AmCham EU
SPEAKING FOR AMERICAN BUSINESS IN EUROPE

Our position

Ecodesign consultation on priority product groups

AmCham EU speaks for American companies committed to Europe on trade, investment and competitiveness issues. It aims to ensure a growth-orientated business and investment climate in Europe. AmCham EU facilitates the resolution of transatlantic issues that impact business and plays a role in creating better understanding of EU and US positions on business matters. Aggregate US investment in Europe totalled more than €3.7 trillion in 2022, directly supports more than 4.9 million jobs in Europe, and generates billions of euros annually in income, trade and research and development.

American Chamber of Commerce to the European Union
Speaking for American business in Europe

Avenue des Arts/Kunstlaan 53, 1000 Brussels, Belgium • **T** +32 2 513 68 92
info@amchameu.eu • amchameu.eu • European Transparency Register: 5265780509-97

Executive summary

The European Commission proposal on Ecodesign for Sustainable Products (ESPR) rightly aims to create a Single Market for sustainable products and improve access to sustainability information through the Digital Product Passport (DPP). The regulation will only be successful if it ensures full harmonisation across Member States and drives European industry's competitiveness. To this aim, the Commission should maintain the regulation's product-specific approach and consider product performance as an integral part of product sustainability.

Introduction

Building on the success of the current ecodesign regulatory framework, the ESPR has the potential to further mainstream sustainability across more product categories. The report below includes American business' general recommendations on the consultation's priority product groups as well as reactions to the priority product groups for intermediate products and end-use products.

General recommendations

Maintain a product-specific approach by avoiding horizontal requirements.

As sustainability impacts vary across product categories, it is essential that ecodesign requirements are tailored to the unique characteristics of each product group, while also targeting the main environmental impacts associated with each. For example, while reparability is a significant issue for appliances, it is not relevant to formulated products.

To be implemented effectively, ecodesign requirements should be as clear and product specific as possible. As stated in the Commission's ESPR impact assessment, 'horizontal rules would create legal uncertainty regarding what this would mean in practice for a particular product.'.

The consultation's proposed horizontal rules on recyclability, durability and post-consumer recycled content (PCR) cannot account for the specificities of each product group, which could lead to the following risks.

- Inadequate requirements. Given the different functions and composition of products on the market, the same ecodesign requirements cannot apply to multiple product groups. For instance, reparability requirements need to be tailored to each specific electrical appliance. While some components of a product can be repaired by consumers, others require the skills of professional repairers. For instance, when repair involves electricity or gas, using a professional repairer may be the only way to avoid risks to consumer health (eg electrocution). Likewise, each product's lifetime varies depending on its use conditions. For instance, some small appliances that are used on a continuous basis might last longer than appliances used a few times per week or month.

  For recycled materials, not all products can incorporate the same percentage of PCR. For instance, products that are in direct contact with skin or the mucous membrane or that have a medical function require the use of high-quality and pure materials to avoid the migration

of hazardous substances, leading to potential safety concerns. In these cases, the Commission should require either lower PCR targets or allow exemptions from PCR targets. Along with safety risks, mandating the same PCR requirements for each product may prove impossible to implement because of the lack of recycled materials of the required quality.

- Overly vague requirements. To adapt to several product groups, horizontal requirements must be broad and generic, leading to legal uncertainty for companies about compliance with such rules; they need operational methodologies. In the case of recyclability, businesses need clear Design for Recycling guidelines on which materials or combinations of materials promote recycling of products. For instance, the recyclability of products in certain industries such as aerospace (aluminium, iron, steel, lubricants etc) should consider specific and essential criteria such as safety, certification regulations and weight considerations. Given the wide-ranging differences between products on the market, these Design for Recycling Guidelines can only be set at the product level, as also reflected into the European Commission Proposal on Packaging and Packaging Waste Regulation. As also recognised by the Commission's Impact Assessment on ESPR, *'legal uncertainty regarding what (horizontal rules) would mean in practice for a particular product and ultimately require guidance for each product or group. Moreover, the risk of market fragmentation would remain as general rules would likely be interpreted differently across Member States for particular products'.*

- Inadequate assessment of trade-offs between different product parameters. There are trade-offs between different product parameters. For instance, repairability may come at the expense of lifetime, and recyclability may come at the expense of product durability. As identified in the ESPR Impact Assessment, in the case of textiles, using more recyclable materials may lead to less durable products. When setting ecodesign rules, it is important to assess such trade-offs to ensure that ecodesign measures have an overall positive environmental impact. Horizontal measures do not allow for the assessment of trade-offs, given that trade-offs are specific to each product group.

