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From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	7854/22 + ADD1
Subject:	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 - 4-column document

In the view of the Working Party on Competitiveness and Growth (Internal Market Attachés - Ecodesign) meeting on 20 September 2023, delegations will find attached the text of the four-column document for the above-mentioned proposal, containing the initial positions of the institutions.

**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 (Text with EEA relevance)**

2022/0095(COD)

DRAFT [Draft 4CT after ITM 6.9.2023 - 1 red row corrected]

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2022/0095 (COD)	2022/0095 (COD)	2022/0095 (COD)	
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	AND OF THE COUNCIL establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC (Text with EEA relevance)	AND OF THE COUNCIL establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC (Text with EEA relevance)	AND OF THE COUNCIL establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC (Text with EEA relevance)	
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	

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Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , _____ 1. OJ C „, p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , _____ 1. OJ C „, p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , _____ 1. OJ C „, p. .	

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Citation 5				
8	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
9	Whereas:	Whereas:	Whereas:	
Recital 1				
10	(1) The European Green Deal ¹ is Europe's sustainable growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, competitive, climate-neutral and circular economy. It sets the	(1) The European Green Deal ¹ is Europe's sustainable growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, competitive, climate-neutral and circular economy <u>and toxic-free</u>	(1) The European Green Deal ¹ -is Europe's sustainable growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, competitive, climate-neutral and circular economy. It sets the	

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	ambitious objective of ensuring that the Union becomes the first climate neutral continent by 2050. It recognises the advantages of investing in the Union's competitive sustainability by building a fairer, greener and more digital Europe. Products have a pivotal role to play in this green transition. Underlining that current production processes and consumption patterns remain too linear and dependent on a throughput of new materials extracted, traded and processed goods and finally disposed of as waste or emissions, the European Green Deal emphasises the urgent need to transition to a circular economy model and stresses the significant progress that remains to be made. It also identifies energy efficiency as a priority for the decarbonisation of the energy sector and for reaching the climate objectives in 2030 and 2050. _____ 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions The European	<u>environment</u>. It sets the ambitious objective of ensuring that the Union becomes the first climate neutral continent by 2050. It recognises the advantages of investing in the Union's competitive sustainability by building a fairer, greener and more digital Europe. Products have a pivotal role to play in this green transition. Underlining that current production processes and consumption patterns remain too linear and dependent on a throughput of new materials extracted, traded and processed goods and finally disposed of as waste or emissions, the European Green Deal emphasises the urgent need to transition to a circular economy model and stresses the significant progress that remains to be made. It also identifies energy efficiency as a priority for the decarbonisation of the energy sector and for reaching the climate objectives in 2030 and 2050. _____ 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European	ambitious objective of ensuring that the Union becomes the first climate neutral continent by 2050. It recognises the advantages of investing in the Union's competitive sustainability by building a fairer, greener and more digital Europe. Products have a pivotal role to play in this green transition. Underlining that current production processes and consumption patterns remain too linear and dependent on a throughput of new materials extracted, traded and processed goods ~~and that are~~ finally disposed of as waste or emissions, the European Green Deal emphasises the urgent need to transition to a circular economy model and stresses the significant progress that remains to be made. It also identifies energy efficiency as a priority for the decarbonisation of the energy sector and for reaching the climate objectives in 2030 and 2050. _____ 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European	

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	Green Deal COM(2019)640 final.	Economic and Social Committee and the Committee of the Regions The European Green Deal COM(2019)640 final.	Economic and Social Committee and the Committee of the Regions The European Green Deal COM(2019)640 final.	
Recital 2				
11	(2) To accelerate the transition to a circular economy model, the Commission designed a future-oriented agenda in its Circular Economy Action Plan for a cleaner and more competitive Europe ¹ (CEAP), with the objective of making the regulatory framework fit for a sustainable future. As set out in this plan, there is currently no comprehensive set of requirements to ensure that all products placed on the Union market become increasingly sustainable and stand the test of circularity. In particular, product design does not sufficiently promote sustainability over the whole life cycle. As a result, products are being replaced frequently, involving significant energy and resource use in order to	(2) To accelerate the transition to a circular economy model, the Commission designed a future-oriented agenda in its Circular Economy Action Plan for a cleaner and more competitive Europe ¹ (CEAP), with the objective of making the regulatory framework fit for a sustainable future. <u>The plan underlines that, for citizens, the circular economy will provide high-quality, functional and safe products, which are efficient and affordable, last longer and are designed for reuse, repair, and high-quality recycling.</u> As set out in this plan, there is currently no comprehensive set of requirements to ensure that all products placed on the Union market become increasingly sustainable and stand the test of circularity. In particular,	(2) To accelerate the transition to a circular economy model, the Commission designed a future-oriented agenda in its Circular Economy Action Plan for a cleaner and more competitive Europe ¹ (CEAP), with the objective of making the regulatory framework fit for a sustainable future. As set out in ~~this~~ that plan, there is currently no comprehensive set of requirements to ensure that all products placed on the Union market become increasingly sustainable and stand the test of circularity. In particular, product design does not sufficiently promote sustainability over the whole life cycle. As a result, products are being replaced frequently, involving significant energy and resource use in order to	

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	produce and distribute new products and dispose of old ones. It is still too difficult for economic operators and citizens to make sustainable choices in relation to products given that relevant information and affordable options to do so are lacking. This leads to missed opportunities for sustainability and for value-retaining operations, limited demand for secondary materials and obstacles to the adoption of circular business models. _____ 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions A new Circular Economy Action Plan For a cleaner and more competitive Europe COM(2020)98 final.	product design does not sufficiently promote sustainability over the whole life cycle. As a result, products are being replaced frequently, involving significant energy and resource use in order to produce and distribute new products and dispose of old ones. It is still too difficult for economic operators and citizens to make sustainable choices in relation to products given that relevant information and affordable options to do so are lacking. This leads to missed opportunities for sustainability and for value-retaining operations, limited demand for secondary materials and obstacles to the adoption of circular business models. _____ 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions A new Circular Economy Action Plan For a cleaner and more competitive Europe COM(2020)98 final.	produce and distribute new products and dispose of old ones. Due to the lack of relevant information and affordable options, it ~~It is still too difficult for economic operators and citizens to make sustainable choices in relation to products given that relevant information and affordable options to do so are lacking.~~ This leads to missed opportunities for sustainability and for value-retaining operations, limited demand for secondary materials and obstacles to the adoption of circular business models. _____ 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions A new Circular Economy Action Plan For a cleaner and more competitive Europe COM(2020)98 final.	

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Recital 2a				
11a			(2a) A fully functioning internal market for sustainable products is a pre-requisite for the establishment of a circular economy in the Union. Common ecodesign requirements at Union level would enable the development, deployment and scale-up of new circular economy business models throughout the internal market and boost long-term competitiveness of the Union. Such measures would also remove a disproportionate burden on companies and provide industry and consumers with access to reliable and clear data, thereby allowing for more sustainable choices to be made.	
Recital 3				
12	(3) The European Industrial	(3) The European Industrial	(3) The European Industrial	

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	Strategy¹ sets out the Union's overarching ambition to foster a 'twin transition' to climate neutrality and digital leadership. It echoes the European Green Deal in pointing to the leading role that Europe's industry must play in this, by reducing its carbon and material footprint and embedding circularity across the economy, and underlines the need to move away from traditional models, and revolutionise the way we design, make, use and dispose of products. The 2021 Update to the Industrial Strategy² reinforces the main messages of the 2020 Strategy and focuses on the lessons from the COVID-19 crisis, including the need to foster resilience. _____ 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions A New Industrial Strategy for Europe COM(2020)102 final. 2. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the	Strategy¹ sets out the Union's overarching ambition to foster a 'twin transition' to climate neutrality and digital leadership. It echoes the European Green Deal in pointing to the leading role that Europe's industry must play in this, by reducing its carbon and material footprint and embedding circularity across the economy, and underlines the need to move away from traditional models, and revolutionise the way we design, make, use and dispose of products. The 2021 Update to the Industrial Strategy² reinforces the main messages of the 2020 Strategy and focuses on the lessons from the COVID-19 crisis, including the need to foster resilience. _____ 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions A New Industrial Strategy for Europe COM(2020)102 final. 2. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the	Strategy¹ sets out the Union's overarching ambition to foster a 'twin transition' to climate neutrality and digital leadership. It echoes the European Green Deal in pointing to the leading role that Europe's industry must play in ~~this~~ that, by reducing its carbon and material footprint and embedding circularity across the economy, and underlines the need to move away from traditional models, and revolutionise the way we design, make, use and dispose of products. The 2021 Update to the Industrial Strategy² reinforces the main messages of the 2020 Strategy and focuses on the lessons from the COVID-19 crisis, including the need to foster resilience. _____ 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions A New Industrial Strategy for Europe COM(2020)102 final. 2. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the	

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	Committee of the Regions Updating the 2020 New Industrial Strategy: Building a stronger Single Market for Europe's recovery COM(2021)350 final	Committee of the Regions Updating the 2020 New Industrial Strategy: Building a stronger Single Market for Europe's recovery COM(2021)350 final	Committee of the Regions Updating the 2020 New Industrial Strategy: Building a stronger Single Market for Europe's recovery COM(2021)350 final	
Recital 3a				
12a		<u>(3a) Secure and sufficient availability of critical raw materials is key for a successful European twin transition while ensuring a competitive European industry. It is important that comprehensive information requirements on materials, including on critical raw materials, on products placed on the Union market be laid down in order to deliver on the approach outlined in the communication of the Commission of 3 September 2020 on Critical Raw Materials Resilience: Charting a Path towards greater Security and Sustainability^{1a} and the resolution of the European Parliament of 24 November 2021 on a European strategy for critical raw</u>		

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		<u>materials^{1b}</u> <u>1a. Commission communication of 3 September 2020 entitled 'Critical Raw Materials Resilience: Charting a Path towards greater Security and Sustainability' (COM (2020)0474)</u> <u>1b. P9_TA(2021)0468</u>		
Recital 4				
13	(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	(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	(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	

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	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 Council¹ applicable to the broadest possible range of products, provide such a framework. 1. 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).	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 ~~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 Council¹ applicable to the broadest possible range of products, provide such a framework. 1. 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).	internal market. Therefore, in order to ~~safeguard~~ contribute to the functioning of the internal market while ensuring a high level of environmental protection, ~~there is a need for a~~ a harmonised regulatory framework to progressively introduce ecodesign requirements for products is needed. This Regulation will provide such a framework, by making the ecodesign approach initially set out in Directive 2009/125/EC of the European Parliament and of the Council¹ applicable to the broadest possible range of products, . In view of the importance of sustainable products for the transition to a climate-neutral and circular economy, and in order to provide such a legal certainty to all operators involved and to prevent barriers in the internal market, it is necessary to create a harmonised regulatory framework for setting ecodesign requirements for products that are placed on the market. 1. Directive 2009/125/EC of the European	

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			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).	
Recital 5				
14	(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	(5) This Regulation will ~~contribute to making~~ <u>support production and consumption patterns that are aligned with the Union's overall sustainability targets, including climate, environmental, energy, resource-use and biodiversity, while staying within planetary boundaries, by establishing a legislative framework which contributes to enabling</u> 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, <u>recyclability, and</u>	(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, including preventing premature obsolescence of products, reusability, upgradability and reparability, including non-destructive replacement of product components, improve possibilities for lightweight design, refurbishment and maintenance, address the presence of hazardous chemicals in	

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	performance and safety, enabling remanufacturing and high-quality recycling and reducing carbon and environmental footprints.	<u>repairability</u> ~~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.	products, increase their energy and resource efficiency, including in regard to strategic and critical raw materials , 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. Ecodesign requirements could also concern resource use, including requirements related to usage of renewable resources or materials with bio-based content in the product.	
Recital 5a				
14a		<u>(5a) Practices making products prematurely obsolete or non-functional are negatively affecting consumers, and have a negative impact on the environment due to the increased material use in our economy. To ensure that products</u>		

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		<u>have a long lifespan for consumers, to reduce the generation of waste and to contribute to sustainable consumption, this Regulation should address such practices, in particular when they are the result of design choices by manufacturers, when software updates or accessories are not provided within an appropriate period of time, or when the functionality of a product is limited when consumers use consumables, spare parts or accessories not provided by the original manufacturer. As reparability is a cornerstone of a long lifespan for products, the Regulation should also ensure that disassembly of key components is not impeded, and access to repair information and spare parts is not limited to authorised repairers.</u>		
Recital 5b				
14b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		deleted		
Recital 6				
15	(6) The European Parliament, in its Resolution of 25 November 2020 ‘Towards a more sustainable single market for business and consumers’¹, 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 2021², 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 Circular and	(6) The European Parliament, in its Resolution of 25 November 2020 ‘Towards a more sustainable single market for business and consumers’¹, ~~welcomed promoting~~ <u>called for setting a right framework to ensure the production of</u> durable products which are easier to repair, re-use and recycle, <u>while providing increased rights for consumers, including information requirements and longer legal guarantee periods</u>. In its report on the New Circular Economy Action Plan adopted on 16 February 2021², the European Parliament ~~further endorsed the agenda presented by the Commission in the CEAP~~ <u>underlined that sustainable, circular, safe and non-toxic</u>	(6) The European Parliament, in its Resolution of 25 November 2020 ‘Towards a more sustainable single market for business and consumers’¹, 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 2021², 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 Circular and	

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	Green' adopted on 11 December 2020³, 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. 1. P9_TA(2020)0318. 2. P9_TA(2021)0040. 3. 13852/20.	<u>products and materials should become the norm in the Union market and not the exception and should be seen as the default choice, which is attractive, affordable and accessible for all consumers. The European Parliament also called for Union binding targets to significantly reduce Union material and consumption footprints.</u> 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 Circular and Green' adopted on 11 December 2020³, 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.	Green' adopted on 11 December 2020³, 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, that protects public health and biodiversity, and empowers and protects consumers and public buyers. 1. P9_TA(2020)0318. 2. P9_TA(2021)0040. 3. 13852/20.	

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		1. P9_TA(2020)0318. 2. P9_TA(2021)0040. 3. 13852/20.		
Recital 7				
16	(7) This Regulation should contribute to achieving the Union's climate and energy objectives. In line with the goals set out in the Paris Agreement, ratified by the Union in 2016¹, Regulation (EU) 2021/1119 of the European Parliament and of the Council, the 'European Climate Law'² establishes a binding Union domestic reduction commitment of net greenhouse gas emissions of at least 55 % by 2030 and enshrines in legislation the target of economy-wide climate neutrality by 2050. In 2021 the Commission adopted the Fit for 55 Package³ to make the Union's climate and	(7) This Regulation should contribute to achieving the Union's climate and energy objectives. In line with the goals set out in the Paris Agreement, ratified by the Union in 2016¹, Regulation (EU) 2021/1119 of the European Parliament and of the Council, the 'European Climate Law'² establishes a binding Union domestic reduction commitment of net greenhouse gas emissions of at least 55 % by 2030 and enshrines in legislation the target of economy-wide climate neutrality by 2050. In 2021 the Commission adopted the Fit for 55 Package³ to make the Union's climate and	(7) This Regulation should contribute to achieving the Union's climate and energy objectives. In line with the goals set out in the Paris Agreement, ratified by the Union in 2016¹, Regulation (EU) 2021/1119 of the European Parliament and of the Council, the 'European Climate Law'² establishes a binding Union domestic reduction commitment of net greenhouse gas emissions of at least 55 % by 2030 and enshrines in legislation the target of economy-wide climate neutrality by 2050. In 2021 the Commission adopted the Fit for 55 Package³ to make the Union's climate and	

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	energy policies fit for achieving these objectives. To do so, in line with the energy efficiency first principle enshrined in Directive (EU) 2018/2002 of the European Parliament and of the Council⁴, energy efficiency improvements need to be significantly stepped up, to around 36% in terms of final energy consumption by 2030⁵. Product requirements established under this Regulation should play a significant role towards this target by substantially decreasing products' energy footprint. These energy efficiency requirements will also reduce consumer vulnerability to energy price increases. As recognised by the Paris Agreement improving the sustainability of consumption and production will also play an important role in addressing climate change. _____ 1. Council Decision (EU) 2016/1841 of 5 October 2016 on the conclusion, on behalf of the European Union, of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change (OJ L 282, 19.10.2016, p. 1).	energy policies fit for achieving these objectives. To do so, in line with the energy efficiency first principle enshrined in Directive (EU) 2018/2002 of the European Parliament and of the Council⁴, energy efficiency improvements need to be significantly stepped up, to around 36% in terms of final energy consumption by 2030⁵. Product requirements established under this Regulation should play a significant role towards this target by substantially decreasing products' energy footprint. These energy efficiency requirements will also reduce consumer vulnerability to energy price increases. As recognised by the Paris Agreement improving the sustainability of consumption and production will also play an important role in addressing climate change. _____ 1. Council Decision (EU) 2016/1841 of 5 October 2016 on the conclusion, on behalf of the European Union, of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change (OJ L 282, 19.10.2016, p. 1).	energy policies fit for achieving these objectives.– To do so, in line with the energy efficiency first principle enshrined in Directive (EU) 2018/2002 of the European Parliament and of the Council⁴, energy efficiency improvements need to be significantly stepped up, to around 36% in terms of final energy consumption by 2030⁵. Product requirements established under this Regulation should play a significant role towards this target by substantially decreasing products' energy footprint. Those reaching–~~These~~ energy efficiency requirements will also reduce consumer vulnerability to energy price increases. As recognised by the Paris Agreement improving the sustainability of consumption and production will also play an important role in addressing climate change. _____ 1. Council Decision (EU) 2016/1841 of 5 October 2016 on the conclusion, on behalf of the European Union, of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change (OJ L 282, 19.10.2016, p. 1).	

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	2. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1). 3. https://ec.europa.eu/commission/presscorner/detail/en/IP_21_3541 4. Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency (OJ L 328, 21.12.2018, p. 210). 5. According to the impact assessment accompanying the Climate Target Plan (Stepping up Europe's 2030 climate ambition – Investing in a climate-neutral future for the benefit of our people, COM/2020/562 final) and to the [Energy Efficiency Directive proposal]	2. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1). 3. https://ec.europa.eu/commission/presscorner/detail/en/IP_21_3541 4. Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency (OJ L 328, 21.12.2018, p. 210). 5. According to the impact assessment accompanying the Climate Target Plan (Stepping up Europe's 2030 climate ambition – Investing in a climate-neutral future for the benefit of our people, COM/2020/562 final) and to the [Energy Efficiency Directive proposal]	1). 2. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law')– (OJ L 243, 9.7.2021, p. ~~4~~ 1). 3. https://ec.europa.eu/commission/presscorner/detail/en/IP_21_3541 4. Directive (EU) 2018/2002 of the European Parliament and of the Council of 11 December 2018 amending Directive 2012/27/EU on energy efficiency (OJ L 328, 21.12.2018, p. 210). 5. According to the impact assessment accompanying the Climate Target Plan (Stepping up Europe's 2030 climate ambition – Investing in a climate-neutral future for the benefit of our people, COM/2020/562 final) and to the [Energy Efficiency Directive proposal]	
Recital 8				
17	(8) This Regulation should also contribute to achieving the Union's	(8) This Regulation should also contribute to achieving the Union's	(8) This Regulation should also contribute to achieving the Union's	

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	wider environmental objectives. The 8th Environmental Action Programme¹ enshrines in a legal framework the Union's objective of staying within the planetary boundaries and identifies enabling conditions to achieve priority objectives, which include the transition to a non-toxic circular economy. The European Green Deal also calls for the Union to better monitor, report, prevent and remedy air, water, soil and consumer products pollution. This means that chemicals, materials and products have to be as safe and sustainable as possible by design and during their life cycle, leading to non-toxic material cycles². In addition, both the European Green Deal and the CEAP recognise that the Union internal market provides a critical mass that is able to influence global standards on product sustainability and product design. This Regulation should therefore play a significant role towards achieving several targets established under the United Nations' Sustainable Development Goals of the UN's 2030 Agenda for Sustainable Development 'Responsible consumption and	wider environmental objectives. The 8th Environmental Action Programme¹ enshrines in a legal framework the Union's objective of staying within the planetary boundaries and identifies enabling conditions to achieve priority objectives, which include the transition to a non-toxic circular economy. The European Green Deal also calls for the Union to better monitor, report, prevent and remedy air, water, soil and consumer products pollution. This means that chemicals, materials and products have to be ~~as or~~ <u>become</u> safe and sustainable ~~as possible~~ by design and during their life cycle, leading to non-toxic material cycles². In addition, both the European Green Deal and the CEAP recognise that the Union internal market provides a critical mass that is able to influence global standards on product sustainability and product design. This Regulation should therefore play a significant role towards achieving several targets established under the United Nations' Sustainable Development Goals of the UN's 2030 Agenda for Sustainable Development	wider environmental objectives. The 8th Environmental Action Programme¹ enshrines in a legal framework the Union's objective of staying within the planetary boundaries and identifies enabling conditions to achieve priority objectives, which include the transition to a non-toxic circular economy.– The European Green Deal also calls for the Union to better monitor, report, prevent and remedy air, water, soil and consumer products pollution. This means that chemicals, materials and products have to be as safe and sustainable as possible by design and during their life cycle, leading to non-toxic material cycles². In addition, both the European Green Deal and the CEAP recognise that the Union internal market provides a critical mass that is able to influence global standards on product sustainability and product design. This Regulation should therefore play a significant role towards achieving several targets established under the ~~United Nations'~~ Sustainable Development Goals of the ~~UN's~~ United Nations 2030 Agenda for Sustainable Development	

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	production’³, both inside and outside the Union. _____ 1. Decision (EU) 2022/.... of the European Parliament and of the Council of ... on a General Union Environment Action Programme to 2030 [Add reference when published in OJ – trilogue agreement 2 December 2021]. 2. As set out in the EU Action Plan Towards zero pollution for air, water and soil (COM(2021)400 final) and the Chemicals Strategy for Sustainability (COM(2020)667 final), which calls for embracing the zero pollution goals in production and consumption. 3. Including in particular targets under SDG 12 (“Responsible consumption and production”).	‘Responsible consumption and production’³, both inside and outside the Union. _____ 1. Decision (EU) 2022/.... of the European Parliament and of the Council of ... on a General Union Environment Action Programme to 2030 [Add reference when published in OJ – trilogue agreement 2 December 2021]. 2. As set out in the EU Action Plan Towards zero pollution for air, water and soil (COM(2021)400 final) and the Chemicals Strategy for Sustainability (COM(2020)667 final), which calls for embracing the zero pollution goals in production and consumption. 3. Including in particular targets under SDG 12 ("Responsible consumption and production").	‘Responsible consumption and production’³, both inside and outside the Union. _____ 1. Decision (EU) 2022/.... of the European Parliament and of the Council of ... on a General Union Environment Action Programme to 2030 [Add reference when published in OJ – trilogue agreement 2 December 2021]. 2. As set out in the EU Action Plan Towards zero pollution for air, water and soil (COM(2021)400 final) and the Chemicals Strategy for Sustainability (COM(2020)667 final), which calls for embracing the zero pollution goals in production and consumption. 3. Including in particular targets under SDG 12 ("Responsible consumption and production").	
Recital 9				
18	(9) Directive 2009/125/EC establishes a framework for the setting of ecodesign requirements for energy-related products. It has,	(9) Directive 2009/125/EC establishes a framework for the setting of ecodesign requirements for energy-related products. It has,	(9) Directive 2009/125/EC establishes a framework for the setting of ecodesign requirements for energy-related products. It has,	

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	in combination with Regulation (EU) 2017/1369 of the European Parliament and of the Council¹, significantly reduced EU primary energy demand for products and it is estimated these savings will continue to increase. Implementing measures adopted under Directive 2009/125/EC have also included requirements on circularity aspects, such as durability, reparability and recyclability. At the same time, instruments such as the EU Ecolabel, introduced by Regulation (EC) No 66/2010 of the European Parliament and of the Council² or the EU green public procurement criteria³ are broader in scope but have a reduced impact due to the limitations of voluntary approaches. _____ 1. Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017, p. 1). 2. Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1).	in combination with Regulation (EU) 2017/1369 of the European Parliament and of the Council¹, significantly reduced EU primary energy demand for products and it is estimated these savings will continue to increase. Implementing measures adopted under Directive 2009/125/EC have also included requirements on circularity aspects, such as durability, reparability and recyclability. At the same time, instruments such as the EU Ecolabel, introduced by Regulation (EC) No 66/2010 of the European Parliament and of the Council² or the EU green public procurement criteria³ are broader in scope but have a reduced impact due to the limitations of voluntary approaches. _____ 1. Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017, p. 1). 2. Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1).	~~in combination~~ Together with Regulation (EU) 2017/1369 of the European Parliament and of the Council¹, it has significantly reduced EU primary energy demand for products and it is estimated these savings will continue to increase. Implementing measures adopted under Directive 2009/125/EC have also included requirements on circularity aspects, such as durability, reparability and recyclability. At the same time, instruments such as the EU Ecolabel, introduced by Regulation (EC) No 66/2010 of the European Parliament and of the Council² or the EU green public procurement criteria³ are broader in scope but have a reduced impact due to the limitations of voluntary approaches. _____ 1. Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU (OJ L 198, 28.7.2017, p. 1). 2. Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ	

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	3. Communication “Public procurement for a better environment” (COM (2008) 400) https://ec.europa.eu/environment/gpp/eu_gpp_criteria_en.htm	3. Communication “Public procurement for a better environment” (COM (2008) 400) https://ec.europa.eu/environment/gpp/eu_gpp_criteria_en.htm	L 27, 30.1.2010, p. 1). 3. Communication "Public procurement for a better environment" (COM (2008) 400) https://ec.europa.eu/environment/gpp/eu_gpp_criteria_en.htm	
Recital 10				
19	(10) Directive 2009/125/EC has been generally successful in fostering the energy efficiency and some circularity aspects of energy-related products, and its approach has the potential to progressively address the sustainability of all products. To deliver on Green Deal commitments, this approach should be extended to other product groups and systematically address key aspects for increasing the environmental sustainability of products with binding requirements. By ensuring that only products that meet those requirements are placed on the Union market, this Regulation should not only improve the free movement of such products by	(10) Directive 2009/125/EC has been generally successful in fostering the energy efficiency and some circularity aspects of energy-related products, and its approach has the potential to progressively address the sustainability of all products. To deliver on Green Deal commitments, this approach should be extended to other product groups and systematically address key aspects for increasing the environmental sustainability of products with binding requirements. By ensuring that only products that meet those requirements are placed on the Union market, this Regulation should not only improve the free movement of such products by	(10) Directive 2009/125/EC has been generally successful in fostering the energy efficiency and some circularity aspects of energy-related products, and its ecodesign approach has the potential to progressively address the sustainability of all products. To deliver on Green Deal commitments, this approach should be extended to other product groups and systematically address key aspects for increasing the environmental sustainability of products with binding requirements. By ensuring that only products that meet those requirements are placed on the Union market, this Regulation should not only improve the free	

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	avoiding national disparities, but also reduce the negative life cycle environmental impacts of products for which such requirements are set.	avoiding national disparities, but also reduce the negative life cycle environmental impacts of products for which such requirements are set.	movement of such products by avoiding national disparities, but also reduce the negative life cycle environmental impacts of products for which such requirements are set.	
Recital 11				
20	(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	(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	(11) In order to create an effective and future-proof harmonised 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. Digital content that is an integral part of a physical product should also be included in the scope. This should allow the Commissions to take into account the broadest range of products possible when prioritising the ~~establishment~~ setting of ecodesign requirements and thereby maximise their effectiveness. Where needed,	

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	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 be the case for food and feed as defined in Regulation (EC) No 178/2002 of the European Parliament and of the Council¹, medicinal products for human use as defined in Directive 2001/83/EC of the European Parliament and of the Council², veterinary medicinal products as defined in Regulation (EU) 2019/6 of the European Parliament and of the Council³, living plants, animals and micro-organisms, products of human origin, and products of plants and animals relating directly to their future reproduction. _____ 1. 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	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 be the case for food and feed as defined in Regulation (EC) No 178/2002 of the European Parliament and of the Council¹, medicinal products for human use as defined in Directive 2001/83/EC of the European Parliament and of the Council², veterinary medicinal products as defined in Regulation (EU) 2019/6 of the European Parliament and of the Council³, living plants, animals and micro-organisms, products of human origin, and products of plants and animals relating directly to their future reproduction. _____ 1. 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	specific exemptions should be made when setting ecodesign requirements, in particular where ecodesign requirements are not necessary to contribute to the environmental sustainability of specific products parameters, or for example for products with a particular purpose that could not be fulfilled when complying with ~~ecodesign~~ecodesign requirements. In addition, ~~exemptions~~ exclusions 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 be the case for food and feed as defined in Regulation (EC) No 178/2002 of the European Parliament and of the Council¹, medicinal products for human use as defined in Directive 2001/83/EC of the European Parliament and of the Council², veterinary medicinal products as defined in Regulation (EU) 2019/6 of the European Parliament and of the Council³, living plants, animals and micro-organisms, products of human origin, ~~and~~ products of plants and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	matters of food safety (OJ L 31, 1.2.2002, p. 1). 2. 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). 3. 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).	matters of food safety (OJ L 31, 1.2.2002, p. 1). 2. 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). 3. 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).	animals relating directly to their future reproduction and vehicles as referred to in Article 2(1) of Regulation (EU) 2018/858, Regulation (EU) No 167/2013, and Regulation (EU) No 168/2013. 1. 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). 2. 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). 3. 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).	
Recital 12				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
21	(12) The proposal for a Directive of the European Parliament and of the Council on the energy performance of buildings (recast)¹ requires Member States to set minimum energy performance requirements for building elements that form part of the building envelope and system requirements in respect to overall energy performance, the proper installation and the appropriate dimensioning, adjustment and control of technical building systems installed in new or existing buildings. It is consistent with the objectives of this Regulation that these minimum energy performance requirements may in certain circumstances limit the installation of energy-related products which comply with this Regulation and its delegated acts, provided that such requirements do not constitute an unjustifiable market barrier. _____ 1. COM (2021) 802 final.	(12) The proposal for a Directive of the European Parliament and of the Council on the energy performance of buildings (recast)¹ requires Member States to set minimum energy performance requirements for building elements that form part of the building envelope and system requirements in respect to overall energy performance, the proper installation and the appropriate dimensioning, adjustment and control of technical building systems installed in new or existing buildings. It is consistent with the objectives of this Regulation that these minimum energy performance requirements may in certain circumstances limit the installation of energy-related products which comply with this Regulation and its delegated acts, provided that such requirements do not constitute an unjustifiable market barrier. _____ 1. COM (2021) 802 final.	(12) The proposal for a Directive of the European Parliament and of the Council on the energy performance of buildings (recast)¹ requires Member States to set minimum energy performance requirements for building elements that form part of the building envelope and system requirements in respect to overall energy performance, the proper installation and the appropriate dimensioning, adjustment and control of technical building systems installed in new or existing buildings. It is consistent with the objectives of this Regulation that these minimum energy performance requirements may in certain circumstances limit the installation of energy-related products which comply with this Regulation and its delegated acts, provided that such requirements do not constitute an unjustifiable market barrier. _____ 1. COM (2021) 802 final.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 12a				
21a		<u>(12a) The second-hand sector plays a specific role in promoting sustainable production and consumption, including in the development of new circular business models. Due to the specificities of this sector, which is based on prolonging the lifetime of a product and avoiding it becoming waste, second-hand products, in particular products that undergo refurbishment or repair, originating from within the Union should not be considered as new products that are placed on the market or put into service and should therefore not have to comply with ecodesign requirements Second-hand products imported from third countries should comply with ecodesign requirements, but it should be possible to exempt them provided that certain conditions are met.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 13				
22	(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	(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	(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 delegated acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by setting out the specific ecodesign requirements applicable. 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 in the same delegated act, such as electronic	

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	established where the technical similarities of product groups allow their environmental sustainability to be improved based on the same requirements.	established where the technical similarities of product groups allow their environmental sustainability to be improved based on the same requirements. <u><i>It is important that horizontal requirements be developed in particular on durability and repairability. Sufficient time should be provided to economic operators to adjust to new ecodesign requirements. Those horizontal requirements should take into account potential environmental benefits stemming from the use of one common charger for several products. Therefore, product groups with technical similarities should be required to be equipped with common chargers.</i></u>	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.	
Recital 13a				
22a			(13a) When defining the product group, the Commission should consider inter alia if products which are custom-made products and small series production	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			should be exempted from the application of all or parts of the ecodesign requirements. The Commission should ensure that such exemptions do not lead to circumvention.	
Recital 14				
23	(14) In order to allow the Commission to set requirements as appropriate to the product groups covered, ecodesign requirements should include performance and information requirements. Those requirements should be used to improve product aspects relevant for environmental sustainability, such as energy efficiency, durability, reparability and carbon and environmental footprints. Ecodesign requirements should be transparent, objective, proportionate and in compliance with international trade rules.	(14) In order to allow the Commission to set requirements as appropriate to the product groups covered, ecodesign requirements should include performance and information requirements. Those requirements should be used to improve <u>relevant</u> product aspects ~~relevant for~~ <u>concerning</u> environmental sustainability, such as energy efficiency, durability, ~~reparability~~ <u>repairability</u> , <u>reusability</u> , <u>recyclability</u> , and carbon and environmental footprints. Ecodesign requirements should be transparent, objective, proportionate and in compliance with international trade rules. <u>Those requirements should also</u>	(14) ~~In order to allow the Commission to set requirements as appropriate to the product groups covered,~~ Ecodesign requirements ~~should include~~ are performance and information requirements.- Those requirements should be used to improve product aspects relevant for environmental sustainability, such as energy efficiency, durability, reparability and carbon and environmental footprints. Ecodesign requirements should be transparent, objective, proportionate and in compliance with international trade rules. In view that circular and sustainable business models, including those based on the sale	

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		<u>be based on the product parameters referred to in Annex I and, in setting them, the Commission should take into account the Union's objectives in the fields of climate, environment and biodiversity, energy efficiency and resource security. Such requirements should contribute to decreasing the Union's environmental, material and consumption footprints in order to bring them within planetary boundaries as soon as possible.</u>	of second-hand goods, need to be promoted, ecodesign requirements should not apply to products already placed on the market. Products which are modified or reworked in such a substantial way that they are to be considered as new products to be placed on the market should however be subject to ecodesign requirements if they fall within the scope of a delegated act. This assessment should be made on a case-by-case basis and where applicable in line with product specific sectoral legislation. The "Commission's Blue Guide" on the implementation of EU product rules 2022 can also be a useful tool for determining when a product should be considered new when it is altered in a substantial manner. Refurbishment or repair of a product which do not meet the criteria of being waste should generally not be seen as resulting in a new product having been placed on the market.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 15				
24	(15) Once a delegated act setting ecodesign requirements is adopted by the Commission for a given product group, Member States should, in order to ensure the functioning of the internal market, no longer be allowed to set national performance requirements based on product parameters covered by such performance requirements laid down in that delegated act, and no longer be allowed to set national information requirements based on product parameters covered by such information requirements laid down in that delegated act. In order to ensure the functioning of the internal market, the Commission should be empowered to establish that no ecodesign requirements in the form of performance requirements and/or in the form of information requirements are necessary in relation to a specific product parameter.	(15) Once a delegated act setting ecodesign requirements is adopted by the Commission for a given product group, Member States should, in order to ensure the functioning of the internal market, no longer be allowed to set national performance requirements based on product parameters covered by such performance requirements laid down in that delegated act, and no longer be allowed to set national information requirements based on product parameters covered by such information requirements laid down in that delegated act. In order to ensure the functioning of the internal market, the Commission should be empowered to establish that no ecodesign requirements in the form of performance requirements and/or in the form of information requirements are necessary in relation to a specific product parameter. <u><i>It is important that the Commission duly justify its decision where it decides not to lay down performance or</i></u>	(15) Once a delegated act setting ecodesign requirements is adopted by the Commission for a given product group, Member States should, in order to ensure the functioning of the internal market, no longer be allowed to set national performance requirements based on product parameters covered by such performance requirements laid down in that delegated act, and no longer be allowed to set national information requirements based on product parameters covered by such information requirements laid down in that delegated act. In order to ~~ensure the functioning of~~ improve the environmental sustainability of products and to ensure their free movement within the internal market, the ~~Commission~~ empowerment to set ecodesign requirements should be ~~empowered to~~ include the possibility, in duly justified cases, to explicitly establish that no ecodesign requirements in the form of performance requirements	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>information requirements.</u>	and/or in the form of information requirements are necessary in relation to ~~performance~~ requirement or no information requirement or neither is to be set for specific product parameters. When a delegated act explicitly establishes, in such duly justified cases, that no performance or no information requirement or neither is to be set for a specific parameter, Member States should no longer be allowed to introduce or maintain national requirements based on product parameter parameters under this Regulation with the exception of setting minimum energy performance requirements in accordance with Directive 2010/31/EU.	
Recital 16				
25	(16) When establishing ecodesign requirements the Commission should take into account the nature	(16) When establishing ecodesign requirements the Commission should take into account the nature	(16) When establishing ~~setting~~ ecodesign requirements the Commission should take into	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and purpose of the products concerned as well as the characteristics of the relevant markets. For example, defence equipment has to be able to operate under specific and sometimes harsh conditions, which needs to be considered when setting ecodesign requirements. Certain information on defence equipment should not be disclosed and should be protected. Therefore, for military or sensitive equipment ecodesign requirements should take into account the security needs and the characteristics of the defence market, as defined in Directive 2009/81/EC of the European Parliament and of the Council¹. Similarly, the space industry is strategic for Europe and for its technological non-dependence. As space technologies operate in extreme conditions, any ecodesign requirements for space products should balance sustainability considerations with resilience and expected performance. Further, for medical devices as defined in Article 2(1) of Regulation (EU) 2017/745 on medical devices² and in vitro diagnostic medical devices as defined in Article 2(2) of	and purpose of the products concerned as well as the characteristics of the relevant markets. For example, defence equipment has to be able to operate under specific and sometimes harsh conditions, which needs to be considered when setting ecodesign requirements. Certain information on defence equipment should not be disclosed and should be protected. Therefore, for military or sensitive equipment ecodesign requirements should take into account the security needs and the characteristics of the defence market, as defined in Directive 2009/81/EC of the European Parliament and of the Council¹. Similarly, the space industry is strategic for Europe and for its technological non-dependence. As space technologies operate in extreme conditions, any ecodesign requirements for space products should balance sustainability considerations with resilience and expected performance. Further, for medical devices as defined in Article 2(1) of Regulation (EU) 2017/745 on medical devices² and in vitro diagnostic medical devices as defined in Article 2(2) of	account the nature and purpose of the products concerned as well as the characteristics of the relevant markets. For example, defence equipment has to be able to operate under specific and sometimes harsh conditions, which needs to be considered when setting ecodesign requirements. Certain information on defence equipment should not be disclosed and should be protected. ~~Therefore, for military or sensitive equipment ecodesign~~ Ecodesign requirements should thus not be set on products with the sole purpose of serving defence or national security. For dual-use products, any requirements should take into account the shall meet the criteria of not having negative impacts on security needs and activities of armed forces and take into account the characteristics of the defence market, as defined in Directive 2009/81/EC of the European Parliament and of the Council¹. Similarly, the space industry is strategic for Europe and for its technological non-dependence. As space technologies operate in extreme conditions, any ecodesign	

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	Regulation (EU) 2017/746 on in vitro diagnostic medical devices³, the Commission should take into account of the need to not negatively affect health and safety of patients and users. 1. Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC (OJ L 216, 20.8.2009, p. 76). 2. Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117 5.5.2017, p. 1). 3. Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).	Regulation (EU) 2017/746 on in vitro diagnostic medical devices³, the Commission should take into account of the need to not negatively affect health and safety of patients and users. 1. Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC (OJ L 216, 20.8.2009, p. 76). 2. Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117 5.5.2017, p. 1). 3. Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).	requirements for space products should balance sustainability considerations with resilience and expected performance. Further, for medical devices as defined in Article 2(1) of Regulation (EU) 2017/745 on medical devices² and ~~in vitro~~ ~~in vitro~~ diagnostic medical devices as defined in Article 2(2) of Regulation (EU) 2017/746 on ~~in vitro~~ ~~in vitro~~ diagnostic medical devices³, the Commission should take into account of the need to not negatively affect health and safety of patients and users. The Commission should furthermore, when assessing the characteristics of the market and preparing ecodesign requirements, strive to consider national characteristics, such as the different climate conditions in Member States and relevant national energy efficient practices and technologies, as well as practices and technologies used in Member States with proven beneficial environmental effects. 1. Directive 2009/81/EC of the European	

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			Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC (OJ L 216, 20.8.2009, p. 76). 2. Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117 5.5.2017, p. 1). 3. Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).	
Recital 17				
26	(17) To avoid duplication of efforts and regulatory burden, consistency should be ensured between this Regulation and requirements set in or pursuant to	(17) ~~To avoid duplication of efforts and regulatory burden,~~ Consistency should be ensured between this Regulation and requirements set in or pursuant to	(17) To avoid duplication of efforts and regulatory burden, consistency should be ensured between this Regulation and requirements set in or pursuant to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	other Union legislation, especially products, chemicals and waste legislation¹. However, the existence of empowerments under other Union legislation to set requirements with the same or similar effects as requirements under this Regulation does not limit the empowerments included in this Regulation, unless specified in this Regulation. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation of the circular economy package - options to address the interface between chemical, product and waste legislation (COM(2018) 32 final).	other Union legislation, especially products, chemicals, <u>packaging</u> and waste legislation¹. However, the existence of empowerments under other Union legislation to set requirements with the same or similar effects as requirements under this Regulation does not limit the empowerments included in this Regulation, unless specified in this Regulation. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation of the circular economy package - options to address the interface between chemical, product and waste legislation (COM(2018) 32 final).	other Union legislation, especially products, chemicals and waste legislation¹. However, the existence of empowerments under other Union legislation to set requirements with the same or similar effects as requirements under this Regulation does not limit the empowerments included in this Regulation, unless specified in this Regulation. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation of the circular economy package - options to address the interface between chemical, product and waste legislation (COM(2018) 32 final).	
Recital 17a				
26a			(17a) When considering ecodesign requirements, the Commission should pay close attention to existing Union	

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			legislation in order to avoid conflicts or overlaps with existing legal provisions. The Commission should in the early preparation of delegated acts setting out ecodesign requirements identify and evaluate whether, and then how, to address a specific product group that is already regulated by Union harmonization legislation to avoid duplications of requirements and ensure a coherent and legally clear treatment of the product group. In addition, the Commission should also assess how to best articulate the future ecodesign measures, be they product specific or horizontal, with other applicable Union frameworks in order to ensure optimal complementarity and to avoid conflicts and overlaps of obligations. In the unlikely event of a conflict between this Regulation and another Union legislation with the same objective of improving products' environmental sustainability, the specific provision in or derived from the legislation which regulates this in a more specific	

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			manner should apply.	
Recital 18				
27	(18) Delegated acts including ecodesign requirements should, as was the case under Directive 2009/125/EC, undergo a dedicated impact assessment and stakeholder consultation, and should be drawn up in line with the Commission's Better Regulation guidelines, and include an assessment of the international dimension and impacts on third countries. When doing so, the Commission should take due consideration of all aspects of the life cycle of the product and base its impact assessment on best available evidence. When preparing ecodesign requirements the Commission should use a scientific approach and also take into consideration relevant technical information in particular coming from Regulation (EC) No 66/2010 of the European Parliament and of	(18) Delegated acts including ecodesign requirements should, as was the case under Directive 2009/125/EC, undergo a dedicated impact assessment and stakeholder consultation, and should be drawn up in line with the Commission's Better Regulation guidelines, and include an assessment of the international dimension and impacts on third countries. When doing so, the Commission should take due consideration of all aspects of the life cycle of the product and base its impact assessment on best available evidence. When preparing ecodesign requirements the Commission should use a scientific approach and also take into consideration relevant technical information in particular coming from Regulation (EC) No 66/2010 of the European Parliament and of	(18) Delegated acts ~~including~~ pursuant to Article 4 setting ecodesign requirements should, as was the case for implementing measures under Directive 2009/125/EC, undergo a dedicated impact assessment and stakeholder consultation, and should be drawn up in line with the Commission's Better Regulation guidelines, and include an assessment of the international dimension and impacts on third countries. When ~~doing so~~ drawing up the impact assessment , the Commission should take due consideration of all aspects of the life cycle of the product and base its impact assessment on best available evidence. When preparing ecodesign requirements the Commission should use a scientific approach and also take into consideration relevant	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the Council¹, Directive 2010/75/EU of the European Parliament and of the Council², technical screening criteria adopted pursuant to Regulation (EU) 2020/852 of the European Parliament and of the Council³ and green public procurement criteria⁴. 1. Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1). 2. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17). 3. Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13). 4. Communication “Public procurement for a better environment” (COM (2008) 400)	the Council¹, Directive 2010/75/EU of the European Parliament and of the Council², technical screening criteria adopted pursuant to Regulation (EU) 2020/852 of the European Parliament and of the Council³ and green public procurement criteria⁴. 1. Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1). 2. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17). 3. Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13). 4. Communication “Public procurement for a better environment” (COM (2008) 400)	technical information in particular coming from Regulation (EC) No 66/2010 of the European Parliament and of the Council¹, Directive 2010/75/EU of the European Parliament and of the Council², technical screening criteria adopted pursuant to Regulation (EU) 2020/852 of the European Parliament and of the Council³ and green public procurement criteria⁴. 1. Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1). 2. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17). 3. Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13). 4. Communication "Public procurement for a better environment" (COM (2008) 400)	

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Recital 18a				
27a			(18a) In the specific context of preparing ecodesign requirements, it is of utmost importance that all necessary expertise, including through the consultation of Member States' experts and through public consultations is taken into consideration. A dedicated Ecodesign Expert Group should hence be established for the consultation of experts designated by the Member States prior to the adoption of all delegated acts setting out ecodesign requirements pursuant to this Regulation.	
Recital 18b				
27b			(18b) In accordance with the	

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			principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making, it will be for the Member States to decide which experts are to participate in the Ecodesign Expert Group. Members of that group should be consulted in a timely manner and be provided with the draft delegated acts, the draft agenda and any other relevant documents in sufficient time to prepare. At the end of any meeting of the Ecodesign Expert Group or in the follow-up to such meetings, the Commission services should state the conclusions they have drawn from the discussions, including how they will take the experts' views into consideration and how they intend to proceed. Those conclusions should be recorded in the minutes of the meeting. Where the material content of a draft delegated act is changed in any way, the Commission should give members of the Ecodesign Expert Group the opportunity to react.	

