

24 April 2023

RESPONSE TO

Public consultation on new product priorities under the Ecodesign for Sustainable Products Regulation (ESPR)

Municipal Waste Europe welcomes the preliminary list of products for which the European Commission intends to prioritise action under the scope of the ESPR, including energy-related products, by setting ecodesign requirements in secondary legislation. We believe that the European Commission's proposal for an ESPR holds the potential to foster reuse, preparation-for-reuse and recycling while contributing to health and information considerations. Nonetheless, in our [position](#) of 9 November 2022, we identified room for improvement and suggested a set of amendments to the current proposal.

In light of the scope and expertise of MWE, we would like to focus our feedback on **end-use products**. The Commission informed about the following preliminary list of priority end-use products: textiles and footwear, furniture, ceramic products, tyres, detergents, bed mattresses, lubricants, paints and varnishes, cosmetic products, toys, fishing gear and nets and absorbent hygiene products. **We particularly welcome textiles (apparel, home-textiles), footwear, furniture (including upholstery), mattresses, toys and absorbent hygiene products** into this list, as these products all together contribute greatly to the generation of municipal waste. Nonetheless, we welcome the remaining products referred to in the list with particular attention to potential requirements concerning the presence and release of substances of concern and microplastics but also potential for preparation-for-reuse and recycling.

We would also suggest including **construction products** in the list to ensure that the Construction Product Regulation is coherent with the ESPR. Here we consider that the ecodesign requirements are needed to promote reuse and recycling of these products.

For each of the above-mentioned product groups, the questionnaire asks us for the 3 most important **product aspects/parameters** when establishing ecodesign requirements under ESPR, listing the following:

- Improving durability and reliability
- Ease of repair and maintenance
- Ease of recycling of materials
- Ease of refurbishment, remanufacturing and upgradability
- Resource use or resource efficiency
- Use or content of recycled materials
- Presence of substances of concern
- Energy use or energy efficiency
- The lifecycle environmental impact, including carbon footprint
- Expected generation of waste, such as release of microplastics



However, we understand the list is given by Article 5 and Annex I of the proposed ESPR. While assessing these product aspects or parameters, we would suggest taking a **balanced, integrated approach encompassing all of the above parameters rather than prioritising work on only the 3 'most important' aspects**. It is not reasonable to give priority to certain criteria over others when all criteria need to be met to fulfill the purpose of the regulation. (The whole purpose of the ESPR is jeopardized if one must remove characteristics -product aspects or parameters- that should not be prioritized as the European Commission asks the respondents in the Public Consultation.)

Presence and release of substances of concern (as defined in Article 1 (28) of the proposed ESPR) should be **always** considered and not be optional due to potential human health issues and environmental pollution. Likewise for the parameters concerning the overall environmental impacts (including resource use and efficiency) of the entire life cycle (as defined in Article 1(12) in the proposed ESPR), which should be always assessed.

Durability aspects (including repair and maintenance) must be hand-in-hand with 'ease of recycling, refurbishment, remanufacturing and upgradability' as at certain point even long-lasting products need a proper end-of-life treatment. In particular, facilitating preparation-for-reuse and high quality recycling is much needed.

Ease of high quality recycling and content of recycled materials are also closely interlinked as the first parameter will enable the second one and vice versa. Further to that, special attention is needed when establishing requirements concerning use and content of recycled material. As we suggest in our [position](#) (amendment 25), **we would consider minimum recycled content targets within the same product group to be a necessity, for example, for textiles and footwear at least for certain products such as apparel**. It is widely known that recycled PET bottles are increasingly used by the fashion industry to manufacture 'recycled polyester' apparel, which is endangering recycled content targets in packaging while not preventing the release of microplastics into the environment at all.

Regarding the product scope under the 'Textiles and Footwear' section, we would like the Commission to clarify the meaning of 'textile components'. According to the public consultation, those textiles which constitute less than 80% by weight of the product and leather are out of the scope. Would it mean that apparel made of vinyl and polyurethane (such as overcoats or jackets) are not considered 'textile components'? This is very important to clarify as apparel is not always made of plant-based fibres but also of plastic synthetic material.

We also recommend to assess upholstery together with furniture where appropriate. Duvets and pillows, if excluded under textiles, would need a separate category.

Finally, we would like to call on the European Commission to take the waste management sector into account for participation in the Ecodesign Forum.

Thank you very much for considering our feedback and looking forward to further discussion,



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Municipal Waste Europe

Municipal Waste Europe is the European umbrella association representing public responsibility for waste. Our members are national public waste associations and similar national or regional associations or municipalities. With 15 members from 14 EU Member States, MWE is committed to sustainable waste management and has an active role in promoting the waste hierarchy, resource efficiency and best practices on waste collection and treatment across the EU. Municipal Waste Europe also advocates waste management as an indispensable service of public interest.