- Slowing down the whole process. It would likely take the Commission much longer to adopt horizontal requirements compared to product-specific requirements because setting horizontal requirements needs the consultation of different stakeholders and may, in the end, lead to product-specific rules under the horizontal measure. This would be a time-consuming process, as already shown by the Ecodesign Regulation on Standby and Off mode[1], which took several years to gain approval. This regulation – the only proposed 'horizontal regulation' so far under the ecodesign framework – is challenging for manufacturers to comply with due to double regulation and overlapping timelines.

The Commission's Impact Assessment on ESPR is correct to state that '*general horizontal rules would be unlikely to solve the problems identified and are clearly inferior to product specific rules, which can be tailored to the characteristics of the products and the sustainability issues pertaining to them.'*

[1] https://single-market-economy.ec.europa.eu/single-market/european-standards/harmonised-standards/ecodesign-standby-and-mode_en

Consider product performance as an integral part of product sustainability.

The ESPR's product-specific measures should reflect the contribution of product performance to sustainability. This is key to promote solutions where performance drives sustainability and vice-versa. A clear example comes from detergents in the section below.

Ensure harmonised requirements.

In line with the ESPR's internal market legal basis, future requirements should be harmonised across the Single Market to facilitate economies of scale and long-term investments in innovative products and technologies.

Intermediate Products

The ESPR explores potential ecodesign measures for intermediates like chemicals, polymers and plastics. It particularly mentions that there is room for improvement when it comes to the impact of these intermediates, mainly in climate change, soil, biodiversity, and waste generation and management.

For intermediates such as chemicals, plastics and polymers, the ESPR would regulate areas already covered by the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and the regulation for classification, labelling and packaging of substances and mixtures (CLP), amongst other regulatory frameworks. Intermediate products such as plastic and chemicals are enablers for final products and hence should not be included in the ESPR, which should exclusively focus on the end product.

End-use Products

For end-use products, however, the regulation should address substances preventing recycling, given that circularity is the ecodesign regulation's objective.

Absorbent hygiene products (AHP)

The absorbent hygiene products (AHP) category[2] covers a large range of different products such as baby diapers and menstrual products (pads and tampons). These are essential for the hygiene and health of millions of Europeans, as also recognised by governments throughout Europe during the

[2] AHP should be defined as 'any article whose function is to absorb and retain human fluids such as urine, faeces, sweat, menstrual fluid or milk, excluding textile products. *The product groups "absorbent hygiene products" and "reusable menstrual cups" shall not include products falling under the scope of Regulation (EU) 2017/745.'* (Definition from JRC technical report on Ecolabel criteria). As such, the definition of AHP should exclude adult incontinence products marketed as medical devices, since these fulfill a medical function and have different requirements compared to other AHP.

pandemic. High-quality baby diapers are key to minimise the spread of infections and promote healthy physical and cognitive infant development by protecting babies' skin and enabling undisturbed sleep. Likewise, menstrual products enable millions of girls and women to live their lives whilst on their period with safe and reliable protection for every life stage.

Given their protection and hygiene functions, the choice of materials in AHP is entirely aimed at minimising leaks by using materials that help avoid skin irritation and are safe for contact with skin or mucus. When it comes to product ecodesign, the industry has been for many years on a journey to reduce AHP's environmental footprint by reducing raw materials use and manufacturing emissions. For example, over the past 15 years the industry has achieved around a 40% weight reduction of baby diapers.[3] Based on an in-depth review of the Joint Research Centre (JRC) report on Ecodesign and on other technical evidence, the Commission should exclude AHP at this stage from the priority list of products under the first ESPR Work Plan for the following reasons:

Potential for environmental improvement under the ESPR is low.