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Recital 19				
28	(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) 2021/2279¹, including as regards temporary storage of carbon, as well as the development of	(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) 2021/2279¹, including as regards temporary storage of carbon, as well as the development of standards by	(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. Such methods are to be 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~~ including, but not limited to, the update of the methodology for ecodesign of energy-related products, and the Product Environmental Footprint method set out in Commission Recommendation (EU) 2021/2279¹, including as regards temporary storage of carbon, as	

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	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. _____ 1. Commission Recommendation (EU) 2021/2279 of 15 December 2021 on the use of the Environmental Footprint methods to measure and communicate the life cycle environmental performance of products and organisations.	international and European standardisation organisations, including on the material efficiency of energy-related products, <u>as well as the area of electrical engineering</u>. Building on these tools and using dedicated studies when needed, the Commission should further reinforce circularity aspects (such as durability, ~~reparability~~<u>repairability</u> including ~~reparability~~<u>repairability</u> scoring, <u>recyclability, reusability</u>, identification of chemicals hindering re-use and recycling) in the assessment of products ~~and in~~, <u>in accordance with a lifecycle approach with a view to</u> 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. _____ 1. Commission Recommendation (EU) 2021/2279 of 15 December 2021 on the use of the Environmental Footprint	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, keeping the Ecodesign Expert Group and Ecodesign Forum informed. The Commission should take into account the comparability of data and the aggregability and usability of data in the supply chain. The Commission may rely on multiple methodologies, as relevant, while still ensuring a consistent approach when identifying the corresponding requirements. Information related to environmental life cycle indicators, like carbon footprint, should be calculated	

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		methods to measure and communicate the life cycle environmental performance of products and organisations.	taking into consideration existing and internationally established methods as well as already implemented in European legislations and scientific methods recommended by international and European standardisation organisations. In particular, when it comes to the modelling of the energy used in manufacturing processes, particular consideration should be given to modelling of the energy mix that would also take into account issues like Power Purchase Agreements, guarantees of origin and own electricity production. ~~New approaches may also be needed for the preparation of mandatory public procurement criteria and for bans on the destruction of unsold consumer products.~~ 1. Commission Recommendation (EU) 2021/2279 of 15 December 2021 on the use of the Environmental Footprint methods to measure and communicate the life cycle environmental performance of products and organisations.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 20				
29	(20) Performance requirements should relate to a selected product parameter relevant to the targeted product aspect for which potential for improving environmental sustainability has been identified. Such requirements may include minimum or maximum levels of performance in relation to the product parameter, non-quantitative requirements that aim to improve performance in relation to the product parameter, or requirements related to a product's functional performance to ensure that the selected performance requirements do not negatively impact the ability of the product to perform the function for which it was designed and marketed. Regarding minimum or maximum levels, they may for example take the form of a limit on energy consumption in the use phase or on the quantities of a given material	(20) Performance requirements should relate to a selected product parameter relevant to the targeted product aspect for which potential for improving environmental sustainability has been identified. Such requirements may include minimum or maximum levels of performance in relation to the product parameter, non-quantitative requirements that aim to improve performance in relation to the product parameter, or requirements related to a product's functional performance to ensure that the selected performance requirements do not negatively impact the ability of the product to perform the function for which it was designed and marketed. Regarding minimum or maximum levels, they may for example take the form of a limit on energy consumption in the use phase or on the quantities of a given material	(20) Performance requirements should relate to a selected product parameter relevant to the targeted product aspect for which potential for improving environmental sustainability has been identified. Such requirements may include minimum or maximum levels of performance in relation to the product parameter, non-quantitative requirements that aim to improve performance in relation to the product parameter, or requirements related to a product's functional performance to ensure that the selected performance requirements do not negatively impact the ability of the product to perform the function for which it was designed and marketed. Regarding minimum or maximum levels, they may for example take the form of a limit on energy consumption in the use phase or on the quantities of a given material	

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	incorporated in the product, a requirement for minimum quantities of recycled content, or a limit on a specific environmental impact category or on an aggregation of all relevant environmental impacts. An example of a non-quantitative requirement is the prohibition of a specific technical solution that is detrimental to product reparability. Performance requirements will be used to ensure the removal of the worst performing products from the market where this is necessary to contribute to the environmental sustainability objectives of the Regulation.	incorporated in the product, a requirement for minimum quantities of recycled content <u>while taking into consideration the availability of recyclates</u>, or a limit on a specific environmental impact category or on an aggregation of all relevant environmental impacts. An example of a non-quantitative requirement is the prohibition of a specific technical solution that is detrimental to product ~~reparability~~<u>repairability</u>. Performance requirements will be used to ensure the removal of the worst performing products from the market <u>and to gradually move to the best performing products</u> where this is necessary to contribute to the environmental sustainability objectives of the Regulation. <u>This Regulation should also consider the use of sustainably-sourced renewable materials in products and address the release of nano- and micro-plastics.</u>	incorporated in the product, a requirement for minimum quantities of recycled content, or a limit on a specific environmental impact category or on an aggregation of all relevant environmental impacts. An example of a non-quantitative requirement is the prohibition of a specific technical solution that is detrimental to product reparability. Performance requirements will be used to ensure the removal of the worst performing products from the market where this is necessary to contribute to the environmental sustainability objectives of the Regulation. A performance requirement should aim to make sure the total positive impacts on all aspects and parameters resulting from the requirement outweigh the total negative impacts on all aspects and parameters, and that the requirement is set at a level providing the highest environmental sustainability benefits while the costs fulfil the criteria that there should be no significant negative impact on consumers in terms of the affordability of relevant	

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			products, no disproportionate negative impact on the competitiveness of economic actors, at least of SMEs and no disproportionate administrative burden on manufacturers or other economic actors. When the Commission envisages a combination of requirements, it should assess them as a whole and identify the combination of requirements that delivers the highest environmental sustainability benefits while the costs fulfil the same criteria.	
Recital 21				
30	(21) In order to ensure consistency, performance requirements should complement the implementation of Union legislation on waste. While requirements for placing on the market packaging as a final product are laid down under European Parliament and Council Directive 94/62/EC ¹ , this	(21) In order to ensure consistency, performance requirements should complement the implementation of Union legislation on waste. While requirements for placing on the market packaging as a final product are laid down under European Parliament and Council Directive 94/62/EC ¹ , this	(21) In order to ensure consistency, performance requirements should complement the implementation of Union legislation on waste. While Requirements for placing on the market packaging as a final product are to be laid down under European Parliament and Council Directive 94/62/EC ¹ . This	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation may complement that Directive by setting product-based requirements focussing on the packaging of specific products when placed on the market. Where relevant, such complementary requirements should contribute in particular to minimising the amount of packaging used, in turn contributing to the prevention of waste generation in the Union. _____ 1. European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).	Regulation may complement that Directive by setting product-based requirements focussing on the packaging of specific products when placed on the market. Where relevant, such complementary requirements should contribute in particular to minimising the amount of packaging used, in turn contributing to the prevention of waste generation in the Union. _____ 1. European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).	Regulation may only, in exceptional cases and when duly motivated, complement that Directive by setting product-based requirements focussing on the packaging of specific products where such a requirement does not in any way duplicate when placed on the market. Where relevant, such complementary requirements should contribute in particular to minimising under Directive 94/62/EC and is of importance to minimise the amount of packaging used or where design or re-design of products will lead to environmentally less impactful packaging, and will effectively contribute, in turn contributing to the prevention of waste generation in the Union. _____ 1. European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994, p. 10).	
Recital 22				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
31	(22) Chemical safety is a recognised element of product sustainability. It is based on chemicals' intrinsic hazards to health or the environment in combination with specific or generic exposure, and is addressed by chemicals legislation, such as Regulation (EC) No 1935/2004 of the European Parliament and of the Council¹, Regulation (EC) No 1907/2006 of the European Parliament and of the Council², Regulation (EC) No 1223/2009 of the European Parliament and of the Council³, Regulation (EU) 2017/745 of the European Parliament and of the Council⁴ and Directive 2009/48/EC of the European Parliament and of the Council⁵. This Regulation should not enable the restriction of substances based on chemical safety, as done under other Union legislation. Similarly, this Regulation should not enable the restriction of substances for reasons related to food safety. Union law on chemicals and food, however, does not allow	(22) Chemical safety is a recognised element of product sustainability. It is based on chemicals' intrinsic hazards to health or the environment in combination with specific or generic exposure, and is addressed by chemicals legislation, such as Regulation (EC) No 1935/2004 of the European Parliament and of the Council¹, Regulation (EC) No 1907/2006 of the European Parliament and of the Council², Regulation (EC) No 1223/2009³ of the European Parliament and of the Council³, Regulation (EU) 2017/745 of the European Parliament and of the Council⁴ and Directive 2009/48/EC of the European Parliament and of the Council⁵. This Regulation should not enable the restriction of substances based on chemical safety, as done under other Union legislation. ~~Similarly,~~ <u>unless there is an unacceptable risk to human health or the environment, arising from the use of a substance present in the product or product component when it is</u>	(22) Chemical safety is a recognised element of product sustainability. It is based on chemicals' intrinsic hazards to health or the environment in combination with specific or generic exposure, and is addressed by chemicals legislation, such as Regulation (EC) No 1935/2004 of the European Parliament and of the Council¹, Regulation (EC) No 1907/2006 of the European Parliament and of the Council², Regulation (EC) No 1272/2008³, Regulation (EC) No 1223/2009 of the European Parliament and of the Council³⁴, Regulation (EU) 2017/745 of the European Parliament and of the Council⁵, Regulation (EU) 2019/1021 of the European Parliament and of the Council^{6,-4} and Directive 2009/48/EC of the European Parliament and of the Council⁵⁷. This Regulation should not enable the restriction of substances based on chemical safety, as done under other Union legislation. Similarly, this Regulation should not enable the restriction of substances for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	addressing, through restrictions on certain substances, impacts on sustainability that are unrelated to chemical safety or food safety. To overcome this limitation, this Regulation should allow, under certain conditions, for the restriction, primarily for reasons other than chemical or food safety, of substances present in products or used in their manufacturing processes which negatively affect products' sustainability. This Regulation also should not result in the duplication or replacement of restrictions of substances covered by Directive 2011/65/EU of the European Parliament and of the Council⁶, which has as its objective the protection of human health and the environment, including the environmentally sound recovery and disposal of waste from electrical and electronic equipment _____ 1. Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338, 13.11.2004, p. 4).	<u>placed on the market or during the subsequent stages of its lifecycle.</u> This Regulation should not enable the restriction of substances for reasons related to food safety. Union law on chemicals and food, however, does not allow addressing, through restrictions on certain substances, impacts on sustainability that are unrelated to chemical safety or food safety. To overcome this limitation, this Regulation should allow, under certain conditions, for the restriction, ~~primarily for reasons other than chemical or food safety,~~ of substances present in products ~~or used in their manufacturing processes~~ which negatively affect products' sustainability. This Regulation ~~also~~ should <u>complement, where necessary, but</u> not result in the duplication or replacement of restrictions of substances covered by Directive 2011/65/EU of the European Parliament and of the Council⁶, which has as its objective the protection of human health and the environment, including the environmentally sound recovery and disposal of waste from	reasons related to food safety. Union law on chemicals and food, however, does not allow addressing, through restrictions on certain substances, impacts on sustainability that are unrelated to chemical safety or food safety. To overcome this limitation, this Regulation should allow, under certain conditions, for the restriction, primarily for reasons other than chemical or food safety, of substances present in products or used in their manufacturing processes which negatively affect products' sustainability. ~~This Regulation also should not result in the duplication or replacement of restrictions of substances covered by Directive 2011/65/EU of the European Parliament and of the Council⁶, which has as its objective the protection of human health and the environment, including the environmentally sound recovery and disposal of waste from electrical and electronic equipment~~ _____ 1. Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1). 3. Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59). 4. Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176). 5. Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1). 6. Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011, p. 88).	electrical and electronic equipment. 1. Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338, 13.11.2004, p. 4). 2. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1). 3. Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59). 4. Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).	intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338, 13.11.2004, p. 4). 2. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1). 3. Regulation (EC) ~~No 1223/2009~~ No 1272/2008 of the European Parliament and of the Council of ~~30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59)~~ 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 4. Regulation (EU) ~~2017/746~~ No 1223/2009 of the European Parliament and of the Council of ~~5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176)~~ 30 November 2009 on cosmetic products (OJ L 342, 22.12.2009, p. 59).	

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		5. Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1). 6. Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011, p. 88).	~~5. Directive 2009/48/EC~~ Regulation (EU) 2017/746 of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1) 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176). ~~6. Directive 2011/65/EU~~ Regulation (EU) 2019/1021 of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011, p. 88) 20 June 2019 on persistent organic pollutants (OJ L 169, 25.6.2019, p. 45–77): 7. Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1).	
Recital 22a				
31a			(22a) The Commission, when setting performance requirements, should be able to prevent substances that hinder	

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			circularity from being included in a product. The identification of such substances should be part of the Commission's assessment prior to the setting of ecodesign requirements for a specific product group and the Commission should in this assessment, for instance, take into account whether a substance makes the re-use or recycling of a product more complicated or negatively affects the properties of the recycled material, for example through its colour or smell. Where a substance has already been established as being a substance that hinders circularity for another product group, this can be an indication that it also hinders circularity for other product groups. The identification, and possible restriction, of a substance that hinders circularity should also trigger an information requirement. The Commission should, as appropriate, consult stakeholders and the Ecodesign Expert Group on determining which substances are of concern in the consultation related to the preparation of ecodesign	

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			requirements. This Regulation should not result in the duplication or replacement of restrictions of substances covered by Directive 2011/65/EU of the European Parliament and of the Council¹, which has as its objective the protection of human health and the environment, including the environmentally sound recovery and disposal of waste from electrical and electronic equipment. _____ 1. Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011, p. 88).	
Recital 23				
32	(23) To improve environmental sustainability of products, information requirements should	(23) To improve environmental sustainability of products, information requirements should	(23) To improve environmental sustainability of products, information requirements should	

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	relate to a selected product parameter relevant to the product aspect, such as the product's environmental footprint or its durability. They may require manufacturer to make available information on the product's performance in relation to a selected product parameter or other information that may influence the way the product is handled by parties other than the manufacturer in order to improve performance in relation to such a parameter. Such information requirements should be set either in addition to, or in place of, performance requirements on the same product parameter as appropriate. Where a delegated act includes information requirements, it should indicate the method for making the required information available, such as its inclusion on a free-access website, product passport or product label. Information requirements are necessary to lead to the behavioural change needed to ensure that the environmental sustainability objectives of this Regulation are achieved. By providing a solid basis for purchasers and public authorities to	relate to a selected product parameter relevant to the product aspect, such as the product's environmental <u>and carbon</u> footprint ~~or~~ <u>and</u> its durability. They ~~may~~ <u>should</u> require manufacturer to make available information on the product's performance in relation to a selected product parameter or other information that may influence the way the product is handled by parties other than the manufacturer in order to improve performance in relation to such a parameter. Such information requirements should be set either in addition to, or in place of, performance requirements on the same product parameter as appropriate. <u>It is important that the Commission duly justify its decision to only lay down information requirements instead of performance requirements.</u> Where a delegated act includes information requirements, it should indicate the method for making the required information available <u>and easily accessible</u>, such as its inclusion on a free-access website, product passport or product label. <u>Essential information relating to the health, safety and rights of</u>	relate to a selected product parameter relevant to the product aspect, such as the product's environmental footprint or its durability. They may require ~~manufacturer~~ manufacturers to make available information on the product's performance in relation to a selected product parameter or other information that may influence the way the product is handled by parties other than the manufacturer in order to improve performance in relation to such a parameter. Such information requirements should be set either in addition to, or in place of, performance requirements on the same product parameter as appropriate. For relevant product groups horizontal requirements should be considered in order to speed up the transition to a circular economy. Where a delegated act includes information requirements, it should indicate the method for making the required information available, such as its inclusion on a free-access website, product passport or product label. Information requirements are necessary to lead to the behavioural change needed to	

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	compare products on the basis of their environmental sustainability, information requirements are expected to drive consumers and public authorities towards more sustainable choices.	<u>end-users should always be provided to consumers by physical means and be accessible through a data carrier included on the product.</u> Information requirements are necessary to lead to the behavioural change needed to ensure that the environmental sustainability objectives of this Regulation are achieved. <u>Information relevant for an informed purchasing decision should be provided to the consumer prior to the purchase of the product.</u> By providing a solid basis for purchasers and public authorities to compare products on the basis of their environmental sustainability, information requirements are expected to drive consumers and public authorities towards more sustainable choices.	ensure that the environmental sustainability objectives of this Regulation are achieved. By providing a solid basis for purchasers and public authorities to compare products on the basis of their environmental sustainability, information requirements are expected to drive consumers and public authorities towards more sustainable choices.	
Recital 24				
33	(24) Where delegated acts include information requirements, they may in addition determine classes	(24) Where delegated acts include information requirements, they may in addition determine classes	(24) Where delegated acts include information requirements, they may in addition determine classes	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of performance in relation to one or more relevant product parameters, in order to facilitate comparison between products on the basis of that parameter. Classes of performance should enable differentiation of products based on their relative sustainability and could be used by both consumers and public authorities. As such, they are intended to drive the market towards more sustainable products.	of performance in relation to one or more relevant product parameters, in order to facilitate comparison between products on the basis of that parameter. Classes of performance should enable differentiation of products based on their relative sustainability and could be used by both consumers and public authorities. As such, they are intended to drive the market towards more sustainable products <u>without compromising functionality. As information requirements on the durability and repairability of products play a central role as regards consumers engaging in sustainable consumption patterns, this Regulation should enable the establishment of repairability scores.</u>	of performance in relation to one or more relevant product parameters, in order to facilitate comparison between products on the basis of that parameter. Classes of performance should enable differentiation of products based on their relative sustainability and could be used by both consumers and public authorities. As such, they are intended to drive the market towards more sustainable products.	
Recital 25				
34	(25) Information on the presence of substances of concern in products is a key element to	(25) Information on the presence of substances of concern in products is a key element to	(25) Information on the presence of substances of concern in products is a key element to	

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	identify and promote products that are sustainable. The chemical composition of products determines largely their functionalities and impacts, as well as the possibilities for their re-use or for recovery once they become waste. The Chemicals Strategy for Sustainability¹ calls for minimising the presence of substances of concern in products, and ensuring the availability of information on chemical content and safe use, by introducing information requirements and tracking the presence of substances of concern throughout the life cycle of materials and products. Regulation (EC) No 1272/2008 of the European Parliament and of the Council² and other existing chemicals legislation such as Regulation (EC) No 1223/2009 already ensure communication on hazards to health or the environment posed by certain substances of concern on their own or in a mixture. Users of substances and mixtures should also be informed about pertinent sustainability-related information not primarily related to hazards to health or the environment.	identify and promote products that are sustainable. The chemical composition of products determines largely their functionalities and impacts, as well as the possibilities for their re-use or for recovery once they become waste. The Chemicals Strategy for Sustainability¹ calls for minimising the presence of substances of concern in products, and ensuring the availability of information on chemical content and safe use, by introducing information requirements and tracking the presence of substances of concern throughout the life cycle of materials and products. Regulation (EC) No 1272/2008 of the European Parliament and of the Council² and other existing chemicals legislation such as Regulation (EC) No 1223/2009 already ensure communication on hazards to health or the environment posed by certain substances of concern on their own or in a mixture. Users of substances and mixtures should also be informed about pertinent sustainability-related information not primarily related to hazards to health or the environment.	identify and promote products that are sustainable. The chemical composition of products determines largely their functionalities and impacts, as well as the possibilities for their re-use or for recovery once they become waste. The Chemicals Strategy for Sustainability¹ calls for minimising the presence of substances of concern in products, and ensuring the availability of information on chemical content and safe use, by introducing information requirements and tracking the presence of substances of concern throughout the life cycle of materials and products. Regulation (EC) No 1272/2008 of the European Parliament and of the Council² and other existing chemicals legislation such as Regulation (EC) No 1223/2009 already ensure communication on hazards to health or the environment posed by certain substances of concern on their own or in a mixture. Users of substances and mixtures should also be informed about pertinent sustainability-related information not primarily related to hazards to health or the environment.	

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	Furthermore, users of products other than substances or mixtures, and managers of waste from such products, should also receive sustainability-related information, including information primarily related to chemicals' hazards to health or the environment. Therefore, this Regulation should allow for the setting of requirements related to the tracking and communication of sustainability information, including the presence of substances of concern in products throughout their life cycle, including with a view to their decontamination and recovery when they become waste. Such a framework should aim to progressively cover all substances of concern in all products listed in working plans setting out the product groups the Commission intends to tackle. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Chemicals Strategy for Sustainability Towards a Toxic-Free Environment	Furthermore, users of products other than substances or mixtures, and managers of waste from such products, should also receive sustainability-related information, including information primarily related to chemicals' hazards to health or the environment. Therefore, this Regulation should allow for the setting of requirements related to the tracking and communication of sustainability information, including the presence of substances of concern in products throughout their life cycle, including with a view to their decontamination and recovery when they become waste. Such a framework should aim to progressively cover all substances of concern in all products listed in working plans setting out the product groups the Commission intends to tackle. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Chemicals Strategy for Sustainability Towards a Toxic-Free Environment	Furthermore, users of products other than substances or mixtures, and managers of waste from such products, should also receive sustainability-related information, including information primarily related to chemicals' hazards to health or the environment. Therefore, this Regulation should allow for the setting of requirements related to the tracking and communication of sustainability information, including the presence of substances of concern in products throughout their life cycle, including with a view to their decontamination and recovery when they become waste. Such a framework should aim to progressively cover all substances of concern in all products listed in working plans setting out the list of product groups to be prioritised for ecodesign requirements. Such requirements on the tracking of substances of concern should by default be included where an information requirement is to be set under this Regulation, after relevant impact assessment and consultation on ecodesign requirements with stakeholders	

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	COM(2020)667 final. 2. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).	COM(2020)667 final. 2. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).	and experts has taken place. At the same time, requirements to track substances could, under some circumstances, entail high administrative burdens. Requirement on substances of concern will always need to be specified in such a way that ensures the criteria applicable to ecodesign requirements are fulfilled. In order for the Commission intends to tackle to make sure information requirements on substances of concern fulfil this, including that requirements do not entail disproportionate administrative negative impact on economic operators, the Commission should be able to make a differentiation between substances of concern and, for instance, lay down longer deadlines for the entry into application of the information requirements on certain substances of concern and in duly justified cases, provide exemptions from the requirements. An exemption based on technical feasibility may apply in cases where the presence of a substances in a	

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			product cannot be verified with the current available technologies. It might also be relevant to set thresholds for such reasons. 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Chemicals Strategy for Sustainability Towards a Toxic-Free Environment COM(2020)667 final. 2. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).	
Recital 25a				
34a			(25a) When setting thresholds for information requirements on substances of concern and concentration limits for the	

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			restrictions of substances in the relevant products, the Commission should take into consideration existing thresholds and concentration limits under union law, in particular under Regulation (EU) 1272/2008 and Regulation (EU) 1907/2006, and other product sectoral legislation. When appropriate, the Commission should align thresholds or concentration limits to reduce the administrative burden put on companies.	
Recital 25b				
34b			(25b) When establishing the date of application of the first delegated acts establishing ecodesign requirements under this Regulation, the Commission should take into consideration that Member States have to adapt national measures, not least those relating to market	

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			surveillance.	
Recital 26				
35	(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	(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-~~<u>end- to-end</u> 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~~<u>product</u>, allow economic operators <u>and</u> other value chain actors, such as <u>professional repairers, independent operators, refurbishers</u> or recyclers to access relevant information, and enable competent national authorities to	(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 and 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	

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	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 information on other sustainability aspects applicable to the relevant product group pursuant to other Union legislation.	perform their duties, <u>without endangering the protection of confidential business information</u> . 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~~ <u>the</u> label. In addition, it should be possible for the product passport to be used for information on other sustainability aspects applicable to the relevant product group pursuant to other Union legislation.	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 information on other sustainability aspects applicable to the relevant product group pursuant to other Union legislation.	
Recital 26a				
35a			(26a) When determining in the delegated acts setting ecodesign requirements the period for which the product passport is to remain available, the duration of the life cycle of the specific product group should be taken into consideration with a view to ensuring information on the product remains available also	

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			for end-of-life operations when appropriate considering the administrative burden of economic actors.	
Recital 26b				
35b			(26b) Actors such as manufacturers, repairers, refurbishers and other economic actors but also competent national authorities may be given a right to update the product passport. Economic actors who repair, upgrade or refurbish a product after it has been placed on the market should for example, where appropriate, be given the right to update the product passport in order for more accurate information to be given. The economic operator should guarantee that each previous version of the product passport is separately stored and remains accessible. Competent national authorities could be given a right to update the	

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			product passport for example in situations where a product is no longer in conformity.	
Recital 27				
36	(27) To take account of the nature of the product and its market, the information to be included in the product passport should be carefully examined on a case-by-case basis when preparing product-specific rules. To optimise access to the resulting information while also protecting intellectual property rights, the product passport needs to be designed and implemented allowing differentiated access to the information included in the product passport depending on the type of information and the typology of stakeholders. Similarly, to avoid costs to companies and the public that are disproportionate to the wider benefits, the product passport should be specific to the item, batch or product model, depending	(27) To take account of the nature of the product and its market, the information to be included in the product passport should be carefully examined on a case-by-case basis when preparing product-specific rules, <u>taking into consideration the cases of unique items and protection of confidential business information</u>. To optimise access to the resulting information while also protecting intellectual property rights, the product passport needs to be designed and implemented allowing differentiated access to the information included in the product passport depending on the type of information and the typology of stakeholders. Similarly, to avoid costs to companies and the public that are	(27) To take account of the nature of the product and its market, the information to be included in the product passport should be carefully examined on a case-by-case basis when preparing product-specific rules. To optimise access to the resulting information while also protecting intellectual property rights, the product passport needs to be designed and implemented allowing differentiated access to the information included in the product passport depending on the type of information and the typology of stakeholders. Similarly, to avoid costs to companies and the public that are disproportionate to the wider benefits, the product passport should be specific to the item, batch or product model, depending	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	on for example the complexity of the value chain, the size, nature or impacts of the products considered.	disproportionate to the wider benefits, the product passport should be specific to the item, batch or product model, depending on for example the complexity of the value chain, the size, nature or impacts of the products considered. <u>The product passport should remain available for at least the expected lifetime of a specific product, but with an adequate margin to ensure the product passport is available in cases in which the product lasts for longer than expected.</u>	on for example the complexity of the value chain, the size, nature or impacts of the products considered. The impact assessment carried out when preparing delegated act setting ecodesign requirements should analyse the costs and benefits of setting information requirements through product passports on model, batch or item level. A ‘model’ usually means a version of a product of which all units share the same technical characteristics relevant for the ecodesign requirements and the same model identifier, a ‘batch’ usually means a subset of a specific model composed of all products produced in a specific manufacturing plant at a specific moment in time and an ‘item’ usually means a single unit of a model. The impact assessment should also, to the extent that the product passport relies on standards which are not free of charge, consider whether this is suitable and how disproportionate costs for SMEs can be avoided .	

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Recital 27a				
36a			(27a) Union law already establishes various information requirements for products and sets up systems to make this information available to economic operators and consumers. Whenever feasible, the Commission should aim to ensure consistency and to reduce the administrative burden on economic operators due to potential duplication of reporting obligations under other Union legislations and information requirements under this Regulation. In particular, the Commission should consider linking information requirements under this Regulation to other existing information requirements under EU law, such as the obligation to provide safety data sheets for substances and mixtures according to Regulation (EC) No 1907/2006. When feasible, the Commission should also link the product passport to existing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Union databases and tools such as EPREL or SCIP.	
Recital 28				
37	(28) In order to ensure interoperability, the types of permitted data carriers should be specified. For the same reason, the data carrier and the unique product identifier should be released in accordance with internationally recognised standards. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend this Regulation by replacing or adding standards in accordance with which the data carrier and the unique identifiers may be released, in light of technical or scientific progress. This should ensure that the information contained in the product passport can be recorded and transmitted by all economic operators, as well as to guarantee the compatibility of the unique identifier with external components	(28) In order to ensure interoperability, the types of permitted data carriers should be specified. For the same reason, the data carrier and the unique product identifier should be released in accordance with internationally recognised standards. The <u>data should be transferable through an open interoperable data exchange network without vendor lock-in.</u> The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend this Regulation by replacing or adding standards in accordance with which the data carrier and the unique identifiers may be released, in light of technical or scientific progress. This should ensure that the information contained in the product passport can be recorded	(28) In order to ensure interoperability, the types of permitted data carriers should be specified. For the same reason, the data carrier and the unique product identifier should be released in accordance with internationally recognised standards. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend this Regulation by replacing or adding standards in accordance with which the data carrier and the unique identifiers may be released, in light of technical or scientific progress. This should ensure that the information contained in the product passport can be recorded and transmitted by all economic operators, as well as to guarantee the compatibility of the unique identifier with external components	

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	such as scanning devices.	and transmitted by all economic operators, as well as to guarantee the compatibility of the unique identifier with external components such as scanning devices.	such as scanning devices.	
Recital 29				
38	(29) In order to not unnecessarily delay the establishment of ecodesign requirements other than on the product passport or to ensure that product passports can be effectively implemented, the Commission should be allowed to exempt product groups from the product passport requirements in case technical specifications are not available in relation to the essential requirements for the technical design and operation of the product passport. Similarly, in order to prevent unnecessary administrative burden for economic operator, the Commission should be allowed to exempt product groups from the product passport requirements in	(29) In order to not unnecessarily delay the establishment of ecodesign requirements other than on the product passport or to ensure that product passports can be effectively implemented, the Commission should be allowed to exempt product groups from the product passport requirements in case technical specifications are not available in relation to the essential requirements for the technical design and operation of the product passport. Similarly, in order to prevent unnecessary administrative burden for economic operator, the Commission should be allowed to exempt product groups from the product passport requirements	(29) In order to not unnecessarily delay the establishment of ecodesign requirements other than on the product passport or to ensure that product passports can be effectively implemented, the Commission should be allowed to exempt product groups from the product passport requirements in case technical specifications are not available in relation to the essential requirements for the technical design and operation of the product passport. Similarly, in order to prevent unnecessary administrative burden for economic ~~operator~~ operators , the Commission should be allowed to exempt product groups from the product passport requirements in	

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	case other Union law already includes a system for the digital provision of product information allowing actors along the value chain to access relevant product information and facilitating the verification of product compliance by competent national authorities. These exemptions should be periodically reviewed taking into account further availability of technical specifications.	<u>exceptionally</u> in case other Union law already includes a system for the digital provision of product information allowing actors along the value chain to access relevant product information and facilitating the verification of product compliance by competent national authorities. These exemptions should be periodically reviewed taking into account further availability of technical specifications <u>and ended where possible</u> .	case other Union law already includes a system for the digital provision of product information allowing actors along the value chain to access relevant product information and facilitating the verification of product compliance by competent national authorities. These exemptions should be periodically reviewed taking into account further availability of technical specifications.	
Recital 30				
39	(30) Unique identification of products is a fundamental element to enable traceability across the supply chain. Therefore, the product passport should be linked to a unique product identifier. In addition, where appropriate, the passport should allow for the tracing of the actors and manufacturing facilities related to that product. In order to ensure	(30) Unique identification of products is a fundamental element to enable traceability across the supply chain. Therefore, the product passport should be linked to a unique product identifier. In addition, where appropriate, the passport should allow for the tracing of the actors and manufacturing facilities related to that product. In order to ensure	(30) Unique identification of products is a fundamental element to enable traceability across the supply chain. Therefore, the product passport should be linked to a unique product identifier. In addition, where appropriate, the passport should allow for the tracing of the actors and manufacturing facilities related to that product. In order to ensure	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	interoperability, the unique operator identifiers and unique facility identifiers enabling traceability should be released in accordance with internationally recognised standards. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend this Regulation by replacing or adding standards in accordance with which unique operator identifiers and unique facility identifiers may be released, in light of technical or scientific progress.	interoperability, the unique operator identifiers and unique facility identifiers enabling traceability should be released in accordance with internationally recognised standards. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend this Regulation by replacing or adding standards in accordance with which unique operator identifiers and unique facility identifiers may be released, in light of technical or scientific progress.	interoperability, the data carrier , the unique operator identifiers and the unique facility identifiers enabling traceability should be released in accordance with internationally recognised standards. The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend this Regulation by replacing or adding standards in accordance with which the data carrier , unique operator identifiers and the unique facility identifiers may be released, in light of technical or scientific progress. This should ensure that the information contained in the product passport can be recorded and transmitted by all the economic operators, as well as to guarantee the compatibility of the unique identifier with external components such as scanning devices.	
Recital 31				
40				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(31) Digitalised information about the product and its life cycle or, where applicable, its passport should be easily accessible by scanning a data carrier, such as a watermark or a quick response (QR) code. Where possible, the data carrier should be on the product itself to ensure the information remains accessible throughout its life cycle. However, exceptions are possible depending on the nature, size or use of the products concerned.	(31) Digitalised information about the product and its life cycle or, where applicable, its passport should be easily accessible by scanning a data carrier, such as a watermark or a quick response (QR) code. Where possible, the data carrier should be on the product itself to ensure the information remains accessible throughout its life cycle. However, exceptions are possible depending on the nature, size or use of the products concerned.	(31) Digitalised information about the product and its life cycle or, where applicable, its passport should be easily accessible by scanning a data carrier, such as a watermark or a quick response (QR) code. Where possible, the data carrier should be on the product itself to ensure the information remains accessible throughout its life cycle. However, ~~exceptions~~ exemptions are possible depending on the nature, size or use of the products concerned.	
Recital 32				
41	(32) To ensure that the product passport is flexible, agile and market-driven and evolving in line with business models, markets and innovation, it should be based on a decentralised data system, set up and maintained by economic operators. However, for enforcement and monitoring	(32) To ensure that the product passport is flexible, agile and market-driven and evolving in line with business models, markets and innovation, it should be based on a decentralised data system, set up and maintained by economic operators. However, for enforcement and monitoring	(32) To ensure that the product passport is flexible, agile and market-driven and evolving in line with business models, markets and innovation, it should be based on a decentralised data system, set up and maintained by economic operators. However, for enforcement and monitoring	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	purposes, it may be necessary that competent national authorities and the Commission have direct access to a record of all data carriers and unique identifiers linked to products placed on the market or put in service.	purposes, it may be necessary that competent national authorities and the Commission have direct access to a record of all data carriers and unique identifiers linked to products placed on the market or put in service.	purposes, it may be necessary that competent national authorities and the Commission have direct access to a record of all data carriers and unique identifiers linked to products placed on the market or put in service.	
Recital 33				
42	(33) To ensure the effective roll-out of the product passport, technical design, data requirements and operation of the product passport should adhere to a set of essential technical requirements. Such requirements should provide a basis for the consistent deployment of the product passport across sectors. Technical specifications should be established to ensure the effective implementation of those essential requirements, either in the form of harmonised standard referenced in the Official Journal or, as a fall-back option, common specification adopted by the Commission. The	(33) To ensure the effective roll-out of the product passport, technical design, data requirements and operation of the product passport should adhere to a set of essential technical requirements. Such requirements should provide a basis for the consistent deployment of the product passport across sectors. Technical specifications should be established to ensure the effective implementation of those essential requirements, either in the form of harmonised standard referenced in the Official Journal or, as a fall-back option, common specification adopted by the Commission. The	(33) To ensure the effective roll-out of the product passport, technical design, data requirements and operation of the product passport should adhere to a set of essential technical requirements. Such requirements should provide a basis for the consistent deployment of the product passport across sectors. Technical specifications should be established to ensure the effective implementation of those essential requirements, either in the form of harmonised standard referenced in the Official Journal or, as a fall-back option, common specification adopted by the Commission via	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	technical design should ensure that the product passport carries data in a secure way, respecting privacy rules The digital product passport will be developed in an open dialogue with international partners, in order to take account of their views when developing technical specifications and to ensure that they help remove trade barriers for greener products and lower costs for sustainable investments, marketing and compliance. Technical specifications and requirements related to traceability across the value chain should, in order to allow for their effective implementation, to the extent possible be developed based on a consensual approach and on the involvement, buy-in, and effective collaboration of a diverse set of actors, including standardisation bodies, industry associations, consumer organisations, experts, NGOs and international partners, including developing economies.	technical design should ensure that the product passport carries data in a secure way, respecting privacy rules. The digital product passport will be developed in an open dialogue with international partners, in order to take account of their views when developing technical specifications and to ensure that they help remove trade barriers for greener products <u>with extended lifecycles and circularity</u>, ~~and~~ lower costs for sustainable investments, marketing and compliance <u>and supporting innovation</u>. Technical specifications and requirements related to traceability across the value chain should, in order to allow for their effective implementation, to the extent possible be developed based on a consensual approach and on the involvement, buy-in, and effective collaboration of a diverse set of actors, including standardisation bodies, industry associations, <u>start-ups</u>, consumer organisations, experts, NGOs and international partners, including developing economies.	implementing acts. The technical design should ensure that the product passport carries data in a secure way, respecting privacy rules The digital product passport will be developed in an open dialogue with international partners, in order to take account of their views when developing technical specifications and to ensure that they help remove trade barriers for greener products and lower costs for sustainable investments, marketing and compliance. Technical specifications and requirements related to traceability across the value chain should, in order to allow for their effective implementation, to the extent possible be developed based on a consensual approach and on the involvement, buy-in, and effective collaboration of a diverse set of actors, including standardisation bodies, industry associations, consumer organisations, experts, NGOs and international partners, including developing economies.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 34				
43	(34) In order to improve enforcement of ecodesign requirements, it is necessary that national authorities and the Commission have direct access to a record of all data carriers and unique identifiers linked to products placed on the market or put in service. To this end, the Commission should set up and maintain a product passport registry to store such data. Where needed to further facilitate enforcement, the Commission should, as appropriate, specify other information included in the product passport that needs to be stored in the registry.	(34) In order to improve enforcement of ecodesign requirements, it is necessary that national authorities and the Commission have direct access to a record of all data carriers and unique identifiers linked to products placed on the market or put in service. To this end, the Commission should set up and maintain a product passport registry to store such data. Where needed to further facilitate enforcement, the Commission should, as appropriate, specify other information included in the product passport that needs to be stored in the registry.	(34) In order to improve enforcement of ecodesign requirements, it is necessary that national authorities and the Commission have direct access to a record of all data carriers and unique identifiers linked to products placed on the market or put in service. To this end, the Commission should set up and maintain a product passport registry to store such data. Where needed to further facilitate enforcement, the Commission should, as appropriate, specify other information included in the product passport that needs to be stored in the registry.	
Recital 34a				
43a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(34a) The Commission should set up and maintain a user-friendly web portal where stakeholders such as consumers, economic operators and other relevant actors can have access to information included in the product passports in compliance with the differentiated access rights specified in the delegated acts setting ecodesign requirements. The web portal should link to information already stored by the economic operator in its decentralised product passport.	
Recital 35				
44	(35) Any processing of personal data pursuant to this Regulation should comply with the applicable rules on the protection of personal data. Processing of personal data by the competent national authorities within Member States should be carried out in accordance	(35) Any processing of personal data pursuant to this Regulation should comply with the applicable rules on the protection of personal data. Processing of personal data by the competent national authorities within Member States should be carried out in accordance	(35) Any processing of personal data pursuant to this Regulation should comply with the applicable rules on the protection of personal data. Processing of personal data by the competent national authorities within Member States should be carried out in accordance	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	with Regulation (EU) 2016/679 of the European Parliament and of the Council¹. Processing of personal data by the Commission should be carried out in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council². 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).	with Regulation (EU) 2016/679 of the European Parliament and of the Council¹<u>with particular attention being paid to the principles of data protection by design and by default</u>. Processing of personal data by the Commission should be carried out in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council². <u>Personal data of end-users should not be stored in the digital product passport.</u> 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).	with Regulation (EU) 2016/679 of the European Parliament and of the Council¹. Processing of personal data by the Commission should be carried out in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council². 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).	

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Recital 36				
45	(36) Effective enforcement in relation to products placed on the Union market, whether domestically produced or imported, is essential for achieving the aims of this Regulation. Therefore, where the Commission has set up a registry, customs authorities should have direct access to it via the EU Single Window Environment for Customs set up by Regulation (EU) .../.... The role of customs should be to ensure that the reference of a product passport is made available in the customs declaration and that this reference corresponds to a unique product identifier that is stored in the registry. This would allow the verification by customs that a product passport exists for imported products.	(36) Effective enforcement in relation to products placed on the Union market, whether domestically produced or imported, is essential for achieving the aims of this Regulation. Therefore, where the Commission has set up a registry, customs authorities should have direct access to it via the EU Single Window Environment for Customs set up by Regulation (EU) .../.... The role of customs should be to ensure that the reference of a product passport is made available in the customs declaration and that this reference corresponds to a unique product identifier that is stored in the registry. This would allow the verification by customs that a product passport exists for imported products.	(36) Effective enforcement in relation to products placed on the Union market, whether domestically produced or imported, is essential for achieving the aims of this Regulation. Therefore, where the Commission has set up a registry, the Commission should make sure customs authorities should have direct access to it via the EU Single Window Environment for Customs set up by Regulation (EU) .../.... ~~The role of customs~~An electronic interconnection should be set up to achieve this. This would allow the automatic and electronic control by customs that to ensure that the reference of a product passport is made available in the customs declaration and exists for imported products. The Commission should ensure that this reference corresponds to a system does not result in de	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			facto import bans on shipments for which the unique product identifier that is stored in the registry. This would allow the verification by customs that a product passport exists for imported products of the product passport is not known by logistic operators and cannot be procured, especially in postal express and courier traffic.	
Recital 37				
46	(37) Where certain information included in the product passport is stored in the registry in addition to data carriers and unique identifiers, the Commission should be able to provide, where appropriate, that customs authorities verify the consistency between this information and the customs declaration, in order to improve the compliance of products with ecodesign requirements and taking into account the need to avoid disproportionate burden for	(37) Where certain information included in the product passport is stored in the registry in addition to data carriers and unique identifiers, the Commission should be able to provide, where appropriate, that customs authorities verify the consistency between this information and the customs declaration, in order to improve the compliance of products with ecodesign requirements and taking into account the need to avoid disproportionate burden for	(37) ~~Where certain information included in the product passport is stored in the registry in addition to data carriers and unique identifiers, the Commission should be able to provide, where appropriate, that~~ customs authorities verify the consistency between this information and the customs declaration, in order to improve the compliance of products with ecodesign requirements and taking into account the need to avoid disproportionate burden for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	customs authorities.	customs authorities.	~~customs authorities.~~	
Recital 38				
47	(38) The information included in the product passport can allow customs authorities to enrich and facilitate risk management and enable the better targeting of controls at the border. Therefore, customs authorities should be able to retrieve and use the information included in the product passport and the related registry for carrying out their tasks in accordance with Union legislation including for risk management in accordance with Regulation (EU) No 952/2013 of the European Parliament and of the Council¹. _____ 1. Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).	(38) The information included in the product passport can allow customs authorities to enrich and facilitate risk management and enable the better targeting of controls at the border. Therefore, customs authorities should be able to retrieve and use the information included in the product passport and the related registry for carrying out their tasks in accordance with Union legislation including for risk management in accordance with Regulation (EU) No 952/2013 of the European Parliament and of the Council¹. _____ 1. Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).	(38) The information included in the product passport can allow customs authorities to enrich and facilitate risk management and enable the better targeting of controls at the border. Therefore, customs authorities should be able to retrieve and use the information included in the product passport and the related registry for carrying out their tasks in accordance with Union legislation including for risk management in accordance with Regulation (EU) No 952/2013 of the European Parliament and of the Council¹. _____ 1. Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 39				
48	(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	(39) To drive consumers towards ~~more~~-sustainable choices, labels should, when required by the delegated acts adopted pursuant to this Regulation, provide <u>clear and easily understandable</u> 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	(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	

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	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 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.	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 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.	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 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.	
Recital 40				
49	(40) Regulation (EU) 2017/1369 setting a framework on energy labelling applies, in parallel to this Regulation, to energy-related products. This means that energy labels are the primary instrument providing the appropriate information to consumers for energy-related products and that classes of performance determined under this Regulation should, where appropriate, be incorporated	(40) Regulation (EU) 2017/1369 setting a framework on energy labelling applies, in parallel to this Regulation, to energy-related products. This means that energy labels are the primary instrument providing the appropriate information to consumers for energy-related products and that classes of performance determined under this Regulation should, where appropriate, be incorporated	(40) Regulation (EU) 2017/1369 setting a framework on energy labelling applies, in parallel to this Regulation, to energy-related products. ~~This means that~~ Energy labels are ~~the primary instrument~~ successful instrument providing the appropriate information to consumers for energy-related products and that classes of performance determined under this Regulation should, where	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in the label as supplementary information as provided for in Article 16 of Regulation (EU) 2017/1369. In cases where relevant information on a product's performance in relation to a product parameter cannot be included as supplementary information in the energy label established for the energy-related product pursuant to Regulation (EU) 2017/1369, the Commission should assess whether a label in accordance with this Regulation is to be established, taking into account the need for consumers to be informed on the most relevant parameters for the product and the disadvantages in terms of risks of confusion for the public and of excessive administrative burden for economic operators.	in the label as supplementary information as provided for in Article 16 of Regulation (EU) 2017/1369. In cases where relevant information on a product's performance in relation to a product parameter cannot be included as supplementary information in the energy label established for the energy-related product pursuant to Regulation (EU) 2017/1369, the Commission should assess whether a label in accordance with this Regulation is to be established, taking into account the need for consumers to be informed on the most relevant parameters for the product and the disadvantages in terms of risks of confusion for the public and of excessive administrative burden for economic operators.	appropriate, be incorporated in the label as supplementary information as provided for in Article 16 of Regulation (EU) 2017/1369. In cases where relevant information on a product's performance in relation to a product parameter cannot be included as supplementary information in the energy label established for the energy-related product pursuant to Regulation (EU) 2017/1369, the Commission should ~~assess whether a label in accordance with this Regulation is to be established, taking into account the need for consumers to be informed on the most relevant parameters for the product and the disadvantages in terms of risks of confusion for the public and of excessive administrative burden for economic operators, if~~ appropriate, be able to require the establishment of a label in accordance with this Regulation instead of the energy label where the relevant information on the energy label may be so incorporated.	

