*”: In such case, when common specifications will be the fallback option, the Commission could use the common specifications as a “threat” instead of entering into a dialogue. This would hinder the good collaboration work and the mutual trust.

2. Recital b)

- “the Commission has decided (...) to maintain with restriction or to withdraw the references to the harmonized standards or parts thereof by which an ecodesign requirements or method is covered”: According to this wording, the European Commission could replace any harmonized European Standard with a common specification.
The preferred solution here should be to request the ESOs to revise the standards if they are no longer adequate. Moreover, the other reverse way is not being considered, i.e. that if a harmonized European Standard is developed on a topic that was previously covered by a common specification, the common specification should be withdrawn when the European Standard is listed in the Official Journal.

THE DIGITAL PRODUCT PASSPORT (DPP) – NO DELEGATED ACTS

The introduction of the Digital Product Passport (DPP) offers a unique opportunity to achieve sustainability goals and strengthen EU competitiveness at the same time, if it is based on concepts for digitizing industrial value chains as they are currently developed by European standardization.

It is of high importance that the SPI maintains its Framework of principles, giving high-level objectives that allows standardization to be the answer for providing harmonized tools that are drafted, based in particular the dedicated product Delegated acts or implementing measures.

For the manufacturers, operators and consumers to benefit from the opportunities arising from the DPP, it is important that the information made available follows a uniform format over the entire life cycle of a product. Based on mandatory rules provided by regulation, standardization comes into action. ESPR and delegated acts fix mandatory level of environmental performance and related indicators. CEN and CENELEC inclusive standardization process over 34 countries, will ensure a harmonized roll-out through all the sectors and allow that all stakeholders the opportunity to participate.

The detailed requirements on concept and formats of DPP as well as specific methodologies or detailed calculation/test rules for a product category, should be developed and described by technical experts of corresponding standardization groups, since these groups have a deep knowledge of the subject and are used to transfer their results to international standardization to enable international trade based on European values.

The EC asks for an efficient standardization process for making available deliverables under an acceptable target time. The EC's concern for a too slow standardization process can be understood and it should be considered that ESOs have already considered this fact in every layer of responsibility across the organizations, allowing standards to be delivered with the highest level of quality, under consensus, for a well-recognized and agreed result.

With a DPP, product-related data can be made available in an easily understandable, purpose-oriented, and standardized way to all parties involved. Requirements for data formats and interfaces must be standardized to enable easy data processing. In addition, data must also be secure, reliable and machine-readable.

To support the roll-out of the SPI, the European Commission has already foreseen the issuing of a standardization request for a Digital Product Passport in its [EU 2022 Annual Union Work Programme \(AUWP\)](#) to be mandated to CEN, CENELEC and ETSI. When drafting a standardization request for the DPP we invite the legislator to take into consideration the following:

The DPP format should be designed to be applicable across regulations/directives and interoperable with existing requirements to avoid duplication of information provision and duplication of data itself;

- The concept of the Digital Product Passport fulfils the legally prescribed information requirements but also private sector information requirements. It should be technically standardised, but flexible in its application, and easily expandable for new use cases.
- Product and industry-specifics must be considered as requirements vary from sector to sector and expectations from consumers are different also based on the type of product. Due to this diversity and heterogeneity of the products, a wide variety of requirements must therefore be met.

CEN and CENELEC are looking forward to kick start the work at European level. However, it is to note that a large part of modern value chains is international. Therefore, international standardization is also an important prerequisite for the successful implementation of the DPP globally.

It is crucial to have well-defined content and objectives for the Digital Product Passport (DPP) to answer the question: who is targeted for using the DPP with what kind of information, provided, protected, checked, and guaranteed from which organization? Also, it will be very important to build and agree on the Data models, considering their definitions, properties, consistency under environmental and operating conditions and reference, interoperability, migration along the Product and system lifecycles for use by all the different stakeholders. Standardization works have been already started on these aspects within IEC/TC 111, ISO/TC 323, ISO-IEC JTC CDD,... but many questions need to be shared and answered, and it is the objective of the standardization organization to discuss and answer these questions.