In line with Article 16 of the ESPR proposal, the *'potential for improvement of a product ecodesign'* is a key element in the prioritisation of product groups. Yet, the JRC report on Ecodesign acknowledges that '***absorbent Hygiene Products...did not show significant improvement potential for ESPR,*** *mainly due to the nature of the product group, which is single-use and with high hygienic standards'*.[4]

According to the JRC, this holds true for almost all the environmental aspects: the report states that the potential for improvement under the ESPR is low for seven out of the eight environmental impacts mentioned by the report (water effect, air effect, soil effect, biodiversity, life-cycle energy consumption, climate effect and human toxicity). That means that measures under the ESPR would not be an effective tool to bring ecodesign improvements because of: pre-existing legislation covering these impacts (see point 3 below); and the nature of the product does not allow for significant environmental improvements at this stage.

The JRC reports that only for waste management and generation is there medium potential for improvement. At this stage, the potential for improvement is also low for this environmental impact, given its high hygiene and safety standards as well as AHP's need to have a specific three-dimensional material structure to absorb human fluids whilst retaining human waste within the product to avoid soiling/the need to wash clothing. More specifically:

- Design for Recycling requirements do not hold significant potential for improvements, since the key obstacle to recycling used AHP is the presence of human waste. Used AHP can consist of 50 to 70% human waste, which potentially carries pathogens (eg in blood) that can pass into the recycling output, compromising its quality and strongly limiting its recycling potential. Design for recycling requirements cannot prevent contamination from human waste, since it will continue to be part of used AHP.
- There are technical limits to change the material composition of AHP, including plastics, pulp and super absorbent polymer. This material mix is needed to deliver the absorbent properties required for the specific function AHP perform. Any change in the material composition would

[3] EDANA Sustainability Report

[4] JRC, (2023), "Ecodesign for Sustainable Products Regulation - preliminary study on new product priorities", p. 41

have unintended consequences such as a reduction of the absorption capacity, risking babies' health through increased skin irritation and disturbance of sleep, as well as women's empowerment. In addition, reduced absorption may also decrease the product's lifetime with potentially negative environmental impacts, including the need to wash clothes more often due to stains or increased frequency of product changes.

- Requirements on percentages of recycled content cannot be set for safety and health reasons.[5] Recycled materials coming from PCR may contain hazardous substances of concern. This is of specific concern given AHP's direct and prolonged contact with skin or mucous membranes. Substances of concern can migrate from impurities present in recycled content to AHP. For this reason, use of recycled content in AHP is not recommended at this stage. Even though some layers do not touch skin, PCR can migrate through layers to the skin or mucosae. Beyond safety and health reasons, PCR has a lower mechanical strength compared to virgin plastics. As a result, companies would be forced to use a higher quantity of PCR (eg double compared to virgin plastics) to compensate for the loss in mechanical strength, leading to more waste.
- Information requirements on how to dispose of some categories of AHP are already regulated. The Single Use Plastics Directive mandates labelling the appropriate waste management options for pads and tampons, while diapers do not appear to need labelling to avoid litter.

Based on the above, the potential for improvement on AHP waste generation and management under the ESPR is low. The most promising solution to address AHP's waste management impacts is through the development of advanced recycling technologies that allow treatment of AHP together with the rest of household waste, such as technologies converting mixed waste into composite thermoplastics, mechanical biological treatment technologies[6] or gasification.[7]

The environmental impact for most of the AHP impact categories assessed by JRC is low or medium.

The JRC report acknowledges that the environmental impacts of AHP are low or medium for seven out of the eight environmental aspects (water effect, air effect, soil effect, biodiversity, life-cycle energy consumption, climate effect and human toxicity). The JRC only assigned a high environmental impact for waste generation and management. Based on the literature on life cycle assessment of AHP, the environmental impacts for waste generation should be low to medium as well. According to the lifecycle assessment of AHP, *'manufacturing and End of Life stages have only small share of impacts in almost all impact categories,'*[8] while most AHP environmental impacts occur during the raw materials production phase.

There are already existing tools regulating the top environmental impacts associated with AHP.

[5] This is supported by the JRC report on Ecodesign according to which *"even if technically feasible, conventional AHP manufacturers do not incorporate recycled material content (open loop) due to low traceability and potential presence of undesired substances. Recycled content materials in AHP could compromise the fitness for use and/or safety of the products"* (p. 92)

[6] These technologies can treat mixed waste through a combination of a sorting facility to separate valuable waste components from other waste and a form of biological treatment such as biogas production.