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Recital 41				
50	(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.	(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 <u>with misleading or contradictory information or</u> mimicking the labels provided for in this Regulation. <u>However, it should be possible to continue to display an EU Ecolabel or other existing type I ecolabels as set out in Regulation (EC) No 66/2010.</u>	(41) Consumers should be protected from misleading information that could hamper their choices for more sustainable products. For ~~this~~ those reasons it should be prohibited to place on the market products bearing a label mimicking the labels provided for in this Regulation. Only labels which copy or are closely similar to the layout or the graphics of the labels provided for in this Regulation should be considered as mimicking labels.	
Recital 42				
51	(42) To deliver in the most efficient way on the European Green Deal's objectives and to address the most impactful products first, the Commission	(42) To deliver in the most efficient way on the European Green Deal's objectives and to address the most impactful products first, the Commission	(42) To deliver in the most efficient way on the European Green Deal's objectives and to address the most impactful products first, the Commission	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	should carry out a prioritisation of products to be regulated under this Regulation and requirements that will apply to them. Based on the process followed for prioritisation under Directive 2009/125/EC, the Commission should adopt a working plan, covering at least 3 years, laying down a list of product groups for which it plans to adopt delegated acts as well as the product aspects for which it intends to adopt delegated acts of horizontal application. The Commission should base its prioritisation on a set of criteria pertaining in particular to the delegated acts' potential contribution to the Union climate, environmental and energy objectives and their potential for improving the product aspects selected without disproportionate costs to the public and economic operators. Considering their importance for meeting the Union's energy objectives, the working plans should include an adequate share of actions related to energy-related products. Member States and stakeholders should also be consulted through the Ecodesign Forum. Due to the	should carry out a prioritisation of products to be regulated under this Regulation and requirements that will apply to them. Based on the process followed for prioritisation under Directive 2009/125/EC, the Commission should adopt a working plan, covering at least 3 years, laying down a list of product groups for which it plans to adopt delegated acts as well as the product aspects for which it intends to adopt delegated acts of horizontal application, <u>and the estimated timelines for their establishment. The working plan and its updates should be publicly available and presented to the European Parliament before their adoption.</u> The Commission should <u>consider in particular those product groups identified in this Regulation, and</u> base its prioritisation on a set of criteria pertaining in particular to the delegated acts' ~~potential~~ contribution to the Union climate, environmental and energy objectives and their potential for improving the product aspects selected without disproportionate costs to the public and economic operators. Considering their	should carry out a prioritisation of products to be regulated under this Regulation and requirements that will apply to them. Based on the process followed for prioritisation under Directive 2009/125/EC, the Commission should adopt a working plan, covering at least 3 years, laying down a list of product groups ~~for which it plans to adopt~~ are considered as priorities for delegated acts setting out ecodesign requirements as well as the product aspects for which it intends to adopt delegated acts ~~of setting out~~ horizontal application requirements. This list should be established in an implementing act. The Commission should not be limited to regulating only the products identified on the list, and the procedure for adopting the implementing act setting out the working plan should not hinder the Commission from starting work on ecodesign requirements for one or more product groups. This list should nonetheless provide a higher degree of foreseeability to various stakeholders on the work envisaged by the Commission.	

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	complementarities between this Regulation and Regulation (EU) 2017/1369 for energy-related products, the timelines for the working plan under this Regulation and the one provided for under Article 15 of Regulation (EU) 2017/1369 should be aligned.	importance for meeting the Union's energy objectives, the working plans should include an adequate share of actions related to energy-related products. Member States and stakeholders should also be consulted through the Ecodesign Forum. Due to the complementarities between this Regulation and Regulation (EU) 2017/1369 for energy-related products, the timelines for the working plan under this Regulation and the one provided for under Article 15 of Regulation (EU) 2017/1369 should be aligned.	The Commission should base its prioritisation on a set of criteria pertaining in particular to the delegated acts' potential contribution to the Union climate, environmental and energy objectives and their potential for improving the product aspects selected without disproportionate costs to the public and economic operators contributing to Union economic resilience and competitiveness. The Commission should also assess whether there is a risk of unfair competition between final products manufactured in the Union and those manufactured outside the Union before proposing requirements for intermediate products. Considering their importance for meeting the Union's energy objectives, the working plans should include an adequate share of actions related to energy-related products. ~~Member States and stakeholders~~ Experts designated by the Member States should also be consulted through the Ecodesign Expert Group, as well as through the Ecodesign Forum-, which also gather and	

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			stakeholders, including actors from the circular business models. Due to the complementarities between this Regulation and Regulation (EU) 2017/1369 for energy-related products, the Commission should strive to align the timelines for the working plan under this Regulation and the one provided for under Article 15 of Regulation (EU) 2017/1369. Product groups which under Union law are already subject to comprehensive provisions which also include specific environmental requirements should not to be prioritised for the establishment of ecodesign requirementsbe aligned.	
Recital 42a				
51a		<u>(42a) The cement industry, as one of the most energy-, material- and carbon- intensive sectors, is currently responsible for around 7% of global and 4% of EU CO₂</u>		

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		<u>emissions^{1a}, which makes it a key sector for alignment with the Paris climate agreement and the Union's climate objectives as quickly as possible. While construction products, including cement, are to be covered under [the forthcoming Regulation laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011 (2022/0094 COD)], they remain under the scope of this Regulation. To avoid a lack of product requirements urgently needed to reach our climate and environment objectives, any absence of adequate performance and information requirements for these products under [the forthcoming Regulation laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011 (2022/0094 COD)] should trigger their inclusion in the next working plan of this Regulation.</u>		

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		<u>1a. Decarbonisation options for the cement industry, EUR 31378 EN, Publications Office of the European Union, Luxembourg, 2023, ISBN 978-92-76-61599-6, doi:10.2760/174037, JRC131246.</u>		
Recital 43				
52	(43) In addressing construction products, this Regulation should set requirements on final products only when the obligations created by [the revised Construction Products Regulation] and its implementation are unlikely to sufficiently achieve the environmental sustainability objectives pursued by this Regulation. In addition, when formulating working plans, the Commission should take into account that, in continuation of current practice, [the revised Construction Products Regulation] will, in relation to energy-related	(43) ~~In addressing construction products, this Regulation should set requirements on final products only when the obligations created by [the revised Construction Products Regulation] and its implementation are unlikely to sufficiently achieve the environmental sustainability objectives pursued by this Regulation. In addition,~~ When formulating working plans, the Commission should take into account that, in continuation of current practice, [the revised Construction Products Regulation] will, in relation to energy-related	(43) Where other, more product-specific regulations, enable the Commission to adopt delegated acts regulating environmental sustainability, and such delegated acts have been adopted, this Regulation should only in exceptional cases intervene in a complementary manner. For example, ~~In addressing construction products, this Regulation should not set requirements on final products only when the obligations created by [the revised construction products~~ when requirements on environmental sustainability for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	products that are also construction products, give prevalence to sustainability requirements set under this Regulation. This should be the case for instance for heaters, boilers, heat pumps, water and space heating appliances, fans, cooling and ventilating systems and photovoltaic products (excluding building-integrated photovoltaic panels). For these products, [the revised Construction Products Regulation] may intervene in a complementary manner where needed, mainly in relation to safety aspects, also taking account of other Union legislation on products such as on gas appliances, low voltage, and machinery.	products that are also construction products, give prevalence to sustainability requirements set under this Regulation. This should be the case for instance for heaters, boilers, heat pumps, water and space heating appliances, fans, cooling and ventilating systems and photovoltaic products (excluding building-integrated photovoltaic panels). For these products, [the revised Construction Products Regulation] may intervene in a complementary manner where needed, mainly in relation to safety aspects, also taking account of other Union legislation on products such as on gas appliances, low voltage, and machinery.	such products have already been developed under the Construction Products Regulation¹ Only in exceptional cases where requirements under the Construction Products Regulation and its implementation are unlikely to sufficiently achieve the environmental sustainability objectives pursued by are insufficient or ineffective, and cannot be amended or complemented under the Construction Products Regulation in a reasonable time, this Regulation should be able to intervene in a complementary manner on construction products, provided the administrative cost entailed, including as a result of economic actors potentially becoming subject to two conformity assessment procedures, is shown to be reasonable. To avoid that economic operators become subject to a duplication of or potentially conflicting requirements or delegated acts the Commission should, before preparing such complementary requirements under the Construction Products	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Regulation, consider if the delegated act already adopted under this Regulation. In addition, can be repealed or amended so that requirements are instead included in a measure being adopted under the Construction Products Regulation. When formulating working plans under this Regulation, the Commission should however take into account that, in continuation of current practice, [the revised Construction Products Regulation] will, in relation to energy-related products that are also construction products, give prevalence to sustainability requirements set under this Regulation. This should be the case for instance for heaters, boilers, heat pumps, water and space heating appliances, fans, cooling and ventilating systems and photovoltaic products (excluding building-integrated photovoltaic panels). For these products, [the revised Construction Products Regulation] may only intervene in a complementary manner ~~where needed, mainly~~ in relation to safety aspects, also taking account of other Union legislation on products such as on gas appliances,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			low voltage, and machinery. 1. Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC.	
Recital 44				
53	(44) In order to encourage self-regulation as a valid alternative to regulatory approaches, this Regulation should, in continuation of Directive 2009/125/EC, include the possibility for industry to submit self-regulation measures. The Commission should assess the self-regulation measures proposed by industry, along with the information and evidence submitted by the signatories, including in light of the international trade commitments of the Union and the need to ensure coherence with Union law. In order	(44) In order to encourage self-regulation as a valid alternative to regulatory approaches, this Regulation should, in continuation of Directive 2009/125/EC, include the possibility for industry to submit self-regulation measures <u>when those products or product groups are not included in the ecodesign working plan. Self-regulation measures should be aligned with the objectives of this Regulation.</u> The Commission should assess the ~~self-regulation~~ self-regulation measures proposed by industry,	(44) In order to encourage self-regulation as a valid alternative to regulatory approaches, this Regulation should, based on the experience gathered under the continuation of Directive 2009/125/EC, include the possibility for industry to submit self-regulation measures on the condition that the level of ambition of such measures is in line with the objectives of this Regulation. The Commission should assess the self-regulation measures proposed by industry, along with the information and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt and update an act listing the self-regulation measures considered as valid alternatives to a delegated act setting ecodesign requirements. It is also appropriate, for instance in view of relevant market or technological developments within the product group concerned, that the Commission be able to request a revised version of the self-regulation measure whenever considered necessary. Once a self-regulation measure is listed in an implementing act, there is a legitimate expectation for economic operators that the Commission will not adopt a delegated act establishing ecodesign requirements for this specific product group. However, it is not excluded that the Commission may adopt horizontal ecodesign requirements also applying to the products covered by a recognised self-regulation measure for the product aspects not addressed by that self-regulation measure. Where the Commission	along with the information and evidence submitted by the signatories, including in light of the international trade commitments of the Union and the need to ensure coherence with Union law. ~~In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission~~ <u>The Commission is empowered to adopt delegated acts</u> to adopt and update an act listing the self-regulation measures considered as valid alternatives to a delegated act setting ecodesign requirements. It is also appropriate, for instance in view of relevant market or technological developments within the product group concerned, that the Commission be able to request a revised version of the self-regulation measure whenever considered necessary. Once a self-regulation measure is listed in ~~an implementing~~ <u>a delegated</u> act, there is a legitimate expectation for economic operators that the Commission will not adopt a delegated act establishing ecodesign requirements for this specific product group. However, it	evidence submitted by the signatories, including in light of the international trade commitments of the Union and the need to ensure coherence with Union law. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt and update an act listing the self-regulation measures considered as valid alternatives ~~to before~~ a delegated act setting ecodesign requirements is adopted. It is also appropriate, for instance in view of relevant market or technological developments within the product group concerned, that the Commission be able to request a revised version of the self-regulation measure whenever considered necessary. Once a self-regulation measure is listed in an implementing act, there is a legitimate expectation for economic operators that the Commission will ~~not adopt~~ first consider the content of such a measure before proposing a delegated act establishing ecodesign requirements for this specific product group. However, it	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	considers that a self-regulation measure no longer fulfils the criteria set in this Regulation, it should remove that self-regulation from the implementing act listing the recognised self-regulation measures. Consequently, ecodesign requirements may then be established for the product groups previously addressed by the self-regulation measure, in accordance with this Regulation.	is not excluded that the Commission may adopt horizontal ecodesign requirements also applying to the products covered by a recognised self-regulation measure for the product aspects not addressed by that ~~self-regulation~~ <u>self-regulation</u> measure. Where the Commission considers that a ~~self-regulation~~ <u>self-regulation</u> measure no longer fulfils the criteria set in this Regulation, it should remove that self-regulation from the ~~implementing~~ <u>delegated</u> act listing the recognised self-regulation measures. Consequently, ecodesign requirements may then be established for the product groups previously addressed by the self-regulation measure, in accordance with this Regulation.	is not excluded that the Commission may adopt ~~horizontal~~ ecodesign requirements also applying to some or all of the products covered by a recognised self-regulation measure for the product aspects not addressed by that self-regulation measure. Where the Commission considers that a self-regulation measure no longer fulfils the criteria set in this Regulation, it should remove that self-regulation from the implementing act listing the recognised self-regulation measures. Consequently, ecodesign requirements may then be established for the product groups previously addressed by the self-regulation measure, in accordance with this Regulation.	
Recital 45				
54	(45) Micro, small and medium-sized enterprises (SMEs) could greatly benefit from an increase in	(45) Micro, small and medium-sized enterprises (SMEs) could greatly benefit from an increase in	(45) Micro, small and medium-sized enterprises (SMEs) could greatly benefit from an increase in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the demand for sustainable products but could also face costs and difficulties with some of the requirements. The Member States and the Commission should, in their respective areas of responsibility, provide adequate information, ensure targeted and specialised training, and provide specific assistance and support, including financial, to SMEs active in the manufacturing of products for which ecodesign requirements are set. Those actions should, for example, cover the calculation of the product environmental footprint and the technical implementation of the product passport. Member States actions should be taken in respect of applicable State aid rules.	the demand for sustainable products but could also face costs and difficulties with some of the requirements. <u>In order to support SMEs</u>, the Member States and the Commission should, in their respective areas of responsibility, provide adequate information, ensure targeted and specialised training, and provide specific assistance and support, including <u>through existing funding and financing tools</u> financial, to <u>micro-enterprises and</u> SMEs active in the manufacturing of products for which ecodesign requirements are set. Those ~~actions~~<u>measures</u> should, ~~for example, cover the calculation of the product environmental footprint and the technical implementation of~~ <u>at least include specific mechanisms to facilitate compliance with the requirements set out in</u> the product passport <u>and with conducting life-cycle assessments</u>. Member States actions should be taken in respect of applicable State aid rules.	the demand for sustainable products but could also face costs and difficulties with some of the requirements. The Commission should, when preparing ecodesign requirements under this Regulation, take into account the impact of the requirements on SMEs active in the relevant product sector. The Member States and the Commission should, in their respective areas of responsibility, provide adequate information including guidance, ensure targeted and specialised training, and provide specific assistance and support, including financial, to SMEs active in the manufacturing of products for which ecodesign requirements are set. Those actions are particularly important for product groups where the presence of SMEs is relevant and should, for example, cover the calculation of the product environmental footprint and the technical implementation of the product passport. The Commission should furthermore provide easily accessible information to SMEs on available financial support and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			programmes. Member States actions should be taken in respect of applicable State aid rules.	
Recital 46				
55	(46) The destruction of unsold consumer products, such as textiles and footwear, by economic operators is becoming a widespread environmental problem across the Union, in particular due to the rapid growth of online sales. It amounts to a loss of valuable economic resources as goods are produced, transported and afterwards destroyed without ever being used for their intended purpose. It is therefore necessary, in the interest of environmental protection, that this Regulation establishes a framework to prevent the destruction of unsold products primarily intended for consumers pursuant to Directive (EU) 2019/771 of the European Parliament and of the Council ¹ , including products that have been	(46) The destruction of unsold consumer products, such as textiles and footwear, <u>as well as electrical and electronic equipment or devices</u> by economic operators is becoming a widespread environmental problem across the Union, in particular due to the rapid growth of online sales. It amounts to a loss of valuable economic resources as goods are produced, transported and afterwards destroyed without ever being used for their intended purpose. It is therefore necessary, in the interest of environmental protection, that this Regulation establishes a framework to prevent the destruction of unsold products primarily intended for consumers pursuant to Directive (EU) 2019/771 of the European	(46) The destruction of unsold consumer products, such as textiles ~~and footwear~~ , by economic operators is becoming a widespread environmental problem across the Union, in particular due to the rapid growth of online sales. It amounts to a loss of valuable economic resources as goods are produced, transported and afterwards destroyed without ever being used for their intended purpose. It is therefore necessary, in the interest of environmental protection, that this Regulation establishes a framework to prevent the destruction of unsold consumer products primarily intended for consumers pursuant to Directive (EU) 2019/771 of the European Parliament and of the Council ¹ , including products that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	returned by a consumer in view of their right of withdrawal as laid down by Directive (EU) 2011/83/EU of the European Parliament and of the Council². This will reduce the environmental impact of those products by reducing the generation of waste and by dis-incentivising overproduction of products. In addition, given that several Member States have introduced national legislation on the destruction of unsold consumer products thereby creating market distortions, harmonised rules on the destruction of unsold consumer products are necessary to ensure that distributors, retailers and other economic operators are subject to the same rules and incentives across Member States. _____ 1. Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 6). 2. Directive 2011/83/EU of the European	Parliament and of the Council¹, including products that have been returned by a consumer in view of their right of withdrawal as laid down by Directive (EU) 2011/83/EU of the European Parliament and of the Council². This will reduce the environmental impact of those products by reducing the generation of waste and by dis-incentivising overproduction of products. In addition, given that several Member States have introduced national legislation on the destruction of unsold consumer products thereby creating market distortions, harmonised rules on the destruction of unsold consumer products are necessary to ensure that distributors, retailers and other economic operators are subject to the same rules and incentives across Member States. _____ 1. Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive	have not been offered for sale, and including products that have been returned by a consumer in view of their right of withdrawal as laid down by Directive (EU) 2011/83/EU of the European Parliament and of the Council² or in view of any commercial right of withdrawal offered by the economic operator, thus striving toward limiting the number of unused and fit-for-purpose products being destroyed. Products that have been returned, and cannot be sold again due to the condition of the product, and are not suitable for remanufacturing refurbishment, preparation for reuse or donation, should not constitute an unsold consumer product within the meaning of this Regulation. The concept of destruction as outlined in this Regulation should cover the last three activities on the waste hierarchy as defined in Directive 2008/98/EC: recycling, other recovery and disposal. Remanufacturing and preparation for re-use should furthermore not be considered destruction. While recycling is an	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).	1999/44/EC (OJ L 136, 22.5.2019, p. 6). 2. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).	important waste treatment activity for a circular economy, it is unreasonable that products are manufactured only to immediately be recycled, hence the inclusion of recycling in the concept of destruction. Preventing destruction – This will reduce the environmental impact of those products by reducing the generation of waste and by dis-incentivising overproduction of products. In addition, given that several Member States have introduced national legislation on the destruction of unsold consumer products thereby creating market distortions, harmonised rules on the destruction of unsold consumer products are necessary to ensure that distributors, retailers and other economic operators are subject to the same rules and incentives across Member States. _____ 1. Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			1999/44/EC (OJ L 136, 22.5.2019, p. 6). 2. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).	
Recital 46a				
55a			(46a) Economic operators should take necessary measures to prevent the need to discard unsold consumer products that are fit for use. This should only include measures that are technically feasible and economically viable. Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste lays down rules to prohibit export of products to third countries under the false pretense that they are	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			being sold or donated for use, when such products are in fact destined for destruction.	
Recital 46b				
55b			(46b) Nothing in this Regulation should be construed as contradicting the order of the waste hierarchy as defined in Directive 2008/98/EC.	
Recital 46c				
55c			(46c) Member States should not be precluded from introducing or maintaining national measures as regards destruction of unsold consumer products for products which are not subject to the direct prohibition or not yet covered by an implementing act setting out a prohibition,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			provided that such measures are in line with the Union law.	
Recital 47				
56	(47) To dis-incentivise the destruction of unsold consumer products and to further generate data on the occurrence of this practice, this Regulation should introduce a transparency obligation for economic operators holding consumer products in the Union, requiring them to disclose information on the number of unsold consumer products discarded per year. The economic operator should indicate the product type or category, the reasons for their discarding and their delivery for subsequent waste treatment operations. While economic operators should be free to determine how to disclose that information in a manner appropriate to their business environment, it should be considered a best practice to	(47) To dis-incentivise the destruction of unsold consumer products and to further generate data on the occurrence of this practice, this Regulation should introduce a transparency obligation for economic operators holding consumer products in the Union, requiring them to disclose information on the number of unsold consumer products discarded per year. ~~The on a website of the Commission.~~ Economic ~~operator~~ operators should indicate the product type or category, the reasons for their discarding and their delivery for subsequent waste treatment operations. ~~While economic operators It should be free to determine how to disclose that information in a manner appropriate to their business~~	(47) To dis-incentivise the destruction of unsold consumer products and to further generate data on the occurrence of this practice, this Regulation should introduce a transparency obligation for economic operators holding consumer products in the Union, with the exception of small and microenterprises , requiring them to disclose information on the number of unsold consumer products discarded per year. The obligation should start applying to medium-sized enterprises 4 years after the entry into force of this Regulation. When determining the scope of the transparency obligation, guidance should be found in the reference to the term "discard" in the definition of waste in Article 3(1) of Directive	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	include the required information in a publicly available non-financial statement drafted in accordance with Article 19a of Directive 2013/34/EU of the European Parliament and of the Council¹ where applicable. 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	~~environment, it should also~~ be considered a best practice to include the required information in a publicly available non-financial statement drafted in accordance with Article 19a of Directive 2013/34/EU of the European Parliament and of the Council¹ where applicable. 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	2008/98/EC. The economic operator should indicate the product type or category, the reasons for their discarding and their delivery for subsequent waste treatment operations. While economic operators should be free to determine how to disclose that information in a manner appropriate to their business environment, it should be considered a best practice to include the required information in a publicly available non-financial statement drafted the sustainability reporting in accordance with Article 19a or 29a of Directive 2013/34/EU of the European Parliament and of the Council¹ where applicable. When preparing the implementing act on the details and format of the disclosure of information, the Commission should take account of the need to avoid a disproportionate administrative burden on economic operators, considering in particular the possibility of making use of existing reporting requirements in Union law. Economic operators should furthermore disclose measures taken aimed at	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			preventing the destruction of unsold consumer products. _____ 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	
Recital 47a				
56a			(47a) In addition to disincentivising the destruction of unsold consumer products, this Regulation should introduce the logic of prohibiting the destruction of unsold consumer products in the Union, considering, pursuant to Article 52(1) of the Charter of Fundamental Rights, the right to property and to conduct a business are not absolute rights	

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			and, according to the case law of the Court of Justice, protection of the environment is an objective of general interest capable of justifying a restriction on the use of those rights, provided that such restriction does not constitute a disproportionate and intolerable interference, impairing the very substance of such rights. Specifically, the unnecessarily high production volumes and short use phase of textiles, of which clothing comprises the largest share of consumption in the EU, cause significant environmental impact as described in the Communication of the Commission "EU Strategy for Sustainable and Circular Textiles".¹ Newly produced but unsold textiles and especially clothing are among the items reportedly being destroyed. Clothing should be valued higher, worn, and cared for more than what today's fast fashion culture entails. From a circular economy perspective, such wasting of valuable resources is in clear contradiction to the objectives of this Regulation of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			improving the environmental sustainability. It is therefore justified to prohibit the destruction of unsold consumer apparel and clothing accessories while providing for certain specific exemptions, under which destroying unsold consumer apparel and clothing accessories may still be permitted, notably in view of health and safety concerns or protection of intellectual property rights, in order to comply with the requirement of proportionality. Implementing powers should be conferred on the Commission to specify such exemptions. This prohibition should not apply to SMEs. However, it should apply to medium-sized enterprises from 4 years after entry into force of this Regulation. _____ 1. COM(2022) 141 final	
Recital 47b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
56b			(47b) Production of electronics requires specific resources use, considering also the critical and strategic raw materials used during manufacturing. Therefore, electronics should be considered amongst the prioritised products for an impact assessment on the prohibition against destruction.	
Recital 48				
57	(48) In order to avoid the destruction of unsold consumer products, where the destruction of such products is prevalent, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by prohibiting the destruction of such products. Given the wide range of products that may potentially be destroyed without ever being sold	(48) In order to avoid the destruction of unsold consumer products, where the destruction of such products is prevalent, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by prohibiting the destruction of such products. Given the wide range of products that may potentially be destroyed without ever being sold	(48) In order to avoid the destruction of unsold consumer products, where the destruction of such products is prevalent, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by prohibiting the destruction of such products. Given the wide range of products that may potentially be destroyed without ever being sold of ensure uniform conditions for the implementation of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	or used, it is necessary to establish such empowerment in this Regulation. However, the prohibition set in the delegated acts should apply to specific product groups to be determined based on an assessment by the Commission of the extent to which the destruction of such products takes place in practice, taking into account the information made available by economic operators where appropriate. To ensure that this obligation is proportionate, the Commission should consider specific exemptions under which destroying unsold consumer products may still be permitted, for instance in view of health and safety concerns. To monitor the effectiveness of this prohibition and to dis-incentivise circumvention, economic operators should be required to disclose the number of unsold consumer products destroyed and the reasons for their destruction under applicable exemptions. Finally, to avoid any undue administrative burden on SMEs, they should be exempted from the obligations to disclose their unsold discarded products and from the prohibition	or used, it is necessary to establish such empowerment in this Regulation. However, the prohibition set in the delegated acts should apply to specific product groups to be determined based on an assessment by the Commission of the extent to which the destruction of such products takes place in practice, taking into account the information made available by economic operators where appropriate. To ensure that this obligation is proportionate, the Commission should consider specific exemptions under which destroying unsold consumer products may still be permitted, for instance in view of health and safety concerns. <u>The Commission should also provide economic operators with sufficient time to adjust to the new requirements of such a ban.</u> To monitor the effectiveness of this prohibition and to dis-incentivise circumvention, economic operators should be required to disclose the number of unsold consumer products destroyed and the reasons for their destruction under applicable exemptions. Finally, to avoid any undue administrative	prohibition of the destruction in the Union of unsold consumer products that may potentially be destroyed without ever being sold or used which are not apparel or clothing accessories, implementing powers should be conferred on the Commission to specify the product group subject to this prohibition ~~it is necessary to establish such empowerment in this Regulation. However, the prohibition set in the delegated acts should apply to specific product groups to be determined based on an assessment by the Commission of the extent to which the destruction of such products takes place in practice, taking into account the information made~~ represented by economic operators, when available, and the impacts on the environment caused by such destruction ~~by economic operators where appropriate. To ensure that this obligation~~ prohibition is proportionate, the Commission should consider specific exemptions under which destroying unsold consumer products may still be permitted, for instance in view of health and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to discard specific products groups set in delegated acts. However, where there is reasonable evidence that SMEs may be used to circumvent those obligations, the Commission should be able to require, in those delegated acts, for some product groups, that these obligations also apply to micro, small or medium sized enterprises.	burden on ~~SMEs~~<u>small, medium and micro-enterprises</u>, they should be exempted from the obligations to disclose their unsold discarded products and from the prohibition to discard specific products groups set in delegated acts. However, where there is reasonable evidence that ~~SMEs~~<u>small, medium, micro-enterprises</u> may be used to circumvent those obligations, the Commission should be able to require, in those delegated acts, for some product groups, that these obligations also apply to micro, small or medium sized enterprises. <u>One year after ... [the date of the entry into force of this Regulation], the destruction of unsold consumer products by economic operators should be prohibited for textiles and footwear, as well as for electrical and electronic equipment, given that sufficient evidence exists to demonstrate that the destruction of such products is taking place and is harmful for the environment.</u>	safety concerns or protection of intellectual property rights. When setting exemptions relating to situations such as refusal of donations, the Commission should set a minimum effort threshold for companies to adhere to before destruction is allowed, for instance requiring that several recipients should have to have been contacted. To monitor the effectiveness of this prohibition and to dis-incentivise circumvention, economic operators should be required to disclose the number of unsold consumer products destroyed and the reasons for their destruction under applicable exemptions. Finally, to avoid any undue administrative burden on ~~SMEs~~small and micro enterprises, they should be exempted- from the obligations to disclose their unsold discarded consumer products and from the prohibition to ~~discard~~destroy specific products groups set in delegated acts. However, where there is reasonable evidence that SMEs may be used to circumvent those obligations, the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			~~Commission~~ Furthermore, such provisions should be able to require, in those delegated acts, for some product groups, that these obligations also apply to micro, small or medium sized enterprises only apply to medium-sized enterprises from 4 years after entry into force of this Regulation.	
Recital 48a				
57a			(48a) The Commission should conduct an impact assessment before preparing any implementing act introducing any prohibition to destroy unsold consumer products which consider the impact on the environment, consumers, manufacturers and other economic operators, including SMEs.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 48b				
57b			(48b) It is important that the Commission, when prioritising products that should be subject to prohibition against destruction of unsold consumer products, consults the Ecodesign Forum and the Ecodesign Expert Group.	
Recital 49				
58	(49) Economic operators should be responsible for products' compliance with the ecodesign requirements under this Regulation, in relation to their respective roles in the supply chain, so as to ensure those products' free movement on the internal market and to improve their sustainability. Economic operators intervening in the supply and distribution chain should take	(49) Economic operators should be responsible for products' compliance with the ecodesign requirements under this Regulation, in relation to their respective roles in the supply chain, so as to ensure those products' free movement on the internal market and to improve their sustainability. Economic operators intervening in the supply and distribution chain should take	(49) Economic operators should be responsible for products' compliance with the ecodesign requirements under this Regulation, in relation to their respective roles in the supply chain, so as to ensure those products' free movement on the internal market and to improve their sustainability. Economic operators intervening in the supply and distribution chain should take	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	appropriate measures to ensure that they only make available on the market products that are in conformity with this Regulation and the delegated acts adopted pursuant to it.	appropriate measures to ensure that they only make available on the market products that are in conformity with this Regulation and the delegated acts adopted pursuant to it.	appropriate measures to ensure that they only make available on the market products that are in conformity with this Regulation and the delegated acts adopted pursuant to it.	
Recital 50				
59	(50) The manufacturer, having detailed knowledge of the design and production process, is best placed to carry out the conformity assessment procedure. Conformity assessment should therefore remain solely the obligation of the manufacturer.	(50) The manufacturer, having detailed knowledge of the design and production process, is best placed to carry out the conformity assessment procedure. Conformity assessment should therefore remain solely the obligation of the manufacturer.	(50) The manufacturer, having detailed knowledge of the design and production process, is ~~best placed to carry out~~ responsible for carrying out the conformity assessment procedure. ~~Conformity assessment should therefore remain solely the obligation of the manufacturer.~~ applicable or having it carried out on their behalf.	
Recital 51				
60				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(51) In order to safeguard the functioning of the internal market, it is necessary to ensure that products from third countries entering the Union market comply with this Regulation and the delegated acts adopted pursuant to it, whether imported as products, components, or intermediate products. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to those products. Provision should therefore be made for importers to ensure that the products they place on the market comply with those requirements and that the CE marking and documentation drawn up by manufacturers are available for inspection by the competent national authorities. Provision should also be made for importers to ensure, where applicable, that a product passport is available for those products.	(51) In order to safeguard the functioning of the internal market, it is necessary to ensure that products from third countries entering the Union market comply with this Regulation and the delegated acts adopted pursuant to it, whether imported as products, components, or intermediate products. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to those products. Provision should therefore be made for importers to ensure that the products they place on the market comply with those requirements and that the CE marking and documentation drawn up by manufacturers are available for inspection by the competent national authorities. Provision should also be made for importers to ensure, where applicable, that a product passport is available for those products.	(51) In order to safeguard the functioning of the internal market, it is necessary to ensure that products from third countries entering the Union market comply with this Regulation and the delegated acts adopted pursuant to it, whether imported as products, components, or intermediate products. In particular, it is necessary to ensure that appropriate conformity assessment procedures have been carried out by manufacturers with regard to those products. Provision should therefore be made for importers to ensure that the products they place on the market comply with those requirements and that the CE marking and documentation drawn up by manufacturers are available for inspection by the competent national authorities. Provision should also be made for importers to ensure, where applicable, that a product passport is available for those products.	
Recital 52				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
61	(52) When placing a product on the, every importer should indicate on the product their name, registered trade name or registered trade mark as well as their postal address and, where available, electronic means of communication through which it can be contacted. Exceptions should be provided for in cases where the size of the product does not allow for such indications. This includes cases where the importer would have to open the packaging to put the name and address on the product or where the product is too small in size to affix this information.	(52) When placing a product on the, every importer should indicate on the product their name, registered trade name or registered trade mark as well as their postal address and, where available, electronic means of communication through which it can be contacted. Exceptions should be provided for in cases where the size of the product does not allow for such indications. This includes cases where the importer would have to open the packaging to put the name and address on the product or where the product is too small in size to affix this information.	(52) When placing a product on the market , every importer should indicate on the product their name, registered trade name or registered trade mark as well as their postal address and, ~~where available,~~ electronic means of communication through which it can be contacted. Exceptions should be provided for in cases where the size of the product does not allow for such indications. This includes cases where the importer would have to open the packaging to put the name and address on the product or where the product is too small in size to affix this information-	
Recital 53				
62	(53) As the distributor makes a product available on the market after it has been placed there by the manufacturer or importer, it should	(53) As the distributor makes a product available on the market after it has been placed there by the manufacturer or importer, it should	(53) As the distributor makes a product available on the market after it has been placed there by the manufacturer or importer, it should	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	act with due care in relation to the applicable ecodesign requirements. The distributor should also ensure that its handling of the product does not adversely affect its compliance with the requirements of this Regulation or the delegated acts adopted pursuant to it.	act with due care in relation to the applicable ecodesign requirements. The distributor should also ensure that its handling of the product does not adversely affect its compliance with the requirements of this Regulation or the delegated acts adopted pursuant to it.	act with due care in relation to the applicable ecodesign requirements. The distributor should also ensure that its handling of the product does not adversely affect its compliance with the requirements of this Regulation or the delegated acts adopted pursuant to it.	
Recital 54				
63	(54) As distributors and importers are close to the marketplace and have an important role in ensuring product compliance, should be involved in market surveillance tasks carried out by the competent national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the product concerned.	(54) As distributors and importers are close to the marketplace and have an important role in ensuring product compliance, should be involved in market surveillance tasks carried out by the competent national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the product concerned.	(54) As distributors and importers are close to the marketplace and have an important role in ensuring product compliance, they should be involved in market surveillance tasks carried out by the competent national authorities, and they should be prepared to participate actively, providing those authorities with all necessary information relating to the product concerned.	
Recital 55				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
64	(55) As the dealer offers a product for sale, hire or hire purchase, or displays products to customers or installers, it is necessary for the dealer to ensure that its customers can effectively access the information required under this Regulation, including in the case of distance selling. In particular, this Regulation should require dealers to ensure that the product passport is accessible to their customers and that labels are clearly displayed, in line with the applicable requirements. The dealer should comply with this obligation every time the product is offered for hire.	(55) As the dealer offers a product for sale, hire or hire purchase, or displays products to customers or installers, it is necessary for the dealer to ensure that its customers can effectively access the information required under this Regulation, including in the case of distance selling. In particular, this Regulation should require dealers to ensure that the product passport is accessible to their customers and that labels are clearly displayed, in line with the applicable requirements. The dealer should comply with this obligation every time the product is offered for hire.	(55) As the dealer offers a product for sale, hire or hire purchase, or displays products to customers or installers, it is necessary for the dealer to ensure that its customers, including potential customers , can effectively access the information required under this Regulation, including in the case of distance selling. In particular, this Regulation should require dealers to ensure that the product passport is accessible to their customers, including potential customers , and that labels are clearly displayed, in line with the applicable requirements. The dealer should comply with this obligation every time the product is offered for hire.	
Recital 56				
65	(56) To facilitate the choice of more sustainable products, labels,	(56) To facilitate the choice of more sustainable products, labels,	(56) To facilitate the choice of more sustainable products, labels,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	where required, should be displayed in a clearly visible and identifiable way. They should be identifiable as the label belonging to the product in question, without the customer having to read the brand name and model number on the label. Labels should attract the attention of the customer browsing through the products displayed. To ensure that the label is accessible to customers when considering a purchase, both the dealer and the responsible economic operator should display the label whenever advertising the product, also in cases of distance selling, including online.	where required, should be displayed in a clearly visible and identifiable way. They should be identifiable as the label belonging to the product in question, without the customer having to read the brand name and model number on the label. Labels should attract the attention of the customer browsing through the products displayed. To ensure that the label is accessible to customers when considering a purchase, both the dealer and the responsible economic operator should display the label whenever advertising the product, also in cases of distance selling, including online.	where required, should be displayed in a clearly visible and identifiable way. They should be identifiable as the label belonging to the product in question, without the customer having to read the brand name and model number on the label. Labels should attract the attention of the customer browsing through the products displayed. To ensure that the label is accessible to customers when considering a purchase, both the dealer and the responsible economic operator should display the label whenever advertising the product, also in cases of distance selling, including online. They should take special care to avoid confusing or misleading customers by displaying, on a product required to have a label pursuant to this Regulation, other labels referring to the same information. Other labels would not be considered to be confusing or misleading when they are required under other legislation and could continue to be displayed as required by that legislation. Neither the EU Ecolabel nor any other nationally or regionally officially recognised	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			EN ISO 14024 type I environmental labels should be considered as misleading.	
Recital 57				
66	(57) Any importer or distributor that either places on the market a product covered by a delegated act adopted pursuant to this Regulation under the importer's or distributor's own name or trademark, or modifies such a product in such a way that compliance with this Regulation or with the relevant delegated act might be affected, should be considered to be the manufacturer and should assume the manufacturer's obligations.	(57) Any importer or distributor that either places on the market a product covered by a delegated act adopted pursuant to this Regulation under the importer's or distributor's own name or trademark, or modifies such a product in such a way that compliance with this Regulation or with the relevant delegated act might be affected, should be considered to be the manufacturer and should assume the manufacturer's obligations.	(57) Any importer or distributor that either places on the market a product covered by a delegated act adopted pursuant to this Regulation under the importer's or distributor's own name or trademark, or modifies such a product before it has been put into service in such a way that compliance with this Regulation or with the relevant delegated act might be affected, should be considered to be the manufacturer and should assume the manufacturer's obligations.	
Recital 58				
67				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(58) Online marketplaces play a crucial role in the supply chain, allowing economic operators to reach a large number of customers. Given their important role in intermediating the sale of products between economic operators and customers, online marketplaces should take responsibility for addressing the sale of products that do not comply with ecodesign requirements and should cooperate with market surveillance authorities. Directive 2000/31/EC of the European Parliament and of the Council¹ provides the general framework for e-commerce and lays down certain obligations for online platforms. Regulation [.../...] on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC² regulates the responsibility and accountability of providers of intermediary services online with regard to illegal content, including products that do not comply with ecodesign requirements. Building on this general framework, specific requirements to effectively address the sale of non-compliant products	(58) Online marketplaces play a crucial role in the supply chain, allowing economic operators to reach a large number of customers. Given their important role in intermediating the sale of products between economic operators and customers, online marketplaces should take responsibility for addressing the sale of products that do not comply with ecodesign requirements and should cooperate with market surveillance authorities. Directive 2000/31/EC of the European Parliament and of the Council¹ provides the general framework for e-commerce and lays down certain obligations for online platforms. Regulation [.../...] on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC² regulates the responsibility and accountability of providers of intermediary services online with regard to illegal content, including products that do not comply with ecodesign requirements. Building on this general framework, specific requirements to effectively address the sale of non-compliant products	(58) Online marketplaces play a crucial role in the supply chain, allowing economic operators to reach a large number of customers. Given their important role in intermediating the sale of products between economic operators and customers, online marketplaces should take responsibility for addressing the sale of products that do not comply with ecodesign requirements and should cooperate with market surveillance authorities. Directive 2000/31/EC of the European Parliament and of the Council¹ provides the general framework for e-commerce and lays down certain obligations for online platforms. Regulation [.../...] on a Single Market for Digital Services (Digital Services ActEU) and amending Directive 2000/31/EC^{2022/2065} ² regulates the responsibility and accountability of providers of intermediary services online with regard to illegal content, including products that do not comply with ecodesign requirements. Building on this general framework, specific requirements to effectively address the sale of non-compliant products	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	online should be brought in. _____ 1. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1). 2. [Add reference when adopted Proposal for a regulation of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (COM(2020)825 final)].	online should be brought in. _____ 1. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1). 2. [Add reference when adopted Proposal for a regulation of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (COM(2020)825 final)].	online should be brought in. _____ 1. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1). 2. ~~[Add reference when adopted Proposal for a regulation~~Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) ~~and amending Directive 2000/31/EC (COM(2020)825 final)]~~[OJ L 277, 27.10.2022, p. 1].	
Recital 59				
68	(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	(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	(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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	providers under Article 7(2) of Regulation (EU) 2019/1020 of the European Parliament and of the Council¹ 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 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. _____ 1. 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	providers under Article 7(2) of Regulation (EU) 2019/1020 of the European Parliament and of the Council¹ in relation to products covered by that Regulation, including products for which ecodesign requirements are set. <u><i>In order to keep pace with technological development and new means of sale, the compliance by design obligations laid down for providers of online marketplaces in Article 31 of Regulation (EU) 2022/2065 of the European Parliament and of the Council^{1a} 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</i></u> ~~<i>To further improve cooperation to tackle illegal content related to non-compliant products,</i>~~ this Regulation. <u><i>The enforcement of those</i></u> ~~<i>should include concrete</i>~~ obligations <u><i>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</i></u>	providers under Article 7(2) of Regulation (EU) 2019/1020 of the European Parliament and of the Council¹ 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 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. _____ 1. 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(EC) No 765/2008 and (EU) No 305/2011 (OJ L169, 25.6.2019, p. 1).	<u>marketplaces should make use at least of the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020. It should be possible for the single point of contact under this Regulation</u>~~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~~<u>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.</u> _____ 1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of	(EC) No 765/2008 and (EU) No 305/2011 (OJ L169, 25.6.2019, p. 1).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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). <u>Ia. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).</u>		
Recital 60				
69	(60) Article 14(4) of Regulation (EU) 2019/1020 provides market surveillance authorities with the power, where no other effective means are available to eliminate a serious risk, to require the removal of content referring to non-compliant products from an online interface or to require the explicit display of a warning to end-users when they access an online interface. The powers entrusted to market surveillance authorities by Article 14(4) of Regulation (EU) 2019/1020 also apply to this	(60) Article 14(4) of Regulation (EU) 2019/1020 provides market surveillance authorities with the power, where no other effective means are available to eliminate a serious risk, to require the removal of content referring to non-compliant products from an online interface or to require the explicit display of a warning to end-users when they access an online interface. The powers entrusted to market surveillance authorities by Article 14(4) of Regulation (EU) 2019/1020 also apply to this	(60) Article ~~14(4)~~14 of Regulation (EU) 2019/1020 provides market surveillance authorities with the power, where no other effective means are available to eliminate a serious risk, to require the removal of content referring to non-compliant products from an online interface ~~or to require the explicit display of a warning to end-users when they access an online interface~~. The powers entrusted to market surveillance authorities by Article ~~14(4)~~14 of Regulation (EU) 2019/1020 also apply to this	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation. However, for effective market surveillance under this Regulation and to avoid non-compliant products being present on the Union market, this power should apply in all necessary and proportionate cases, including for products presenting a less than serious risk. This power should be exercised in accordance with [Article 8] of the [Digital Services Act].	Regulation. However, for effective market surveillance under this Regulation and to avoid non-compliant products being present on the Union market, this power should apply in all necessary and proportionate cases, including for products presenting a less than serious risk. This power should be exercised in accordance with [Article 8] of the [Digital Services Act].	Regulation. However, for effective market surveillance under this Regulation and to avoid non-compliant products being present on the Union market, this power should apply in all necessary and proportionate cases, including for products presenting a less than serious risk. This power should be exercised in accordance with [Article 89] of the [Digital Services Act]. Regulation (EU) 2022/2065	
Recital 61				
70	(61) Ensuring a product's traceability throughout the whole supply chain facilitates the market surveillance authorities' task of tracing economic operators who placed on the market or made available on the market non-compliant products. The economic operators should therefore be required to keep the information on their transactions for a certain period of time.	(61) Ensuring a product's traceability throughout the whole supply chain facilitates the market surveillance authorities' task of tracing economic operators who placed on the market or made available on the market non-compliant products. The economic operators should therefore be required to keep the information on their transactions for a certain period of time.	(61) Ensuring a product's traceability throughout the whole supply chain facilitates the market surveillance authorities' task of tracing economic operators who placed on the market or made available on the market non-compliant products. The economic operators should therefore be required to keep the information on their transactions for a certain period of time.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 62				
71	(62) To speed up and facilitate the verification of compliance of products placed on the market, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by requiring responsible economic operators, where necessary, to make specific parts of the technical documentation digitally available both to competent authorities and to the Commission. This should allow competent national authorities to access this information without request, while continuing to guarantee the protection of trade secrets. Possible means of making this information digitally available should in principle include a product passport, or via inclusion in the compliance part of the product database referred to in Regulation (EU) 2017/1369, or on a website of	(62) To speed up and facilitate the verification of compliance of products placed on the market, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by requiring responsible economic operators, where necessary, to make specific parts of the technical documentation digitally available both to competent authorities and to the Commission. This should allow competent national authorities to access this information without request, while continuing to guarantee the protection of trade secrets. Possible means of making this information digitally available should in principle include a product passport, or via inclusion in the compliance part of the product database referred to in Regulation (EU) 2017/1369, or on a website of	(62) To speed up and facilitate the verification of compliance of products placed on the market, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by requiring responsible economic operators, where necessary, to make specific parts of the technical documentation digitally available both to competent national authorities and to the Commission. This should allow competent national authorities to access this information without request, while continuing to guarantee the protection of trade secrets and intellectual property rights. Possible means of making this information digitally available should in principle include a product passport, or via inclusion in the compliance part of the product database referred to in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the economic operator. Such an obligation should not take away from the competent national authorities' right to access other parts of the technical documentation on request.	the economic operator. Such an obligation should not take away from the competent national authorities' right to access other parts of the technical documentation on request.	Regulation (EU) 2017/1369, or on a website of the economic operator. Such an obligation should not take away from the competent national authorities' right to access other parts of the technical documentation on request.	
Recital 63				
72	(63) In order to allow for a better estimation of relevant products' market penetration, to better inform studies feeding into the drafting or updating of ecodesign requirement and working plans, and to help identify the market share of specific product groups in order to speed up the formulation or review of ecodesign requirements, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by requiring the collection of adequate and reliable data on the sales of products, by allowing the collection of such data	(63) In order to allow for a better estimation of relevant products' market penetration, to better inform studies feeding into the drafting or updating of ecodesign requirement and working plans, and to help identify the market share of specific product groups in order to speed up the formulation or review of ecodesign requirements, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by requiring the collection of adequate and reliable data on the sales of products, by allowing the collection of such data	(63) ~~In order to allow for a better estimation of relevant products' market penetration, to better inform studies feeding into the drafting or updating of ecodesign requirement and working plans, and to help identify the market share of specific product groups in order to speed up the formulation or review of ecodesign requirements, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by requiring the collection of adequate and reliable data on the sales of products, by allowing the collection of such data~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	by or on behalf of the Commission directly from manufacturers or retailers. When adopting rules on monitoring and reporting, the Commission should take into account the need to maximise the available data on market penetration and the need to minimise the administrative burden for economic operators.	by or on behalf of the Commission directly from manufacturers or retailers. When adopting rules on monitoring and reporting, the Commission should take into account the need to maximise the available data on market penetration and the need to minimise the administrative burden for economic operators.	~~by or on behalf of the Commission directly from manufacturers or retailers. When adopting rules on monitoring and reporting, the Commission should take into account the need to maximise the available data on market penetration and the need to minimise the administrative burden for economic operators.~~	
Recital 64				
73	(64) In order to improve future ecodesign requirements and improve end-users confidence identifying and correcting deviations between energy in-use and other performance parameters when measured under test conditions and actual functioning, the Commission should have access to products' actual energy consumption while in use and where relevant to other performance parameters. To that end, the power to adopt acts in accordance with Article 290 TFEU	(64) In order to improve future ecodesign requirements and improve end-users confidence identifying and correcting deviations between energy in-use and other performance parameters when measured under test conditions and actual functioning, the Commission should have access to products' actual energy consumption while in use and where relevant to other performance parameters. To that end, the power to adopt acts in accordance with Article 290 TFEU	(64) In order to improve future ecodesign requirements and improve end-users confidence identifying and correcting deviations between energy in-use and other performance parameters when measured under test conditions and actual functioning, the Commission should have access to anonymised information about products' actual energy consumption while in use and where relevant to other performance parameters. To that end, the power to adopt ~~acts in~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	should be delegated to the Commission to supplement this Regulation by requiring individual products, similarly to road vehicles, to determine their in-use energy consumption and other relevant performance parameters and display it to the end-user. For products connected to the internet, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by requiring economic operators to remotely collect such in-use data and report it to the Commission, as it is essential to identify how the products perform and to inform the public. For products whose in use performance depends significantly also on climatic or geographical conditions, climatic or geographical information should also be collected, anonymised and reported.	should be delegated to the Commission to supplement this Regulation by requiring individual products, similarly to road vehicles, to determine their in-use energy consumption and other relevant performance parameters and display it to the end-user. For products connected to the internet, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by requiring economic operators to remotely collect such in-use data and report it to the Commission, as it is essential to identify how the products perform and to inform the public. For products whose in use performance depends significantly also on climatic or geographical conditions, climatic or geographical information should also be collected, anonymised and reported.	~~accordance with Article 290 TFEU~~ delegated acts should be delegated to the Commission to supplement this Regulation by requiring individual products, similarly to road vehicles, to determine their in-use energy consumption and other relevant performance parameters and display it to the end-user. For products connected to the internet, the power to adopt ~~acts in accordance with Article 290 TFEU~~ delegated acts should be delegated to the Commission to supplement this Regulation by requiring economic operators to remotely collect and anonymise such in-use data and report it to the Commission, as it is essential to identify how the products perform and to inform the public. For products whose in use performance depends significantly also on climatic or geographical conditions, climatic or geographical information should also be collected, anonymised and reported.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 64a				
73a			(64a) In order to help facilitate the verification of compliance with the ecodesign requirements, including to facilitate conformity assessment and market surveillance, the Commission should be empowered to require, where duly justified, that supply chain actors provide information on their supplies like quantity and type or chemical composition of materials used or production process employed, or information on the conditions of the provisions of their services. It should also be possible to allow manufacturers to have access to the documents relating such information or to the actual facilities of the supply chain actors to be able to access directly and by themselves the needed information if they do not provide the information requested within a reasonable time. The Commission should also be empowered to enable notified bodies and national	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			authorities to verify the correctness of the information related to the activities of the supply chain actors.	
Recital 65				
74	(65) In order to ensure the effective and harmonised application of ecodesign requirements set under this Regulation, including on aspects such as energy use or efficiency, durability and reliability, and recycled content, compliance with those requirements should be measured using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art methods. Delegated acts establishing ecodesign requirements for products should in principle include the specifications for tests, measurements or calculations needed to establish or verify compliance. In addition, the power to adopt acts in accordance	(65) In order to ensure the effective and harmonised application of ecodesign requirements set under this Regulation, including on aspects such as energy use or efficiency, durability and reliability, and recycled content, compliance with those requirements should be measured using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art methods. Delegated acts establishing ecodesign requirements for products should in principle include the specifications for tests, measurements or calculations needed to establish or verify compliance. In addition, the power to adopt acts in accordance	(65) In order to ensure the effective and harmonised application of ecodesign requirements set under this Regulation, including on aspects such as energy use or efficiency, durability and reliability, and recycled content, compliance with those requirements should be measured using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art methods. Delegated acts establishing ecodesign requirements for products should in principle include the specifications for tests, measurements or calculations needed to establish or verify compliance. In addition, the power to adopt acts in accordance	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by requiring the use of online tools reflecting applicable calculation requirements, in order to ensure their harmonised application.	with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by requiring the use of online tools reflecting applicable calculation requirements, in order to ensure their harmonised application.	with Article 290 TFEU delegated acts should be delegated to the Commission to supplement this Regulation by requiring the use of online digital tools reflecting applicable calculation requirements, in order to ensure their harmonised application. The Commission should make available those tools after an internal testing period and should establish the conditions ensuring proper functioning and remedies in case of malfunctioning.	
Recital 66				
75	(66) In order to ensure that ecodesign requirements achieve their intended effects, this Regulation should set out comprehensive and overarching provisions, applicable to all products covered by ecodesign requirements, prohibiting circumvention of such requirements. Therefore, any	(66) In order to ensure that ecodesign requirements achieve their intended effects, this Regulation should set out comprehensive and overarching provisions, applicable to all products covered by ecodesign requirements, prohibiting circumvention of such requirements. Therefore, any	(66) In order to ensure that ecodesign requirements achieve their intended effects, this Regulation should set out comprehensive and overarching provisions, applicable to all products covered by ecodesign requirements, prohibiting circumvention of such requirements. Therefore, any	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	practice leading to an unjustified alteration of the product's performance during compliance testing or within a short period after putting the product into service, leading to a declared performance that misrepresents the product's actual performance while in use should be prohibited..	practice leading to an unjustified alteration of the product's performance during compliance testing or within a short period after putting the product into service, leading to a declared performance that misrepresents the product's actual performance while in use should be prohibited..	practice leading to an unjustified alteration of the product's performance during compliance testing or within a short period after putting the product into service, leading to a declared performance that misrepresents the product's actual performance while in use should be prohibited.-	
Recital 67				
76	(67) Where appropriate, delegated acts establishing ecodesign requirements for products may refer to the use of standards to establish or verify compliance. In order to ensure that there are no barriers to trade on the internal market, such standards should be harmonised at Union level. Once a reference to such a standard has been adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council ¹ and published in the Official Journal of the European Union, products in conformity with	(67) Where appropriate, delegated acts establishing ecodesign requirements for products may refer to the use of standards to establish or verify compliance. In order to ensure that there are no barriers to trade on the internal market, such standards should be harmonised at Union level. Once a reference to such a standard has been adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council ¹ and published in the Official Journal of the European Union, products in conformity with	(67) Where appropriate, delegated acts establishing ecodesign requirements for products ~~may~~ should refer to the use of standards to ~~establish or verify compliance~~ assess their conformity with ecodesign requirements e. In order to ensure that there are no barriers to trade on the internal market, such standards should be harmonised at Union level. Once a reference to such a standard has been adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the	