Moreover, we would like to remind that European Standards (EN) are voluntary and remain as such. Since DPPs are mandatory, we would like to make sure that the use of European Standards to set out a DPP is not made mandatory by the legislator. Only Standards developed or agreed from European ESO should be the answer to the EC Standardization Request. And it should be ensured that ESOs would be able to discuss with the EC (e.g. within Consultation, as a stakeholder) even if Products' regulations are developed under Delegated Acts.

THE ECODESIGN AND ENERGY LABELLING WORKING PLAN FOR 2022-2024

This Working Plan covers the products that fall under the current Ecodesign Directive as the ESPR will take some time before entering into force. Products touched are boilers, stoves, air conditioners, and other heating and cooling appliances. The Working Plan also encompasses new rules for consumer electronics like smartphones and tablets. CEN and CENELEC are delighted to see that the new Working Plan already explicitly includes material efficiency for the first time at products' level. Standardization did not wait, and CEN and CENELEC are pleased to point out to the current standard for vacuum cleaners (EN 60312-1) which already entails first material efficiency requirements.

As the initial Working Plan was meant to cover the period of 2020-2024, CEN and CENELEC regret that 2 years were lost during which standardization work could have advanced in support of policy guidelines and essential requirements.

Because of the now enlarged scope of the future revised Ecodesign Regulation, the high number of requested HAS-Consultant and their respective and needed skill in the different sectoral and segment expertise would be questionable for the increased amount of new product lots to come, but also for those to be appointed for more horizontal or generic aspects like focusing on Durability, Repairability, Recycle content, etc... or for general environmental aspects like LCA.

We want the ESPR to be successful and not experience further delays due to potential resource bottlenecks. We believe that the EPREL (European Product Registry for Energy Labelling) could help to use resources more efficiently, thus it is important to ensure that the EC prioritize the necessary resources to put into force the action plans. For example, EPREL could also be one of the anchors for the DPP.

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An exhaustive list of impacted TC's should be very useful to be available for starting cooperation and internal collaboration but difficult to build, as it seems that nearly all TC's would now be impacted by the enlarged scope of the future Ecodesign for Sustainable products regulation. As we continue to move forward, the standardization community is committed to deliver the necessary solutions for the safety and well-being of society and our planet.

CONCLUSION

CEN and CENELEC share the vision of the European Commission on the necessity of the DPP and the SPI, and trust on a successful roll-out of ecodesign requirements at standardization level like it has been until now. Building on the fruitful collaboration we have with the European Commission we are committed to make the DPP and SPI happen. We believe that the DPP has the potential to become a new European landmark such as the GDPR. Without standardization, this would not be possible.

However, there are international pioneers out there and if we want to be able to follow the accelerated pace of technology, it is important to show a strong European presence in these international foras. With the solid partnership with ISO (International Organization for Standardization) and IEC (International Electrotechnical Commission), CEN and CENELEC are best placed to bridge this need. Many standards already exist under technical specifications and reports that support this topic. They have been produced by the cooperation of these standardization organizations in order to avoid redundant work, as well as ensuring the consensus between all involved stakeholders.

In the meantime, our experts will continue their work in the frame of the Ecodesign Directive and the “Ecodesign and energy labelling working plan for 2022-2024” and continue to be ready to contribute to this important achievement for the Green Deal.

ABOUT CEN AND CENELEC

CEN (European Committee for Standardization) and CENELEC (European Committee for Electrotechnical Standardization) are recognised by the European Union (EU) and the European Free Trade Association (EFTA) as European Standardization Organizations responsible for developing standards at European level, as per European Regulation 1025/2012. The members are the National Standards Bodies (CEN) and National Electrotechnical Committees (CENELEC) from 34 European countries. European Standards (ENs) and other standardization deliverables are adopted by CEN and CENELEC, are accepted and recognized in all of these countries. These standards contribute to enhancing safety, improving quality, facilitating cross-border trade and strengthening of the European Single Market. They are developed through a process of collaboration among experts nominated by business and industry, research institutions, consumer and environmental organizations, trade unions and other societal stakeholders. CEN and CENELEC work to promote the international alignment of standards in the framework of technical cooperation agreements with ISO (International Organization for Standardization) and the IEC (International Electrotechnical Commission).