[7] Gasification is a form of chemical recycling converting municipal solid waste into syngas (a mixture of hydrogen, CO and CO2). Such syngas may be treated with different technologies to produce new materials. For example, the syngas can be transformed into methanol which can be used to produce new plastics or into ethanol, which can be turned into ethylene and polyethylene.

[8] Join Research Centre, "Revision of EU Ecolabel Criteria for Absorbent Hygienic Products", Technical Report V 3.0, p.9

Article 16 of the ESPR proposal states that prioritisation of product groups should take into account both the *'absence or insufficiency of Union law...to address the objective'*. Since most of the environmental impacts associated with AHP occur at the raw materials production phase (see section 2), the most efficient and effective way to regulate AHP is through requirements targeted at the raw materials phase. As such, there are already numerous pieces of legislation regulating such impacts:

- For air effects and water effects, emissions mainly occur at the raw material production stage. These emissions are already regulated through the Industrial Emissions Directive, especially the *Best Available Techniques Reference Document for the Production of Pulp, Paper and Board*[9] and the *Reference Document on Best Available Techniques in the Production of Polymers*[10].
- For climate impacts and life-cycle energy consumption, more than 80% of the AHP impacts are at the raw materials phase. EU energy policies, such as the Emission Trading System, already cover industrial emissions from chemicals, pulp and polymer production.
- For biodiversity and soil effects, impacts also occur at the raw material stage. namely, production of pulp. These effects are regulated through several pieces of legislation that are either in force or will soon enter into force: the *Timber Regulation* provides for legal sourcing of timber materials; the *EU Regulation on Deforestation-Free Value Chains* sets strict due diligence rules to minimise the risks of deforestation or forest degradation associated with sourcing of timber products; the *Corporate Sustainability Due Diligence Directive* is currently under political negotiation, but once applicable, it will ensure companies conduct environmental due diligence on their supply chains.
- For human toxicity, the JRC report rightly states that *'this is very well regulated in the EU'* and that the *'EU's industry standards with respect for human toxicity are very high.'*[11]

The market value of AHP is low compared to all the other products shortlisted by the JRC.

Article 16 of the ESPR proposal foresees that *'the volume of sales and trade of a product within the Union'* should be one of the criteria to consider for prioritisation. Looking at the data gathered by the JRC, the market value of AHP is estimated at €6 billion per year.[12] This is the second lowest value[13] compared to all the other final groups shortlisted. For comparison, the market value of textiles is estimated at €175 billion a year.

Bed mattresses

When it comes to mattresses, the ESPR would help create a market to incentivise investments in the development of new technologies and materials. By adding recycled content to mattress requirements, the proposal would contribute to their environmental sustainability. Mattresses do have a high priority in the ecodesign requirements' development and implementation.

Cosmetics

[9] https://eippcb.jrc.ec.europa.eu/sites/default/files/2019-11/PP_revised_BREF_2015.pdf

[10] https://eippcb.jrc.ec.europa.eu/sites/default/files/2019-11/pol_bref_0807.pdf

[11] JRC Report on Ecodesign (p. 7)

[12] JRC Report on Ecodesign (p. 7)

[13] Only fishing gears have a market value that is lower than AHP (2,4 billion euros)

Many of the ESPR's product parameters relate to the ease of repair and maintenance, upgrading, re-use, remanufacturing and refurbishment of a product. None of these product parameters are relevant for cosmetics because of their consumable character. Furthermore, cosmetics products represent a highly diverse portfolio (including toothpastes, deodorants, shampoos, skin care and decorative cosmetics) in a variety of forms (powders, liquids, sprays etc) with diverse usage patterns by consumers (rinse-off, leave-on, in/out of shower etc). These elements, combined with the predominantly **low or medium levels of impact** and potential improvement for most environmental categories for cosmetics products **do not position cosmetics products as a priority sector to be included in the Commission's workplan for regulated products**. Identified environmental impact categories should be treated primarily under their respective regulations to ensure legal consistency and certainty for companies, as explained below. Moreover, the cosmetics industry is currently working on several voluntary, industry-wide initiatives that respond to many of the concerns raised in the JRC report. Because of these factors, cosmetics products should not be targeted as a priority sector under the ESPR. Identified environmental impact categories should be primarily treated under their respective regulations to ensure legal consistency.