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	such standards, for which ecodesign requirements have been adopted pursuant to this Regulation, should be considered in conformity with those requirements to the extent that they are covered by the relevant harmonised standards. Similarly, methods for tests, measurement or calculation that are in conformity with harmonised standards should be considered in conformity with the test, measurement and calculation requirements set out in the relevant delegated acts laying down ecodesign requirements, to the extent that they are covered by the relevant harmonised standards. _____ 1. Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).	such standards, for which ecodesign requirements have been adopted pursuant to this Regulation, should be considered in conformity with those requirements to the extent that they are covered by the relevant harmonised standards. Similarly, methods for tests, measurement or calculation that are in conformity with harmonised standards should be considered in conformity with the test, measurement and calculation requirements set out in the relevant delegated acts laying down ecodesign requirements, to the extent that they are covered by the relevant harmonised standards. _____ 1. Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).	Council¹ and published in the Official Journal of the European Union~~Official Journal of the European Union~~, products in conformity with such standards, for which ecodesign requirements have been adopted pursuant to this Regulation, should be considered in conformity with those requirements to the extent that they are covered by the relevant harmonised standards. Similarly, methods for tests, measurement or calculation that are in conformity with harmonised standards should be considered in conformity with the test, measurement and calculation requirements set out in the relevant delegated acts laying down ecodesign requirements, to the extent that they are covered by the relevant harmonised standards. _____ 1. Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).	
Recital 68				
77	(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 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.	(68) <u>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 a presumption of conformity with the relevant requirements set out in this Regulation.</u> In the absence of <u>relevant references to</u> harmonised standards, recourse to common specifications, <u>via the adoption of implementing acts,</u> 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	(68) In order to ensure uniform conditions for the implementation of this Regulation and in the absence of harmonised standards, recourse to common specifications adopted as implementing acts under this Regulation, provided that in doing so it duly respects the role and functions of standardisation organisations, should be used as an exceptional 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~~ or when there are delays in the	

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	Compliance with common specifications should also give rise to the presumption of conformity.	between stakeholders or where there are undue delays in establishing a harmonised standard <u>and the prescribed deadline cannot be respected</u>. 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. <u>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.</u>	establishment of appropriate harmonised standards. If such delay is due to the technical complexity of the standard. ~~Such delays could for example occur when the required quality is not reached.~~ in question, this should be considered by the Commission before contemplating the establishment of common specifications. 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. Those powers should be exercised in accordance with Regulation (EU) No 182/2011. Compliance with common specifications should also give rise to the presumption of conformity.	
Recital 68a				
77a			(68a) With a view to	

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			establishing, in the most efficient way, common specifications that cover the ecodesign requirements of this Regulation, the Commission should involve relevant stakeholders in the process.	
Recital 69				
78	(69) In order to enable economic operators to demonstrate, and competent authorities to verify, that products made available on the market comply with the ecodesign requirements adopted pursuant to this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by laying down conformity assessment procedures appropriate and proportionate to the nature of the product concerned and of the product parameters regulated. To ensure coherence with other Union law, the conformity assessment procedures	(69) In order to enable economic operators to demonstrate, and competent authorities to verify, that products made available on the market comply with the ecodesign requirements adopted pursuant to this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by laying down conformity assessment procedures appropriate and proportionate to the nature of the product concerned and of the product parameters regulated. To ensure coherence with other Union law, the conformity assessment procedures	(69) In order to enable economic operators to demonstrate, and competent authorities to verify, that products made available on the market comply with the ecodesign requirements adopted pursuant to this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by laying down conformity assessment procedures appropriate and proportionate to the nature of the product concerned and of the product parameters regulated. To ensure coherence with other Union law, the conformity assessment procedures	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	should be chosen from among the internal production control module included in this Regulation and the modules included in Decision No 768/2008/EC of the European Parliament and of the Council¹, ranging from the least stringent to the most stringent depending. To further ensure that the applicable module is appropriate and proportionate to the nature of the product concerned and of the product parameters regulated, the Commission should where needed adapt the module chosen in light of that nature. _____ 1. Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82).	should be chosen from among the internal production control module included in this Regulation and the modules included in Decision No 768/2008/EC of the European Parliament and of the Council¹, ranging from the least stringent to the most stringent depending. To further ensure that the applicable module is appropriate and proportionate to the nature of the product concerned and of the product parameters regulated, the Commission should where needed adapt the module chosen in light of that nature. _____ 1. Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82).	should be chosen from among the internal production control module included in this Regulation and the modules included in Decision No 768/2008/EC of the European Parliament and of the Council¹, ranging from the least stringent to the most stringent depending. To further ensure that the applicable module is appropriate and proportionate to the nature of the product concerned and of the product parameters regulated, the Commission should where needed adapt the module chosen in light of that nature. _____ 1. Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82).	
Recital 70				
79	(70) Manufacturers should draw	(70) Manufacturers should draw	(70) Manufacturers should draw	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	up an EU declaration of conformity to provide information on the conformity of products with this Regulation. Manufacturers may also be required by other Union legislation to draw up an EU declaration of conformity. To ensure effective access to information for market surveillance purposes, a single EU declaration of conformity should be drawn up in respect of all Union acts. To reduce the administrative burden on economic operators, it should be possible for that single EU declaration of conformity to be a dossier made up of relevant individual declarations of conformity.	up an EU declaration of conformity to provide information on the conformity of products with this Regulation. Manufacturers may also be required by other Union legislation to draw up an EU declaration of conformity. To ensure effective access to information for market surveillance purposes, a single EU declaration of conformity should be drawn up in respect of all Union acts. To reduce the administrative burden on economic operators, it should be possible for that single EU declaration of conformity to be a dossier made up of relevant individual declarations of conformity.	up an EU declaration of conformity to provide information on the conformity of products with this Regulation. Manufacturers may also be required by other Union legislation to draw up an EU declaration of conformity. To ensure effective access to information for market surveillance purposes, a single EU declaration of conformity should be drawn up in respect of all Union acts. To reduce the administrative burden on economic operators, it should be possible for that single EU declaration of conformity to be a dossier made up of relevant individual declarations of conformity.	
Recital 71				
80	(71) Regulation (EC) No 765/2008 of the European Parliament and of the Council ¹ lays down rules on the accreditation of conformity assessment bodies, provides a framework for the market	(71) Regulation (EC) No 765/2008 of the European Parliament and of the Council ¹ lays down rules on the accreditation of conformity assessment bodies, provides a framework for the market	(71) Regulation (EC) No 765/2008 of the European Parliament and of the Council ¹ lays down rules on the accreditation of conformity assessment bodies, ~~provides a framework for the market~~	

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	surveillance of products and for controls on products from third countries, and lays down the general principles of the CE marking. That Regulation should be applicable to products covered by this Regulation in order to ensure that products benefiting from the free movement of goods within the Union fulfil requirements providing a high level of protection of public interests such as human health, safety and the environment. Where ecodesign requirements have been adopted for a product, the CE marking should indicate that product's conformity with this Regulation and the ecodesign requirements adopted pursuant to it, insofar as they relate to the product. General principles governing the CE marking and its relationship to other markings are set out in Regulation (EC) No 765/2008. Considering that this Regulation provides for the setting of ecodesign requirements for a large range of products, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by	surveillance of products and for controls on products from third countries, and lays down the general principles of the CE marking. That Regulation should be applicable to products covered by this Regulation in order to ensure that products benefiting from the free movement of goods within the Union fulfil requirements providing a high level of protection of public interests such as human health, safety and the environment. Where ecodesign requirements have been adopted for a product, the CE marking should indicate that product's conformity with this Regulation and the ecodesign requirements adopted pursuant to it, insofar as they relate to the product. General principles governing the CE marking and its relationship to other markings are set out in Regulation (EC) No 765/2008. Considering that this Regulation provides for the setting of ecodesign requirements for a large range of products, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by	~~surveillance of products and for controls on products from third countries, and~~ lays down the general principles of the CE marking. That Regulation should be applicable to products covered by this Regulation in order to ensure that products benefiting from the free movement of goods within the Union fulfil requirements providing a high level of protection of public interests such as human health, safety and the environment. Where ecodesign requirements have been adopted for a product, the CE marking should indicate that product's conformity with this Regulation and the ecodesign requirements adopted pursuant to it, insofar as they relate to the product. General principles governing the CE marking and its relationship to other markings are set out in Regulation (EC) No 765/2008. Considering that this Regulation provides for the setting of ecodesign requirements for a large range of products, the power to adopt ~~acts in accordance with Article 290 TFEU~~ delegated acts should be ~~delegated to~~ conferred on the Commission to supplement	

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	setting out alternative or more specific rules on the declaration of conformity or conformity marking in relation to ecodesign requirements in order to ensure coherence with requirements under Union law applicable to the products covered, prevent confusion with other marking or declarations and minimise administrative burden for economic operators. _____ 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).	setting out alternative or more specific rules on the declaration of conformity or conformity marking in relation to ecodesign requirements in order to ensure coherence with requirements under Union law applicable to the products covered, prevent confusion with other marking or declarations and minimise administrative burden for economic operators. _____ 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).	~~this Regulation by setting out alternative or more specific~~ set out rules on the declaration of conformity or conformity marking in relation to ecodesign requirements in order to ensure coherence with requirements under Union law applicable to the products covered, prevent confusion with other ~~marking or declarations~~ markings and minimise administrative burden for economic operators. _____ 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).	
Recital 72				
81	(72) Some of the conformity assessment modules laid down in Decision No 768/2008/EC require	(72) Some of the conformity assessment modules laid down in Decision No 768/2008/EC require	(72) Some of the conformity assessment modules laid down in Decision No 768/2008/EC require	

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	the intervention of conformity assessment bodies. In order to ensure uniform conditions for the implementation of this Regulation, those bodies should be notified to the Commission by Member State authorities.	the intervention of conformity assessment bodies. In order to ensure uniform conditions for the implementation of this Regulation, those bodies should be notified to the Commission by Member State authorities.	the intervention of conformity assessment bodies. In order to ensure uniform conditions for the implementation of this Regulation, those bodies should be notified to the Commission by Member State authorities.	
Recital 73				
82	(73) To ensure a consistent level of quality in the performance of conformity assessment, it is necessary to set requirements for notifying authorities involved in the assessment, notification and monitoring of notified bodies. In particular, it should be ensured that the notifying authority is objective and impartial with regard to its activity. Furthermore, notifying authorities should be required to safeguard the confidentiality of the information they obtain, but should nonetheless be able to exchange information on notified bodies with national authorities, the notifying authorities of other Member States	(73) To ensure a consistent level of quality in the performance of conformity assessment, it is necessary to set requirements for notifying authorities involved in the assessment, notification and monitoring of notified bodies. In particular, it should be ensured that the notifying authority is objective and impartial with regard to its activity. Furthermore, notifying authorities should be required to safeguard the confidentiality of the information they obtain, but should nonetheless be able to exchange information on notified bodies with national authorities, the notifying authorities of other Member States	(73) To ensure a consistent level of quality in the performance of conformity assessment, it is necessary to set requirements for notifying authorities involved in the assessment, notification and monitoring of notified bodies. In particular, it should be ensured that the notifying authority is objective and impartial with regard to its activity. Furthermore, notifying authorities should be required to safeguard the confidentiality of the information they obtain, but should nonetheless be able to exchange information on notified bodies with national authorities, the notifying authorities of other Member States	

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	and the Commission to ensure consistency in the conformity assessment. To effectively establish and monitor the competence and independence of applicant bodies, notifying authorities should take as a basis for notification only the precise legal body applying, not taking into account the credentials of parent or sister companies. For the same reason, they should assess applicant bodies against all relevant requirements and conformity assessment tasks, relying on harmonised standards for the requirements and tasks covered by those standards.	and the Commission to ensure consistency in the conformity assessment. To effectively establish and monitor the competence and independence of applicant bodies, notifying authorities should take as a basis for notification only the precise legal body applying, not taking into account the credentials of parent or sister companies. For the same reason, they should assess applicant bodies against all relevant requirements and conformity assessment tasks, relying on harmonised standards for the requirements and tasks covered by those standards.	and the Commission to ensure consistency in the conformity assessment. To effectively establish and monitor the competence and independence of applicant bodies, notifying authorities should take as a basis for notification only the precise legal body applying, not taking into account the credentials of parent or sister companies. For the same reason, they should assess applicant bodies against all relevant requirements and conformity assessment tasks, relying on harmonised standards for the requirements and tasks covered by those standards.	
Recital 74				
83	(74) Given their central role in ensuring the reliability of conformity assessments in relation to ecodesign requirements, it is essential that notifying authorities have a sufficient number of competent personnel and sufficient	(74) Given their central role in ensuring the reliability of conformity assessments in relation to ecodesign requirements, it is essential that notifying authorities have a sufficient number of competent personnel and sufficient	(74) Given their central role in ensuring the reliability of conformity assessments in relation to ecodesign requirements, it is essential that notifying authorities have a sufficient number of competent personnel and sufficient	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	funding at their disposal for the proper performance of their tasks. Where, in the implementation of this Regulation, it occurs that notifying authorities do not effectively verify and monitor notified bodies due to a lack of competent personnel, implementing powers should be conferred on the Commission to lay down a minimum number of full-time equivalents that should be at the disposal of notifying authorities, where appropriate in relation to specific conformity assessment tasks.	funding at their disposal for the proper performance of their tasks. Where, in the implementation of this Regulation, it occurs that notifying authorities do not effectively verify and monitor notified bodies due to a lack of competent personnel, implementing powers should be conferred on the Commission to lay down a minimum number of full-time equivalents that should be at the disposal of notifying authorities, where appropriate in relation to specific conformity assessment tasks.	funding at their disposal for the proper performance of their tasks. ~~Where, in the implementation of this Regulation, it occurs that notifying authorities do not effectively verify and monitor notified bodies due to a lack of competent personnel, implementing powers should be conferred on the Commission to lay down a minimum number of full-time equivalents that should be at the disposal of notifying authorities, where appropriate in relation to specific conformity assessment tasks.~~	
Recital 75				
84	(75) It is essential that all notified bodies perform their functions to the same level and under conditions of equal competition and autonomy. Therefore, requirements should be set for conformity assessment bodies wishing to obtain the status of notified body in order to provide	(75) It is essential that all notified bodies perform their functions to the same level and under conditions of equal competition and autonomy. Therefore, requirements should be set for conformity assessment bodies wishing to obtain the status of notified body in order to provide	(75) It is essential that all notified bodies perform their functions to the same level and under conditions of equal competition and autonomy. Therefore, requirements should be set for conformity assessment bodies wishing to obtain the status of notified body in order to provide	

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	conformity assessment activities. Those requirements should continue to apply to maintain the competence of the notified body. To ensure its autonomy, the notified body and the staff it employs should be required to maintain independence from economic operators in the value chain of the products in relation to which it has been notified and from other companies, including business associations and parent companies and subsidiaries.	conformity assessment activities. Those requirements should continue to apply to maintain the competence of the notified body. To ensure its autonomy, the notified body and the staff it employs should be required to maintain independence from economic operators in the value chain of the products in relation to which it has been notified and from other companies, including business associations and parent companies and subsidiaries.	conformity assessment activities. Those requirements should continue to apply to maintain the competence of the notified body. To ensure its autonomy, the notified body and the staff it employs should be required to maintain independence from economic operators in the value chain of the products in relation to which it has been notified and from other companies, including business associations and parent companies and subsidiaries.	
Recital 76				
85	(76) If a conformity assessment body demonstrates conformity with the criteria laid down in harmonised standards it should be presumed to comply with the corresponding requirements set out in this Regulation.	(76) If a conformity assessment body demonstrates conformity with the criteria laid down in harmonised standards it should be presumed to comply with the corresponding requirements set out in this Regulation.	(76) If a conformity assessment body demonstrates conformity with the criteria laid down in harmonised standards it should be presumed to comply with the corresponding requirements set out in this Regulation.	

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Recital 77				
86	(77) Conformity assessment bodies frequently subcontract parts of their activities linked to the assessment of conformity or have recourse to a subsidiary. To ensure that products placed on the Union market comply with ecodesign requirements, conformity assessment subcontractors and subsidiaries should fulfil the same requirements as notified bodies in relation to the performance of conformity assessment tasks under this Regulation.	(77) Conformity assessment bodies frequently subcontract parts of their activities linked to the assessment of conformity or have recourse to a subsidiary. To ensure that products placed on the Union market comply with ecodesign requirements, conformity assessment subcontractors and subsidiaries should fulfil the same requirements as notified bodies in relation to the performance of conformity assessment tasks under this Regulation.	(77) Conformity assessment bodies frequently subcontract parts of their activities linked to the assessment of conformity or have recourse to a subsidiary. To ensure that products placed on the Union market comply with ecodesign requirements, conformity assessment subcontractors and subsidiaries should fulfil the same requirements as notified bodies in relation to the performance of conformity assessment tasks under this Regulation.	
Recital 78				
87	(78) In order for notifying authorities to effectively establish and monitor the competence and independence of applicant bodies, those bodies should be and remain autonomous. Therefore, certain	(78) In order for notifying authorities to effectively establish and monitor the competence and independence of applicant bodies, those bodies should be and remain autonomous. Therefore, certain	(78) In order for notifying authorities to effectively establish and monitor the competence and independence of applicant bodies, those bodies should be and remain autonomous. Therefore, certain	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	activities and decision-making processes, both regarding the conformity assessment of products and other activities internal to the notified body, should exclusively be carried out by the individual notified body itself.	activities and decision-making processes, both regarding the conformity assessment of products and other activities internal to the notified body, should exclusively be carried out by the individual notified body itself.	activities and decision-making processes, both regarding the conformity assessment of products and other activities internal to the notified body, should exclusively be carried out by the individual notified body itself.	
Recital 79				
88	(79) To facilitate the process of establishing and monitoring the competence and independence of applicant bodies, applicant bodies should draw up and regularly update a qualification matrix. This matrix should match personnel and their qualifications to specific conformity assessment tasks, enabling the notifying authority to more effectively assess the adequacy of staffing and the continued autonomy of the notified body.	(79) To facilitate the process of establishing and monitoring the competence and independence of applicant bodies, applicant bodies should draw up and regularly update a qualification matrix. This matrix should match personnel and their qualifications to specific conformity assessment tasks, enabling the notifying authority to more effectively assess the adequacy of staffing and the continued autonomy of the notified body.	(79) To facilitate the process of establishing and monitoring the competence and independence of applicant bodies, applicant bodies should draw up and regularly update a qualification matrix. This matrix should match personnel and their qualifications to specific conformity assessment tasks, enabling the notifying authority to more effectively assess the adequacy of staffing and the continued autonomy of the notified body. provide a description of how relevant personnel, their status and tasks correspond to the conformity assessment, tasks in relation to which the body intends to be notified, such as in the form of a qualification matrix, enabling the notifying authority to more effectively assess the adequacy of staffing and the	

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			continued autonomy of the notified body.	
Recital 80				
89	(80) Since the services offered by notified bodies in a Member State might relate to products made available on the market throughout the Union, it is appropriate to give the other Member States and the Commission the opportunity to raise objections concerning a notified body. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to request that the notifying Member State take corrective action if a notified body does not meet, or no longer meets, the requirements of this Regulation.	(80) Since the services offered by notified bodies in a Member State might relate to products made available on the market throughout the Union, it is appropriate to give the other Member States and the Commission the opportunity to raise objections concerning a notified body. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to request that the notifying Member State take corrective action if a notified body does not meet, or no longer meets, the requirements of this Regulation.	(80) Since the services offered by notified bodies in a Member State might relate to products made available on the market throughout the Union, it is appropriate to give the other Member States and the Commission the opportunity to raise objections concerning a notified body. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to request that the notifying Member State take corrective action if a notified body does not meet, or no longer meets, the requirements of this Regulation.	
Recital 81				

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90	(81) In the interests of facilitating and accelerating the conformity assessment procedure, and to ensure equal treatment of economic operators, it is crucial that the notified bodies apply the conformity assessment procedures consistently and without creating unnecessary burdens for economic operators.	(81) In the interests of facilitating and accelerating the conformity assessment procedure, and to ensure equal treatment of economic operators, it is crucial that the notified bodies apply the conformity assessment procedures consistently and without creating unnecessary burdens for economic operators.	(81) In the interests of facilitating and accelerating the conformity assessment procedure, and to ensure equal treatment of economic operators, it is crucial that the notified bodies apply the conformity assessment procedures consistently and without creating unnecessary burdens for economic operators.	
Recital 82				
91	(82) Prior to taking a final decision on whether a product can be granted a conformity certificate, the economic operator that wishes to place that product on the market should be allowed to supplement the relevant documentation once only. This limitation is necessary to ensure that notified bodies are not able to assist manufacturers in making changes until conformity is reached, as that would mean that	(82) Prior to taking a final decision on whether a product can be granted a conformity certificate, the economic operator that wishes to place that product on the market should be allowed to supplement the relevant documentation once only. This limitation is necessary to ensure that notified bodies are not able to assist manufacturers in making changes until conformity is reached, as that would mean that	(82) Prior to taking a final decision on whether a product can be granted a conformity certificate, the economic operator that wishes to place that product on the market should be allowed to supplement the relevant documentation once only. This limitation is necessary to ensure that notified bodies are not able to assist manufacturers in making changes until conformity is reached, as that would mean that	

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	the service provided resembles a consulting service and could in practice dilute the public interest nature of notified bodies' tasks. Where appropriate, notified bodies should also be able to restrict, suspend or withdraw any certificates or approval decisions.	the service provided resembles a consulting service and could in practice dilute the public interest nature of notified bodies' tasks. Where appropriate, notified bodies should also be able to restrict, suspend or withdraw any certificates or approval decisions.	the service provided resembles a consulting service and could in practice dilute the public interest nature of notified bodies' tasks. Where appropriate, notified bodies should also be able to restrict, suspend or withdraw any certificates or approval decisions.	
Recital 83				
92	(83) To facilitate the identification and resolution of cases of non-conformity of notified bodies, manufacturers or products, notified bodies should proactively forward relevant information at their disposal to notifying authorities or market surveillance authorities.	(83) To facilitate the identification and resolution of cases of non-conformity of notified bodies, manufacturers or products, notified bodies should proactively forward relevant information at their disposal to notifying authorities or market surveillance authorities.	(83) To facilitate the identification and resolution of cases of non-conformity of notified bodies, manufacturers or products, notified bodies should proactively forward relevant information at their disposal to notifying authorities or market surveillance authorities.	
Recital 84				
93	(84) It is essential to ensure	(84) It is essential to ensure	(84) It is essential to ensure	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	efficient exchange of information between notified bodies and market surveillance authorities, including from other Member States. To that end, it is necessary for notifying authorities and notified bodies to ensure follow-up to requests for information from market surveillance authorities.	efficient exchange of information between notified bodies and market surveillance authorities, including from other Member States. To that end, it is necessary for notifying authorities and notified bodies to ensure follow-up to requests for information from market surveillance authorities.	efficient exchange of information between notified bodies and market surveillance authorities, including from other Member States. To that end, it is necessary for notifying authorities and notified bodies to ensure follow-up to requests for information from market surveillance authorities.	
Recital 85				
94	(85) The Commission should enable appropriate coordination and cooperation between notified bodies. To ensure harmonised application of ecodesign requirements, notified bodies should discuss and coordinate on topics of possible divergence. In that process, they should take as general guidance any document produced by the administrative cooperation group made up of market surveillance authorities, as referred to in Article 30(2) of Regulation (EU) 2019/1020.	(85) The Commission should enable appropriate coordination and cooperation between notified bodies. To ensure harmonised application of ecodesign requirements, notified bodies should discuss and coordinate on topics of possible divergence. In that process, they should take as general guidance any document produced by the administrative cooperation group made up of market surveillance authorities, as referred to in Article 30(2) of Regulation (EU) 2019/1020.	(85) The Commission should enable appropriate coordination and cooperation between notified bodies. To ensure harmonised application of ecodesign requirements, notified bodies should discuss and coordinate on topics of possible divergence. ~~In that process, they should take as general guidance any document produced by the administrative cooperation group made up of market surveillance authorities, as referred to in Article 30(2) of Regulation (EU) 2019/1020.~~	

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Recital 86				
95	(86) In order to incentivise consumers to make sustainable choices, in particular when the more sustainable products are not affordable enough, mechanisms such as eco-vouchers and green taxation should be provided for. When Member States decide to make use of incentives to reward the best-performing products among those for which classes of performance have been set by delegated acts pursuant to this Regulation, they should do so by targeting those incentives at the highest two populated classes of performance, unless otherwise indicated by the relevant delegated act. However, Member States should not be able to prohibit the placing on the market of a product based on its class of performance. For the same reason, the power to adopt acts in accordance with Article 290 TFEU should be	(86) In order to incentivise consumers to make sustainable choices, in particular when the more sustainable products are not affordable enough, mechanisms such as eco-vouchers <u>that can only be used to purchase products and services respecting the environment</u>, and green taxation should be provided for. When Member States decide to make use of incentives to reward the best-performing products among those for which classes of performance have been set by delegated acts pursuant to this Regulation, they should do so by targeting those incentives at the highest two populated classes of performance, unless otherwise indicated by the relevant delegated act. However, Member States should not be able to prohibit the placing on the market of a product based on its class of performance. For the same	(86) In order to incentivise consumers to make sustainable choices, in particular when the more sustainable products are not affordable enough, mechanisms such as eco-vouchers and green taxation should be provided for. When Member States decide to make use of incentives to reward the best-performing products among those for which classes of performance have been set by delegated acts pursuant to this Regulation, they should do so by targeting those incentives at the highest two populated classes of performance, unless otherwise indicated by the relevant delegated act. However, Member States should not be able to prohibit the placing on the market of a product based on its class of performance. For the same reason, the power to adopt implementing acts ~~acts in accordance with Article 290 TFEU~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	delegated to the Commission to supplement this Regulation by further specifying which product parameters or related levels of performance Member States' incentives concern in case no class of performance is determined in the applicable delegated act or where classes of performance are established in relation to more than one product parameter. The introduction of Member State incentives should be without prejudice to the application of the Union State aid rules.	reason, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by further specifying which product parameters or related levels of performance Member States' incentives concern in case no class of performance is determined in the applicable delegated act or where classes of performance are established in relation to more than one product parameter. The introduction of Member State incentives should be without prejudice to the application of the Union State aid rules.	should be ~~delegated~~ conferred to the Commission to supplement this Regulation by further specifying specify which product parameters or related levels of performance Member States' incentives concern in case no class of performance is determined in the applicable delegated act or where classes of performance are established in relation to more than one product parameter, in which cases the Commission should specify the parameters concerned by the Member States' incentive. The introduction of Member State incentives should be without prejudice to the application of the Union State aid rules.	
Recital 87				
96	(87) Public procurement amounts to 14% of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a	(87) Public procurement amounts to 14% of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a	(87) Public procurement amounts to 14% of the Union's GDP. To contribute to the objective of reaching climate neutrality, improving energy and resource efficiency and transitioning to a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	circular economy that protects public health and biodiversity, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to require , where appropriate, contracting authorities and entities as defined in Directive 2014/24/EU¹ and 2014/25/EU² of the European Parliament and of the Council, to align their procurement with specific green public procurement criteria or targets, to be set out in the delegated acts adopted pursuant to this Regulation. The criteria or targets set by delegated acts for specific product groups should be complied with not only when directly procuring those products in public supply contracts but also in public works or public services contracts where those products will be used for activities constituting the subject matter of those contracts. Compared to a voluntary approach, mandatory criteria or targets will ensure that the leverage of public spending to boost demand for better performing products is maximised. The criteria should be transparent, objective and non-	circular economy that protects public health and biodiversity, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to require , where appropriate, contracting authorities and entities as defined in Directive 2014/24/EU¹ and 2014/25/EU² of the European Parliament and of the Council, to align their procurement with specific green public procurement criteria or targets, to be set out in the delegated acts adopted pursuant to this Regulation. The criteria or targets set by delegated acts for specific product groups should be complied with not only when directly procuring those products in public supply contracts but also in public works or public services contracts where those products will be used for activities constituting the subject matter of those contracts. Compared to a voluntary approach, mandatory criteria or targets will ensure that the leverage of public spending to boost demand for better performing products is maximised <u>in all Member States</u>. The criteria should be transparent,	circular economy that protects public health and biodiversity, the power to adopt acts in accordance with Article 290 TFEU implementing acts should be ~~delegated~~ conferred to the Commission to require , where appropriate, contracting authorities and entities as defined in Directive 2014/24/EU¹ and 2014/25/EU² of the European Parliament and of the Council, to align their procurement with specific minimum green public procurement criteria or targets, to be set out in the ~~delegated~~ implementing acts adopted pursuant to this Regulation. The Commission may require targets to be achieved by establishing, for instance, a percentage of all the tendering procedures concerning a particular product group to comply with public procurement requirements. The percentage may be expressed in the aggregate number or value of contracts for the purchase of relevant sustainable products, as compared to the overall number and value of relevant contracts for the sector or products at stake. The criteria or targets set by	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	discriminatory. _____ 1. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65). 2. Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).	objective and non-discriminatory. _____ 1. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65). 2. Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).	~~delegated~~ acts for specific product groups should be complied with not only when directly procuring those products in public supply contracts but also in public works or public services contracts where those products will be used for activities constituting the subject matter of those contracts. Compared to a voluntary approach, mandatory criteria or targets will ensure that the leverage of public spending to boost demand for better performing products is maximised. The criteria should be transparent, objective and non-discriminatory. When developing implementing acts related to Green Public Procurement, the Commission should take due account of the Member States different geographical, social and economic circumstances. When considering the effect on the market situation, the Commission should take into account, among others, the effects of the requirements on competition and the best environmental products and solutions available on the market. When considering the economic feasibility for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			contracting authorities, the Commission should take into account that different contracting authorities in different Member States might have different budgetary capacities. In duly justified cases, contracting authorities should be able to derogate from the requirements such as when there is an emergency and applying the requirements would result in severe negative impact on public health. 1. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65). 2. Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).	
Recital 87a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
96a			(87a) Member States should not be precluded from introducing or maintaining national measures on green public procurement regarding product groups for which public procurement requirements under this Regulation have not yet been set and from introducing stricter national requirements regarding products which fall within the scope of implementing acts setting out green public procurement requirements, provided they are in line with Union law.	
Recital 88				
97	(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	(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	(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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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	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~~ 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	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~~ applies 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 as Directive 2009/125/EC is listed in Annex I of Regulation (EU) 2019/1020~~ . 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~~ provide for additional rules ~~complementing the framework created by Regulation (EU) 2019/1020~~. Those specific ~~additional rules~~ support which should be aimed at ~~aim at~~ further	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Commission to ensure sufficient action is taken by market surveillance authorities to prevent non-compliance with ecodesign requirements.	Commission to ensure sufficient action is taken by market surveillance ~~authorities~~ <u>authorities</u> to prevent non-compliance with ecodesign requirements <u>and re-establish compliance where relevant</u> .	strengthening the planning, coordination and support of Member State efforts and should provide additional tools for the Commission to help ensure sufficient action is taken by market surveillance ~~authorities~~ authorities to prevent non-compliance with ecodesign requirements.	
Recital 89				
98	(89) Beyond market surveillance authorities, customs authorities also have an important role to play in enforcing this Regulation with regard to imported goods and can rely on Council Regulation (EC) No 515/97¹ for that purpose. _____ 1. Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82,	(89) Beyond market surveillance authorities, customs authorities also have an important role to play in enforcing this Regulation with regard to imported goods and can rely on Council Regulation (EC) No 515/97¹ for that purpose. _____ 1. Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82,	(89) Beyond market surveillance authorities, customs authorities also have an important role to play in enforcing this Regulation with regard to imported goods and can rely on Council Regulation (EC) No 515/97¹ for that purpose. _____ 1. Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	22.3.1997, p. 1).	22.3.1997, p. 1).	22.3.1997, p. 1).	
Recital 90				
99	(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.	(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.	(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,~~ as part of Member States' the overarching national market surveillance strategies adopted pursuant strategy according to Article 13 of Regulation (EU) 2019/1020, outline activities planned.	

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Recital 91				
100	(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.	(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 <u>or the number of complaints received</u> . 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.	(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~~ Information on the environmental impacts of non-compliance can be derived from the impact assessments underlying the relevant ecodesign requirements. The activities planned to address those priorities 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~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			under this Regulation and activities planned to reduce non-compliance in turn be proportionate to the facts leading to their prioritisation. I	
Recital 92				
101	(92) Where problematic levels of non-compliance with ecodesign requirements are observed despite the enhanced planning, coordination and support laid down by this Regulation, the Commission should be able to intervene to ensure that market surveillance authorities perform checks on an adequate scale. Therefore, in order to safeguard the effective enforcement of ecodesign requirements, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to lay down a minimum number of checks to be performed on specific products or requirements. This empowerment should be additional to the	(92) Where problematic levels of non-compliance with ecodesign requirements are observed despite the enhanced planning, coordination and support laid down by this Regulation, the Commission should be able to intervene <u>promptly and efficiently</u> to ensure that market surveillance authorities perform checks on an adequate scale. Therefore, in order to safeguard the effective enforcement of ecodesign requirements, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to lay down a minimum number of checks to be performed on specific products or requirements. This empowerment	(92) Where problematic levels of non-compliance with ecodesign requirements are observed despite the enhanced planning, coordination and support laid down by this Regulation, the Commission should be able to intervene to ensure that market surveillance authorities perform checks on an adequate scale. Therefore, in order to safeguard the effective enforcement of ecodesign requirements, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to lay down a minimum number of 11(4) of Regulation (EU) 2019/1020 to ensure that market surveillance authorities perform checks to be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	empowerment in Article 11(4) of Regulation (EU) 2019/1020.	should be additional to the empowerment in Article 11(4) of Regulation (EU) 2019/1020.	~~performed on specific products or requirements. This empowerment should be additional to the empowerment in Article 11(4) of Regulation (EU) 2019/1020.~~ on an adequate scale.	
Recital 93				
102	(93) Based on data entered into the information and communication system for market surveillance, the Commission should draw up a report containing information on the nature and number of checks performed, on the levels of non-compliance identified and on the nature and severity of penalties imposed in relation to ecodesign requirements over the two previous calendar years. The reports should contain a comparison of Member States' activities with the activities planned and indicative benchmarks for market surveillance authorities.	(93) Based on data entered into the information and communication system for market surveillance, the Commission should draw up a report containing information on the nature and number of checks performed, on the levels of non-compliance identified and on the nature and severity of penalties imposed in relation to ecodesign requirements over the two previous calendar years. The reports should contain a comparison of Member States' activities with the activities planned and indicative benchmarks for market surveillance authorities.	(93) Based on data entered into the information and communication system for market surveillance, the Commission should draw up a report containing information on the nature and number of checks performed, and on the levels of non-compliance identified ~~and on the nature and severity of penalties imposed~~ in relation to ecodesign requirements over the two previous calendar years. The reports should contain a comparison of Member States' activities with the activities planned and indicative benchmarks for market surveillance authorities.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 94				
103	(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, priorities for the provision of Union support, and ecodesign requirements that are interpreted differently leading to market distortion.	(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 <u>or bring to an end</u> 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, priorities for the provision of Union support, and ecodesign requirements that are interpreted differently leading to market distortion.	(94) Whereas the Union Product Compliance Network established by Regulation (EU) 2019/1020 is meant to address "general, horizontal issues to further strengthen coordination of market surveillance authorities", the administrative cooperation group ('ADCO') ~~set up pursuant to~~ established under Regulation (EU) 2019/1020 for the uniform application of this Regulation should, as part of or in addition to the tasks defined in 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 with this Regulation,~~ with this Regulation, meet at regular intervals and identify common priorities for market surveillance to be taken into account in Member States' ~~action plans~~ activities planned in regard to this Regulation in their market surveillance strategies,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			priorities for the provision of Union support, and ecodesign requirements that are interpreted differently leading to market distortion.	
Recital 95				
104	(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	(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	(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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	enforce ecodesign requirements where necessary to ensure their harmonised application.	enforce ecodesign requirements ~~where necessary~~ to ensure their harmonised application.	~~enforce ecodesign requirements where necessary to ensure their harmonised application.~~	
Recital 96				
105	(96) Products should be placed on the market only if they do not present a risk. In order to better align with the specific nature of ecodesign requirements and to ensure that the focus of market surveillance efforts is on non-compliance with such requirements, a product presenting a risk should, for the purposes of this Regulation, be defined as a product that, by not complying with an ecodesign requirement or because a responsible economic operator does not comply with an ecodesign requirement, may adversely affect the environment or other public interests protected by the relevant requirements. This more specific definition should be used when applying Articles 19 and 20 of Regulation (EU)	(96) Products should be placed on the market only if they do not present a risk. In order to better align with the specific nature of ecodesign requirements and to ensure that the focus of market surveillance efforts is on non-compliance with such requirements, a product presenting a risk should, for the purposes of this Regulation, be defined as a product that, by not complying with an ecodesign requirement or because a responsible economic operator does not comply with an ecodesign requirement, may adversely affect the environment or other public interests protected by the relevant requirements. This more specific definition should be used when applying Articles 19 and 20 of Regulation (EU)	(96) Products should be placed on the market only if they do not present a risk. In order to better align with the specific nature of ecodesign requirements and to ensure that the focus of market surveillance efforts is on non-compliance with such requirements, a product presenting a risk should, for the purposes of this Regulation, be defined as a product that, by not complying with an ecodesign requirement or because a responsible economic operator does not comply with an ecodesign requirement, may adversely affect the environment or other public interests protected by the relevant requirements. This more specific definition should be used when applying Articles 19 and 20 of Regulation (EU)	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2019/1020.	2019/1020.	2019/1020.	
Recital 97				
106	(97) A procedure should exist under which interested parties are informed of measures intended to be taken with regard to products presenting a risk. It should also allow market surveillance authorities in the Member States, in cooperation with the relevant economic operators, to act at an early stage with regard to such products. To that end, the safeguard clause currently included in Directive 2009/125/EC should be updated and aligned with the safeguard procedures included in other Union harmonisation legislation and in Decision No 768/2008/EC. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to determine whether national measures in respect of non-	(97) A procedure should exist under which interested parties are informed of measures intended to be taken with regard to products presenting a risk. It should also allow market surveillance authorities in the Member States, in cooperation with the relevant economic operators, to act at an early stage with regard to such products. To that end, the safeguard clause currently included in Directive 2009/125/EC should be updated and aligned with the safeguard procedures included in other Union harmonisation legislation and in Decision No 768/2008/EC. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to determine whether national measures in respect of non-	(97) A procedure should exist under which interested parties are informed of measures intended to be taken with regard to products presenting a risk. It should also allow market surveillance authorities in the Member States, in cooperation with the relevant economic operators, to act at an early stage with regard to such products. To that end, the safeguard clause currently included in Directive 2009/125/EC should be updated and aligned with the safeguard procedures included in other Union harmonisation legislation and in Decision No 768/2008/EC. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to determine whether national measures in respect of non-	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	compliant products are justified or not.	compliant products are justified or not.	compliant products are justified or not.	
Recital 98				
107	(98) The market surveillance authorities should have the right to require economic operators to take corrective action on the basis of findings that either a product is not compliant with ecodesign requirements or that the economic operator has infringed the rules on the placing or making available on the market of products or other rules addressed to it.	(98) The market surveillance authorities should have the right to require economic operators to take corrective action on the basis of findings that either a product is not compliant with ecodesign requirements or that the economic operator has infringed the rules on the placing or making available on the market of products or other rules addressed to it.	(98) The market surveillance authorities should have the right to require economic operators to take corrective action on the basis of findings that either a product is not compliant with ecodesign requirements or that the economic operator has infringed the rules on the placing or making available on the market of products or other rules addressed to it.	
Recital 99				
108	(99) When adopting delegated acts pursuant to Article 290 TFEU, it is of particular importance that the Commission carry out appropriate	(99) When adopting delegated acts pursuant to Article 290 TFEU, it is of particular importance that the Commission carry out appropriate	(99) When adopting delegated acts pursuant to Article 290 TFEU, it is of particular importance that the Commission carry out appropriate	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. OJ L123, 12.5. 2016, p. 1.	consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. OJ L123, 12.5. 2016, p. 1.	consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. OJ L123, 12.5. 2016, p. 1.	
Recital 100				
109	(100) In order to ensure uniform conditions for the implementation of this Regulation, implementing	(100) In order to ensure uniform conditions for the implementation of this Regulation, implementing	(100) In order to ensure uniform conditions for the implementation of this Regulation, implementing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	powers should be conferred on the Commission as regards: (a) specifying implementation arrangements for the interconnection of the registry referred to in Article 12 and the EU Customs Single Window Certificates Exchange; (b) establishing common requirements for the layout of labels; (c) containing a list of self-regulation measures established as valid alternatives to a delegated act adopted pursuant to Article 4; (d) setting out format for the disclosure of the information on unsold consumer products that have been discarded; (e) laying down, amending or repealing common specifications for ecodesign requirements, the essential requirements for product passports or for test, measurement or calculation methods; (f) laying down a minimum number of full-time equivalents considered sufficient for the proper monitoring of notified bodies; (g) requiring a Member State to take corrective action, including withdrawal of the notification, for non-compliant notified bodies; (h) listing the products or requirements that	powers should be conferred on the Commission as regards: (a) specifying implementation arrangements for the interconnection of the registry referred to in Article 12 and the EU Customs Single Window Certificates Exchange; (b) establishing common requirements for the layout of labels; (c) containing a list of self-regulation measures established as valid alternatives to a delegated act adopted pursuant to Article 4; (d) setting out format for the disclosure of the information on unsold consumer products that have been discarded; (e) laying down, amending or repealing common specifications for ecodesign requirements, the essential requirements for product passports or for test, measurement or calculation methods; (f) laying down a minimum number of full-time equivalents considered sufficient for the proper monitoring of notified bodies; (g) requiring a Member State to take corrective action, including withdrawal of the notification, for non-compliant notified bodies; (h) listing the products or requirements that	powers should be conferred on the Commission as regards: (a) specifying implementation arrangements for the interconnection of the registry referred to in Article 12 and the EU Customs Single Window Certificates Exchange; (b) establishing common requirements for the layout of labels; (c) establishing the working plan of the Commission (d) containing a list of self-regulation measures (e) setting out format for the disclosure of the information on unsold consumer products that have been discarded; (ea) established as valid alternatives to a delegated act adopted pursuant to Article 4; (d) setting out format for the disclosure of the information on exceptions to the direct prohibition against the destruction of unsold consumer products that have been discarded; (e) are apparel or clothing accessories; (eb) setting out further prohibitions against the destruction of unsold consumer products; (f) laying down, amending or repealing common specifications for ecodesign requirements, the essential	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Member States must at least consider as priorities for market surveillance; and (i) deciding, pursuant to the Union safeguard procedure, whether a national measure is justified or not. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹ _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	Member States must at least consider as priorities for market surveillance; and (i) deciding, pursuant to the Union safeguard procedure, whether a national measure is justified or not. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹ _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	requirements for product passports or for test, measurement or calculation methods; ~~(f) laying down a minimum number of full-time equivalents considered sufficient for the proper monitoring of~~ (g) requiring a Member State to take corrective action, including withdrawal of the notification, for non-compliant notified bodies; (g) requiring a Member State to take corrective action, including withdrawal of the notification, for non-compliant notified bodies (y) establishing rules for Member States incentives; (yy) setting minimum mandatory requirements for green public procurement; (h) listing the products or requirements that Member States must at least consider as priorities for market surveillance; and (i) deciding, pursuant to the Union safeguard procedure, whether a national measure is justified or not. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹. _____	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	
Recital 101				
110	(101) To enhance trust in products placed on the market, in particular as regards the fact that they comply with ecodesign requirements, the public needs to be sure that economic operators placing non-compliant products on the market will be subject to penalties. It is therefore necessary that Member States lay down effective, proportionate and dissuasive penalties in national law for failure to comply with this Regulation.	(101) To enhance trust in products placed on the market, in particular as regards the fact that they comply with ecodesign requirements, the public needs to be sure that economic operators placing non-compliant products on the market will be subject to penalties. It is therefore necessary that Member States lay down effective, proportionate and dissuasive penalties in national law for failure to comply with this Regulation. <u>To facilitate more consistent application of penalties, common non-exhaustive criteria should be established for determining the types and levels of penalties to be</u>	(101) To enhance trust in products placed on the market, in particular as regards the fact that they comply with ecodesign requirements, the public needs to be sure that economic operators placing non-compliant products on the market will be subject to penalties. It is therefore necessary that Member States lay down effective, proportionate and dissuasive penalties in national law for failure to comply with this Regulation.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>imposed in the event of infringements of this Regulation. Such criteria should include, inter alia, the nature and gravity of the infringement and the economic benefits derived from and the environmental damage caused by the infringement, insofar as these can be determined.</i></u>		
Recital 102				
111	(102) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures. The Commission should submit to the European Parliament, to the Council, the European Economic and Social Committee, and to the Committee of the	(102) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures. The Commission should submit to the European Parliament, to the Council, the European Economic and Social Committee, and to the Committee of the	(102) The Commission should carry out an evaluation of this Regulation. Pursuant to paragraph 22 of the Interinstitutional Agreement on Better Law-Making, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures. The Commission should submit to the European Parliament, to the Council, the European Economic and Social Committee, and to the Committee of the	

