

# Public consultation on new product priorities under the Ecodesign for Sustainable Products Regulation

## EUROPEN feedback, accompanying answer to the Public Consultation

EUROPEN - the European Organisation for Packaging and the Environment - supports the overall objective of the European Commission proposal for an Ecodesign for Sustainable Products Regulation (ESPR) to establish a framework to improve the environmental sustainability of products.

The packaging value chain is constantly innovating to ensure the uptake of sustainable packaging solutions, supporting the EU climate and circular economy goals. This is done working together with product manufacturers to identify new solutions aimed at advancing the sustainability of both the packaging and packaged products, while continuing to protect products and ensuring their safe delivery to consumers and businesses.

In relation to the identification of product priorities for which ecodesign requirements should be established, EUROPEN believes that it is critical for the Commission to consider that:

- To avoid policy and/or regulatory inconsistency, ensure compliance with the EU Better Regulation agenda, and given the peculiar role of packaging in relation to the packaged product, it is important to exclude packaging from the scope of the ESPR. While the objectives of the ESPR are naturally interlinked with those of the Packaging and Packaging Waste Directive (PPWD), because of the intrinsic relationship between packaging and the packaged product, sustainability measures specific to packaging need to continue to be governed by the PPWD and upcoming Packaging and Packaging Waste Regulation (PPWR).
- To avoid double regulation, unnecessary administrative burden and to ensure legal certainty of economic operators, the ESPR should solely address the environmental sustainability of end-use products and avoid regulating intermediate products. The introduction of ecodesign requirements for intermediate products would fail to consider important elements that contribute to the overall sustainability assessment of a product, such as to which kind of application an intermediate product is destined. Furthermore, it should be noted that several intermediate products, such as for instance chemicals, are already regulated in specific EU legislation.
- The European Commission proposal for a PPWR foresees that all packaging will only be allowed on the European market if compliant with the sustainability requirements set out in the upcoming Regulation. These include, as per the current proposal and amongst others, the obligation for all packaging to be designed for recycling from 2030 and to be recycled at scale from 2035. It further establishes the fulfilment of recycled content targets for all packaging containing a plastic part. Such requirements should be taken into account when considering the possibility of setting horizontal measures - such as on recyclability and post-consumer recycled content - for different product groups as part of the ESPR.

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