While the JRC report identifies several environmental impact categories for cosmetics, many of these impact categories are already covered by upcoming legislation and should not trigger any parallel measures under the ESPR in order to preserve legal consistency and legal certainty and avoid duplication of legislative initiatives, which would only burden and confuse both the industry and consumers.

Areas identified in the JRC report with high environmental impact

- Water: The JRC report finds that cosmetics products have a high impact on water with specific reference to the characteristics of compounds used for manufacturing. However, several current legislative proposals would address the potential impacts on water of the cosmetics manufacturing and the use phases. REACH and CLP already address the environmental aspect of substances in cosmetics products, with the revised CLP regulation introducing new hazard classes directly linked to chemicals' environmental impact, which apply to future cosmetics formulations. Furthermore, the ongoing REACH restrictions on intentionally added microplastics and intentionally added per- and polyfluoroalkyl substances also cover cosmetic products. In addition, micropollutants are addressed in the ongoing revision of the Urban Wastewater Treatment Directive (UWTD), including those in cosmetics, and the biodegradability targets under the ESPR could only be considered as complementary to the UWWTD.
- Biodiversity: According to the JRC, cosmetics have a high impact on biodiversity 'mainly due to deforestation caused by the sourcing of some ingredients.' However, cosmetic ingredients are subject to the Access and Benefit Sharing (ABS) Regulation which brings the EU in line with international commitments to contribute to the conservation of biological diversity and the sustainable use of its components. The cosmetics industry is actively implementing the ABS Regulation, including in sharing commercial benefits deriving from the use of natural ingredients for the benefit of local communities and the protection of biodiversity.
- Finally, the JRC report focuses on the cosmetics industry's use of palm oil, noting that it has a strong impact on biodiversity loss. In fact, palm oil is one of the commodities targeted by the recently adopted EU Regulation on Deforestation, which is expected to enter into force in June 2023. At that time, palm oil will be covered by this regulation, nullifying the need to address its impact on deforestation through the ESPR.

Areas identified with medium environmental impact

- Waste generation and management: Focusing on carboard and plastic, the JRC report identifies medium impacts in terms of waste generation that are mainly related to the disposal of cosmetics packaging. For secondary packaging and refill options, the report acknowledges that its recommendations are already tackled in the Packaging and Packaging Waste Regulation (PPWR) proposal currently under discussion. This proposal aims to reduce the negative environmental impacts of packaging and packaging waste, waste generation and greenhouse gases, and avoid environmental externalities by 2030. Similarly, the JRC report states that all the measures on packaging's recycled content and recyclability are currently under discussion within the frame of this proposal. Further, the PPWR foresees recycled content targets for plastic packaging as well as the obligation for packaging to be recyclable by 2030 and recycled at scale by 2035. This means that cosmetic packaging would have to comply with Design for Recycling criteria set by the European Commission. Finally, the PPWR includes minimisation measures, bans for double walls and false bottoms, and requires reducing empty space.
- Air: The JRC report identifies medium environmental impact and low improvement potential for air effect mainly due to volatile organic compounds (VOC) in deodorant/spray. Cosmetics emissions were discussed, amongst other sectors, during a revision of Directive 2004/42/EC known as the '**VOC Paints Directive'**. As required under the Directive's review clause, an assessment was performed on measures that could potentially further reduce VOC emissions (ie widen of the scope of the Directive). In its conclusion the Commission stated (2011) *'Regulating a very wide range of different products would deliver only modest potential emission reductions and this would come with significant implementation problems, as well as with increased administrative burden and costs'*. The Commission concluded that amending the Directive's scope or limit values was not justified at that stage. Furthermore, from the user perspective, replacement solutions for the specific issues concerned (pressurised products) are not applicable as they lead to different spray patterns that cannot benefit the consumer. The JRC report supports this by stating that in many cases a complete change of the application form is not possible.

1. **Areas identified with low environmental impact**

- Climate change: In line with the JRC's analysis, the cosmetics sector has already identified the energy use and CO_2 emissions emitted at production sites and during the use phase as having a low environmental impact. To address these findings, most companies today work on measuring and reducing their greenhouse gas emissions. However, energy consumption during the use of cosmetics can be difficult to single out and should be part of overall energy consumption reduction.
- Lifetime extension: The JRC report identifies medium improvement potential for lifetime extension via clear indications on dosage requirements that could help inform consumers about using these products sparingly. While this would be a positive step, information on dosing is highly dependent on consumer habits, practices and needs (gender, hair length, volume, softness etc.). While recommending the right dosing for all products is a good measure to increase durability – some products already provide dosing guidance to achieve the desired result – consumers would ultimately define the dosing based on their needs.