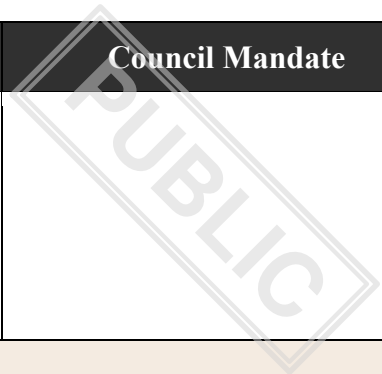
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regions a report on the implementation of this Regulation and its impact on the environmental sustainability of products and the functioning of the internal market. Where appropriate, the report should be accompanied by a proposal to amend relevant provisions of this Regulation.	Regions a report on the implementation of this Regulation and its impact on the environmental sustainability of products and the functioning of the internal market. Where appropriate, the report should be accompanied by a proposal to amend relevant provisions of this Regulation.	Regions a report on the implementation of this Regulation and its impact on the environmental sustainability of products and the functioning of the internal market. Where appropriate, the report should be accompanied by a proposal to amend relevant provisions of this Regulation.	
Recital 103				
112	(103) It is necessary that ecodesign requirements apply to the widest possible range of products, and not only energy-related products, and that the definition of ecodesign requirements is widened to encompass all aspects of circularity. It is also necessary to align this Regulation to the New Legislative Framework set out in Regulation (EC) No 765/2008 and Decision No 768/2008/EC, and to improve the provisions related to market surveillance. Directive	(103) It is necessary that ecodesign requirements apply to the widest possible range of products, and not only energy-related products, and that the definition of ecodesign requirements is widened to encompass all aspects of circularity. It is also necessary to align this Regulation to the New Legislative Framework set out in Regulation (EC) No 765/2008 and Decision No 768/2008/EC, and to improve the provisions related to market surveillance. Directive	(103) It is necessary that ecodesign requirements apply to the widest possible range of products, and not only energy-related products, and that the definition of ecodesign requirements is widened to encompass all aspects of circularity. Product groups which under Union law are already subject to comprehensive provisions which also include specific environmental requirements should not to be prioritised for the establishment	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2009/125/EC should therefore be replaced. In order to ensure legal certainty for all economic operators from the date of entry into force of this Regulation and to guarantee a level playing-field for businesses operating on the internal market, the provisions setting out transparency obligations related to the discarding of unsold consumer products, circumvention, and market surveillance, should be of uniform application for all operators across the Union. Directive 2009/125/EC should therefore be replaced by a Regulation.	2009/125/EC should therefore be replaced. In order to ensure legal certainty for all economic operators from the date of entry into force of this Regulation and to guarantee a level playing-field for businesses operating on the internal market, the provisions setting out transparency obligations related to the discarding of unsold consumer products, circumvention, and market surveillance, should be of uniform application for all operators across the Union. Directive 2009/125/EC should therefore be replaced by a Regulation.	of ecodesign requirements. It is also necessary to align this Regulation to the New Legislative Framework set out in Regulation (EC) No 765/2008 and Decision No 768/2008/EC, and to improve the provisions related to market surveillance. Directive 2009/125/EC should therefore be replaced. In order to ensure legal certainty for all economic operators from the date of entry into force of this Regulation and to guarantee a level playing-field for businesses operating on the internal market, the provisions setting out transparency obligations related to the discarding of unsold consumer products, circumvention, and market surveillance, should be of uniform application for all operators across the Union. Directive 2009/125/EC should therefore be replaced by a Regulation.	
Recital 104				
113				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(104) In order to ensure legal certainty and continuity for products placed on the market or put into service in conformity with implementing measures adopted pursuant to Directive 2009/125/EC, in its version applicable on the date of application of this Regulation, those measures should remain in force beyond that date, and until repealed by a delegated act adopted pursuant to this Regulation. For the same reasons, a number of provisions of Directive 2009/125/EC should continue to have full effect in the context of applying these implementing measures. This concerns in particular provisions of Directive 2009/125/EC excluding means of transport for goods or persons from its scope, establishing definitions relevant for implementing measures, setting economic operators' responsibilities in relation to products placed on the market, specifying the details of the relevant conformity assessment procedures and the EC declaration of conformity, establishing a presumption of conformity for products which have been awarded	(104) In order to ensure legal certainty and continuity for products placed on the market or put into service in conformity with implementing measures adopted pursuant to Directive 2009/125/EC, in its version applicable on the date of application of this Regulation, those measures should remain in force beyond that date, and until repealed by a delegated act adopted pursuant to this Regulation. For the same reasons, a number of provisions of Directive 2009/125/EC should continue to have full effect in the context of applying these implementing measures. This concerns in particular provisions of Directive 2009/125/EC excluding means of transport for goods or persons from its scope, establishing definitions relevant for implementing measures, setting economic operators' responsibilities in relation to products placed on the market, specifying the details of the relevant conformity assessment procedures and the EC declaration of conformity, establishing a presumption of conformity for products which have been awarded	(104) In order to ensure legal certainty and continuity for products placed on the market or put into service in conformity with implementing measures adopted pursuant to Directive 2009/125/EC, in its version applicable on the date of application of this Regulation, those measures should remain in force beyond that date, and until repealed by a delegated act adopted pursuant to this Regulation. For the same reasons, a number of provisions of Directive 2009/125/EC should continue to have full effect in the context of applying these implementing measures. This concerns in particular provisions of Directive 2009/125/EC excluding means of transport for goods or persons from its scope, establishing definitions relevant for implementing measures, setting economic operators' responsibilities in relation to products placed on the market, specifying the details of the relevant conformity assessment procedures and the EC declaration of conformity, establishing a presumption of conformity for products which have been awarded	

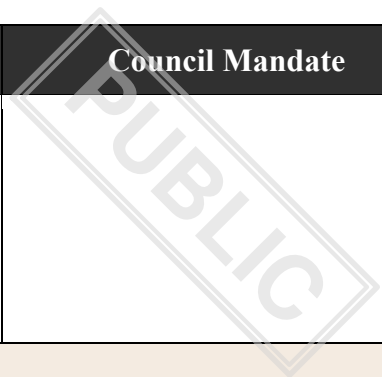
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the EU ecolabel and enabling necessary action in relation to harmonised standards. Noting the importance of ensuring free movement of goods, banning practices illegally altering products' performance in order to reach a more favourable result and ensuring proper enforcement of ecodesign requirements, relevant provisions of this Regulation should be applicable to energy-related products placed on the market pursuant to implementing measures under Directive 2009/125/EC.	the EU ecolabel and enabling necessary action in relation to harmonised standards. Noting the importance of ensuring free movement of goods, banning practices illegally altering products' performance in order to reach a more favourable result and ensuring proper enforcement of ecodesign requirements, relevant provisions of this Regulation should be applicable to energy-related products placed on the market pursuant to implementing measures under Directive 2009/125/EC.	the EU ecolabel and enabling necessary action in relation to harmonised standards. Noting the importance of ensuring free movement of goods, banning practices illegally altering products' performance in order to reach a more favourable result and ensuring proper enforcement of ecodesign requirements, relevant provisions of this Regulation should be applicable to energy-related products placed on the market pursuant to implementing measures under Directive 2009/125/EC.	
Recital 105				
114	(105) Since the objectives of this Regulation, namely to improve environmental sustainability of products and to ensure the free movement in the internal market of products for which ecodesign requirements are set, cannot be sufficiently achieved by the Member States, but can rather, by	(105) Since the objectives of this Regulation, namely to improve environmental sustainability of products and to ensure the free movement in the internal market of products for which ecodesign requirements are set, cannot be sufficiently achieved by the Member States, but can rather, by	(105) Since the objectives of this Regulation, namely to improve environmental sustainability of products and to ensure the free movement in the internal market of products for which ecodesign requirements are set, cannot be sufficiently achieved by the Member States, but can rather, by	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	reason of its scale and effects, only be achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	reason of its scale and effects, only be achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	reason of its scale and effects, only be achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	
Formula				
115	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
Chapter I				
116	Chapter I General provisions	Chapter I General provisions	Chapter I General provisions	Chapter I General provisions



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 1				
117	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope Text Origin: Commission Proposal
Article 1(1), first subparagraph				
118	This Regulation establishes a framework to improve the environmental sustainability of products and to ensure free movement in the internal market	This Regulation establishes a framework to improve the environmental sustainability of products <u>in order to make sustainable products the norm and</u>	This Regulation establishes a framework to improve the environmental sustainability of products and to ensure free movement in the internal market	This Regulation establishes a framework <u>for setting ecodesign requirements that products have to comply with to be placed on the market or put into service, with</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	by setting ecodesign requirements that products shall fulfil to be placed on the market or put into service. Those ecodesign requirements, which shall be further elaborated by the Commission in delegated acts, relate to:	<u>to reduce their overall environmental footprint over their lifecycle,</u> and to ensure free movement in the internal market by setting ecodesign requirements that products shall fulfil to be placed on the market or put into service. Those ecodesign requirements, which shall be further elaborated by the Commission in delegated acts, relate to:	by for setting ecodesign requirements that products shall fulfil have to comply with to be placed on the market or put into service. Those ecodesign requirements, which shall be further elaborated by the Commission in delegated acts, relate to: with the aim to improve the environmental sustainability of products and to ensure their free movement within the internal market.	<u>the aim to improve the environmental sustainability of</u> ~~to improve the environmental sustainability of products and to ensure free movement in the internal market by setting ecodesign requirements that products shall fulfil to be placed on the market or put into service. Those ecodesign requirements, which shall be further elaborated by the Commission in delegated acts, relate to:~~ <u>in order to make sustainable products the norm and to reduce their overall carbon and environmental footprint over their lifecycle, and to ensure their free movement within the internal market.</u> Text Origin: Council Mandate
Article 1(1), first subparagraph, point (a)				
119	(a) product durability and reliability;	(a) product durability and reliability;	(a) ~~product durability and reliability;~~	(a) ~~product durability and reliability;~~



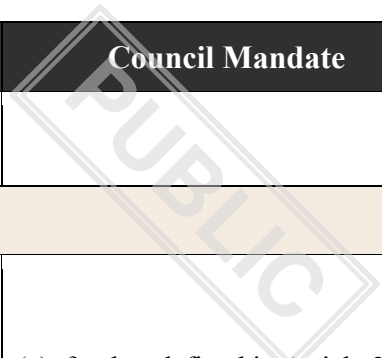
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 1(1), first subparagraph, point (b)				
120	(b) product reusability;	(b) product reusability;	(b) ~~product reusability;~~	(b) ~~product reusability;~~ Text Origin: Commission Proposal
Article 1(1), first subparagraph, point (c)				
121	(c) product upgradability, reparability, maintenance and refurbishment;	(c) product upgradability, reparability, maintenance and refurbishment;	(c) ~~product upgradability, reparability, maintenance and refurbishment;~~	(c) ~~product upgradability, reparability, maintenance and refurbishment;~~ Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 1(1), first subparagraph, point (d)				
122	(d) the presence of substances of concern in products;	(d) the presence of substances of concern in products;	(d) ~~the presence of substances of concern in products;~~	(d) ~~the presence of substances of concern in products;~~ Text Origin: Commission Proposal
Article 1(1), first subparagraph, point (e)				
123	(e) product energy and resource efficiency;	(e) product energy and resource efficiency;	(e) ~~product energy and resource efficiency;~~	(e) ~~product energy and resource efficiency;~~ Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1(1), first subparagraph, point (f)				
124	(f) recycled content in products;	(f) recycled content in products;	(f) recycled content in products;	(f) ~~recycled content in products;~~ Text Origin: Commission Proposal
Article 1(1), first subparagraph, point (g)				
125	(g) product remanufacturing and recycling;	(g) product remanufacturing ~~and recycling;~~	(g) product remanufacturing and recycling;	(g) ~~product remanufacturing and recycling;~~ Text Origin: Commission Proposal
Article 1(1), first subparagraph, point (ga)				
125a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>(ga) product recycling;</u>		
Article 1(1), first subparagraph, point (h)				
126	(h) products' carbon and environmental footprints;	(h) products' carbon and environmental footprints;	(h) ~~products' carbon and environmental footprints;~~	(h) ~~products' carbon and environmental footprints;~~ Text Origin: Commission Proposal
Article 1(1), first subparagraph, point (i)				
127	(i) products' expected generation of waste materials.	(i) products' expected generation of waste materials.	(i) ~~products' expected generation of waste materials.~~	(i) ~~products' expected generation of waste materials.~~ Text Origin: Commission Proposal

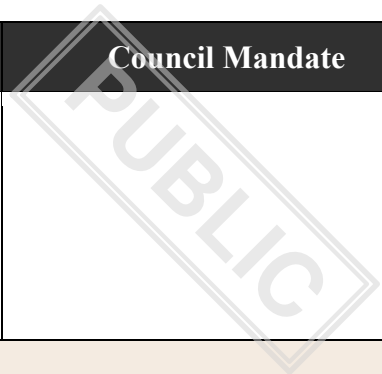
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1(1), second subparagraph				
G 128	This Regulation also establishes a digital product passport ('product passport'), provides for the setting of mandatory green public procurement criteria and creates a framework to prevent unsold consumer products from being destroyed.	This Regulation also establishes a digital product passport ('product passport'), provides for the setting of mandatory green public procurement criteria and creates a framework to prevent unsold consumer products from being destroyed.	This Regulation also establishes a digital product passport ('product passport'), provides for the setting of mandatory green public procurement ~~criteria~~ requirements and creates a framework to prevent unsold consumer products from being destroyed.	This Regulation also establishes a digital product passport ('product passport'), provides for the setting of mandatory green public procurement ~~criteria~~ <u>requirements</u> and creates a framework to prevent unsold consumer products from being destroyed. Text Origin: Council Mandate
Article 1(2)				
Y 129	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:	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:	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~~ with the exception of :	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1(2), point (a)				
130	(a) food as defined in Article 2 of Regulation (EC) No 178/2002;	(a) food as defined in Article 2 of Regulation (EC) No 178/2002;	(a) food as defined in Article 2 of Regulation (EC) No 178/2002;	(a) food as defined in Article 2 of Regulation (EC) No 178/2002; Text Origin: Commission Proposal
Article 1(2), point (b)				
131	(b) feed as defined in Article 3(4) of Regulation (EC) No 178/2002;	(b) feed as defined in Article 3(4) of Regulation (EC) No 178/2002;	(b) feed as defined in Article 3(4) of Regulation (EC) No 178/2002;	(b) feed as defined in Article 3(4) of Regulation (EC) No 178/2002; Text Origin: Commission Proposal
Article 1(2), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
132	(c) medicinal products for human use as defined in Article 1(2) of Directive 2001/83/EC;	(c) medicinal products for human use as defined in Article 1(2) of Directive 2001/83/EC;	(c) medicinal products for human use as defined in Article 1(2) of Directive 2001/83/EC;	(c) medicinal products for human use as defined in Article 1(2) of Directive 2001/83/EC; Text Origin: Commission Proposal
Article 1(2), point (d)				
133	(d) veterinary medicinal products as defined in Article 4(1) of Regulation (EU) 2019/6;	(d) veterinary medicinal products as defined in Article 4(1) of Regulation (EU) 2019/6;	(d) veterinary medicinal products as defined in Article 4(1) of Regulation (EU) 2019/6;	(d) veterinary medicinal products as defined in Article 4(1) of Regulation (EU) 2019/6; Text Origin: Commission Proposal
Article 1(2), point (e)				
134				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(e) living plants, animals and micro-organisms;	(e) living plants, animals and micro-organisms;	(e) living plants, animals and micro-organisms;	(e) living plants, animals and micro-organisms; Text Origin: Commission Proposal
Article 1(2), point (f)				
135	(f) products of human origin;	(f) products of human origin;	(f) products of human origin;	(f) products of human origin; Text Origin: Commission Proposal
Article 1(2), point (g)				
136	(g) products of plants and animals relating directly to their future reproduction.	(g) products of plants and animals relating directly to their future reproduction.	(g) products of plants and animals relating directly to their future reproduction.	(g) products of plants and animals relating directly to their future reproduction.



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 1(2), point (h)				
R 136a			(h) vehicles as referred to in Article 2(1) of Regulation (EU) 2018/858, Regulation (EU) No 167/2013, and Regulation (EU) No 168/2013.	R
Article 2				
137	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	
Article 2, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
138	For the purposes of this Regulation, the following definitions shall apply:	For the purposes of this Regulation, the following definitions shall apply:	For the purposes of this Regulation, the following definitions shall apply:	
Article 2, first paragraph, point (1)				
139	(1) 'product' means any physical good that is placed on the market or put into service;	(1) 'product' means any physical good that is placed on the market or put into service;	(1) 'product' means any physical good that is placed on the market or put into service;	
Article 2, first paragraph, point (2)				
140	(2) 'component' means a product intended to be incorporated into another product;	(2) 'component' means a product intended to be incorporated into another product;	(2) 'component' means a product intended to be incorporated into another product;	
Article 2, first paragraph, point (3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
141	(3) ‘intermediate product’ means a product that requires further manufacturing or transformation such as mixing, coating or assembling to make it suitable for end-users;	(3) ‘intermediate product’ means a product that requires further manufacturing or transformation such as mixing, coating or assembling to make it suitable for end-users;	(3) ‘intermediate product’ means a product that requires further manufacturing or transformation such as mixing, coating or assembling to make it suitable for ~~end-users~~ customers;	
Article 2, first paragraph, point (4)				
142	(4) ‘energy-related product’ means any product that has an impact on energy consumption during use;	(4) ‘energy-related product’ means any product that has an impact on energy consumption during use;	(4) ‘energy-related product’ means any product that has an impact on energy consumption during use;	
Article 2, first paragraph, point (5)				
143	(5) ‘product group’ means a set of products that serve similar purposes and are similar in terms of use, or have similar functional properties, and are similar in terms	(5) ‘product group’ means a set of products that serve similar purposes and are similar in terms of use, or have similar functional properties, and are similar in terms	(5) ‘product group’ means a set of products that serve similar purposes and are similar in terms of use, or have similar functional properties, and are similar in terms	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of consumer perception;	of consumer perception;	of consumer perception;	
Article 2, first paragraph, point (6)				
144	(6) ‘ecodesign’ means the integration of environmental sustainability considerations into the characteristics of a product and the processes taking place throughout the product’s value chain;	(6) ‘ecodesign’ means the integration of environmental sustainability considerations into the characteristics of a product and the processes taking place throughout the product’s value chain;	(6) ‘ecodesign’ means the integration of environmental sustainability considerations into the characteristics of a product and the processes taking place throughout the product’s value chain;	
Article 2, first paragraph, point (7)				
145	(7) ‘ecodesign requirement’ means a performance requirement or an information requirement aimed at making a product more environmentally sustainable;	(7) ‘ecodesign requirement’ means a performance requirement or an information requirement aimed at making a product more environmentally sustainable;	(7) ‘ecodesign requirement’ means a performance requirement or an information requirement aimed at making a product or processes taking place throughout the product’s value chain more environmentally sustainable;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (8)				
146	(8) ‘performance requirement’ means a quantitative or non-quantitative requirement for or in relation to a product to achieve a certain performance level in relation to a product parameter referred to in Annex I;	(8) ‘performance requirement’ means a quantitative or non-quantitative requirement for or in relation to a product to achieve a certain performance level in relation to a product parameter referred to in Annex I;	(8) ‘performance requirement’ means a quantitative or non-quantitative requirement for or in relation to a product to achieve a certain performance level in relation to a product parameter referred to in Annex I;	
Article 2, first paragraph, point (9)				
147	(9) ‘information requirement’ means an obligation for a product to be accompanied by information as specified in Article 7(2);	(9) ‘information requirement’ means an obligation for a product to be accompanied by information as specified in Article 7(2);	(9) ‘information requirement’ means an obligation for a product to be accompanied by information as specified in Article 7(2);	
Article 2, first paragraph, point (10)				
148	(10) ‘supply chain’ means all upstream activities and processes	(10) ‘supply chain’ means all upstream activities and processes	(10) ‘supply chain’ means all upstream activities and processes	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of the value chain of the product, up to the point where the product reaches the end-user;	of the value chain of the product, up to the point where the product reaches the end-user;	of the value chain of the product, up to the point where the product reaches ~~the end-user~~ the customer ;	
Article 2, first paragraph, point (11)				
149	(11) ‘value chain’ means all activities and processes that are part of the life cycle of a product, as well as its possible remanufacturing;	(11) ‘value chain’ means all activities and processes that are part of the life cycle of a product, as well as its possible remanufacturing;	(11) ‘value chain’ means all activities and processes that are part of the life cycle of a product, as well as its possible remanufacturing;	
Article 2, first paragraph, point (12)				
150	(12) ‘life cycle’ means the consecutive and interlinked stages of a product’s life, consisting of raw material acquisition or generation from natural resources, pre-processing, manufacturing, storage, distribution, installation, use, maintenance, repair,	(12) ‘life cycle’ means the consecutive and interlinked stages of a product’s life, consisting of raw material acquisition or generation from natural resources, pre-processing, manufacturing, storage, distribution, installation, use, maintenance, repair,	(12) ‘life cycle’ means the consecutive and interlinked stages of a product’s life, consisting of raw material acquisition or generation from natural resources, pre-processing, manufacturing, storage, distribution, installation, use, maintenance, repair,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	upgrading, refurbishment and re-use, and end-of-life;	upgrading, refurbishment and re-use, and end-of-life;	upgrading, refurbishment ~~and re-use~~ ~~and re-use~~ , and end-of-life;	
Article 2, first paragraph, point (13)				
151	(13) ‘end-of-life’ means the life cycle stage that begins when a product is discarded and ends when the product is returned to nature as a waste product or enters another product’s life cycle;	(13) ‘end-of-life’ means the life cycle stage that begins when a product is discarded and ends when the <u>waste material of the</u> product is returned to nature ~~as a waste product~~ or enters another product’s life cycle;	(13) ‘end-of-life’ means the life cycle stage that begins when a product is discarded and ends when the product is returned to nature as a waste product or enters another product’s life cycle;	
Article 2, first paragraph, point (14)				
152	(14) ‘environmental impact’ means any change to the environment, whether adverse or beneficial, wholly or partially resulting from a product during its life cycle;	(14) ‘environmental impact’ means any change to the environment, whether adverse or beneficial, wholly or partially resulting from a product during its life cycle;	(14) ‘environmental impact’ means any change to the environment, whether adverse or beneficial, wholly or partially resulting from a product during its life cycle;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (15)				
153	(15) ‘class of performance’ means a range of performance levels in relation to one or more product parameters referred to in Annex I, ordered into successive steps to allow for product differentiation;	(15) ‘class of performance’ means a range of performance levels in relation to one or more product parameters referred to in Annex I, <u>based on a common methodology for the product or product group</u> , ordered into successive steps to allow for product differentiation;	(15) ‘class of performance’ means a range of performance levels in relation to one or more product parameters referred to in Annex I, ordered into successive steps to allow for product differentiation;	
Article 2, first paragraph, point (16)				
154	(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 from objects that are waste, products or components and in which at least one change is made to the product that <u>significantly</u> affects the safety, <u>or</u> performance, <u>or affects the</u> purpose or type of the product typically placed on the market with a commercial guarantee;	(16) ‘remanufacturing’ means an ~~industrial process~~ operation in which a new product is ~~produced~~ manufactured from objects that are either waste, products or components and in which at least one change is made to the product that affects ~~the~~ its safety, performance, purpose or type of the product typically placed ~~on the market with a commercial~~ guarantee ;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (17)				
155	(17) ‘upgrading’ means enhancing the functionality, performance, capacity or aesthetics of a product;	(17) ‘upgrading’ means enhancing the functionality, performance, capacity, <u>safety</u> or aesthetics of a product;	(17) ‘upgrading’ means ~~enhancing~~ actions carried out to enhance the functionality, performance, capacity, safety or aesthetics of a product;	
Article 2, first paragraph, point (18)				
156	(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;	(18) ‘refurbishment’ means ~~preparing or modifying~~ <u>testing, maintaining or repairing</u> an object that is ~~waste or a product~~ <u>a product or waste</u> 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	(18) ‘refurbishment’ means ~~preparing or modifying~~ actions carried out to prepare, clean, test and, where necessary repair an object that is waste or a product in order to restore either its performance or functionality within the intended use; and range of performance ~~and maintenance~~ originally conceived at the design stage, ~~or to meet~~ applicable ~~technical standards or regulatory requirements~~ , with the result of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		product;	making a fully functional product ~~at~~ the time of its placing on the market. ;	
Article 2, first paragraph, point (19)				
157	(19) ‘maintenance’ means an action carried out to keep a product in a condition where it is able to function as required;		(19) ‘maintenance’ means ~~an action~~ actions carried out to keep a product in a condition where it is able to ~~function as required~~ fulfil its intended use;	
Article 2, first paragraph, point (20)				
158	(20) ‘repair’ means returning a defective product or waste to a condition where it fulfils its intended use;	(20) ‘repair’ means returning a defective product or waste to a condition where it fulfils its intended use;	(20) ‘repair’ means ~~returning~~ actions carried out that return a defective product or waste to a condition where it fulfils its intended use;	
Article 2, first paragraph, point (20a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
158a		<u>(20a) 'premature obsolescence' means making available on the market a product with a feature which limits its foreseeable lifetime;</u>		
Article 2, first paragraph, point (21)				
159	(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;	(21) 'durability' means the ability of a product to function ~~as~~ <u>and maintain for a certain period of time its</u> required ~~function and performance~~ under ~~specified~~ <u>normal</u> conditions of use, maintenance and repair; until a limiting event prevents ~~its~~ <u>the product from</u> functioning;	(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~~ condition after one or more limiting events is reached;	
Article 2, first paragraph, point (22)				
160	(22) 'reliability' means the	(22) 'reliability' means the <u>high</u>	(22) 'reliability' means the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	probability that a product functions as required under given conditions for a given duration without a limiting event;	probability that a product functions as required under given conditions for a given duration without a limiting event;	probability that a product functions as required under given conditions, including maintenance , for a given duration without a limiting event;	
Article 2, first paragraph, point (22a)				
160a			(22a) 'limiting event' means an occurrence with the result that a function, which fulfils the intended use, is no longer delivered;	
Article 2, first paragraph, point (23)				
161	(23) 'environmental footprint' means a quantification of a product's environmental impacts, whether in relation to a single environmental impact category or an aggregated set of impact categories based on the Product	(23) 'environmental footprint' means a quantification of ~~a product~~ product life cycle 's environmental impacts, whether in relation to a single environmental impact category or an aggregated set of impact categories based on	(23) 'environmental footprint' means a quantification of a product's environmental impacts, whether in relation to a single environmental impact category or an aggregated set of impact categories based on the Product	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Environmental Footprint method;	the Product Environmental Footprint method <u>or other scientific methods developed by international organisations and widely tested in collaboration with different industry sectors and recognised by the Commission</u> ;	Environmental Footprint method which can be, where appropriate, complemented or supplemented by scientifically robust tools and methods with a level of detail that ensures comparability across product groups ;	
Article 2, first paragraph, point (24)				
162	(24) ‘Product Environmental Footprint method’ means the life cycle assessment method to quantify the environmental impacts of products established by Recommendation (EU) 2021/2279;	(24) ‘Product Environmental Footprint method’ means the life cycle assessment method to quantify the environmental impacts of products established by Recommendation (EU) 2021/2279;	(24) ‘Product Environmental Footprint method’ means the life cycle assessment method to quantify the environmental impacts of products established by Recommendation (EU) 2021/2279;	
Article 2, first paragraph, point (25)				
163	(25) ‘carbon footprint’ means the sum of greenhouse gas (GHG) emissions and GHG removals in a product system, expressed as CO ₂	(25) ‘carbon footprint’ means the sum of greenhouse gas (GHG) emissions and GHG removals in a product system, expressed as CO ₂	(25) ‘carbon footprint’ means the sum of greenhouse gas (GHG) emissions and GHG removals in a product system, expressed as CO ₂	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	equivalents and based on a life cycle assessment using the single impact category of climate change;	equivalents and based on a life cycle assessment using the single impact category of climate change;	equivalents and based on a life cycle assessment using the single impact category of climate change;	
Article 2, first paragraph, point (25a)				
163a		<u>(25a) 'material footprint' means the quantification of the materials needed for a product system as the sum of biomass, fossil fuels, metal ores and non-metallic minerals consumed;</u>		
Article 2, first paragraph, point (26)				
164	(26) 'public contracts' means public contracts as defined in Article 2(5) of Directive 2014/24/EU;	(26) 'public contracts' means public contracts as defined in Article 2(5) of Directive 2014/24/EU;	(26) ~~'public contracts' means public contracts as defined in Article 2(5) of Directive 2014/24/EU;~~	
Article 2, first paragraph, point (27)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
165	(27) 'substance' means a substance as defined in Article 3, point (1), of Regulation (EC) No 1907/2006;	(27) 'substance' means a substance as defined in Article 3, point (1), of Regulation (EC) No 1907/2006;	(27) 'substance' means a substance as defined in Article 3, point (1), of Regulation (EC) No 1907/2006;	
Article 2, first paragraph, point (27a)				
165a			(27a) 'mixture' means a mixture as defined in Article 3, point (2), of Regulation (EC) 1907/2006;	
Article 2, first paragraph, point (28)				
166	(28) 'substance of concern' means a substance that:	(28) 'substance of concern' means a substance that:	(28) 'substance of concern' means a substance that:	
Article 2, first paragraph, point (28)(a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
167	(a) meets the criteria laid down in Article 57 and is identified in accordance with Article 59(1) of Regulation (EC) No 1907/2006; or	(a) meets the criteria laid down in Article 57 ~~and is identified in accordance with Article 59(1)~~ of Regulation (EC) No 1907/2006; or	(a) meets the criteria laid down in Article 57 and is identified in accordance with Article 59(1) of Regulation (EC) No 1907/2006; or	
Article 2, first paragraph, point (28)(b)				
168	(b) is classified in Part 3 of Annex VI to Regulation (EC) No 1272/2008 in one of the following hazard classes or hazard categories:	(b) is classified in Part 3 of Annex VI to Regulation (EC) No 1272/2008 in one of the following hazard classes or hazard categories:	(b) is classified in Part 3 of Annex VI to Regulation (EC) No 1272/2008 in one of the following hazard classes or hazard categories:	
Article 2, first paragraph, point (28)(b), first indent				
169	- carcinogenicity categories 1 and 2,	- carcinogenicity categories 1 and 2,	- carcinogenicity categories 1 and 2,	
Article 2, first paragraph, point (28)(b), second indent				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
170	- germ cell mutagenicity categories 1 and 2,	- germ cell mutagenicity categories 1 and 2,	- germ cell mutagenicity categories 1 and 2,	
Article 2, first paragraph, point (28)(b), third indent				
171	- reproductive toxicity categories 1 and 2, [to be added in the course of the legislative procedure once Regulation (EC) No 1272/2008 contains these hazard classes: Persistent, Bioaccumulative, Toxic (PBTs), very Persistent very Bioaccumulative (vPvBs); Persistent, Mobile and Toxic (PMT), very Persistent very Mobile (vPvM); Endocrine disruption],	- reproductive toxicity categories 1 and 2, [to be added in the course of the legislative procedure once Regulation (EC) No 1272/2008 contains these hazard classes: Persistent, Bioaccumulative, Toxic (PBTs), very Persistent very Bioaccumulative (vPvBs); Persistent, Mobile and Toxic (PMT), very Persistent very Mobile (vPvM); Endocrine disruption],	- reproductive toxicity categories 1 and 2, [to be added in the course of the legislative procedure once Regulation (EC) No 1272/2008 contains these hazard classes: Persistent, Bioaccumulative, Toxic (PBTs), very Persistent very Bioaccumulative (vPvBs); Persistent, Mobile and Toxic (PMT), very Persistent very Mobile (vPvM); Endocrine disruption],	
Article 2, first paragraph, point (28)(b), fourth indent				
172	- respiratory sensitisation category	- respiratory sensitisation category	- respiratory sensitisation category	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1,	1,	1,	
Article 2, first paragraph, point (28)(b), fifth indent				
173	- skin sensitisation category 1,	- skin sensitisation category 1,	- skin sensitisation category 1,	
Article 2, first paragraph, point (28)(b), sixth indent				
174	- chronic hazard to the aquatic environment categories 1 to 4,	- chronic hazard to the aquatic environment categories 1 to 4,	- chronic hazard to the aquatic environment categories 1 to 4,	
Article 2, first paragraph, point (28)(b), seventh indent				
175	- hazardous to the ozone layer,	- hazardous to the ozone layer,	- hazardous to the ozone layer,	
Article 2, first paragraph, point (28)(b), eighth indent				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
176	- specific target organ toxicity – repeated exposure categories 1 and 2,	- specific target organ toxicity – repeated exposure categories 1 and 2,	- specific target organ toxicity – repeated exposure categories 1 and 2,	
Article 2, first paragraph, point (28)(b), ninth indent				
177	- specific target organ toxicity – single exposure categories 1 and 2; or	- specific target organ toxicity – single exposure categories 1 and 2; or	- specific target organ toxicity – single exposure categories 1 and 2; or	
Article 2, first paragraph, point (28)(b), tenth indent				
177a		<u>- substances regulated under Regulation (EU) No 2019/1021 of the European Parliament and of the Council^{1a};</u> _____ <u>1a. Regulation (EU) 2019/1021 of the European Parliament and of the Council</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>of 20 June 2019 on persistent organic pollutants (OJ L 169, 25.6.2019, p. 45).</u>		
Article 2, first paragraph, point (28)(b), eleventh indent				
177b		<u>- <i>specific restricted substances listed in Annex XVII of Regulation (EC) No 1907/2006.</i></u>		
Article 2, first paragraph, point (28)(c)				
178	(c) negatively affects the re-use and recycling of materials in the product in which it is present;	(c) negatively affects the re-use and recycling of materials in the product in which it is present;	(c) negatively affects the re-use and recycling of materials in the product in which it is present;	
Article 2, first paragraph, point (29)				
179	(29) ‘product passport’ means a set of data specific to a product that	(29) ‘product passport’ means a set of data specific to a product that	(29) ‘product passport’ means a set of data specific to a product that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	includes the information specified in the applicable delegated act adopted pursuant to Article 4 and that is accessible via electronic means through a data carrier in accordance with Chapter III;	includes the information specified in the applicable delegated act adopted pursuant to Article 4 and that is accessible via electronic means through a data carrier in accordance with Chapter III;	includes the information specified in the applicable delegated act adopted pursuant to Article 4 and that is accessible via electronic means through a data carrier in accordance with Chapter III;	
Article 2, first paragraph, point (30)				
180	(30) ‘data carrier’ means a linear bar code symbol, a two-dimensional symbol or other automatic identification data capture medium that can be read by a device;	(30) ‘data carrier’ means a linear bar code symbol, a two-dimensional symbol or other automatic identification data capture medium that can be read by a device;	(30) ‘data carrier’ means a linear bar code symbol, a two-dimensional symbol or other automatic identification data capture medium that can be read by a device;	
Article 2, first paragraph, point (31)				
181	(31) ‘unique product identifier’ means a unique string of characters for the identification of products that also enables a web link to the product passport;	(31) ‘unique product identifier’ means a unique string of characters for the identification of products that also enables a web link to the product passport;	(31) ‘unique product identifier’ means a unique string of characters for the identification of products that also enables a web link to the product passport;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (32)				
182	(32) ‘unique operator identifier’ means a unique string of characters for the identification of actors involved in the value chain of products;	(32) ‘unique operator identifier’ means a unique string of characters for the identification of actors involved in the value chain of products;	(32) ‘unique operator identifier’ means a unique string of characters for the identification of actors involved in the value chain of products;	
Article 2, first paragraph, point (33)				
183	(33) ‘unique facility identifier’ means a unique string of characters for the identification of locations or buildings involved in the value chain of a product or used by actors involved in the value chain of a product;	(33) ‘unique facility identifier’ means a unique string of characters for the identification of locations or buildings involved in the value chain of a product or used by actors involved in the value chain of a product;	(33) ‘unique facility identifier’ means a unique string of characters for the identification of locations or buildings involved in the value chain of a product or used by actors involved in the value chain of a product;	
Article 2, first paragraph, point (34)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
184	(34) ‘processing’ means processing as defined in Article 3, point (2), of Regulation (EU) 2018/1807;	(34) ‘processing’ means processing as defined in Article 3, point (2), of Regulation (EU) 2018/1807;	(34) ‘processing’ means processing as defined in Article 3, point (2), of Regulation (EU) 2018/1807;	
Article 2, first paragraph, point (35)				
185	(35) ‘destruction’ means the intentional damaging or discarding of a product as waste with the exception of discarding for the only purpose of delivering a product for preparing for re-use or remanufacturing operations;	(35) ‘destruction’ means the intentional damaging or discarding of a product as waste with the exception of discarding for the only purpose of delivering a product for preparing for re-use, <u>refurbishing</u> or remanufacturing operations;	(35) ‘destruction’ means the intentional damaging or discarding of a product as waste with the exception of discarding for the only purpose of delivering a product for preparing for re-use or remanufacturing operations;	
Article 2, first paragraph, point (35a)				
185a			(35a) ‘customer’ means a natural or legal person who buys, hires or receives a product for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			own use whether or not acting for purposes which are outside its trade, business, craft or profession;	
Article 2, first paragraph, point (35b)				
185b			(35b) ‘consumer’ means a consumer as defined in Article 2, point (2), of Directive (EU) 2019/771;	
Article 2, first paragraph, point (36)				
186	(36) ‘consumer product’ means any product, excluding components and intermediate products, primarily intended for consumers as defined in Article 2, point (2), of Directive (EU) 2019/771;	(36) ‘consumer product’ means any product, excluding components and intermediate products, primarily intended for consumers as defined in Article 2, point (2), of Directive (EU) 2019/771;	(36) ‘consumer product’ means any product, excluding components and intermediate products, primarily intended for consumers as defined in Article 2, point (2), of Directive (EU) 2019/771;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (37)				
187	(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;	(37) ‘unsold consumer product’ means any consumer product <u>fit for consumption or sale</u> that has not been sold ~~or that has been~~ <u>including surplus, excessive inventory, overstock and deadstock, including products</u> returned by a consumer in view of their right of withdrawal in accordance with Article 9 of Directive (EU) 2011/83/EU;	(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; or, where applicable, in view of the commercial guarantee for withdrawal provided by the retailer regarding the product concerned.	
Article 2, first paragraph, point (38)				
188	(38) ‘self-regulation measure’ means a voluntary agreement or codes of conduct, concluded by industry sectors on their own initiative, which they are responsible for enforcing;	(38) ‘self-regulation measure’ means a voluntary agreement or codes of conduct, concluded by industry sectors on their own initiative, which they are responsible for enforcing;	(38) ‘self-regulation measure’ means a voluntary agreement or codes of conduct, concluded by economic operators or industry sectors on their own initiative, which they are responsible for enforcing;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (39)				
189	(39) ‘making available on the market’ means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	(39) ‘making available on the market’ means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	(39) ‘making available on the market’ means any supply of a product, for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	
Article 2, first paragraph, point (40)				
190	(40) ‘placing on the market’ means the first making available of a product on the Union market;	(40) ‘placing on the market’ means the first making available of a product on the Union market;	(40) ‘placing on the market’ means the first making available of a product on the Union market;	
Article 2, first paragraph, point (41)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
191	(41) 'putting into service' means the first use, for its intended purpose, in the Union, of a product;	(41) 'putting into service' means the first use, for its intended purpose, in the Union, of a product;	(41) 'putting into service' means the first use, for its intended purpose, in the Union, of a product;	
Article 2, first paragraph, point (42)				
192	(42) 'manufacturer' means any natural or legal person who manufactures a product or who has such a product designed or manufactured, and markets that product under its name or trademark or, in the absence of such person or an importer, any natural or legal person who places on the market or puts into service a product;;	(42) 'manufacturer' means any natural or legal person who manufactures a product or who has such a product designed or manufactured, and markets that product under its name or trademark or, in the absence of such person or an importer, any natural or legal person who places on the market or puts into service a product;;	(42) 'manufacturer' means any natural or legal person who manufactures a product or who has ~~such~~ a product designed or manufactured, and markets that product under its name or trademark ~~or, in the absence of such person or an importer, any natural or legal person who places on the market or puts into service a product;;;~~	
Article 2, first paragraph, point (43)				
193	(43) 'authorised representative'	(43) 'authorised representative'	(43) 'authorised representative'	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	means any natural or legal person established in the Union who has received a written mandate from the manufacturer to act on its behalf in relation to specified tasks with regard to the manufacturer's obligations under this Regulation;	means any natural or legal person established in the Union who has received a written mandate from the manufacturer to act on its behalf in relation to specified tasks with regard to the manufacturer's obligations under this Regulation;	means any natural or legal person established in the Union who has received a written mandate from the manufacturer to act on its behalf in relation to specified tasks with regard to the manufacturer's obligations under this Regulation;	
Article 2, first paragraph, point (44)				
194	(44) 'importer' means any natural or legal person established in the Union who places a product from a third country on the Union market;	(44) 'importer' means any natural or legal person established in the Union who places a product from a third country on the Union market;	(44) 'importer' means any natural or legal person established in the Union who places a product from a third country on the Union market;	
Article 2, first paragraph, point (45)				
195	(45) 'distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;	(45) 'distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;	(45) 'distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (46)				
196	(46) ‘economic operator’ means the manufacturer, the authorised representative, the importer, the distributor, the dealer and the fulfilment service provider;	(46) ‘economic operator’ means the manufacturer, the authorised representative, the importer, the distributor, the dealer and the fulfilment service provider;	(46) ‘economic operator’ means the manufacturer, the authorised representative, the importer, the distributor, the dealer and the fulfilment service provider;	
Article 2, first paragraph, point (46a)				
196a		<u>(46a) ‘independent operator’ means a natural or legal person who is independent from the manufacturer and is directly or indirectly involved in the refurbishment, repair, maintenance or repurposing of the product, and includes waste management operators, refurbishers, repairers, manufacturers or distributors of repair equipment, tools or spare parts, as well as publishers of</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>technical information, operators offering inspection and testing services and operators offering training for installers, manufacturers and repairers of equipment;</u>		
Article 2, first paragraph, point (46b)				
196b		<u>(46b) ‘professional repairer’ means a natural or legal person who provides repair or maintenance services for a product, irrespective of whether that person acts within the manufacturer’s distribution system or independently;</u>		
Article 2, first paragraph, point (47)				
197	(47) ‘technical specification’ means a document that prescribes technical requirements to be	(47) ‘technical specification’ means a document that prescribes technical requirements to be	(47) ‘technical specification’ means a document that prescribes technical requirements to be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	fulfilled by a product, process or service;	fulfilled by a product, process or service;	fulfilled by a product, process or service;	
Article 2, first paragraph, point (48)				
198	(48) ‘harmonised standard’ means a standard as defined in Article 2(1), point (c), of Regulation (EU) No 1025/2012;	(48) ‘harmonised standard’ means a standard as defined in Article 2(1), point (c), of Regulation (EU) No 1025/2012;	(48) ‘harmonised standard’ means a standard as defined in Article 2(1), point (c), of Regulation (EU) No 1025/2012;	
Article 2, first paragraph, point (49)				
199	(49) ‘CE marking’ means a marking by which the manufacturer indicates that the relevant product is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing;	(49) ‘CE marking’ means a marking by which the manufacturer indicates that the relevant product is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing;	(49) ‘CE marking’ means a marking by which the manufacturer indicates that the relevant product is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (50)				
200	(50) ‘accreditation’ means accreditation as defined in Article 2(10) of Regulation (EC) No 765/2008;	(50) ‘accreditation’ means accreditation as defined in Article 2(10) of Regulation (EC) No 765/2008;	(50) ‘accreditation’ means accreditation as defined in Article 2(10) of Regulation (EC) No 765/2008;	
Article 2, first paragraph, point (51)				
201	(51) ‘national accreditation body’ means a national accreditation body as defined in Article 2(11) of Regulation (EC) No 765/2008;	(51) ‘national accreditation body’ means a national accreditation body as defined in Article 2(11) of Regulation (EC) No 765/2008;	(51) ‘national accreditation body’ means a national accreditation body as defined in Article 2(11) of Regulation (EC) No 765/2008;	
Article 2, first paragraph, point (52)				
202	(52) ‘conformity assessment’ means the process demonstrating whether the requirements set out in the relevant delegated acts adopted pursuant to Article 4 have been	(52) ‘conformity assessment’ means the process demonstrating whether the requirements set out in the relevant delegated acts adopted pursuant to Article 4 have been	(52) ‘conformity assessment’ means the process demonstrating whether the ecodesign requirements set out in the relevant delegated acts adopted pursuant to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	fulfilled;	fulfilled;	Article 4 have been fulfilled;	
Article 2, first paragraph, point (53)				
203	(53) ‘conformity assessment body’ means a body that performs conformity assessment activities including calibration, testing, certification and inspection;	(53) ‘conformity assessment body’ means a body that performs conformity assessment activities including calibration, testing, certification and inspection;	(53) ‘conformity assessment body’ means a body that performs conformity assessment activities including calibration, testing, certification and inspection;	
Article 2, first paragraph, point (54)				
204	(54) ‘notified body’ means a conformity assessment body notified in accordance with Chapter IX of this Regulation;	(54) ‘notified body’ means a conformity assessment body notified in accordance with Chapter IX of this Regulation;	(54) ‘notified body’ means a conformity assessment body notified in accordance with Chapter IX of this Regulation;	
Article 2, first paragraph, point (55)				
205				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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;	(55) ‘online marketplace’ means a provider of an intermediary service using ~~software, including a website, part of a website or an application, that~~ <u>an online interface which</u> allows customers to conclude distance contracts with economic operators for the sale of products covered by delegated acts adopted pursuant to Article 4;	(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;	
Article 2, first paragraph, point (56)				
206	(56) ‘dealer’ means a retailer or any other natural or legal person who offers products for sale, hire or hire purchase, or displays products to customers in the course of a commercial activity, whether or not in return for payment;	(56) ‘dealer’ means a retailer or any other natural or legal person who offers products for sale, hire or hire purchase, or displays products to customers in the course of a commercial activity, whether or not in return for payment;	(56) ‘dealer’ means a ~~retailer or any other natural or legal person~~ distributor who offers products for sale, hire or hire purchase, or displays products to customers or installers in the course of a commercial activity, including through distance selling , whether or not in return for payment;	
Article 2, first paragraph, point (57)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
207	(57) ‘distance selling’ means the offer for sale, hire or hire purchase of products, online or through other means of distance sales, whereby the potential customer cannot physically access the product displayed;	(57) ‘distance selling’ means the offer for sale, hire or hire purchase of products, online or through other means of distance sales, whereby the potential customer cannot physically access the product displayed;	(57) ‘distance selling’ means the offer for sale, hire or hire purchase of products, online or through other means of distance sales, whereby the potential customer cannot physically access the product displayed;	
Article 2, first paragraph, point (58)				
208	(58) ‘product presenting a risk’ means a product that, by not complying with a requirement set out in or pursuant to this Regulation other than those listed in Article 65(1), may adversely affect the environment or other public interests protected by that requirement;	(58) ‘product presenting a risk’ means a product that, by not complying with a requirement set out in or pursuant to this Regulation other than those listed in Article 65(1), may adversely affect the environment or other public interests protected by that requirement;	(58) ‘product presenting a risk’ means a product that, by not complying with a requirement set out in or pursuant to this Regulation other than those listed in Article 65(1), may adversely affect the environment or other public interests protected by that requirement;	
Article 2, first paragraph a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
208a		<u><i>The definition of ‘electrical and electronic equipment’ or ‘EEE’ in Article 3, point (1)(a) of Directive 2012/19/EU of the European Parliament and of the Council shall apply^{1a}.</i></u> _____ <u><i>1a. Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 197, 24.7.2012, p. 38).</i></u>		
Article 2, first paragraph, point (59)				
209	(59) ‘product presenting a serious risk’ means a product presenting a risk for which, based on an assessment, the degree of the relevant non-compliance or the associated harm is considered to require rapid intervention by the market surveillance authorities, including cases where the effects	(59) ‘product presenting a serious risk’ means a product presenting a risk for which, based on an assessment, the degree of the relevant non-compliance or the associated harm is considered to require rapid intervention by the market surveillance authorities, including cases where the effects	(59) ‘product presenting a serious risk’ means a product presenting a risk for which, based on an assessment, the degree of the relevant non-compliance or the associated harm is considered to require rapid intervention by the market surveillance authorities, including cases where the effects	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of the non-compliance are not immediate.	of the non-compliance are not immediate.	of the non-compliance are not immediate.	
Article 2, second paragraph				
210	In addition, the definitions of ‘waste’, ‘hazardous waste’, ‘re-use’, ‘recovery’, ‘preparing for re-use’ and ‘recycling’ in Article 3, points (1), (2), (13), (15), (16) and (17), of Directive 2008/98/EC of the European Parliament and of the Council¹ shall apply. _____ 1. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).	In addition, the definitions of ‘waste’, ‘hazardous waste’, ‘re-use’, ‘recovery’, ‘preparing for re-use’ and ‘recycling’ in Article 3, points (1), (2), (13), (15), (16) and (17), of Directive 2008/98/EC of the European Parliament and of the Council¹ shall apply. _____ 1. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).	In addition, the definitions of ‘waste’, ‘hazardous waste’, ‘re-use’, ‘recovery’, ‘preparing for re-use’ and ‘recycling’ in Article 3, points (1), (2), (13), (15), (16) and (17), of Directive 2008/98/EC of the European Parliament and of the Council¹ shall apply. _____ 1. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).	
Article 2, third paragraph				
211				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	The definitions of ‘market surveillance’, ‘market surveillance authority’, ‘fulfilment service provider’, ‘online interface’, ‘corrective action’, ‘end-user’, ‘recall’, ‘withdrawal’, ‘customs authorities’ and ‘release for free circulation’ in Article 3, points (3), (4), (11), (15), (16), (21), (22), (23), (24) and (25), of Regulation (EU) 2019/1020 shall also apply.	The definitions of ‘market surveillance’, ‘market surveillance authority’, ‘fulfilment service provider’, ‘online interface’, ‘corrective action’, ‘end-user’, ‘recall’, ‘withdrawal’, ‘customs authorities’ and ‘release for free circulation’ in Article 3, points (3), (4), (11), (15), (16), (21), (22), (23), (24) and (25), of Regulation (EU) 2019/1020 shall also apply.	The definitions of ‘market surveillance’, ‘market surveillance authority’, ‘fulfilment service provider’, ‘online interface’, ‘corrective action’, ~~‘end-user’~~ , ‘recall’, ‘withdrawal’, ‘customs authorities’ and ‘release for free circulation’ in Article 3, points (3), (4), (11), (15), (16), ~~(21)~~ , (22), (23), (24) and (25), of Regulation (EU) 2019/1020 shall also apply.	
Article 2, fourth paragraph				
212	The definitions of ‘SMEs’, ‘small enterprises’ and ‘microenterprises’ in Article 2(1), (2) and (3), of Annex I to Commission Recommendation 2003/361/EC¹ shall also apply. _____ 1. Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).	The definitions of ‘SMEs’, ‘small enterprises’ and ‘microenterprises’ in Article 2(1), (2) and (3), of Annex I to Commission Recommendation 2003/361/EC¹ shall also apply. _____ 1. Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).	The definitions of ‘SMEs’, ‘small enterprises’ and ‘microenterprises’ in Article 2(1), (2) and (3), of Annex I to Commission Recommendation 2003/361/EC¹ shall also apply. _____ 1. Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, fourth paragraph a				
212a		<u>The definitions of ‘supplier of a substance or a mixture’ and ‘supplier of an article’ in Article 3, points (32) and (33), respectively, of Regulation (EC) 1907/2006 shall apply.</u>		
Article 3				
213	Article 3 Free movement	Article 3 Free movement	Article 3 Free movement	Article 3 Free movement Text Origin: Commission Proposal
Article 3(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
214	1. Products shall only be placed on the market or put into service if they comply with the ecodesign requirements set out in the delegated acts adopted pursuant to Article 4 applicable to those products.	1. Products shall only be placed on the market or put into service if they comply with the ecodesign requirements set out in the delegated acts adopted pursuant to Article 4 applicable to those products.	1. Products shall only be placed on the market or put into service if they comply with the ecodesign requirements set out in the delegated acts adopted pursuant to Article 4 applicable to those products.	1. Products shall only be placed on the market or put into service if they comply with the ecodesign requirements set out in the delegated acts adopted pursuant to Article 4 applicable to those products. Text Origin: Commission Proposal
Article 3(2), first subparagraph				
215	Member States shall not prohibit, restrict or impede the placing on the market or putting into service of products that comply with the performance requirements set out in delegated acts adopted pursuant to Article 4 for reasons of non-compliance with national performance requirements relating to product parameters referred to in Annex I covered by performance	Member States shall not prohibit, restrict or impede the placing on the market or putting into service of products that comply with the performance requirements set out in delegated acts adopted pursuant to Article 4 for reasons of non-compliance with national performance requirements relating to product parameters referred to in Annex I covered by performance	2. Member States shall not prohibit, restrict or impede the placing on the market or putting into service of products that comply with the performance requirements set out in delegated acts adopted pursuant to Article 4 for reasons of non-compliance with national performance requirements relating to product parameters referred to in Annex I covered by	Member States shall not prohibit, restrict or impede the placing on the market or putting into service of products that comply with the performance requirements set out in delegated acts adopted pursuant to Article 4 for reasons of non-compliance with national performance requirements relating to product parameters referred to in Annex I covered by performance

