



**2022/0095(COD)**

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

PA\_Legam

## 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

#### *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 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 Council<sup>29</sup> applicable to the broadest possible range of products, provide such a framework.

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<sup>29</sup> 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).

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 Council<sup>29</sup> applicable to the broadest possible range of products, provide such a framework.

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<sup>29</sup> 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, 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, ***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)**

***(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**

(6) The European Parliament, in its Resolution of 25 November 2020 ‘Towards a more sustainable single market for business and consumers’<sup>30</sup>, **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 2021<sup>31</sup>, 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

(6) The European Parliament, in its resolution of 25 November 2020 ‘Towards a more sustainable single market for business and consumers’<sup>30</sup>, **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 2021<sup>31</sup>, 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

Circular and Green’ adopted on 11 December 2020<sup>32</sup>, 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.

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<sup>30</sup> P9\_TA(2020)0318.

<sup>31</sup> P9\_TA(2021)0040.

<sup>32</sup> 13852/20.

conclusions on ‘Making the Recovery Circular and Green’ adopted on 11 December 2020<sup>32</sup>, 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.

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<sup>31</sup> P9\_TA(2021)0040.

<sup>32</sup> 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 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

#### *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. ***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



be the case for food and feed as defined in Regulation (EC) No 178/2002 of the European Parliament and of the Council<sup>44</sup>, medicinal products for human use as defined in Directive 2001/83/EC of the European Parliament and of the Council<sup>45</sup>, veterinary medicinal products as defined in Regulation (EU) 2019/6 of the European Parliament and of the Council<sup>46</sup>, living plants, animals and micro-organisms, products of human origin, and products of plants and animals relating directly to their future reproduction.

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<sup>44</sup> 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).

<sup>45</sup> 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).

<sup>46</sup> 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).

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 Council<sup>44</sup>, medicinal products for human use as defined in Directive 2001/83/EC of the European Parliament and of the Council<sup>45</sup>, veterinary medicinal products as defined in Regulation (EU) 2019/6 of the European Parliament and of the Council<sup>46</sup>, living plants, animals and micro-organisms, products of human origin, and products of plants and animals relating directly to their future reproduction.

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## **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

#### *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.

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**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*

(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) 2021/2279<sup>56</sup>, 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 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.

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<sup>56</sup> Commission Recommendation (EU) 2021/2279 of 15 December 2021 on the use of the Environmental Footprint

### *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) 2021/2279<sup>56</sup>, 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 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.

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methods to measure and communicate the life cycle environmental performance of products and organisations.

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**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 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

(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 ***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

information on other sustainability aspects applicable to the relevant product group pursuant to other Union legislation.

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 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

(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 ***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

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.

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 Council<sup>74</sup> 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***

*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 Council<sup>74</sup> 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***

*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.*

*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.*

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<sup>74</sup> 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).

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<sup>74</sup> 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).

## **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

*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*

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.

***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

*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 19**  
**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.

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.**

*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 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 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,

*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*

(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'

priorities for the provision of Union support, and ecodesign requirements that are interpreted differently leading to market distortion.

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* to ensure their harmonised application.

*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 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*

*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 affects the safety, performance, purpose or type of the product typically placed on the market with a commercial guarantee;

(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*

*Amendment*

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

(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*

(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;

*Amendment*

(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 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 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*

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.

*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 requirements are necessary.

**Amendment 35**  
**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 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, ***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*

(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);

*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 in accordance with Article 30(3);

**Amendment 38**  
**Proposal for a regulation**  
**Article 4 – paragraph 3 – point b**

*Text proposed by the Commission*

(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);

*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); ***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*

*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 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*

*Amendment*

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

(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*

*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 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;

(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 product, from the perspective of the user;

*Amendment*

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

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 *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)**

**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**

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.

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*

*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;

(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 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

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 62**  
**Proposal for a regulation**  
**Article 10 – paragraph 1 – point c**

*Text proposed by the Commission*

(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;

**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 64**  
**Proposal for a regulation**  
**Article 14 – paragraph 1 a (new)**

*Text proposed by the Commission*

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*

(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*

(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*

**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*

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.

*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, ***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*

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.

*Amendment*

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 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** 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

*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*

(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*

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.

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*

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 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*

(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 78**  
**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 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:*

*(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*

*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.**

*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*

*deleted*



*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 85**  
**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 86**  
**Proposal for a regulation**  
**Article 29 – paragraph 4**

*Text proposed by the Commission*

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].*

*Amendment*

*deleted*

**Amendment 87**

**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 88**  
**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 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*

*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 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

###### *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

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.

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

*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

performance clauses, or targets, as appropriate.

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*

*Amendment*

2. When establishing requirements pursuant to Article 4, third subparagraph, point (h), for public contracts, the Commission shall take into account the following criteria:

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 98**  
**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 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*

(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 100**  
**Proposal for a regulation**  
**Article 58 – paragraph 2 a (new)**

*Text proposed by the Commission*

*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 Directive 2014/24/EU.**

**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*

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].

*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, ***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).

*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).

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

**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*

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.

**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*

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*

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 RAPPOREUR 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:

<b>Entity and/or person</b>
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

<b>Title</b>	Establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC		
<b>References</b>	COM(2022)0142 – C9-0132/2022 – 2022/0095(COD)		
<b>Committee responsible</b> Date announced in plenary	ENVI 2.5.2022		
<b>Opinion by</b> Date announced in plenary	IMCO 2.5.2022		
<b>Associated committees - date announced in plenary</b>	15.9.2022		
<b>Rapporteur for the opinion</b> Date appointed	David Cormand 31.8.2022		
<b>Discussed in committee</b>	26.10.2022	24.1.2023	28.3.2023
<b>Date adopted</b>	25.4.2023		
<b>Result of final vote</b>	+: –: 0:	39 1 2	
<b>Members present for the final vote</b>	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		
<b>Substitutes present for the final vote</b>	Marc Angel, Salvatore De Meo, Ivars Ijabs, Kosma Złotowski		
<b>Substitutes under Rule 209(7) present for the final vote</b>	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