Even though a strong European regulatory framework for regulating product sustainability aspects is important, the levels of impact and potentials for improvement in relation to most environmental categories do not justify the inclusion of cosmetics in the first wave of included sectors. The areas considered highly or medium impacted have already been addressed through legislative or voluntary initiatives, while the low impacted areas cannot be considered priority areas for cosmetics.

For the cosmetic sector to be successfully included under ESPR in future waves:

- Applicable methodologies need to be available and operational for all companies in the sector.
- The regulatory framework must be considered to avoid overregulation.
- The intrinsic cosmetic category complexity of multiple products, forms and uses must be carefully assessed and observed.

Detergents

Addressing the performance-related aspects of detergents' sustainability should constitute the primary objective of any ecodesign measures. For detergents, the use phase (washing) accounts for 60 to 90% of the carbon footprint and is linked to the temperature used for washing. For that reason, the most impactful way to reduce carbon footprint and energy consumption is to use detergents that perform well at low temperatures. Switching from 40 to 30 degrees can save 35% of laundry lifecycle CO_2 emissions, ie about 3.5 million tons of CO_2 per year, equivalent to taking 2 million cars off the road.[1] On average, consumers could reduce their dishwashing carbon footprint by a third[2] if they select short cycles of 55 minutes or less instead of normal or auto machine cycles. This could be an average saving of up to 60%[3] of a person's dishwashing carbon footprint if handwashing temperatures were reduced to 23°C. The JCR also recognises this in its study on priority product groups, according to which, *'The main potential improvement measure directly related to detergents to reduce CO_2 emissions during the use phase is product innovations for a cleaning efficiency at lower temperatures, so that no/less energy is needed to heat up the water. It was estimated that cold-wash laundry from two brands have helped save 15 million tons of CO_2'*.

According to life cycle assessments (LCA), two conditions must be met to decarbonise detergents. First, consumers need to have access to products that perform well at lower temperatures. To change their habits, consumers must trust that lowering the temperature would not impact cleaning efficacy. And this is still the top priority for consumers. When a detergent does not perform at colder temperatures, consumers compensate by pre-treating, overdosing or re-washing, which further increases laundry's emissions. Second, consumers must be education to change their habits.

Moreover, measures related to refills/re-usable packaging, discussed extensively in the JRC report on Ecodesign, should be approached with caution for the following reasons.

In-store bulk refill systems

Over the last 20 years, several experiments of bulk in-store refill models in the chemicals-based fast-moving consumer goods sector have identified certain issues:

- For some products' packaging, legislative or regulatory provisions prohibit reuse due to consumer health or safety requirements. For example, aerosols are not refillable under the EU Aerosol Products Directive for safety reasons.
- Correct and readable labelling could be at risk. The opportunity for spillages, inappropriate labelling or a mismatch in the type of containers employed increase risks. Certain products

labelled as, for example, 'corrosive', 'serious health hazard', 'explosive', 'flammable' or 'biocides' could never be sold in these conditions and still comply with the intent of the labelling regulations.

- Regardless of the re-use model, companies must comply with all horizontal and vertical product regulatory requirements. Among others, regulatory obligations include CLP pictograms, unique formulae identifiers, International Nomenclature of Cosmetic Ingredients lists of ingredients, allergens, sensitisers etc), poison control centre contact details and other product safety information that needs to be correctly attached to each and every bottle sold. No refilled bottle should therefore be able to be purchased or leave the store without the correct label attached. In recent years, various pilot projects to refill from industries were cancelled for, among other reasons, hygiene, s the refill nozzle was quickly contaminated, risking toxicological contamination, and the inability to fulfil the declaration of ingredients. Because are bottles pre-labelled, it was challenging to ensure that consumers would use the correct bottle for their detergent.
- In-store spillages that increase the frequency of sometimes daily exposure of operatives to products containing allergens, sensitisers etc must be taken into account.
- It is risky to rely on consumers, retailers or other actors in the value chain to conduct key operations such as bottle cleaning prior to re-use/refilling. This would inevitably risks contamination, either chemical or microbiological, beyond the control of the original product manufacturer.
- Appropriate expiry dates for relevant products would need to be provided at each refill.
- Increased risk of microbial contamination of reuse/refill systems might require additional preservatives to maintain safe functioning. This would also impact the toxicological profile and environmental footprint.
- Traceability needs to be ensured. Any use of common bottles would increase the potential for product and/or label mismatches.
- Child Resistant Closures (CRCs) must be on relevant products which require an effective prohibition on consumers using an inappropriate generic bottle or non-CRC bottle to refill a corrosive product.