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	requirements included in such delegated acts.	requirements included in such delegated acts.	performance requirements included in such delegated acts.	requirements included in such delegated acts. Text Origin: Commission Proposal
Article 3(2), second subparagraph				
216	Member States shall not prohibit, restrict or impede the placing on the market or putting into service of products that comply with the information requirements set out in delegated acts adopted pursuant to Article 4 for reasons of non-compliance with national information requirements relating to product parameters referred to in Annex I covered by information requirements included such delegated act.	Member States shall not prohibit, restrict or impede the placing on the market or putting into service of products that comply with the information requirements set out in delegated acts adopted pursuant to Article 4 for reasons of non-compliance with national information requirements relating to product parameters referred to in Annex I covered by information requirements included such delegated act.	Member States shall not prohibit, restrict or impede the placing on the market or putting into service of products that comply with the information requirements set out in delegated acts adopted pursuant to Article 4 for reasons of non-compliance with national information requirements relating to product parameters referred to in Annex I covered by information requirements included in such delegated ~~act~~ acts.	Member States shall not prohibit, restrict or impede the placing on the market or putting into service of products that comply with the information requirements set out in delegated acts adopted pursuant to Article 4 for reasons of non-compliance with national information requirements relating to product parameters referred to in Annex I covered by information requirements included <u>in</u> such delegated ~~act~~ acts. Text Origin: Council Mandate

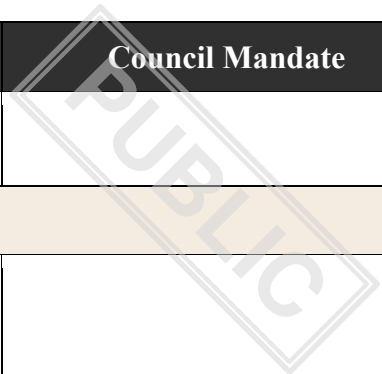
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3(3)				
217	3. Paragraph 2 shall not prevent Member States from setting minimum energy performance requirements in accordance with Article 4(1) and system requirements in accordance with Article 8 of Directive 2010/31/EU of the European Parliament and of the Council¹. _____ 1. Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ L 153, 18.6.2010, p. 13).	3. Paragraph 2 shall not prevent Member States from setting minimum energy performance requirements in accordance with Article 4(1) and system requirements in accordance with Article 8 of Directive 2010/31/EU of the European Parliament and of the Council¹. _____ 1. Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings (OJ L 153, 18.6.2010, p. 13).	3. Notwithstanding paragraph 2, Member States shall not ~~prevent~~ Member States be precluded from setting minimum energy performance requirements in accordance with Article 4(1) and system requirements in accordance with Article 8 of Directive 2010/31/EU of the European Parliament and of the Council¹. _____ 1. Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings— (OJ L 153, 18.6.2010, p. 13).	3. <u>Notwithstanding</u> paragraph 2, <u>Member States</u> shall not ~~prevent~~ <u>Member States be precluded</u> from setting minimum energy performance requirements in accordance with Article 4(1) and system requirements in accordance with Article 8 of Directive 2010/31/EU of the European Parliament and of the Council¹. _____ 1. Directive 2010/31/EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings— (OJ L 153, 18.6.2010, p. 13). Text Origin: Council Mandate
Article 3(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
218	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.	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.	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~~ second sub-paragraph, explicitly establishes that no performance, no information or neither performance nor information requirements are ~~necessary~~ to be set for one or several specific parameters as referred to in Annex I, on grounds of non-compliance with national requirements relating to such parameters.	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~~ second sub-paragraph, explicitly establishes that no performance, no information or neither performance nor information requirements are ~~necessary~~ to be set for one or several specific parameters as referred to in Annex I, on grounds of non-compliance with national requirements relating to such parameters. Text Origin: Council Mandate
Article 3(5)				

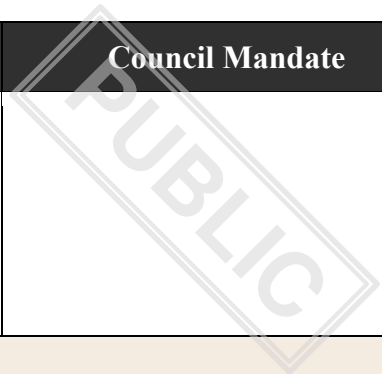
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
219	5. At trade fair, exhibitions and similar events, Member States shall not prevent the showing of products that do not comply with delegated acts adopted pursuant to Article 4, provided that a visible sign clearly indicates that such products do not comply and that they are not for sale until they have been brought into conformity.	5. At trade fair, exhibitions and similar events, Member States shall not prevent the showing of products that do not comply with delegated acts adopted pursuant to Article 4, provided that a visible sign clearly indicates that such products do not comply and that they are not for sale until they have been brought into conformity.	5. At trade fair, exhibitions and similar events, Member States shall not prevent the showing of products that do not comply with delegated acts adopted pursuant to Article 4, provided that a visible sign clearly indicates that such products do not comply and that they are not for sale until they have been brought into conformity.	5. At trade fair, exhibitions and similar events, Member States shall not prevent the showing of products that do not comply with delegated acts adopted pursuant to Article 4, provided that a visible sign clearly indicates that such products do not comply and that they are not for sale until they have been brought into conformity. Text Origin: Commission Proposal
Chapter II				
220	Chapter II Ecodesign requirements	Chapter II Ecodesign requirements	Chapter II Ecodesign requirements	Chapter II Ecodesign requirements Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4				
221	Article 4 Empowerments to adopt delegated acts	Article 4 Empowerments to adopt delegated acts	Article 4 Empowerments to adopt delegated acts	Article 4 Empowerments to adopt delegated acts Text Origin: Commission Proposal
Article 4, first paragraph				
222	The Commission is empowered to adopt delegated acts in accordance with Article 66 to supplement this Regulation by establishing ecodesign requirements for, or in relation to, products to improve their environmental sustainability. Those requirements shall include the elements listed in Annex VI	The Commission is empowered to adopt delegated acts in accordance with Article 66 to supplement this Regulation by establishing ecodesign requirements for, or in relation to, products to improve their environmental sustainability. Those requirements shall include the elements listed in Annex VI	The Commission is empowered to adopt delegated acts in accordance with Article 66, after consulting the Ecodesign Expert Group referred to in Article 17a and the Ecodesign Forum referred to in Article 17, to supplement this Regulation by establishing ecodesign requirements for, or in	to be discussed with Art 17a / yellow (expert group / annex VI)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and shall be established in accordance with Articles 5, 6 and 7 and Chapter III. The empowerment to adopt ecodesign requirements includes the power to establish that no performance requirements, no information requirements or neither performance nor information requirements are necessary for certain specified product parameters referred to in Annex I.	and shall be established in accordance with Articles 5, 6 and 7 and Chapter III. The empowerment to adopt ecodesign requirements includes the power to establish that no performance requirements, no information requirements or <u>that in exceptional cases</u> neither performance nor information requirements are necessary for certain specified product parameters referred to in Annex I.	relation to, products to improve their environmental sustainability. Those requirements delegated acts shall include the elements and respective ways of identifying them listed in Annex VI and Article 7a. Ecodesign requirements shall be established in accordance with Articles 5, 6 and 7 and Chapter III. The empowerment to adopt delegated acts to establish ecodesign requirements includes the possibility to explicitly power to establish that no performance requirements, no information requirements or neither performance nor information requirements are necessary to be set for certain specified product parameters referred to in Annex I only in cases where establishing a requirement related to that specific product parameter as referred to in Annex I would have a negative impact on the ecodesign requirements considered for the product group thus preventing the delegated act from meeting the objectives of this Regulation.	



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4, first paragraph a				
R	222a	<u>The empowerment to adopt ecodesign requirements shall include the power to establish that no ecodesign requirements apply for imported second-hand products or product groups, for a limited period of time, where on the basis of the impact assessment conducted under Article 5(4)(b) the Commission concludes that:</u> NB: subparagraph 1a (new)		R
Article 4, first paragraph a, point (a)				
R	222b	<u>(a) it is relevant to exempt a given imported second-hand product or product group on account of the substantial share that it represents</u>		R



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>on the relevant Union second-hand product market and the genuine consumer demand that it responds to; and</u>		
Article 4, first paragraph a, point (b)				
R 222c		<u>(b) such an exemption would not undermine the achievement of the objectives of this Regulation and the broader application of ecodesign requirements on the relevant Union product market; and</u>		R
Article 4, first paragraph a, point (c)				
R 222d		<u>(c) the resource savings due to the placing on the market of the imported second-hand product or product group outweigh the benefits of the ecodesign requirements for new products or</u>		R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>product groups.</u>		
Article 4, first paragraph a				
222e			The empowerment to adopt delegated acts to establish ecodesign requirements does not include the possibility to adopt a delegated act that establishes that no ecodesign requirement at all is necessary for a product group.	
Article 4, second paragraph				
223	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	When establishing ecodesign requirements in delegated acts referred to in the first subparagraph, the Commission shall <u>provide economic operators with sufficient time to adjust to the new requirements, particularly taking into consideration the</u>	When establishing ecodesign requirements in delegated acts referred to in the first subparagraph of this Article , the Commission shall also supplement this Regulation by specifying the applicable conformity assessment procedures from among the	When establishing ecodesign requirements in delegated acts referred to in the first subparagraph <u>of this Article</u> , the Commission shall <u>provide economic operators with sufficient time to adjust to the new requirements, particularly taking into consideration the</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	<u>needs of micro enterprises and SMEs. The Commission shall</u> 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.	~~modules~~ either the module A set out in Annex IV to this Regulation ~~and~~ one of the modules B to H set out in 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 of this Regulation.	<u>needs of micro enterprises and SMEs. The Commission shall</u> also supplement this Regulation by specifying the applicable conformity assessment procedures from ~~among the modules~~ <u>either the module A</u> set out in Annex IV to this Regulation ~~and~~ <u>one of the modules B to H1 set out in</u> 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 <u>of this Regulation.</u> Text Origin: EP Mandate
Article 4, third paragraph				
224	Delegated acts referred to in the first subparagraph may also supplement this Regulation by:	Delegated acts referred to in the first subparagraph may also supplement this Regulation by:	Delegated acts referred to in the first subparagraph may, as appropriate in view of the specificities of the product group, include any of the following requirements ~~also supplement this~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Regulation by:	
	Article 4, third paragraph, point (a)			
224a			(a) Where this is necessary for effective market surveillance:	
	Article 4, third paragraph, point (a)(i)			
224b			(i) requiring manufacturers, their authorised representatives or importers to keep the technical documentation and the EU declaration of conformity for a period longer or shorter than 10 years after the relevant product has been placed on the market or put into service taking into account of the nature of the product or requirements concerned;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4, third paragraph, point (a)(ii)				
Y	224c		(ii) requiring economic operators to provide, upon request, market surveillance authorities with the information set out in Article 30(2) for a period longer or shorter than 10 years after that product has been supplied;	Y
Article 4, third paragraph, point (a)				
G	225	(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);	(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);	(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);

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				numbering to be adjusted cf rows above Text Origin: Council Mandate
Article 4, third paragraph, point (a)(iv)				
Y	225a		(iv) requiring supply chain actors to comply with the obligations listed under points a) to c) of Article 31(a).	Y
Article 4, third paragraph, point (b)				
Y	226	(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	(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	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accordance with Article 31(1);	accordance with Article 31(1);	accordance with Article 31(1); Where this is necessary in order to ensure energy-efficient usage of products or to develop future ecodesign requirements:	
Article 4, third paragraph, point (c)				
227	(c) requiring products placed on the market to be able to measure the energy they consume or their performance in relation to other relevant product parameters referred to in Annex I while in use, in accordance with Article 31(2);	(c) requiring products placed on the market to be able to measure the energy they consume or their performance in relation to other relevant product parameters referred to in Annex I while in use, in accordance with Article 31(2);	(e)(i) requiring products placed on the market to be able to measure the energy they consume or their performance in relation to other relevant product parameters referred to in Annex I while in use, in accordance with Article 31(2);	(c) requiring products placed on the market to be able to measure the energy they consume or their performance in relation to other relevant product parameters referred to in Annex I while in use, in accordance with Article 31(2); numbering to be adjusted once agree on structure Text Origin: Council Mandate
Article 4, third paragraph, point (ca)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Y	227a	<u>(ca) specifying the methodology to assess the reparability of a product, define the classes of performance to be displayed by the reparability score, and define the product categories to which the reparability score shall apply;</u>		to be discussed with reparability score
Article 4, third paragraph, point (d)				
G	228	(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);	(d)(ii) requiring manufacturers, their authorised representatives or importers to collect, ~~anonymise, or report to the Commission the~~ and anonymise in-use data referred to in point (c); and report to the Commission in accordance with Article 31(3);	(d) requiring manufacturers, their authorised representatives or importers to collect, ~~anonymise, or report to the Commission the~~ and anonymise in-use data referred to in point (c); and report to the Commission in accordance with Article 31(3); numbering to be adjusted once agreement on structure

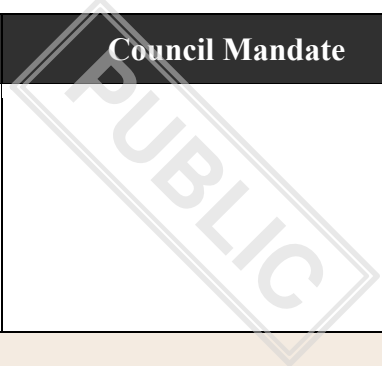
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 4, third paragraph, point (e)				
229	(e) requiring the use of online tools to calculate the performance of a product in relation to a product parameter referred to in Annex I, in accordance with Article 32(2);	(e) requiring the use of online tools to calculate the performance of a product in relation to a product parameter referred to in Annex I, in accordance with Article 32(2);	~~(e)~~ (iii) requiring the use of ~~online~~ digital tools to calculate the performance of a product in relation to a product parameter referred to in Annex I, in accordance with Article 32(2);	linked to Article 32 changes
Article 4, third paragraph, point (c)				
229a			(c) In order to ensure transparency about conformity with ecodesign requirements:	
Article 4, third paragraph, point (f)				
230				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(f) specifying alternative rules on the declaration of conformity or markings indicating conformity with ecodesign requirements by way of derogation from Articles 37 and 39, in accordance with Article 40;	(f) specifying alternative rules on the declaration of conformity or markings indicating conformity with ecodesign requirements by way of derogation from Articles 37 and 39, in accordance with Article 40;	~~(f)(i) specifying alternative rules on the declaration of conformity or markings indicating conformity with ecodesign requirements by way of derogation from Articles 37 and 39~~ for products not subject to the requirement for affixing the CE marking before being placed on the market or put into service under Union law, specifying rules on markings, indicating conformity with ecodesign requirements , in accordance with Article 40;	cg changes in article 40
Article 4, third paragraph, point (g)				
Y 231	(g) specifying rules to direct Member States incentives in accordance with Article 57;	(g) specifying rules to direct Member States incentives in accordance with Article 57;	~~(g) specifying rules to direct Member States incentives in accordance with Article 57;~~	Y
Article 4, third paragraph, point (h)				
Y 232				Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(h) establishing requirements applicable to public contracts, including implementation, monitoring and reporting of those requirements by Member States. Those requirements shall be based on the product parameters referred to in Annex I and established in accordance with Article 58.	(h) establishing requirements applicable to public contracts, including implementation, monitoring and reporting of those requirements by Member States. Those requirements shall be based on the product parameters referred to in Annex I and established in accordance with Article 58.	(h) establishing requirements applicable to public contracts, including implementation, monitoring and reporting of those requirements by Member States. Those requirements shall be based on the product parameters referred to in Annex I and established in accordance with Article 58.	cf discussion on GPP
Article 5				
233	Article 5 Ecodesign requirements	Article 5 Ecodesign requirements	Article 5 Ecodesign requirements	Article 5 Ecodesign requirements Text Origin: Commission Proposal
Article 5(1)				
234				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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:	1. The Commission shall, in order to address as appropriate to the relevant product groups and with due consideration for all adverse environmental impacts which arise in any of the stages of the products' life cycle or to further improve already existing beneficial environmental impacts , establish ecodesign requirements based on the product parameters in Annex I to improve the following product aspects when relevant to the product group concerned :	
Article 5(1), point (a)				
235	(a) durability;	(a) durability;	(a) durability;	(a) durability; Text Origin: Commission Proposal

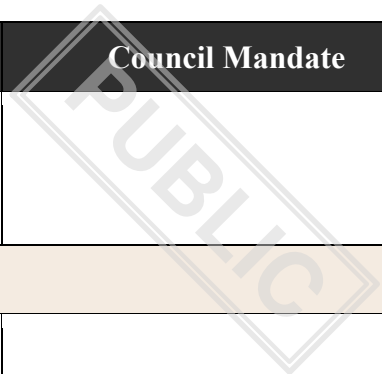
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5(1), point (b)				
236	(b) reliability;	(b) reliability;	(b) reliability;	(b) reliability; Text Origin: Commission Proposal
Article 5(1), point (c)				
237	(c) reusability;	(c) reusability;	(c) reusability;	(c) reusability; Text Origin: Commission Proposal
Article 5(1), point (d)				
238	(d) upgradability;	(d) upgradability;	(d) upgradability;	(d) upgradability;



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 5(1), point (e)				
239	(e) reparability;	(e) reparability;	(e) reparability;	(e) reparability; Text Origin: Commission Proposal
Article 5(1), point (f)				
240	(f) possibility of maintenance and refurbishment;	(f) possibility of maintenance and refurbishment;	(f) possibility of maintenance and refurbishment;	(f) possibility of maintenance and refurbishment; Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 5(1), point (g)			
Y	241	(g) presence of substances of concern;	(g) presence of substances of concern <u>in products</u> ;	(g) presence of substances of concern;
	Article 5(1), point (h)			
G	242	(h) energy use or energy efficiency;	(h) energy use or energy efficiency;	(h) energy use ~~or~~ <u>and</u> energy efficiency; Text Origin: Council Mandate
	Article 5(1), point (ha)			
G	242a		(ha) water use and water efficiency;	<u>(ha) water use and water efficiency</u> ;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 5(1), point (i)				
243	(i) resource use or resource efficiency;	(i) resource use or resource efficiency;	(i) ~~resource use or resource~~ use and water efficiency;	(i) resource use ~~or~~ and resource efficiency; Text Origin: Commission Proposal
Article 5(1), point (ia)				
243a			(ia) material use and material efficiency;	<u>(ia)</u> NB: linked to discussion on footprint



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 5(1), point (j)				
244	(j) recycled content;	(j) recycled content;	(j) recycled content;	(j) recycled content; Text Origin: Commission Proposal
Article 5(1), point (k)				
245	(k) possibility of remanufacturing and recycling;	(k) possibility of remanufacturing <i>and recycling</i> ;	(k) possibility of remanufacturing and recycling;	(k) possibility of remanufacturing <i>and recycling</i> ; Text Origin: EP Mandate
Article 5(1), point (ka)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
245a		<u>(ka) possibility of recycling;</u>	(ka) possibility of recycling;	<u>(ka) possibility of recycling;</u> Text Origin: EP Mandate
Article 5(1), point (l)				
246	(l) possibility of recovery of materials;	(l) possibility of recovery of materials;	(l) possibility of recovery of materials;	(l) possibility of recovery of materials; Text Origin: Commission Proposal
Article 5(1), point (la)				
246a			(-m) carbon and environmental footprint;	<u>(-m)</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				deletion of CNL -m Text Origin: Council Mandate
Article 5(1), point (m)				
247	(m) environmental impacts, including carbon and environmental footprint;	(m) environmental impacts, including carbon and environmental footprint;	(m) ~~environmental impacts, including carbon and environmental footprint~~ contribution to climate change, pollution of water, air and soil, land use;	(m) environmental impacts, including carbon and environmental footprint; Text Origin: Commission Proposal
Article 5(1), point (n)				
248	(n) expected generation of waste materials.	(n) expected generation of waste materials.	(n) expected generation of waste materials.	(n) expected generation of waste ~~materials.~~

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: EP Mandate
Article 5(1a)				
248a			1a. The Commission shall select or develop tools or methodologies as necessary for the setting of ecodesign requirements. When the Commission selects or develops a methodology or tool to be used for the setting of ecodesign requirements it shall regularly inform, and as appropriate consult, the Ecodesign Forum referred to in Article 17 and the Expert Group referred to in Article 17a.	
Article 5(2), second subparagraph				
248b			1b. Products whose sole purpose is to serve defence or national security shall be excluded from	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			the product group.	
Article 5(2a), second subparagraph				
248c			1c. When establishing horizontal ecodesign requirements, the Commission shall also take into account the effectiveness of such an approach, in particular its ability to cover a wide range of product groups in the same act, including product groups that have not been prioritised individually in the working plan referred to in Article 16.	
Article 5(2a), third subparagraph				
248d			A horizontal ecodesign requirement might be further adapted to the specificities of the product groups covered.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 5(2), first subparagraph			
Y	249	Ecodesign requirements shall be established for a specific product group.	2. Ecodesign requirements shall be established for a specific product group. A delegated act may exclude from the scope a subset of products belonging to the regulated product group or exempt them from some of the requirements, taking into account:	Y
	Article 5(2), point (a)			
Y	249a		(a) patterns of use or typical real-life use;	Y
	Article 5(2), point (b)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Y	249b		(b) product characteristics, including material composition, size or ability to withstand specific conditions of use or specific environments;	Y
Article 5(2), point (c)				
Y	249c		(c) applicable standards, methods, legislation and policies, or the lack thereof;	Y NB: CNL to come back with examples
Article 5(2), point (d)				
Y	249d		(d) requirements for security, military, safety or medical purposes;	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 5(2), point (e)			
Y	249e		(e) the specifics of the product's market, including the volume of sales and the way in which products are marketed; and	Y
	Article 5(2), point (f)			
Y	249f		(f) bespoke products or products produced in very small quantities.	Y
	Article 5(2), second subparagraph			
Y	250	However, where two or more product groups display technical similarities allowing a product aspect referred to in paragraph 1 to be improved based on a common requirement, ecodesign	2a. ~~However,~~ Where two or more product groups display one or more technical similarities allowing a product aspect referred to in paragraph 1 to be improved based on ~~a~~ common requirement,	~~However,~~ Where two or more product groups display <u>one or more technical</u> similarities allowing a product aspect referred to in paragraph 1 to be improved based on ~~a~~ common ~~requirement,~~

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	requirements may be established horizontally for those product groups.	requirements may be established horizontally for those product groups. <u>Those horizontal requirements may be further specified through the establishment of ecodesign requirements for a specific product group covered by a horizontal ecodesign requirement.</u>	~~ecodesign~~ ecodesign requirements, such requirements may be established horizontally for those product groups (" horizontal ecodesign requirements ").	~~ecodesign~~ <u>ecodesign requirements, such</u> requirements may be established horizontally for those product groups (" horizontal ecodesign requirements "). <u>Such horizontal requirements may be supplemented through the establishment of ecodesign requirements for a specific product group.</u>
				NB: in principle agreement on 250 and 250b but needs for agreement on wording Text Origin: Council Mandate
	Article 5(2), third subparagraph			
251	A horizontal ecodesign requirement established pursuant to the second subparagraph may cover products falling in the scope of a self-regulation measure	A horizontal ecodesign requirement established pursuant to the second subparagraph may cover products falling in the scope of a self-regulation measure	3a. A horizontal ~~An ecodesign requirement established pursuant to the second subparagraph~~ may cover products falling in the scope of a self-regulation measure	~~A horizontal~~ <u>An</u> ecodesign requirement ~~established pursuant to the second subparagraph~~ may cover products falling in the scope of a self-regulation measure

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	established as a valid alternative pursuant to Article 18(3), where the Commission considers that that self-regulation measure does not address the product aspect covered by that horizontal ecodesign requirement.	established as a valid alternative pursuant to Article 18(3), where the Commission considers that that self-regulation measure does not address the product aspect covered by that horizontal ecodesign requirement.	established as a valid ~~alternative~~ listed pursuant to Article 18(3), ~~where the Commission considers that that~~ , in case that self-regulation measure does not address the product aspect covered by that ~~horizontal~~ ecodesign requirement.	~~established as a valid alternative~~ listed pursuant to Article 18(3), ~~where the Commission considers that that~~ , in case that self-regulation measure does not address the product aspect covered by that ~~horizontal~~ ecodesign requirement. NB: EP to double check Text Origin: Council Mandate
Article 5(3)				
252	3. Ecodesign requirements shall, as appropriate, include:	3. Ecodesign requirements shall, as appropriate, include:	3. Ecodesign requirements shall, as appropriate to improve the specific product aspects , include:	NB: see row 234
Article 5(3), point (a)				

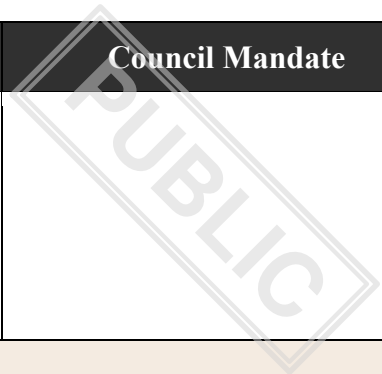
	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
253	(a) performance requirements as set out in Article 6;	(a) performance requirements as set out in Article 6;	(a) performance requirements as set out in Article 6; ~~or~~	(a) performance requirements as set out in Article 6; ~~or~~ <u>or</u> NB: to check consistency with 222 Text Origin: Council Mandate
Article 5(3), point (b)				
254	(b) information requirements as set out in Article 7.	(b) information requirements as set out in Article 7.	(b) information requirements as set out in Article 7-;	(b) information requirements as set out in Article 7-; ~~i~~ Text Origin: Council Mandate
Article 5(3), point (ba)				
254a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(c) or both.	<u>(c) or both.</u> Text Origin: Council Mandate
Article 5(4)				
255	4. When preparing ecodesign requirements, the Commission shall:	4. When preparing ecodesign requirements, the Commission shall <u>ensure consistency and avoid conflicting requirements with other Union legislation and shall:</u>	4. When preparing ecodesign requirements, the Commission shall:	4. When preparing ecodesign requirements, the Commission shall <u>ensure consistency and avoid conflicting requirements with other Union legislation and shall:</u> NB: EP need to check internally EC to come back with proposed drafting Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5(4), point (a)				
256	(a) take into account the following elements:	(a) take into account the following elements:	(a) take into account the following elements:	(a) take into account the following elements: Text Origin: Commission Proposal
Article 5(4), point (a)(i)				
257	(i) Union climate, environmental and energy efficiency priorities and other related Union priorities;	(i) Union <u>objectives concerning:</u> <u>- the climate, in particular the objective to achieve climate neutrality at the latest by 2050 as set out in Regulation (EU) 2021/1119;</u> <u>- the environment, including biodiversity, resource efficiency and security and reduction of the environmental, material and consumption footprints, and staying within the planetary</u>	(i) Union climate, environmental and energy efficiency priorities and other related Union priorities;	NB: need to work on common wording

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>boundaries as set out in the 8th Environmental Action Programme;</u> <u>- non-toxicity;</u> <u>- ~~and~~ energy efficiency ~~priorities~~ ~~and~~; and</u> <u>- other related Union ~~priorities~~ objectives;</u>		
Article 5(4), point (a)(ii)				
258	(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 <u>and the do no significant harm principle within the meaning of Article 17 of Regulation (EU) 2020/852;</u>	(ii) relevant Union ~~legislation~~ law , including the extent to which it addresses the relevant product aspects listed in paragraph 1;	
Article 5(4), point (a)(iia)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
258a		<u>(iia) relevant international agreements;</u>		<u>(iia) relevant international agreements;</u> Text Origin: EP Mandate
Article 5(4), point (a)(iii)				
259	(iii) self-regulation measures, as provided for in Article 18;	(iii) self-regulation measures, as provided for in Article 18;	(iii) self-regulation measures, as provided for in Article 18;	(iii) self-regulation measures, ~~as provided for in Article 18;~~ Text Origin: Council Mandate
Article 5(4), point (a)(iv)				
260	(iv) relevant national environmental legislation;	(iv) relevant national environmental legislation;	(iv) relevant national environmental legislation;	(iv) relevant national environmental legislation;



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 5(4), point (a)(v)				
G 261	(v) relevant European and international standards;	(v) relevant European and international standards;	(v) relevant European and international standards;	(v) relevant European and international standards; Text Origin: Commission Proposal
Article 5(4), point (a)(va)				
Y 261a		<u>(va) prioritisation of measures in accordance with the waste hierarchy laid down in Directive 2008/98/EC;</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5(4), point (b)				
262	(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 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~~ <u>aspects</u> 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. <u>In the impact assessments, the Commission shall:</u>	(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~~ Union 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 for the product concerned and in view of their potential to contribute to the overall improvement of the environmental sustainability of the product concerned. In addition, the Commission shall consider the interdependencies of parameters and avoid conflicting or duplicating requirements. 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	NB: in line with row 255 about conflicting legislation Need to use a consistent terminology

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			aspects of that product. The impact assessment shall indicate the methodology used;	
Article 5(4), point (aa), first subparagraph, point (i)				
Y 262a		<u>(i) ensure that all the product aspects listed in paragraph 1 are analysed and that the depth of analysis of the product aspects listed in paragraph 1 is proportionate to their significance;</u>		Y
Article 5(4), point (aa), first subparagraph, point (ii)				
Y 262b		<u>(ii) ensure that trade-offs between the different product aspects listed in paragraph 1 are analysed;</u>		Y
Article 5(4), point (aa), first subparagraph, point (iii)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Y	262c	<u>(iii) provide an assessment of the expected reduction of the environmental, carbon and material footprints by the new ecodesign requirements;</u>		Y
Article 5(4), point (aa), first subparagraph, point (iv)				
Y	262d	<u>(iv) provide an assessment of the fulfilment of criteria established in Article 4, second paragraph, on imported second-hand products, where relevant;</u>		Y
Article 5(4), point (aa), first subparagraph, point (v)				
Y	262e	<u>(v) provide an assessment of any relevant impacts on human health;</u>		Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 5(4), point (aa), first subparagraph, point (vi)			
Y	262f	<u>(vi) provide an assessment of the minimum level of performance of a product or a product group, that needs to be potentially attained in the future in order for that product or product group to be in line with the Union's objectives as listed in paragraph 4, point (a)(i);</u>		
	Article 5(4), point (aa), second subparagraph			
Y	262g	<u>Where appropriate, the impact assessment shall also be used to support the setting of criteria on green public procurement, Ecolabel, as well as other economic incentives in order to improve consistency between different policy instruments.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 5(4), point (c)			
G	263	(c) take into consideration relevant technical information used as a basis for or derived from Union legislation or instruments, including Regulation (EC) No 66/2010, Directive 2010/75/EU, technical screening criteria adopted pursuant to Regulation (EU) 2020/852 and green public procurement criteria;	(c) take into consideration relevant technical information used as a basis for or derived from Union legislation or instruments, including Regulation (EC) No 66/2010, Directive 2010/75/EU, technical screening criteria adopted pursuant to Regulation (EU) 2020/852 and green public procurement criteria;	(c) take into consideration relevant technical information used as a basis for or derived from Union ~~legislation~~ <u>law</u> or instruments, including Regulation (EC) No 66/2010, Directive 2010/75/EU, technical screening criteria adopted pursuant to Regulation (EU) 2020/852 and green public procurement criteria; Text Origin: Council Mandate
	Article 5(4), point (ca)			
Y	263a	<u>(ca) take into consideration the protection of confidential business information;</u>		NB: already in article 8 and 10

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 5(4), point (cb)			
Y	263b	<u>(cb) take into consideration any feedback provided by public consultations;</u>		NB: potentially in recital 18
	Article 5(4), point (d)			
Y	264	(d) take into account the views expressed by the Ecodesign Forum referred to in Article 17.	(d) take into account the views expressed by the Ecodesign Forum referred to in Article 17 and the Ecodesign Expert Group referred to in Article 17a and the results of the public consultation.	to be discussed in line with article 17a
	Article 5(5)			
G	265	5. Ecodesign requirements shall	5. Ecodesign requirements shall	5. Ecodesign requirements shall

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	meet the following criteria:	meet the following criteria:	meet the following criteria:	meet the following criteria: Text Origin: Commission Proposal
Article 5(5), point (a)				
266	(a) there shall be no significant negative impact on the functionality of the product, from the perspective of the user;	(a) there shall be no significant negative impact on the functionality <u>or safety</u> of the product, from the perspective of the user;	(a) there shall be no significant negative impact on the functionality of the product, from the perspective of the user;	(a) there shall be no significant negative impact on the functionality of the product, from the perspective of the user; Text Origin: Commission Proposal
Article 5(5), point (b)				
267	(b) there shall be no adverse effect on the health and safety of persons;	(b) there shall be no adverse effect on the health and safety of persons;	(b) there shall be no adverse effect on the health and safety of persons;	(b) there shall be no adverse effect on the health and safety of persons;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 5(5), point (c)				
R 268	(c) there shall be no significant negative impact on consumers in terms of the affordability of relevant products, also taking into account access to second-hand products, durability and the life cycle cost of products;	(c) there shall be no significant negative impact on consumers in terms of the affordability of relevant products, also taking into account ~~access to~~ <u>second-hand products, including imported</u> second-hand products, durability and the life cycle cost of products;	(c) there shall be no significant negative impact on consumers in terms of the affordability of relevant products, ~~also~~ taking into account ~~access to~~ second-hand products, durability and the cost , including life cycle cost of products;	RED on imported second-hand products
Article 5(5), point (d)				
Y 269	(d) there shall be no disproportionate negative impact on the competitiveness of economic actors, at least of SMEs;	(d) there shall be no disproportionate negative impact on the competitiveness of economic actors, ~~at least of~~ <u>in particular of micro-enterprises</u>	(d) there shall be no disproportionate negative impact on the competitiveness of economic operators and other actors in the value chain, and in	CNL to provide further information

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>and</u> SMEs;	~~particular at least~~ of SMEs;	
Article 5(5), point (e)				
270	(e) there shall be no proprietary technology imposed on manufacturers or other economic actors;	(e) there shall be no proprietary technology imposed on manufacturers or other economic actors;	(e) there shall be no proprietary technology imposed on manufacturers or other actors in the value chain-economic actors ;	CNL to provide further information
Article 5(5), point (f)				
271	(f) there shall be no disproportionate administrative burden on manufacturers or other economic actors.	(f) there shall be no disproportionate administrative burden on manufacturers or other economic actors <u>-, in particular for micro-enterprises and SMEs;</u>	(f) there shall be no disproportionate administrative burden on manufacturers or other actors in the value chain, in particular SMEs-economic actors .	CNL to provide further information
Article 5(5), point (fa)				
271a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>(fa) there shall be sufficient time given to manufacturers or other economic actors to adjust to the new requirements, particularly taking into consideration the needs of micro-enterprises and SMEs.</u>		
Article 5(6)				
272	6. The Commission shall, where appropriate, require supply chain actors to:	6. The Commission shall, where appropriate, require supply chain actors to:	~~6. The Commission shall, where appropriate, require supply chain actors to:~~	
Article 5(6), point (a)				
273	(a) provide, upon request, manufacturers, notified bodies and competent national authorities with available information related to their supplies or services that is relevant in order to verify compliance with ecodesign	(a) provide, upon request, manufacturers, notified bodies and competent national authorities with available information related to their supplies or services that is relevant in order to verify compliance with ecodesign	~~(a) provide, upon request, manufacturers, notified bodies and competent national authorities with available information related to their supplies or services that is relevant in order to verify compliance with ecodesign~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	requirements;	requirements;	requirements;	
Article 5(6), point (b)				
274	(b) allow, in the absence of information referred to in point (a), manufacturers to assess their supplies or services in order to verify compliance with ecodesign requirements and give access to relevant documents or facilities to those manufacturers;	(b) allow, in the absence of information referred to in point (a), manufacturers to assess their supplies or services in order to verify compliance with ecodesign requirements and give access to relevant documents or facilities to those manufacturers;	(b) ~~allow, in the absence of information referred to in point (a), manufacturers to assess their supplies or services in order to verify compliance with ecodesign requirements and give access to relevant documents or facilities to those manufacturers;~~	
Article 5(6), point (c)				
275	(c) enable notified bodies and competent national authorities to verify the correctness of information related to their activities and relevant for verifying compliance with ecodesign requirements.	(c) enable notified bodies and competent national authorities to verify the correctness of information related to their activities and relevant for verifying compliance with ecodesign requirements.	(c) ~~enable notified bodies and competent national authorities to verify the correctness of information related to their activities and relevant for verifying compliance with ecodesign requirements.~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5(7)				
276	7. The Commission shall, where appropriate, identify appropriate means of verification for specific ecodesign requirements, including directly on the product or on the basis of the technical documentation.	7. The Commission shall, where appropriate, identify appropriate means of verification for specific ecodesign requirements, including directly on the product or on the basis of the technical documentation.	7. ~~The Commission~~ Ecodesign requirements shall, where appropriate, be verifiable. The Commission shall identify appropriate means of verification for specific ecodesign requirements, including directly on the product or on the basis of the technical documentation. The Commission shall specify, as a minimum, the content, the format, the manner, and the order in which the information necessary for the verification of compliance is to be made available.	
Article 5(8)				
277	8. The Commission shall publish relevant studies and analyses used	8. The Commission shall publish relevant studies and analyses <u>once</u>	8. The Commission shall publish relevant studies and analyses used	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in the establishment of ecodesign requirements in accordance with this Regulation.	<u>available, including the impact assessments referred to in paragraph 4, point (b)</u> , used in the establishment of ecodesign requirements in accordance with this Regulation.	in the establishment of ecodesign requirements in accordance with this Regulation.	
Article 5(9)				
277a			9. For each product group concerned by ecodesign requirements, the Commission shall determine, where relevant, which substances fall under the definition in Article 2 (28), point (c) taking into account at least, whether:	
Article 5(9), point (a)				
277b			(a) based on the state-of-the-art technologies, the substances make the re-use, or recycling	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			process substantially more complicated, costly, environmentally impactful, or energy- or resource-demanding,	
Article 5(9), point (b)				
277c			(b) the substances impair the technical properties or functionalities, the usefulness or the value of the recycled material or products manufactured from this recycled material,	
Article 5(9), point (c)				
277d			(c) the substances negatively impact cosmetic, aesthetic or olfactory properties of the recycled material.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5(8a), second subparagraph				
277e			The identification of such substances shall not be based on reasons relating primarily to chemical safety.	
Article 5a				
277f		<u>Article 5a</u> <u>Durability and reparability of products</u>		
Article 5a(1)				
277g		<u>1. When setting the ecodesign requirements pursuant to Article 5(1), the Commission shall ensure that manufacturers do not limit the durability of a product making</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>it prematurely obsolete, in particular as a result of the design of a specific feature, the use of consumables, spare parts, or non-provision of software updates or accessories within an appropriate period of time.</u>		
Article 5a(2)				
277h		<u>2. When setting the ecodesign requirements pursuant to Article 5(1), the Commission shall ensure that manufacturers do not limit the reparability of products by impeding the disassembly of key components or limiting access to repair information and spare parts exclusively to authorised repairers.</u>		
Article 6				
278				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 6 Performance requirements	Article 6 Performance requirements	Article 6 Performance requirements	
Article 6(1)				
279	1. Products shall comply with performance requirements related to the product aspects listed in Article 5(1), as laid down in the delegated acts adopted pursuant to Article 4.	1. Products shall comply with performance requirements related to the product aspects listed in Article 5(1), as laid down in the delegated acts adopted pursuant to Article 4.	1. ~~Products~~ Performance requirements shall ~~comply with performance requirements related to the~~ be set to improve the specific product aspects listed in Article 5(1), ~~as laid down in the delegated acts adopted pursuant to Article 4.~~ The performance requirements shall be tailored to the particular characteristics of the product group concerned. The performance requirements shall in order to improve the product group's environmental sustainability effectively address adverse environmental impacts of products throughout their lifecycle, or further improve already existing beneficial environmental impacts in relation to environmental	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			sustainability.	
Article 6(2)				
280	2. Performance requirements referred to in paragraph 1 shall be based on the product parameters referred to in Annex I and shall, as appropriate, include:	2. Performance requirements referred to in paragraph 1 shall be based on the <u>relevant</u> product parameters referred to in Annex I and shall, as appropriate, include:	2. Performance requirements referred to in paragraph 1 shall be based on the product parameters referred to in Annex I and shall, as appropriate, include:	
Article 6(2), point (a)				
281	(a) minimum or maximum levels in relation to a specific product parameter referred to in Annex I or a combination thereof;	(a) minimum or maximum levels in relation to a specific product parameter referred to in Annex I or a combination thereof;	(a) minimum or maximum levels in relation to a specific product parameter referred to in Annex I or a combination thereof or;	
Article 6(2), point (b)				
282				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(b) non-quantitative requirements that aim to improve performance in relation to one or more product parameters referred to in Annex I;	(b) non-quantitative requirements that aim to improve performance in relation to one or more product parameters referred to in Annex I;	(b) non-quantitative requirements that aim to improve performance in relation to one or more product parameters; ~~or both, referred to in Annex I;~~	
Article 6(2), point (c)				
283	(c) requirements related to the functional performance of a product.	(c) requirements related to the functional performance of a product.	(c) ~~requirements related to the functional performance of a product.~~	
Article 6(3)				
284	3. Performance requirements based on the product parameter set out in Annex I, point (f), shall not restrict the presence of substances in products for reasons relating primarily to chemical safety.	3. Performance requirements based on the product parameter set out in Annex I, point (f), shall not restrict the presence of substances in products for reasons relating primarily to chemical safety. <u>unless there is an unacceptable risk to human health or the environment, arising from the use</u>	3. Performance requirements based on the product parameter set out in Annex I, point (f), shall, where relevant, restrict the presence of substances in products for reasons relating primarily to the improvement of environmental sustainability of the products. Performance	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>of a substance present in the product or product component when it is placed on the market or during the subsequent stages of its lifecycle.</u>	requirements based on the product parameter set out in Annex I, point (f), shall not restrict the presence of substances in products for reasons relating primarily to chemical safety.	
Article 6(4)				
285	4. When establishing performance requirements, the Commission shall follow the procedure set out in Annex II.	4. When establishing performance requirements, the Commission shall follow the procedure set out in Annex II.	4. When establishing performance requirements, the Commission shall follow the procedure set out in Annex II.	
Article 6(5), first subparagraph				
285a			5. Based on the outcome of its analysis in accordance with Annex II, the Commission shall choose one or several performance requirements to be imposed on the relevant product group. The Commission shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			consider all the relevant and significant negative effects of the relevant products on the environment and the environmental sustainability of the products, and identify the most effective performance requirement(s) to reduce these negative effects.	
Article 6(5), second subparagraph				
285b			When establishing each performance requirement for a specific aspect as listed in Article 5(1), the Commission shall assess the possible positive and negative impacts of this requirement on other aspects or parameters listed in Annex I.	
Article 7				
286				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 7 Information requirements	Article 7 Information requirements	Article 7 Information requirements	
Article 7(1)				
287	1. Products shall comply with information requirements related to the product aspects listed in Article 5(1), as laid down in the delegated acts adopted pursuant to Article 4.	1. Products shall comply with information requirements related to the product aspects listed in Article 5(1), as laid down in the delegated acts adopted pursuant to Article 4.	1. ~~Products~~ Information requirements shall ~~comply with~~ require information requirements ~~related to~~ to be provided on the product aspects listed in Article 5(1), ~~as laid down in the delegated acts adopted pursuant to Article 4.~~	
Article 7(2)				
288	2. The information requirements referred to in paragraph 1 shall:	2. The information requirements referred to in paragraph 1 shall:	2. The information requirements ~~referred to in paragraph 1~~ shall:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(2), point (a)				
289	(a) include, as a minimum, requirements related to the product passport referred to in Chapter III and requirements related to substances of concern referred to in paragraph 5; and	(a) include, as a minimum, requirements related to the product passport referred to in Chapter III and requirements related to substances of concern referred to in paragraph 5; and	(a) include, as a minimum, requirements related to the product passport referred to in Chapter III and requirements related to substances of concern referred to in paragraph 5; ~~and~~	
Article 7(2), point (b), first subparagraph				
290	as appropriate, require products to be accompanied by:	as appropriate, require products to be accompanied by:	(b) as appropriate, also require products to be accompanied by:	
Article 7(2), point (b), first subparagraph, point (i)				
291	(i) information on the performance of the product in relation to the product parameters referred to in Annex I;	(i) information on the performance of the product in relation to the product parameters referred to in Annex I;	(i) information on the performance of the product in relation to one or more of the product parameters referred to in Annex I;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(2), point (b), first subparagraph, point (ii)				
292	(ii) information for consumers and other end-users on how to install, use, maintain and repair the product in order to minimise its impact on the environment and to ensure optimum durability, as well as on how to return or dispose of the product at end-of-life;	(ii) <u>clear and easily understandable</u> information for consumers and other end-users on how to install, use, maintain and repair the product in order to minimise its impact on the environment and to ensure optimum durability, as well as on how to return or dispose of the product at end-of-life;	(ii) information for ~~consumers~~ customers and other ~~end-users~~ actors on how to install, use, maintain and repair the product, including its reparability , in order to minimise its impact on the environment and to ensure optimum durability, as well as on how to return or handle the product at the end of its life, as relevant ~~dispose of the product at end of life;~~	
Article 7(2), point (b), first subparagraph, point (iia)				
292a		<u>(iia) clear and easily understandable information for consumers and other end-users, on how to install third-party operating systems;</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(2), point (b), first subparagraph, point (iii)				
292b		<u>(iii) relevant information for providers of repair and refurbishment services and operators involved in preparing for reuse, reuse, repair and disassembly;</u> NB: change to (iib) new		
Article 7(2), point (b), first subparagraph, point (iii)				
293	(iii) information for treatment facilities on disassembly, recycling, or disposal at end-of-life;	(iii) information for treatment facilities on disassembly, recycling, or disposal at end-of-life;	(iii) information for treatment facilities on disassembly, reuse , recycling, or disposal at end-of-life, as relevant ;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(2), point (b), first subparagraph, point (iv)				
294	(iv) other information that may influence the way the product is handled by parties other than the manufacturer in order to improve performance in relation to product parameters referred to in Annex I.	(iv) other information that may influence the way the product is handled by parties other than the manufacturer in order to improve performance in relation to product parameters referred to in Annex I.	(iv) other information that may influence the way the product is handled by parties other than the manufacturer in order to improve performance in relation to product parameters referred to in Annex I;	
Article 7(2), first subparagraph, point (b)(v)				
294a			(v) the carbon footprint and environmental footprint in Annex I;	
Article 7(2), point (b), second subparagraph				
295	Where a delegated acts contains horizontal ecodesign requirements for two or more product groups as referred to in Article 5(2), second	Where a delegated acts contains horizontal ecodesign requirements for two or more product groups as referred to in Article 5(2), second	Where a delegated acts contains horizontal ecodesign requirements for two or more product groups as referred to in Article 5(2), second	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	subparagraph, point (a) of this paragraph shall not apply.	subparagraph, point (a) of this paragraph shall not apply.	subparagraph, point (a) of this paragraph shall not apply.	
Article 7(1b), first subparagraph				
295a			2a. The information requirements referred to in Article 7(2), point b, shall be tailored to the particular characteristics of the product groups concerned and the intended recipients of the information, such as customers, users or actors involved in value retaining operations.	
Article 7(1b), second subparagraph				
295b			The information requirements referred to in Article 7(2), point b, shall encourage sustainable product choices for customers and economic actors	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			downstream, ensure appropriate use, facilitate value retaining operations such as repair, refurbishment, remanufacturing, upgrade, recycling and maintenance, and ensure correct treatment at end-of-life.	
Article 7(1b), third subparagraph				
295c			When a performance requirement is established for a specific parameter a corresponding information requirement may also be established, as appropriate. An information requirement can also be established without a corresponding performance requirement on that parameter.	
Article 7(1c)				
295d				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			1c. Based on its analysis, the Commission shall choose one or several information requirement(s) to be imposed on the relevant product group. The Commission shall choose the requirement(s) that have the highest likelihood of driving customers, users or other economic actors to adopt more environmentally sustainable behaviours while the costs associated with the requirement(s) fulfil the criteria in Article 5(5), points c), d) and f).	
Article 7(3)				
296	3. Information requirements based on the product parameter set out in Annex I, point (f), shall not provide obligations on the labelling of substances or mixtures for reasons relating primarily to their hazards to health or the environment.	3. Information requirements based on the product parameter set out in Annex I, point (f), shall not provide obligations on the labelling of substances or mixtures for reasons relating primarily to their hazards to health or the environment.	3. Information requirements based on the product parameter set out in Annex I, point (f), shall not provide obligations on the labelling of substances or mixtures for reasons relating primarily to their hazards to health or the environment.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(4), first subparagraph				
297	When establishing the information requirements referred to in paragraph 2, point (b), point (i), the Commission shall, as appropriate, determine classes of performance.	When establishing the information requirements referred to in paragraph 2, point (b), point (i), the Commission shall, as appropriate, determine classes of performance.	4. When establishing the information requirements referred to in paragraph 2, point (b), point (i), the Commission shall, as appropriate in view of the specificity of the product group , determine classes of performance. Such requirements can be based on classes of performance, on aggregated scores, in absolute terms or in any form that enables potential customers to choose the best performing products.	
Article 7(4), second subparagraph				
298	Those classes of performance shall correspond to statistically significant improvements in performance levels.	Those classes of performance shall correspond to statistically significant improvements in performance levels <u>and shall use as the minimum level the</u>	Those classes of performance shall correspond to ~~statistically~~ significant improvements in performance levels.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>minimum performance requirements established pursuant to Article 6.</u>		
Article 7(4a), first subparagraph				
298a		<u>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 laid down 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-</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>understand language and pictograms, to avoid overload of information for consumers.</u>		
Article 7(4a), second subparagraph				
298b		<u>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.</u>		
Article 7(5), first subparagraph				
299	The information requirements referred to in paragraph 1 shall enable the tracking of all substances of concern throughout	The information requirements referred to in paragraph 1 shall enable the tracking of all substances of concern <u>present in</u>	5. Unless otherwise provided for under the second subparagraph of this paragraph, point c), the information requirements referred	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the life cycle of products, unless such tracking is already enabled by another delegated act adopted pursuant to Article 4 covering the products concerned, and shall include at least the following:	<u>the product as placed on the market, in accordance with a threshold-based approach,</u> throughout the life cycle of products, unless such tracking is already enabled by another delegated act adopted pursuant to Article 4 covering the products concerned, and shall include at least the following:	to in paragraph 1 shall enable the tracking of all substances of concern throughout the life cycle of products, unless such tracking is already enabled by another delegated act adopted pursuant to Article 4 covering the products concerned, and shall include at least the following:	
Article 7(5), first subparagraph, point (a)				
300	(a) the name of the substances of concern present in the product;	(a) the <u>International Union of Pure and Applied Chemistry (IUPAC)</u> name of the substances of concern present in the product, <u>including the chemical identification number, that is the European Inventory of Existing Commercial Chemical Substances (EINECS) or European List of Notified Chemical Substances (ELINCS) number or Chemical Abstract Service (CAS) number;</u>	(a) the name of the substances of concern present in the product;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(5), first subparagraph, point (b)				
301	(b) the location of the substances of concern within the product;	(b) the location of the substances of concern within the product;	(b) the location of the substances of concern within the product;	
Article 7(5), first subparagraph, point (c)				
302	(c) the concentration, maximum concentration or concentration range of the substances of concern, at the level of the product, its main components, or spare parts;	(c) the concentration, maximum concentration or concentration range of the substances of concern, at the level of the product, its main components, or spare parts;	(c) the concentration, maximum concentration or concentration range of the substances of concern, at the level of the product, its ~~main~~ relevant components, or spare parts;	
Article 7(5), first subparagraph, point (d)				
303	(d) relevant instructions for the safe use of the product;	(d) relevant instructions for the safe use of the product <u>and the environmentally sound management of the product at the</u>	(d) relevant instructions for the safe use of the product;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>end of its life;</u>		
Article 7(5), first subparagraph, point (e)				
304	(e) information relevant for disassembly.	(e) information relevant for disassembly <u>and preparation for reuse.</u>	(e) information relevant for disassembly, recycling, reuse and end of life management.	
Article 7(5), 5. a				
304a			The Commission may, as appropriate for the product group concerned, set thresholds for when the information requirement regarding substances of concern is to apply.	
Article 7(5), second subparagraph				
305				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Where the Commission sets out information requirements in a delegated act adopted pursuant to Article 4, it shall:	Where the Commission sets out information requirements in a delegated act adopted pursuant to Article 4, it shall:	Where the Commission sets out information requirements in a delegated act adopted pursuant to Article 4, it shall assess and where relevant:	
Article 7(5), second subparagraph, point (a)				
306	(a) establish which substances fall under the definition in Article 2(28), point (c), for the purposes of the product groups covered;		~~(a) establish which substances fall under the definition in Article 2(28), point (c), for the purposes of the product groups covered;~~	
Article 7(5), second subparagraph, point (b)				
307	(b) lay down deadlines for the entry into application of the information requirements referred to in the first subparagraph, with possible differentiation between substances; and	(b) lay down deadlines for the entry into application of the information requirements referred to in the first subparagraph, with possible differentiation between substances; and	(b) lay down deadlines for the entry into application of the information requirements referred to in the first subparagraph, with possible differentiation between substances and with specific consideration given to substances listed under Article 2(28), point	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			b, and	
Article 7(5), second subparagraph, point (c)				
308	(c) provide exemptions for substances of concern or information elements from the information requirements referred to in the first subparagraph.	(c) provide exemptions for substances of concern or information elements from the information requirements referred to in the first subparagraph.	(c) provide duly justified exemptions for substances of concern or information elements from the information requirements referred to in the first subparagraph based on the technical feasibility or relevance of tracking substances of concern, the need to protect confidential business information or in other duly justified cases. Substances of concern within the meaning of Article 2(28), point a), shall not be exempted if they are present in products, their relevant components or spare parts in a concentration above 0,1 % weight by weight.-	
Article 7(5), second subparagraph, point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
308a			(d) refer to existing information requirements under Union law, or if not possible, ensure consistency with those requirements.	
Article 7(5), third subparagraph				
309	Exemptions referred to in the second subparagraph, point (c), may be provided based on the technical feasibility or relevance of tracking substances of concern, the need to protect confidential business information and in other duly justified cases.	Exemptions referred to in the second subparagraph, point (c), may be provided based on the technical feasibility or relevance of tracking substances of concern, the <u>existence of analytical methods to detect and quantify them, the</u> need to protect confidential business information and in other duly justified cases.	~~Exemptions referred to in the second subparagraph, point (c), may be provided based on the technical feasibility or relevance of tracking substances of concern, the need to protect confidential business information and in other duly justified cases.~~	
Article 7(5), fourth subparagraph				
310				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Substances of concern falling under the definition in Article 2(28), point (a), shall not be exempted from the information requirement referred to in the first subparagraph if they are present in the relevant products, their main components or spare parts in a concentration above 0,1 % weight by weight.	Substances of concern falling under the definition in Article 2(28), point (a), shall not be exempted from the information requirement referred to in the first subparagraph if they are present in the relevant products, their main components or spare parts in a concentration above 0,1 % weight by weight.	~~Substances of concern falling under the definition in Article 2(28), point (a), shall not be exempted from the information requirement referred to in the first subparagraph if they are present in the relevant products, their main components or spare parts in a concentration above 0,1 % weight by weight.~~	
Article 7(5), fourth subparagraph a				
310a			When specifying the information requirement on substances of concern, and in particular substances under Article 2(28), point b, the Commission shall primarily aim at promoting re-use, recycling, recovery and other value-retaining operations.	
Article 7(6), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
311	Information requirements shall indicate the manner in which the required information shall be made available.	Information requirements shall indicate the manner in which the required information shall be made available.	6. Information requirements shall indicate the manner in which the required information shall be made available. The required information shall be provided in the product passport, when available, and shall, when necessary as a complement, be provided in one or more of the following manners:	
Article 7(6), second subparagraph				
312	The required information shall, as appropriate, be provided in at least one of the following manners:	The required information shall, as appropriate, be provided in at least one of the following manners:	~~The required information shall, as appropriate, be provided in at least one of the following manners:~~	
Article 7(6), second subparagraph, point (a)				
313	(a) on the product itself;	(a) on the product itself;	(a) on the product itself;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(6), second subparagraph, point (b)				
314	(b) on the product's packaging;	(b) on the product's packaging;	(b) on the product's packaging;	
Article 7(6), second subparagraph, point (c)				
315	(c) in the product passport referred to in Article 8;	(c) in the product passport referred to in Article 8;	(c) in the product passport referred to in Article 8;	
Article 7(6), second subparagraph, point (d)				
316	(d) on a label referred to in Article 14;	(d) on a label referred to in Article 14;	~~(d)~~ (c) on a label referred to in Article 14;	
Article 7(6), second subparagraph, point (e)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
317	(e) in a user manual;	(e) in a user manual <u>or other documentation accompanying the product</u> ;	~~(e)~~ (d) in a user manual;	
Article 7(6), second subparagraph, point (f)				
318	(f) on a free access website or application.	(f) on a free access website or application.	~~(f)~~ (e) on a free access website or application.	
Article 7(6), third subparagraph				
319	Information ensuring the traceability of substances pursuant to paragraph 5 shall be given either on the product or be accessible through a data carrier included on the product.	Information ~~ensuring the traceability of substances pursuant to paragraph 5~~ <u>that is essential to the health, safety, and rights of end-users shall be provided and</u> shall be ~~given either on~~ <u>accessible in physical form with</u> the product ~~or~~ <u>and</u> be accessible through a data carrier included on the product.	Information ~~ensuring the traceability~~ enabling the tracking of substances of concern pursuant to paragraph 5 shall be given either on the product or be accessible through a data carrier included on the product.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(6), third subparagraph a				
319a		<u>Information relevant for an informed purchasing decision shall be provided to consumers prior to the purchase of a product.</u>		
Article 7(7)				
320	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.	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~~ customers , as determined by the Member State in which the product is to be made available on the market or put into service.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(7a)				
320a		<u>7a. The information to be supplied pursuant to information requirements shall be provided in accordance with accessibility requirements under Directive (EU) 2019/882 of the European Parliament and of the Council^{1a}.</u> _____ <u>1a. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).</u>		
Article 7a				
320b			Article 7a Content of the delegated act [Former Annex VI with adjustments]	<u>Article 7a</u> <u>Content of the delegated act</u> <u>[Former Annex VI with adjustments]</u>



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				NB: structure still to be discussed - when content identical, lines greened Text Origin: Council Mandate
Article 7a, first subparagraph				
320c			The delegated acts adopted pursuant to Article 4 shall specify at least the following elements:	<u>The delegated acts adopted pursuant to Article 4 shall specify at least the following elements:</u> Text Origin: Council Mandate
Article 7b				
320d			(a) the definition of the product group or groups covered;	<u>(a)</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>the definition of the product group or groups covered;</u> Text Origin: Council Mandate
Article 7c				
320e			(b) the ecodesign requirements for the product groups covered	<u>(b)</u> Text Origin: Council Mandate
Article 7a(1), point (ca)				
320f			(ca) where relevant, the parameters for which the Commission explicitly states that no ecodesign requirements are	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			necessary, pursuant to Article 4 third subparagraph.	
Article 7a(1), point (c)				
320g			(c) the test, measurement or calculation standards or methods to be used pursuant to Article 32 (1); where relevant, requirements for the use of online tools pursuant to Article 32 (2);	
Article 7d				
320h			(d) where relevant, the transitional methods, the harmonised standards, the reference numbers of which have been published in the Official Journal of the European Union, or common specifications to be used;	<u>(d)</u> <u>where relevant, the transitional methods, the harmonised standards, the reference numbers of which have been published in the Official Journal of the European Union, or common</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>specifications to be used;</u> Text Origin: Council Mandate
Article 7a(1), point (e), first subparagraph				
320i			(e) the conformity assessment module to be used pursuant to Article 4, third subparagraph, of this Regulation as set out either in the module A of Annex IV to this Regulation or in one of the modules B-H in Annex II to Decision 768/2008/EC. Where the module to be applied is different from the module set out in Annex IV, the factors leading to the selection of that specific procedure.	
Article 7a(1), first subparagraph, point (e), second subparagraph				
320j				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Where different conformity assessment modules [among the modules B-H] in Annex II to Decision 768/2008/EC, are to be used pursuant to other Union legislation for the same product, the module defined in the delegated act adopted pursuant to Article 4 of this Regulation shall prevail for the ecodesign requirement concerned.	
Article 7a(1), first subparagraph, point (e), third subparagraph				
320k			When this Regulation, in exceptional cases, intervenes in a complementary manner to the Construction Products Regulation, the delegated act shall specify that the system or module that enables the relevant assessment at the lowest cost for the economic operator shall be used, including, where appropriate, any conformity assessment provided for pursuant to a measure under the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Construction Products Regulation.	
Article 7e				
R 320l			(f) dates of application ensuring adequate appropriate time for implementation, ensuring at least 18 months after the entry into force of the delegated act, any staged or transitional measure or periods, taking into account possible impacts on market surveillance authorities, SMEs or on specific product groups manufactured primarily by SMEs.	NB: EC and CNL to provide examples
Article 7a(1), first subparagraph, point (f), second subparagraph				
R 320m			The time economic operators are given to comply with the requirements established in the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			delegated act shall take into account in particular the complexity of the ecodesign requirements including the introduction of the product passport, changes needed in the product design production process, the organisation of the supply chains, and the innovative cycle including contractual duration in the sector concerned. The time SMEs might need to comply shall in particular be taken into consideration.	
Article 7a(1), first subparagraph, point (g)				
320n			(g) the duration of the transitional period during which Member States are to permit the placing on the market or putting into service of products, which comply with the national measures in force in their territory on the date of [application] of the delegated act.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7a(1), first subparagraph, point (h)				
320o			(h) the date for the evaluation and revision of the delegated act.	
Article 7a, second paragraph				
320p			When setting the date for evaluation, the Commission shall take into consideration the need to adapt the requirements to technical progress, societal changes, availability of standards and methods, policy objectives, environmental issues, and other relevant elements. The time period by which the review should be carried out shall be fixed with regard to the need to ensure legal certainty and stability, the maturity of the market, the characteristics of the product group, and other	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			relevant elements.	
Chapter III				
321	Chapter III Digital product passport	Chapter III Digital product passport	Chapter III Digital product passport	
Article 8				
322	Article 8 Product passport	Article 8 Product passport	Article 8 Product passport	
Article 8(1)				
323	1. The information requirements referred to in Article 7(1) shall	1. The information requirements referred to in Article 7(1) shall	1. The information requirements referred to in Article 7(1) shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	provide that products can only be placed on the market or put into service if a product passport is available in accordance with the applicable delegated act adopted pursuant to Article 4 and Articles 9 and 10.	provide that products can only be placed on the market or put into service if a product passport is available in accordance with the applicable delegated act adopted pursuant to Article 4 and Articles 9 and 10. <u>The information in the product passport shall be accurate, complete and up to date.</u>	~~provide that products can only be placed on the market or put into service if a product passport is available in accordance with the applicable delegated act adopted pursuant to Article 4 and Articles 9 and 10.~~	
Article 8(2)				
324	2. The requirements related to the product passport laid down in the delegated acts adopted pursuant to Article 4 shall, as appropriate for the product groups covered, specify the following:	2. The requirements related to the product passport laid down in the delegated acts adopted pursuant to Article 4 shall, as appropriate for the product groups covered, specify the following:	2. The requirements related to the product passport laid down in the delegated acts adopted pursuant to Article 4 shall, ~~as appropriate for~~ be based on the characteristics of the product groups covered; ~~specify the following~~ and specify:	
Article 8(2), point (a)				
325	(a) the information to be included	(a) the information to be included	(a) the information to be included	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in the product passport pursuant to Annex III;	in the product passport pursuant to Annex III; <u>with specific consideration for confidential business information.</u>	in the product passport pursuant to Annex III;	
Article 8(2), point (b)				
326	(b) the types of data carrier to be used;	(b) the types of data carrier to be used;	(b) ~~the types of data carrier to one~~ or more data carriers which may be used;	
Article 8(2), point (c)				
327	(c) the layout in which the data carrier shall be presented and its positioning;	(c) the layout in which the data carrier shall be presented and its positioning;	(c) the layout in which the data carrier ~~is to shall~~ be presented and its positioning;	
Article 8(2), point (d)				
328				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(d) whether the product passport is to correspond to the model, batch, or item level;	(d) whether the product passport is to correspond to the model, batch, or item level;	(d) whether the product passport is to correspond to the model, batch, or item level, and a definition of these levels;	
Article 8(2), point (e)				
329	(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;	(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;	(e) the manner in which the product passport ~~is to shall~~ be made accessible to customers before they are bound by a ~~sales contract~~ contract for sale, hire or hire purchase , including in case of distance selling;	
Article 8(2), point (f)				
330	(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	(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	(f) the actors that ~~are to shall~~ have access to information in the product passport and to what information they ~~are to shall~~ have access, such as including customers, ~~end-users~~ ;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	distributors, dealers, repairers, remanufacturers, recyclers, competent national authorities, public interest organisations and the Commission, or any organisation acting on their behalf;	distributors, dealers, <u>professional</u> repairers, <u>independent operators</u> , <u>refurbishers</u> , remanufacturers, recyclers, competent national authorities, ~~public interest~~ <u>civil society</u> organisations, <u>researchers</u> , <u>trade unions</u> and the Commission, or any organisation acting on their behalf;	manufacturers, importers and distributors, dealers, repairers, refurbishers , remanufacturers, recyclers, competent national authorities, public interest organisations and the Commission, or any organisation acting on their behalf;	
Article 8(2), point (g)				
331	(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;	(g) the actors that ~~may~~ <u>shall</u> introduce or update the information in the product passport, including where needed the creation of a new product passport <u>that shall be linked to the product passport or passports of the original product</u> , and what information they may introduce or update, including manufacturers, <u>professional</u> repairers, <u>independent operators</u> , <u>refurbishers</u> , maintenance professionals, remanufacturers, recyclers, competent national authorities, and the Commission, or any organisation acting on their	(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, ~~such as including~~ manufacturers, repairers, maintenance professionals, refurbishers , remanufacturers, recyclers, competent national authorities, ~~and the Commission~~ , or any organisation acting on their behalf;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		behalf, <u>avoiding duplication of information and reporting</u> ;		
Article 8(2), point (h)				
332	(h) the period for which the product passport shall remain available.	(h) the period ~~for~~ <u>during</u> which the product passport shall remain available <u>which shall correspond to at least the expected lifetime of a specific product</u> .	(h) the period for which the product passport ~~is to shall~~ remain available.	
Article 8(3)				
333	3. The requirements referred to in paragraph 2 shall:	3. The requirements referred to in paragraph 2 shall:	3. The requirements referred to in paragraph 2 shall:	
Article 8(3), point (a)				
334				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(a) ensure that actors along the value chain, in particular consumers, economic operators and competent national authorities, can access product information relevant to them;	(a) ensure that actors along the value chain, ~~in particular consumers, economic operators and competent national authorities,~~ <u>can easily</u> access product information relevant to them;	(a) ensure that actors along the value chain, in particular consumers, economic operators and competent national authorities, can access product information which is understandable and relevant to them;	
Article 8(3), point (b)				
335	(b) facilitate the verification of product compliance by competent national authorities; and	(b) facilitate the verification of product compliance by competent national authorities; and	(b) facilitate the verification of product compliance by competent national authorities; ~~and~~	
Article 8(3), point (c)				
336	(c) improve traceability of products along the value chain.	(c) improve traceability of products along the value chain.	(c) improve traceability of products along the value chain; and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 8(3), point (d)				
336a			(d) respect trade secrets in the meaning of Article 2 (1) Directive (EU) 2016/943.	
Article 8(4)				
337	4. When establishing the requirements related to the product passport, the Commission may exempt product groups from the requirement set out in paragraph 1 of this Article where:	4. When establishing the requirements related to the product passport, the Commission may exempt product groups from the requirement set out in paragraph 1 of this Article where:	4. When establishing the requirements related to the product passport, the Commission may exempt product groups from the requirement set out in paragraph 1 of this Article to have a Digital Product Passport where:	
Article 8(4), point (a)				
338	(a) technical specifications are not available in relation to the essential requirements included in Article	(a) technical specifications are not available in relation to the essential requirements included in Article	(a) technical specifications of the product passport are not available in relation to the essential	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	10; or	10; or	requirements included in Article 10; or	
Article 8(4), point (b)				
339	(b) other Union law includes a system for the digital provision of information related to a product group for which the Commission considers that it achieves the objectives referred to in paragraph 3, points (a) and (b).	(b) other Union law includes a system for the digital provision of information related to a product group for which the Commission considers that it achieves the objectives referred to in paragraph 3, points (a) and (b).	(b) other Union law includes a system for the digital provision of information related to a product group for which the Commission considers that it achieves the objectives referred to in paragraph 3, points (a) and (b).	
Article 9				
340	Article 9 General requirements for the product passport	Article 9 General requirements for the product passport	Article 9 General requirements for the product passport	
Article 9(1), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
341	A product passport shall meet the following conditions:	A product passport shall meet the following conditions:	1. A product passport shall meet the following conditions:	
Article 9(1), first subparagraph, point (a)				
342	(a) it shall be connected through a data carrier to a unique product identifier;	(a) it shall be connected through a data carrier to a unique product identifier <u>which shall identify the product, independently of any product passport's identifier and of any internet domain name</u> ;	(a) it shall be connected through a data carrier to a unique product identifier;	
Article 9(1), first subparagraph, point (b)				
343	(b) the data carrier shall be physically present on the product, its packaging or on documentation accompanying the product, as specified in the applicable delegated act adopted pursuant to	(b) the data carrier shall be physically present on the product, its packaging or on documentation accompanying the product, as specified in the applicable delegated act adopted pursuant to	(b) the data carrier shall be physically present on or in the product, its packaging or on documentation accompanying the product, as specified in the applicable delegated act adopted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 4;	Article 4;	pursuant to Article 4;	
Article 9(1), first subparagraph, point (c)				
344	(c) the data carrier and the unique product identifier shall comply with standard ('ISO/IEC') 15459:2015;	(c) the data carrier and the unique product identifier shall comply with standard ('ISO/IEC') 15459:2015;	(c) the data carrier and the unique product identifier shall comply with ~~standard ('ISO/IEC') 15459:2015~~ standards referred to in point (l) in Annex III;	
Article 9(1), first subparagraph, point (d)				
345	(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 based on open, standards, developed with an inter-operable format and shall be machine-readable, structured, and searchable, <u>and shall be transferable through an open inter-operable data exchange network without vendor lock-in</u> in accordance with the essential requirements set out in Article 10;	(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, as appropriate, and in accordance with the essential requirements set out in Article 10;. The information shall be transferable through an open interoperable data exchange	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			network without vender lock-in.	
Article 9(1), first subparagraph, point (da)				
345a		<u>(da) personal data related to the end-user of the product shall not be stored in the product passport;</u>		
Article 9(1), first subparagraph, point (e)				
346	(e) the information included in the product passport shall refer to the product model, batch, or item as specified in the delegated act adopted pursuant to Article 4;	(e) the information included in the product passport shall refer to the product model, batch, or item as specified in the delegated act adopted pursuant to Article 4;	(e) the information included in the product passport shall refer to the product model, batch, or item as specified in the delegated act adopted pursuant to Article 4;	
Article 9(1), first subparagraph, point (f)				
347				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(f) the access to information included in the product passport shall be regulated in accordance with the essential requirements set out in Article 10 and the specific access rights at product group level shall be identified in the applicable delegated act adopted pursuant to Article 4.	(f) the access to information included in the product passport shall be regulated in accordance with the essential requirements set out in Article 10 and the specific access rights at product group level shall be identified in the applicable delegated act adopted pursuant to Article 4.	(f) the access to information included in the product passport shall be regulated in accordance with the essential requirements set out in Article 10 and the specific access rights at product group level shall be identified in the applicable delegated act adopted pursuant to Article 4.	
Article 9(1), second subparagraph				
348	The Commission is empowered to adopt delegated acts in accordance with Article 66 to amend the first subparagraph, point (c), of this Article in light of technical and scientific progress by replacing the standard referred to in that point or adding other European or international standards with which the data carrier and the unique identifiers shall comply for the purposes of meeting the conditions set out in this Article.	The Commission is empowered to adopt delegated acts in accordance with Article 66 to amend the first subparagraph, point (c), of this Article in light of technical and scientific progress by replacing the standard referred to in that point or adding other European or international standards with which the data carrier and the unique identifiers shall comply for the purposes of meeting the conditions set out in this Article.	~~The Commission is empowered to adopt delegated acts in accordance with Article 66 to amend the first subparagraph, point (c), of this Article in light of technical and scientific progress by replacing the standard referred to in that point or adding other European or international standards with which the data carrier and the unique identifiers shall comply for the purposes of meeting the conditions set out in this Article.~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 9(2)				
349	2. Where other Union legislation requires or allows the inclusion of specific information in the product passport, that information may be added to the information to be included in the product passport pursuant to the applicable delegated act adopted pursuant to Article 4.	2. Where other Union legislation requires or allows the inclusion of specific information in the product passport, that information may be added to the information to be included in the product passport pursuant to the applicable delegated act adopted pursuant to Article 4.	2. Where other Union legislation requires or allows the inclusion of specific information in the product passport, that information may be added to the information to be included in the product passport pursuant to the applicable delegated act adopted pursuant to Article 4.	
Article 9(3)				
350	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.	3. The economic operator placing the product on the market shall provide dealers <u>and online marketplaces</u> with a digital copy of the data carrier to allow ~~the dealer~~ <u>them</u> 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~~	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, or its webpage link where it is available , free of charge and within 5 working days	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		~~dealer's~~ <u>receiving the</u> request.	of the dealer's request.	
Article 10				
351	Article 10 Technical design and operation of the product passport	Article 10 Technical design and operation of the product passport	Article 10 Technical design and operation of the product passport	
Article 10, first paragraph				
352	The technical design and operation of the product passport shall comply with the following essential requirements:	The technical design and operation of the product passport shall comply with the following essential requirements:	The technical design and operation of the product passport shall comply with the following essential requirements:	
Article 10, first paragraph, point (a)				
353				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(a) product passports shall be fully interoperable with other product passports required by delegated acts adopted pursuant to Article 4 in relation to the technical, semantic and organisational aspects of end-to-end communication and data transfer;	(a) product passports shall be fully interoperable with other product passports required by delegated acts adopted pursuant to Article 4 in relation to the technical, semantic and organisational aspects of end-to-end communication and data transfer;	(a) product passports shall be fully interoperable with other product passports required by delegated acts adopted pursuant to Article 4 in relation to the technical, semantic and organisational aspects of end-to-end communication and data transfer;	
Article 10, first paragraph, point (aa)				
353a		<u>(aa) product passports shall be interoperable with existing product databases, such as the Substances of Concern In articles, as such or in complex objects (Products) (SCIP) database and the European Product Registry for Energy Labelling (EPREL) database, whenever feasible and relevant;</u>		
Article 10, first paragraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
354	(b) consumers, economic operators and other relevant actors shall have free access to the product passport based on their respective access rights set out in the applicable delegated act adopted pursuant to Article 4;	(b) ~~consumers, economic~~ <u>customers, end-users, manufacturers, importers and distributors, dealers, professional repairers, independent operators, refurbishers, remanufacturers, recyclers, competent national authorities, civil society organisations, trade unions</u> and other relevant actors shall have free <u>of charge and easy</u> access to the product passport based on their respective access rights set out in the applicable delegated act adopted pursuant to Article 4;	(b) consumers, economic operators and other relevant actors shall have free access to the product passport based on their respective access rights set out in the applicable delegated act adopted pursuant to Article 4;	
Article 10, first paragraph, point (ba)				
354a		<u>(ba) product passports shall be designed and operated so that they are user-friendly;</u>		
Article 10, first paragraph, point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
355	(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;	(c) the data included in the product passport shall be stored <u>by</u> the economic operator responsible for its creation or by operators authorised to act on their behalf;	(c) the data included in the product passport shall be stored by the economic operator responsible for its creation or by operators authorised to act on their behalf;	
Article 10, first paragraph, point (d)				
356	(d) if the data included in the product passport is stored or otherwise processed by operators authorised to act on their behalf, those operators shall not be allowed to sell, re-use or process such data, in whole or in part, beyond what is necessary for the provision of the relevant storing or processing services;	(d) if the data included in the product passport is stored or otherwise processed by operators authorised to act on their behalf, those operators shall not be allowed to sell, re-use or process such data, in whole or in part, beyond what is necessary for the provision of the relevant storing or processing services;	(d) if the data included in the product passport is stored or otherwise processed by operators authorised to act on their behalf, those operators shall not be allowed to sell, re-use or process such data, in whole or in part, beyond what is necessary for the provision of the relevant storing or processing services;	
Article 10, first paragraph, point (e)				
357				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(e) the product passport shall remain available for the period specified in delegated acts adopted pursuant to Article 4, including after an insolvency, a liquidation or a cessation of activity in the Union of the economic operator that created the product passport;	(e) the product passport shall remain available for the period specified in delegated acts adopted pursuant to Article 4, including after an insolvency, a liquidation or a cessation of activity in the Union of the economic operator that created the product passport;	(e) the product passport shall remain available for the period specified in delegated acts adopted pursuant to Article 4, including after an insolvency, a liquidation or a cessation of activity in the Union of the economic operator that created the product passport;	
Article 10, first paragraph, point (f)				
358	(f) the rights to access and to introduce, modify or update information in product passport shall be restricted based on the access rights specified in delegated acts adopted pursuant to Article 4;	(f) the rights to access and to introduce, modify or update information in product passport shall be restricted based on the access rights specified in delegated acts adopted pursuant to Article 4;	(f) the rights to access and to introduce, modify or update information in the product passport shall be restricted based on the access rights specified in delegated acts adopted pursuant to Article 4;	
Article 10, first paragraph, point (fa)				
358a			(fa) protection of information that constitutes trade secrets in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			the meaning of Article 2 (1) Directive (EU) 2016/943 or intellectual property rights shall be ensured;	
Article 10, first paragraph, point (g)				
359	(g) data authentication, reliability and integrity shall be ensured;	(g) data authentication, reliability and integrity shall be ensured;	(g) data authentication, reliability and integrity shall be ensured;	
Article 10, first paragraph, point (h)				
360	(h) product passports shall be designed and operated so that a high level of security and privacy is ensured and fraud is avoided.	(h) product passports shall be designed and operated so that a high level of security and privacy is ensured and fraud is avoided.	(h) product passports shall be designed and operated so that a high level of security and privacy is ensured and fraud is avoided.	
Article 11				
361				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 11 Unique operator identifier and unique facility identifier	Article 11 Unique operator identifier and unique facility identifier	Article 11 Unique operator identifier and unique facility identifier	
Article 11(1)				
362	1. The unique operator identifiers referred to in Annex III, points (g) and (h), and the unique facility identifiers referred to in Annex III, point (i), shall comply with the ISO/IEC standard 15459:2015.	1. The unique operator identifiers referred to in Annex III, points (g) and (h), and the unique facility identifiers referred to in Annex III, point (i), shall comply with the ISO/IEC standard 15459:2015.	1. The unique operator identifiers referred to in Annex III, points (g) and (h), and the unique facility identifiers referred to in Annex III, point (i), shall comply with the ~~ISO/IEC standard 15459:2015~~ standards referred to in in Annex III point (l).	
Article 11(2), first subparagraph				
363	Where a unique operator identifier referred to in Annex III, point (h), is not yet available, the economic operator creating the product passport shall request a unique	Where a unique operator identifier referred to in Annex III, point (h), is not yet available, the economic operator creating the product passport shall request a unique	2. Where a unique operator identifier referred to in Annex III, point (h), is not yet available, the economic operator creating or updating the product passport	