The essential role of life cycle analysis

Measures solely targeting packaging waste should not ignore the importance of a holistic evaluation of the life cycle impacts on the overall product footprint. For example, reverse logistics and cleaning operations entail an additional carbon burden that must be balanced against benefits elsewhere. If an excessive number of rotations are required to offset such additional burdens, the environmental break-even point would be affected.

The need for value chain cooperation

Certain re-use models would depend on value chain cooperation. Packaging return models would need a reverse logistics partner, while in-store refill stations would require cooperation between the retailer and product manufacturer. Retailers with own-label products are both customers as well as competitors for companies in this industry, which could present challenges for competition law.

The role of consumer behaviour

The success of any re-use model is highly dependent on the degree and nature of consumer engagement. This determines the effective degree of uptake and ultimate benefit of any model. The level of inconvenience is a key factor influencing consumers' predisposition to effectively engage. Significant changes in consumer practices require considerable outreach, education and

consequently, time. Furthermore, a difficulty in the pilot projects described above was the impossibility of counting the number of refills uses, as for certain packaging types, such as trigger pumps, the functionality of the packaging (pump) cannot be guaranteed if a certain number of refills is surpassed.

Textiles

Structure of ecodesign standards

EU ecodesign owes its success to a framework that allows for specific, technical legislation that accounts for each product group's end use and environmental performance abilities. A product group's sustainability innovation can be considered. The types of products listed for textiles and footwear differ considerably in terms of materials chosen, type and duration of end use, consumer behaviour, environmental impacts and possible improvements. Especially regarding durability, recyclability and recycled content, the options available and measures needed to improve performance differ widely. Textiles used in, for example, the automotive sector require different durability and recyclability considerations than a pair of jeans. Therefore, the Commission should allow for focused ecodesign standards designed for each specific product category, differentiating between: lifestyle apparel, home/interior textiles, furniture, footwear and technical textiles, as well as products including personal protective equipment, sporting goods, workwear and textiles for industrial uses such as in the automotive and aerospace sectors.

An all-textile and footwear-encompassing standard with the same requirements across these products can at best have a small common denominator and at worst limit the proposal's ambition. Instead, requirements should be assessed and set separately for each product group. Furthermore, the same disadvantages outlined under the general considerations above regarding the use of horizontal requirements need to be considered (eg potential for inadequate requirements, overly vague requirements and inadequate assessment of trade-offs between different product parameters). If the Commission chooses to include all products listed in the questionnaire's product scope, it would have to introduce dedicated chapters addressing each product type's specificities and state of environmental innovation.

Prioritisation of product aspects

Considering the requirements would have to be implemented in no more than four years from now, the JRC should prioritise the assessment of the following product aspects for the first set of textiles and footwear ecodesign standards, separated per product category;

- Improving durability and reliability: minimum durability ecodesign standards based on internationally recognised test standards, information requirements regarding treatment and care of product to avoid premature substitution/replacement, information requirements regarding repair information and promotion of repair.
- Ease of repair and maintenance: information requirements regarding treatment and care of product to avoid premature substitution/replacement, and information requirements regarding repair information.
- Ease of recycling of materials: information requirements regarding sorting instructions in line with the upcoming review of the Waste Framework Directive (WFD) target of separate textile collection as of 2025, information requirements on material components and relevant chemicals used to ease recycling at end of life via the DPP.

Conclusion

Building on the success of the current ecodesign regulatory framework, the ESPR has the potential to further mainstream sustainability across more product categories, to create a Single Market for sustainable products and improve access to sustainability. However, in order to achieve those objectives, the Commission should implement these recommendations to ensure full harmonisation across Member States and drive European industry's competitiveness.