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	operator identifier on behalf of the relevant actor.	operator identifier on behalf of the relevant actor.	shall request a unique operator identifier on behalf of the relevant actor.	
Article 11(2), second subparagraph				
364	Before issuing a request as referred to in the first subparagraph, the economic operator creating the product passport shall seek confirmation from the actor concerned that no unique operator identifier exists and shall provide the supply chain actor concerned with full details of the released unique operator identifier.	Before issuing a request as referred to in the first subparagraph, the economic operator creating the product passport shall seek confirmation from the actor concerned that no unique operator identifier exists and shall provide the supply chain actor concerned with full details of the released unique operator identifier.	Before issuing a request as referred to in the first subparagraph, the economic operator creating or updating the product passport shall seek confirmation from the actor concerned that no unique operator identifier exists and shall provide the supply chain actor concerned with full details of the released unique operator identifier.	
Article 11(3), first subparagraph				
365	Where a unique facility identifier referred to in Annex III, point (i), is not yet available, the economic operator creating the product	Where a unique facility identifier referred to in Annex III, point (i), is not yet available, the economic operator creating the product	3. Where a unique facility identifier referred to in Annex III, point (i), is not yet available, the economic operator creating or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	passport shall request a unique facility identifier on behalf of the actor responsible for the relevant location or building.	passport shall request a unique facility identifier on behalf of the actor responsible for the relevant location or building.	updating the product passport shall request a unique facility identifier on behalf of the actor responsible for the relevant location or building.	
Article 11(3), second subparagraph				
366	Before issuing a request as referred to in the first subparagraph, the economic operator creating the product passport shall seek confirmation from the responsible actor that no unique facility identifier exists and provide the responsible actor with the full details of the released unique facility identifier.	Before issuing a request as referred to in the first subparagraph, the economic operator creating the product passport shall seek confirmation from the responsible actor that no unique facility identifier exists and provide the responsible actor with the full details of the released unique facility identifier.	Before issuing a request as referred to in the first subparagraph, the economic operator creating or updating the product passport shall seek confirmation from the responsible actor that no unique facility identifier exists and provide the responsible actor with the full details of the released unique facility identifier.	
Article 11(4)				
367	4. The Commission is empowered to adopt delegated acts in	4. The Commission is empowered to adopt delegated acts in	4. ~~The Commission is empowered to adopt delegated acts in~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accordance with Article 66 to amend paragraph 1 of this Article in light of technical and scientific progress by replacing the standard referred to in that paragraph or adding European or international standards with which unique operator identifiers referred to in Annex III, points (g) and (h), and unique facility identifiers referred to in Annex III, point (i), may comply for the purposes of meeting the conditions set out in this Article.	accordance with Article 66 to amend paragraph 1 of this Article in light of technical and scientific progress by replacing the standard referred to in that paragraph or adding European or international standards with which unique operator identifiers referred to in Annex III, points (g) and (h), and unique facility identifiers referred to in Annex III, point (i), may comply for the purposes of meeting the conditions set out in this Article.	~~accordance with Article 66 to amend paragraph 1 of this Article in light of technical and scientific progress by replacing the standard referred to in that paragraph or adding European or international standards with which unique operator identifiers referred to in Annex III, points (g) and (h), and unique facility identifiers referred to in Annex III, point (i), may comply for the purposes of meeting the conditions set out in this Article.~~	
Article 11(5)				
367a			5. The Commission shall adopt an implementing act setting out the procedure to create or obtain the unique product identifier, the unique operator identifier and the unique facility identifier. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 67(2).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 11a				
367b			Article 11a Update of the standards applicable to the digital product passport	
Article 11a, first subparagraph				
367c			The Commission is empowered to adopt delegated acts in accordance with Article 66 to amend point (l) of Annex III in light of technical and scientific progress by replacing the standards referred to or adding European or international standards with which the data carriers, the unique operator identifiers referred to in Annex III, points (g) and (h), and the unique facility identifiers	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			referred to in Annex III, point (i), shall comply with for the purposes of meeting the conditions set out in this Chapter.	
Article 12				
368	Article 12 Product passport registry	Article 12 Product passport registry	Article 12 Product passport registry	
Article 12(1), first subparagraph				
369	The Commission shall set up and maintain a registry storing information included in the product passports required by delegated acts adopted pursuant to Article 4.	The Commission shall set up and maintain a registry storing information included in the product passports required by delegated acts adopted pursuant to Article 4.	1. By [2 years from entering into force of this Regulation], the Commission shall set up and ~~maintain a~~ manage a digital registry ("the registry") storing information included in their a secure manner at least the unique product passports required by delegated acts adopted pursuant	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			to Article 4 identifiers, the unique operator identifiers and the unique facility identifiers.	
Article 12(1), second subparagraph				
370	The registry referred to in the first subparagraph shall at least include a list of the data carriers and unique product identifiers referred to in Article 9(1).	The registry referred to in the first subparagraph shall at least include a list of the data carriers and unique product identifiers referred to in Article 9(1).	~~The registry referred to in the first subparagraph shall at least include a list of the data carriers and unique product identifiers referred to in Article 9(1).~~	
Article 12(1), third subparagraph				
371	The Commission shall ensure that the information stored in the registry referred to in the first subparagraph is processed securely and in compliance with Union law, including applicable rules on the protection of personal data.	The Commission shall ensure that the information stored in the registry referred to in the first subparagraph is processed securely and in compliance with Union law, including applicable rules on the protection of personal data.	~~The Commission shall ensure that the information stored in the registry referred to in the first subparagraph is processed securely and in compliance with Union law, including applicable rules on the protection of personal data.~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 12(2)				
372	2. The Commission shall, in the delegated acts adopted pursuant to Article 4, specify the information which, in addition to being included in the product passport, shall be stored in the registry referred to in paragraph 1, taking into account at least the following criteria:	2. The Commission shall, in the delegated acts adopted pursuant to Article 4, specify the information which, in addition to being included in the product passport, shall be stored in the registry referred to in paragraph 1, taking into account at least the following criteria:	2. The Commission shall, in the delegated acts adopted pursuant to Article 4, specify the information which, in addition to being included in the product passport, shall be stored in the registry referred to in paragraph 1, taking into account at least the following criteria:	
Article 12(2), point (a)				
373	(a) the need to allow for the verification of the authenticity of the product passport;	(a) the need to allow for the verification of the authenticity of the product passport;	(a) the need to allow for the verification of the authenticity of the product passport;	
Article 12(2), point (b)				
374	(b) the relevance of information	(b) the relevance of information	(b) the relevance of information	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	for improving the efficiency and effectiveness of market surveillance checks and customs controls in relation to products covered by delegated acts adopted pursuant to Article 4;	for improving the efficiency and effectiveness of market surveillance checks and customs controls in relation to products covered by delegated acts adopted pursuant to Article 4;	for improving the efficiency and effectiveness of market surveillance checks and customs controls in relation to products covered by delegated acts adopted pursuant to Article 4;	
Article 12(2), point (c)				
375	(c) the need to avoid disproportionate administrative burden for economic operators.	(c) the need to avoid disproportionate administrative burden for economic operators.	(c) the need to avoid disproportionate administrative burden for economic operators.	
Article 12(3)				
376	3. In relation to its responsibility to establish and manage the registry referred to in paragraph 1 and the processing of any personal data that might result from that activity, the Commission shall be regarded as controller as defined in Article 3, point (8), of Regulation	3. In relation to its responsibility to establish and manage the registry referred to in paragraph 1 and the processing of any personal data that might result from that activity, the Commission shall be regarded as controller as defined in Article 3, point (8), of Regulation	3. In relation to its responsibility to ~~set up~~ establish and manage the registry referred to in paragraph 1 and the processing of any personal data that might result from that activity, the Commission shall be regarded as controller as defined in Article 3, point (8), of Regulation	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(EU) 2018/1725.	(EU) 2018/1725.	(EU) 2018/1725.	
Article 12(4)				
377	4. The economic operator placing the product on the market or putting it into service shall upload, in the registry referred to in paragraph 1, the information referred to in paragraph 2.	4. The economic operator placing the product on the market or putting it into service shall upload, in the registry referred to in paragraph 1, the information referred to in paragraph 2.	4. The economic operator placing the product on the market or putting it into service shall upload, in the registry , the identifiers referred to in paragraph 1; and the information referred to in paragraph 2.	
Article 12(5)				
378	5. The Commission, competent national authorities and customs authorities shall have access to the registry referred to in this Article for carrying out their duties pursuant to Union legislation.	5. The Commission, competent national authorities and customs authorities shall have access to the registry referred to in this Article for carrying out their duties pursuant to Union legislation.	5. The Commission, competent national authorities and customs authorities shall have access to the registry ~~referred to in this Article~~ for carrying out their duties pursuant to Union ~~legislation~~ law .	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 12a				
378a		<u>Article 12a</u> <u>Comparison Platform</u>		
Article 12a, first paragraph				
378b		<u>By [enter the date 12 months after the entry into force of this Regulation], the Commission shall set up and maintain a publicly accessible online tool allowing stakeholders to compare information included in the product passports stored by the economic operator in accordance with Article 10(c). The tool shall be designed to guarantee that stakeholders can search for the information in line with their respective access rights pursuant to Article 10(1)(b).</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 12a				
378c			Article 12a [Web portal for information in the digital product passport]	
Article 12a, first subparagraph				
378d			The Commission shall set up and maintain a web portal allowing stakeholders to search for information included in product passports. The web portal shall be designed to guarantee that stakeholders can search for the information in line with their respective access rights pursuant to the delegated act pursuant Article 4.	
Article 13				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 379	Article 13 Customs controls relating to the product passport	Article 13 Customs controls relating to the product passport	Article 13 Customs controls relating to the product passport	Article 13 Customs controls relating to the product passport Text Origin: Commission Proposal
Article 13(1), first subparagraph				
Y 380	The Commission shall interconnect the registry referred to in Article 12(1) with the EU Customs Single Window Certificates Exchange (EU CSW-CERTEX), thus enabling the automated exchange of information with the national customs systems through the EU Single Window Environment for Customs established by Regulation (EU).../.....	The Commission shall interconnect the registry referred to in Article 12(1) with the EU Customs Single Window Certificates Exchange (EU CSW-CERTEX), thus enabling the automated exchange of information with the national customs systems through the EU Single Window Environment for Customs established by Regulation (EU).../.....	1. The Commission shall interconnect the registry referred to in ~~Article 12(1)~~ with the EU Customs Single Window Certificates Exchange (EU CSW-CERTEX), thus enabling the automated exchange of information with the national customs systems through the EU Single Window Environment for Customs established by Regulation (EU).../..... 2022/2399 ¹ .	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			1. Regulation (EU) 2022/2399 of the European Parliament and of the Council of 23 November 2022 establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013	
Article 13(1), second subparagraph				
381	The Commission shall adopt an implementing act specifying the details of the implementation arrangements of the interconnection referred to in the first subparagraph.	The Commission shall adopt an implementing act specifying the details of the implementation arrangements of the interconnection referred to in the first subparagraph.	The Commission shall adopt an implementing act specifying the details of the implementation arrangements of the interconnection referred to in the first subparagraph.	The Commission shall adopt an implementing act specifying the details of the implementation arrangements of the interconnection referred to in the first subparagraph. Text Origin: Commission Proposal
Article 13(1), third subparagraph				
382				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	This implementing act shall be adopted in accordance with the examination procedure referred to in Article 67(3).	This implementing act shall be adopted in accordance with the examination procedure referred to in Article 67(3).	This implementing act shall be adopted in accordance with the examination procedure referred to in Article 67(3).	This implementing act shall be adopted in accordance with the examination procedure referred to in Article 67(3). Text Origin: Commission Proposal
Article 13(1), fourth subparagraph				
383	The interconnection referred to in the first subparagraph shall be in place within four years from the date of adoption of the implementing act referred to in the second subparagraph.	The interconnection referred to in the first subparagraph shall be in place within four years from the date of adoption of the implementing act referred to in the second subparagraph.	The interconnection referred to in the first subparagraph shall be ~~in place~~ operational within four years from the date of ~~adoption~~ entry into force of the implementing act referred to in the second subparagraph.	
Article 13(1), fifth subparagraph				
384	Paragraphs 3 to 6 of this Article	Paragraphs 3 to 6 of this Article	Paragraphs 3 to ~~6~~ 5 of this Article	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall apply as from the moment the interconnection is in place.	shall apply as from the moment the interconnection is in place.	shall apply as from the moment the interconnection is operational. ~~in place.~~	
Article 13(2), first subparagraph				
385	Declarants as defined in Article 5, point (15), of Regulation (EU) 952/2013 shall include the unique product identifier referred to in Article 9(1), point (a), in the customs declaration for release for free circulation of any product covered by a delegated act adopted pursuant to Article 4.	Declarants as defined in Article 5, point (15), of Regulation (EU) 952/2013 shall include the unique product identifier referred to in Article 9(1), point (a), in the customs declaration for release for free circulation of any product covered by a delegated act adopted pursuant to Article 4.	2. Declarants as defined in Article 5, point (15), of Regulation (EU) 952/2013 shall include the unique product identifier referred to in Article 9(1), point (a), in the customs declaration for release for free circulation of any product covered by a delegated act adopted pursuant to Article 4.	Declarants as defined in Article 5, point (15), of Regulation (EU) 952/2013 shall include the unique product identifier referred to in Article 9(1), point (a), in the customs declaration for release for free circulation of any product covered by a delegated act adopted pursuant to Article 4. Text Origin: Commission Proposal
Article 13(2), second subparagraph				
386				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	This paragraph shall apply from the moment the registry referred to in Article 12(1) is in place.	This paragraph shall apply from the moment the registry referred to in Article 12(1) is in place.	This paragraph shall apply from the moment the registry referred to in Article 12(1) is in place.	
Article 13(2a)(3)				
387	3. Before allowing the release for free circulation, customs authorities shall verify whether the unique product identifier indicated by the declarant in accordance with paragraph 2 matches a unique product identifier included in the registry referred to in Article 12(1).	3. Before allowing the release for free circulation, customs authorities shall verify whether the unique product identifier indicated by the declarant in accordance with paragraph 2 matches a unique product identifier included in the registry referred to in Article 12(1).	3. Before allowing the release for free circulation, customs authorities shall ~~verify~~ control , whether the unique product identifier indicated by the declarant in accordance with paragraph 2 matches a unique product identifier included in the registry referred to in Article 12(1).	3. Before allowing the release for free circulation, customs authorities shall verify ~~whether~~ that the unique product identifier indicated by the declarant in accordance with paragraph 2 matches a unique product identifier included in the registry L referred to in Article 12(1) L . Text Origin: Commission Proposal
Article 13(3), second subparagraph				
387a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			The release for free circulation shall not be deemed to be proof of conformity with Union law.	EC - "compliance" more suitable than conformity Pcy - no additional tasks to customs authorities
Article 13(4), first subparagraph				
388	Where information included in the product passport is also stored in the registry referred to in Article 12(1), the Commission may specify, in the delegated acts adopted pursuant to Article 4, that customs authorities shall, in addition to the verification referred to in paragraph 3 of this Article, verify the consistency between the information stored in the registry and the customs declaration before allowing the release for free circulation. In such case, the Commission shall take into account at least the following criteria:	Where information included in the product passport is also stored in the registry referred to in Article 12(1), the Commission may specify, in the delegated acts adopted pursuant to Article 4, that customs authorities shall, in addition to the verification referred to in paragraph 3 of this Article, verify the consistency between the information stored in the registry and the customs declaration before allowing the release for free circulation. In such case, the Commission shall take into account at least the following criteria:	~~Where information included in the product passport is also stored in the registry referred to in Article 12(1), the Commission may specify, in the delegated acts adopted pursuant to Article 4, that customs authorities shall, in addition to the verification referred to in paragraph 3 of this Article, verify the consistency between the information stored in the registry and the customs declaration before allowing the release for free circulation. In such case, the Commission shall take into account at least the following criteria:~~	EC text also in product safety / ie applicable Pcy possible confusion EC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 13(4), first subparagraph, point (a)			
Y	389 (a) the need to improve compliance of products placed on the Union market with ecodesign requirements;	(a) the need to improve compliance of products placed on the Union market with ecodesign requirements;	(a) ~~the need to improve compliance of products placed on the Union market with ecodesign requirements;~~	Y
	Article 13(4), first subparagraph, point (b)			
Y	390 (b) the need to avoid disproportionate burden for customs authorities.	(b) the need to avoid disproportionate burden for customs authorities.	(b) ~~the need to avoid disproportionate burden for customs authorities.~~	Y
	Article 13(4), second subparagraph			
Y	391 Where customs authorities establish further to the verification laid down in this paragraph that	Where customs authorities establish further to the verification laid down in this paragraph that	~~Where customs authorities establish further to the verification laid down in this paragraph that~~	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	there are discrepancies between the information stored in the registry and the customs declaration, customs authorities shall refuse the release of that product for free circulation. Customs authorities may take any other actions they deem appropriate in accordance with customs legislation, and also registering the refusal in the registry referred to in Article 12(1) and notifying competent national authorities of the refusal.	there are discrepancies between the information stored in the registry and the customs declaration, customs authorities shall refuse the release of that product for free circulation. Customs authorities may take any other actions they deem appropriate in accordance with customs legislation, and also registering the refusal in the registry referred to in Article 12(1) and notifying competent national authorities of the refusal.	~~there are discrepancies between the information stored in the registry and the customs declaration, customs authorities shall refuse the release of that product for free circulation. Customs authorities may take any other actions they deem appropriate in accordance with customs legislation, and also registering the refusal in the registry referred to in Article 12(1) and notifying competent national authorities of the refusal.~~	
Article 13(4), third subparagraph				
392	The release for free circulation shall not be deemed to be proof of conformity with Union law.	The release for free circulation shall not be deemed to be proof of conformity with Union law.	~~The release for free circulation shall not be deemed to be proof of conformity with Union law.~~	
Article 13(5)				
393	5. The verification referred to in	5. The verification referred to in	5. The ~~verification~~ control	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraphs 3 and 4 shall take place electronically and automatically via the EU Single Window Environment for Customs.	paragraphs 3 and 4 shall take place electronically and automatically via the EU Single Window Environment for Customs.	referred to in paragraphs 3 and 4 paragraph 3 shall take place electronically and automatically via the EU Single Window Environment for Customs electronic interconnection referred to in paragraph 1 .	
Article 13(6)				
394	6. Customs authorities may retrieve and use the information included in the product passport and the registry referred to in Article 12(1) for carrying out their duties pursuant to Union legislation, including for risk management in accordance with Articles 46 and 47 of Regulation (EU) No 952/2013.	6. Customs authorities may retrieve and use the information included in the product passport and the registry referred to in Article 12(1) for carrying out their duties pursuant to Union legislation, including for risk management in accordance with Articles 46 and 47 of Regulation (EU) No 952/2013.	6. Customs authorities may retrieve and use the information included in the product passport and the registry referred to in ~~Article 12(1)~~ for carrying out their duties pursuant to Union legislation, including for risk management in accordance with Articles 46 and 47 of Regulation (EU) No 952/2013.	
Article 13(6a)				
394a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			6a. This Article is without prejudice to any other Union legislation, in particular the Regulation (EU) 952/2013 and its Articles 46, 47 and 134 and Chapter VII of Regulation (EU) 2019/1020 on market surveillance and compliance of products.	
Chapter IV				
395	Chapter IV Labels	Chapter IV Labels	Chapter IV Labels	
Article 14				
396	Article 14 Labels	Article 14 Labels	Article 14 Labels	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 14(1)				
397	1. Where the information requirements referred in Article 7(1) specify that information shall be included in a label pursuant to Article 7(6), point (d), the delegated acts adopted pursuant to Article 4 shall specify:	1. Where the information requirements referred in Article 7(1) specify that information shall be included in a label pursuant to Article 7(6), point (d), the delegated acts adopted pursuant to Article 4 shall specify:	1. Where the information requirements referred in Article 7(1) specify that information shall be included in a label pursuant to Article 7(6), point ~~(d)~~ (c), the delegated acts adopted pursuant to Article 4 shall specify:	
Article 14(1), point (a)				
398	(a) the content of the label;	(a) the content of the label;	(a) the content of the label;	
Article 14(1), point (b)				
399	(b) the layout of the label taking	(b) the layout of the label ~~taking~~ ~~account~~ <u>ensuring</u> visibility and	(b) the layout of the label taking	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	account visibility and legibility;	legibility;	account visibility and legibility;	
Article 14(1), point (c)				
400	(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;	(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, <u>the requirements set out in Directive (EU) 2019/882</u> , and the implications for the relevant economic operators;	(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;	
Article 14(1), point (d)				
401	(d) where appropriate, electronic means for generating labels.	(d) where appropriate, electronic means for generating labels.	(d) where appropriate ~~needed~~ , electronic means for generating labels.	
Article 14(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
402	2. Where an information requirement entails the inclusion in a label of the class of performance of a product as referred to in Article 7(4), the layout of the label referred to in paragraph 1, point (b), shall enable customers to easily compare product performance in relation to the relevant product parameter and to choose better performing products.	2. Where an information requirement entails the inclusion in a label of the class of performance of a product as referred to in Article 7(4), the layout of the label referred to in paragraph 1, point (b), shall <u>be clear and easily understandable, and shall</u> enable customers to easily compare product performance in relation to the relevant product parameter and to choose better performing products.	2. Where an information requirement entails the inclusion in a label of the class of performance of a product as referred to in Article 7(4), the layout of the label referred to in paragraph 1, point (b), shall enable customers to easily compare product performance in relation to the relevant product parameter and to choose better performing products.	
Article 14(3)				
403	3. For energy-related products, where information on a relevant product parameter, including on classes of performance referred to in Article 7(4), cannot be incorporated in the energy label established pursuant to Regulation (EU) 2017/1369, the Commission, after assessing the best way to	3. For energy-related products, where information on a relevant product parameter, including on classes of performance referred to in Article 7(4), cannot be incorporated in the energy label established pursuant to Regulation (EU) 2017/1369, the Commission, after assessing the best way to	3. For energy-related products that are subject to energy labels established pursuant to Regulation (EU) 2017/1369 , where information on a relevant product parameter, including on classes of performance referred to in Article 7(4), cannot be incorporated in the energy label	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	communicate about this particular information, may, if appropriate, require the establishment of a label in accordance with this Regulation.	communicate about this particular information, may, if appropriate, require the establishment of a label in accordance with this Regulation.	established pursuant to Regulation (EU) 2017/1369 and provided this information is considered to be more relevant and comprehensive than the information covered by the energy label, the Commission, after assessing the risk of confusion for customers, the administrative burden for economic operators and the best way to communicate about this that particular information, may, if appropriate, require the establishment of a label in accordance with this Regulation instead of the energy label.	
Article 14(4)				
404	4. When establishing the information requirements referred to in paragraph 1, the Commission shall, where appropriate, require the label to include data carriers or other means to allow customers to access additional information on the product, including means	4. When establishing the information requirements referred to in paragraph 1, the Commission shall, where appropriate, require the label to include data carriers or other means to allow customers to access additional information on the product, including means	4. When establishing the information requirements referred to in paragraph 1, the Commission shall, where appropriate, require the label to include data carriers or other means to allow customers to access additional information on the product, including means	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	allowing access to the product passport referred to in Article 8.	allowing access to the product passport referred to in Article 8.	allowing access to the product passport referred to in Article 8.	
Article 14(5), first subparagraph				
405	The Commission may adopt implementing acts establishing common requirements for the layout of the labels required pursuant to Article 7(6), point (d).	The Commission may adopt implementing acts establishing common requirements for the layout of the labels required pursuant to Article 7(6), point (d).	5. The Commission ~~may~~ shall adopt implementing acts establishing common requirements for the layout of the labels required pursuant to Article 7(6), point ~~(d)~~ (c) .	
Article 14(5), second subparagraph				
406	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3).	
Article 15				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
407	Article 15 Mimicking labels	Article 15 Mimicking labels	Article 15 Mimicking labels	
Article 15, first paragraph				
408	Where delegated acts adopted pursuant to Article 4 do not require products to have a label, those products may not be placed on the market or put into service if they supply or display labels which are likely to mislead or confuse customers with respect to the labels provided for in Article 14.	~~Where delegated acts adopted pursuant to Article 4 do not require Products to have a label, those products may~~ shall not be placed on the market or put into service if they supply or display labels which are likely to mislead or confuse customers with respect to the labels provided for in Article 14, <u>including where delegated acts adopted pursuant to Article 4 do not require products to have a label.</u>	~~Where delegated acts adopted pursuant to Article 4 do not require Products to have a label, those products may~~ shall not be placed on the market or put into service if they supply or display labels which are likely to mislead or confuse customers with respect to, by mimicking the labels provided for in Article 14, are likely to mislead or confuse customers.	
Chapter V				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
409	Chapter V Prioritisation, planning and consultation	Chapter V Prioritisation, planning and consultation	Chapter V Prioritisation, planning and consultation	
Article 16				
410	Article 16 Prioritisation and planning	Article 16 Prioritisation and planning	Article 16 Prioritisation and planning	
Article 16(1)				
411	1. When prioritising products to be covered by ecodesign requirements in accordance with this Regulation, the Commission shall take into account their potential contribution to achieving Union climate, environmental and energy efficiency objectives, as well as the	1. When prioritising products to be covered by ecodesign requirements in accordance with this Regulation, the Commission shall take into account their potential contribution to achieving Union climate, environmental and energy efficiency objectives, as well as the	1. When prioritising products to be covered by ecodesign requirements in accordance with this Regulation, the Commission shall take into account their potential contribution to achieving Union climate, analyse the potential contribution of those products to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	following criteria:	following criteria:	environmental and energy efficiency objectives and to fostering the Union economic resilience and competitiveness, taking into account at least as well as the following criteria:	
Article 16(1), point (a)				
412	(a) the potential for improving the product aspects listed in Article 5(1) without entailing disproportionate costs, taking into account in particular:	(a) the potential for improving the product aspects listed in Article 5(1) without entailing disproportionate costs, taking into account in particular:	(a) the potential for improving the product aspects listed in Article 5(1) without entailing disproportionate costs, taking into account in particular:	
Article 16(1), point (a)(i)				
413	(i) the absence or insufficiency of Union law or failure of market forces or self-regulation measures adopted in accordance with Article 18 to address the objective properly; and	(i) the absence or insufficiency of Union law or failure of market forces or self-regulation measures adopted in accordance with Article 18 to address the objective properly; and	(i) the absence or insufficiency of Union law or failure of market forces or self-regulation measures adopted in accordance with Article 18 to address the objective properly; and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 16(1), point (a)(ii)				
414	(ii) the disparity in the performance of products available on the market with equivalent functionality in relation to the product aspects listed in Article 5(1);	(ii) the disparity in the performance of products available on the market with equivalent functionality in relation to the product aspects listed in Article 5(1);	(ii) the disparity in the performance of products available on the market with equivalent functionality in relation to the product aspects listed in Article 5(1);	
Article 16(1), point (b)				
415	(b) the volume of sales and trade of the product within the Union;	(b) the volume of sales and trade of the product within the Union;	(b) the volume of sales and trade of the product within the Union;	
Article 16(1), point (c)				
416	(c) the distribution of the environmental impacts, energy use	(c) the distribution of the <u>climate and</u> environmental impacts, energy use	(c) the distribution of the environmental impacts, energy use	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and waste generation across the value chain, in particular whether they take place within the Union;	use, <u>resource use</u> and waste generation across the value chain; ~~in particular whether they take place within the Union;~~	and waste generation across the value chain, in particular whether they take place within the Union;	
Article 16(1), point (d)				
417	(d) the need to regularly review and adapt delegated acts adopted pursuant to Article 4 in light of technological and market developments.	(d) the need to regularly review and adapt delegated acts adopted pursuant to Article 4 in light of technological and market developments.	(d) the need to regularly review and adapt delegated acts adopted pursuant to Article 4 in light of technological and market developments also reflecting societal changes and trends.	
Article 16(1a)				
417a			1a. When prioritising aspects to be covered by a horizontal requirements in accordance with this Regulation, the Commission shall also take into consideration the added value in having horizontal requirements imposed	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			on a range of products and product groups.	
Article 16(2), first subparagraph				
418	The Commission shall adopt and regularly update a working plan, covering a period of at least 3 years, setting out a list of product groups for which it intends to establish ecodesign requirements in accordance with this Regulation. That list shall include products aspects referred to in Article 5(1) for which the Commission intends to adopt horizontal ecodesign requirements established pursuant to Article 5(2), second subparagraph.	The Commission shall adopt <u>a working plan and make it publicly available, together with the relevant preparatory documents.</u> ~~The working plan shall set and regularly update a working plan, covering a period of at least 3 years, setting~~ out a list of product groups for which it intends to establish ecodesign requirements in accordance with this Regulation <u>and the estimated timelines for their establishment.</u> That list shall include products aspects referred to in Article 5(1) for which the Commission intends to adopt horizontal ecodesign requirements established pursuant to Article 5(2), second subparagraph. <u>The working plan shall cover a period of at least 3 years and it shall be regularly updated.</u>	Based on the analysis referred to in paragraph 1 and 1.a. of this Article, the ~~The Commission shall, by [12 months after the entry into force of this Regulation], adopt and regularly update an implementing act establishing~~ a working plan, covering a period of at least 3 years, setting out a list of product groups ~~for which it intends to establish~~ which will be considered priorities for the establishment of ecodesign requirements in accordance with this Regulation and regularly update it. That list shall include products aspects referred to in Article 5(1) ~~for which the Commission intends to adopt~~ which will be considered priorities for the establishment of horizontal ecodesign requirements ~~in accordance with established~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			pursuant to Article 5(2), second subparagraph. The list shall also indicate which products may be considered for such horizontal requirements.	
Article 16(2), first subparagraph a				
418a			That implementing act shall be adopted in accordance with the examination procedure referred to in Article 67(3).	
Article 16(2), second subparagraph				
419	When adopting or updating the working plan referred to in the first subparagraph, the Commission shall take into account the criteria set out in paragraph 1 of this Article and shall consult the Ecodesign Forum referred to in Article 17.	When adopting or updating the working plan referred to in the first subparagraph, the Commission shall take into account the criteria set out in paragraph 1 of this Article and shall consult the Ecodesign Forum referred to in Article 17 <u>within an appropriate</u>	~~When~~ Before adopting or updating the working plan referred to in the first subparagraph, the Commission shall take into account the criteria set out in paragraph 1 of this Article and shall consult the Ecodesign Forum referred to in Article 17 and the Ecodesign	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>timeframe.</u>	Expert Group referred to in Article 17a.	
Article 16(2), second subparagraph a				
419a		<u>The Commission shall present the draft working plan and its updates to the European Parliament before their adoption.</u>		
Article 16(2), fourth subparagraph				
419b		<u>For the period 2024-2027, the Commission shall consider prioritising the following product groups in the first working plan that is to be adopted no later than ... [insert the date 3 months after the entry into force of this Regulation]. If any of the following product groups is not included in the working plan, the Commission shall provide a</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>justification for its decision in the working plan:</u> - <u>iron, steel</u> - <u>aluminium</u> - <u>textiles, notably garments and footwear</u> - <u>furniture, including mattresses</u> - <u>tyres</u> - <u>detergents</u> - <u>paints</u> - <u>lubricants</u> - <u>chemicals</u> - <u>energy related products, the implementing measures for which need to be revised or newly defined</u> - <u>ICT products and other electronics.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 16(2), fifth subparagraph				
419c		<u>Any absence of adequate performance and information requirements on the environment and carbon footprint for cement under [the forthcoming Regulation laying down harmonised conditions for the marketing of construction products, amending Regulation (EU) 2019/1020 and repealing Regulation (EU) 305/2011 (2022/0094 COD)] by 2027 shall trigger the inclusion of cement as a priority product category in the next working plan of this Regulation.</u>		
Article 16(3)				
419d			3. The Commission shall inform the European Parliament and the Council annually of the progress made in the implementation of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			the working plan. In the case of delays in the implementation of the working plan, the Commission shall give an explanation of the main causes of the delays and how it intends to ensure progress in the implementation. When the Commission chooses not to adopt a delegated act in relation to a product group or to a horizontal requirement included in the list referred to in paragraph 2, it shall provide an explanation to the Council and the Parliament.	
Article 17				
420	Article 17 Ecodesign Forum	Article 17 Ecodesign Forum	Article 17 Ecodesign Forum	
Article 17, first paragraph				
421				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	The Commission shall ensure that when it conducts its activities, it observes a balanced participation of Member States' representatives and all interested parties involved with the product or product group in question, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations. These parties shall contribute in particular to preparing ecodesign requirements, examining the effectiveness of the established market surveillance mechanisms and assessing self-regulation measures.	The Commission shall ensure that when it conducts its activities, it observes a balanced participation of Member States' representatives and all interested parties involved with the product or product group in question, such as industry, including SMEs, <u>social enterprises</u> and craft industry, <u>waste management operators</u>, <u>standardisation organisations</u>, trade unions <u>and associations</u>, traders, retailers, importers, environmental protection ~~groups~~ <u>and organisations</u>, consumer organisations. ~~These parties shall contribute in particular to preparing ecodesign requirements, examining the effectiveness of the established market surveillance mechanisms and assessing self-regulation measures.~~ <u>researchers and other experts</u>.	The Commission shall ~~ensure that when it conducts its activities, it observes~~ establish an expert group referred to as the Ecodesign Forum with a balanced participation of experts designated by Member States² representatives and and of all interested parties involved with the product or product group in question, such as industry, including SMEs and craft industry, trade unions, traders, retailers, importers, environmental protection groups, actors involved in circular economy activities, European Standardisation Organisations and consumer organisations. ~~These parties~~ The Ecodesign Forum shall contribute in particular to preparing ecodesign requirements, examining the effectiveness of the established market surveillance mechanisms, and assessing self-regulation measures and prohibitions of destruction of unsold consumer products.	
Article 17, first paragraph a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
421a		<u><i>The parties referred to in the first paragraph shall contribute in particular to preparing ecodesign requirements, and examining the effectiveness of the established market surveillance mechanisms and assessing self-regulation measures.</i></u>		
Article 17, second paragraph				
422	To that end, the Commission shall establish an expert group, in which those parties shall meet, referred to as the 'Ecodesign Forum'.	To that end, the Commission shall establish an expert group, in which those parties shall meet, referred to as the 'Ecodesign Forum'.	~~To that end, the Commission shall establish an expert group, in which those parties shall meet, referred to as the 'Ecodesign Forum'.~~	
Article 17, second paragraph a				
422a		<u><i>The Commission shall publish on its website the upcoming meetings of the 'Ecodesign Forum',</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>ensuring that relevant parties are informed in sufficient time before a consultation takes place.</i></u>		
Article 17, fourth paragraph				
422b		<u><i>The Ecodesign Forum shall carry out its tasks in a full transparent manner. The Commission shall publish the adopted conclusions and minutes of the meetings of the Ecodesign Forum and all other relevant documents on the website of the Commission.</i></u>		
Article 17, fifth paragraph				
422c		<u><i>The Ecodesign Forum may request the Commission to prepare ecodesign requirements for a particular product group. The Commission shall take such a request into consideration.</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 17a				
422d			1. Ecodesign Expert Group	
Article 17a(1), first subparagraph				
422e			1. The Commission shall establish an expert group composed of experts designated by the Member States ('Ecodesign Expert Group').	
Article 17a(1), second subparagraph				
422f			The Commission shall consult the Ecodesign Expert Group on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			at least:	
Article 17a(1), second subparagraph, point (a)				
422g			(a) developing ecodesign requirements,	
Article 17a(1), second subparagraph, point (b)				
422h			(b) evaluating self-regulation measures pursuant to Article 18,	
Article 17a(1), second subparagraph, point (c)				
422i			(c) measures to enhance compliance with the Regulation, such as education and information campaigns,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			exchange of best practices between Member States, or support to SMEs,	
Article 17a(1), second subparagraph, point (d)				
422j			(d) setting priorities and planning under Article 20d.	
Article 17a(2), first subparagraph				
422k			2. The consultation with the Ecodesign Expert Group under Article 17a shall take place after the consultation pursuant to Article 17. The consultation referred to in Article 66(4) shall at least include consultation with the Expert Group.	
Article 17a(2), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
422l			The Commission shall take into account the views of the Ecodesign Expert Group.	
Article 17a(2), third subparagraph				
422m			The Commission shall regularly, at least every 6 months, inform the Ecodesign Expert Group on its progress on actions presented in the working plans and on the work of the Ecodesign Forum.	
Article 17a(2), fourth subparagraph				
422n			The members of the Ecodesign Expert Group shall receive the invitation to the meeting and the draft agenda not less than 60 calendar days before the meeting. They shall receive the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			draft delegated acts and any other relevant documents sufficiently in advance of the meeting of the Expert Group and not less than 30 calendar days before the date of the meeting. In urgent or exceptional cases, this time limit may be reduced to 14 calendar days before the date of the meeting.	
Article 18				
423	Article 18 Self-regulation measures	Article 18 Self-regulation measures	Article 18 Self-regulation measures	
Article 18(1)				
424	1. Two or more economic operators may submit a self-regulation measure establishing ecodesign requirements for	1. Two or more economic operators may submit a self-regulation measure establishing ecodesign requirements for	1. ~~Two or more~~ Economic operators may submit to the Commission a self-regulation measure establishing ecodesign	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	products to the Commission as an alternative to a delegated act adopted pursuant to Article 4. Those operators shall provide evidence that the criteria referred to in paragraph 3, points (a) to (e), are fulfilled. With respect to paragraph 3, point (a), that evidence shall consist of a structured technical, environmental and economic analysis, justifying the ecodesign requirements and objectives of the self-regulation measure, and assessing the impacts of the ecodesign requirements set in that self-regulation measure.	products to the Commission as an alternative to a delegated act adopted pursuant to Article 4, <u>if the products are not included in the working plan</u> . Those operators shall provide evidence that the criteria referred to in paragraph 3, points (a) to (e), are fulfilled. With respect to paragraph 3, point (a), that evidence shall consist of a structured technical, environmental and economic analysis, justifying the ecodesign requirements and objectives of the self-regulation measure, and assessing the impacts of the ecodesign requirements set in that self-regulation measure.	requirements for products not falling within the scope of ~~to the Commission as an alternative to~~ a delegated act adopted pursuant to Article 4. Those operators shall provide evidence that the criteria referred to in paragraph 3, points (a) to (e), are fulfilled. With respect to paragraph ~~32~~ , point ~~(a)~~ (e), that evidence shall consist of a structured technical, environmental and economic analysis, justifying the ecodesign requirements and objectives of the self-regulation measure, and assessing the impacts of the ecodesign requirements set in that self-regulation measure.	
Article 18(2), first subparagraph				
425	The self-regulation measure shall contain the following information:	The self-regulation measure <u>submitted pursuant to paragraph 1</u> shall contain the following information:	2. The submitted self-regulation measure shall contain the following information:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 18(2), first subparagraph, point (a)				
426	(a) a list of the economic operators that are signatories to the self-regulation measure;	(a) a list of the economic operators that are signatories to the self-regulation measure;	(a) a list of the economic operators that are signatories to the self-regulation measure;	
Article 18(2), first subparagraph, point (b)				
427	(b) the ecodesign requirements applicable to products covered by the self-regulation measure;	(b) the ecodesign requirements, <u>as set out in Article 5</u> , applicable to products covered by the self-regulation measure;	(b) the ecodesign requirements applicable to products covered by the self-regulation measure;	
Article 18(2), first subparagraph, point (c)				
428	(c) a detailed, transparent and objective monitoring plan, with clearly identified responsibilities for industry and independent inspectors, including the criteria set	(c) a detailed, transparent and objective monitoring plan, with clearly identified responsibilities for industry and independent inspectors, including the criteria set	(c) a detailed, transparent and objective monitoring plan, with clearly identified responsibilities for industry and independent inspectors, including the criteria set	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	out in point 6 of Annex VII;	out in point 6 of Annex VII;	out in point 6 of Annex VII;	
Article 18(2), first subparagraph, point (d)				
429	(d) rules on information to be reported by signatories and on testing and inspections.	(d) rules on information to be reported by signatories and <u>rules</u> on testing and inspections-;	(d) rules on information to be reported by signatories and on testing and inspections- and ;	
Article 18(2), first subparagraph, point (da)				
429a		<u>(da) rules on the consequences of the non-compliance of a signatory;</u>		
Article 18(2), first subparagraph, point (db)				
429b		<u>(db) an explanation as to how the self-regulation measure submitted</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>pursuant to paragraph 1 improves the environmental sustainability of products in line with the objectives of this Regulation and ensures the free movement in the internal market more quickly or at a lesser expense than a delegated act adopted pursuant to Article 4.</u>		
Article 18(2), first subparagraph, point (e)				
429c			(e) an explanatory note explaining how the submitted self-regulation measure would meet the objectives of this Regulation more quickly or at lesser expense than mandatory requirements under Union law, supported by evidence.	
Article 18(2), second subparagraph				
430	The information referred to in this	The information referred to in this	The information referred to in this	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph shall be kept up-to-date and be available on a publicly accessible website.	paragraph shall be kept up-to-date and be available on a publicly accessible website <u>of the Commission. The economic operators shall notify without delay the Commission of any changes to the self-regulation measure, in particular any changes to the signatories.</u>	paragraph shall be kept up-to-date and be available on a publicly accessible website.	
Article 18(3), first subparagraph				
431	The Commission shall assess the proposed self-regulation measure, and, where necessary, shall seek scientific advice from Union decentralised agencies. On the basis of that assessment, it shall establish whether it is a valid alternative to a delegated act adopted pursuant to Article 4 where the following criteria are fulfilled:	The Commission shall assess the proposed self-regulation measure, and, where necessary, shall seek scientific advice from Union decentralised agencies. <u>The Commission shall also consult the Ecodesign forum on the self-regulation measure submitted pursuant to paragraph 1.</u> On the basis of that assessment, it shall establish whether it is a valid alternative to a delegated act adopted pursuant to Article 4 where the following criteria are fulfilled:	The Commission shall assess the ~~proposed~~ submitted self-regulation measure, and, where necessary, shall seek scientific advice from Union decentralised agencies. ~~On the basis of that~~ In the assessment, it the Commission shall ~~establish~~ verify whether ~~it is a valid alternative to a delegated act adopted pursuant to Article 4~~ where the following criteria are fulfilled:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 18(3), first subparagraph, point (a)				
432	(a) the self-regulation measure contributes to improving the environmental sustainability of products and ensuring the free movement in the internal market quickly or at a lesser expense than a delegated act adopted pursuant to Article 4;	(a) the self-regulation measure contributes to improving the environmental sustainability of products <u>in line with the objectives of this Regulation</u> and ensuring the free movement in the internal market <u>more</u> quickly or at a lesser expense than a delegated act adopted pursuant to Article 4;	(a) the self-regulation measure contributes to improving the environmental sustainability of products and ensuring the free movement in the internal market more quickly or at a lesser expense than would a delegated act adopted pursuant to Article 4, and consists of product requirements that are necessary to achieve the objectives of this Regulation;	
Article 18(3), first subparagraph, point (aa)				
432a			(aa) the self-regulation measure is submitted by at least two economic operators;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 18(3), first subparagraph, point (b)				
433	(b) the market share in terms of volume of the signatories to the self-regulation measure in relation to the products covered by that measure is at least 80 % of units placed on the market or put into service;	(b) the market share in terms of volume of the signatories to the self-regulation measure in relation to the products covered by that measure is at least 80 % of units placed on the market or put into service;	(b) the market share in terms of volume of the signatories to the self-regulation measure in relation to the products covered by that measure is at least 80 % of units placed on the market or put into service;	
Article 18(3), first subparagraph, point (c)				
434	(c) the self-regulation measure complies with the criteria set out in Annex VII;	(c) the self-regulation measure complies with the criteria set out in Annex VII;	(c) the self-regulation measure complies with the criteria set out in Annex VII;	
Article 18(3), first subparagraph, point (d)				
435	(d) the product covered by the self-regulation measure does not fall within the scope of a delegated	(d) the product covered by the self-regulation measure does not fall within the scope of a delegated	(d) ~~the product covered by the self-regulation measure does not fall within the scope of a delegated~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	act adopted pursuant to Article 4;	act adopted pursuant to Article 4;	act adopted pursuant to Article 4;	
Article 18(3), first subparagraph, point (e)				
436	(e) the self-regulation measure is in line with Union legislation and international trade commitments of the Union.	(e) the self-regulation measure is in line with Union legislation and international trade commitments of the Union.	(e) the self-regulation measure is in line with Union legislation law and international trade commitments of the Union.	
Article 18(3), first subparagraph, point (f)				
436a			(f) the independent inspectors referred to in point (c) of paragraph 2 have been selected and properly empowered as regards the self-regulation measure in accordance with Annex VII (6).	
Article 18(3), first subparagraph, point (g)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
436b			(g) the self-regulation measure does not contain a label that can be confused with the Ecodesign label or the Energy label.	
Article 18(3), first subparagraph a				
436c			The Commission shall during the assessment consult the Ecodesign Forum and the Ecodesign Expert Group, in said order, on the submitted self-regulation measure.	
Article 18(3), second subparagraph				
437	The Commission shall adopt an implementing act containing a list of self-regulation measures established as valid alternatives to a delegated act adopted pursuant to	The Commission shall adopt ~~an implementing act~~ <u>a delegated act in accordance with Article 66</u> containing a list of self-regulation measures established as valid	The Commission shall adopt an implementing act containing a list of self-regulation measures ~~established as valid alternatives to a delegated act adopted pursuant to~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 4. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 67(2).	alternatives to a delegated act adopted pursuant to Article 4. That ~~implementing~~ <i>delegated</i> act shall be adopted in accordance with the advisory procedure referred to in Article 67(2).	~~Article 4. which fulfil the criteria of this paragraph~~ That implementing act shall be adopted in accordance with the ~~advisory examination~~ procedure referred to in Article ~~67(2)~~ 67(3) .	
Article 18(4)				
438	4. The Commission may at any point in time request the signatories of a self-regulation measure to submit a revised and updated version of that measure in view of relevant market or technological developments within the product group concerned or where it has reason to believe that the criteria set out in paragraph 3 are no longer fulfilled.	4. The Commission may at any point in time request the signatories of a self-regulation measure to submit a revised and updated version of that measure in view of relevant market or technological developments within the product group concerned or where it has reason to believe that the criteria set out in paragraph 3 are no longer fulfilled. <i><u>The signatories shall submit a revised and updated version of that measure within three months of the request made by the Commission.</u></i>	4. The Commission may at any point in time request the signatories of a self-regulation measure listed in an implementing act adopted pursuant to paragraph 3, third subparagraph , to submit a revised and updated version of that measure in view of relevant market or technological developments within the product group concerned or where it has reason to believe that the criteria set out in paragraph 3 are no longer fulfilled. The Commission shall set a deadline, appropriate for the product group in question, for the submission of such a revised and	

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			updated version.	
Article 18(5)				
439	5. Once a self-regulation measure has been listed in an implementing act adopted pursuant to paragraph 3, second subparagraph, the signatories of that measure shall report to the Commission, at regular intervals set out in that implementing act, on the progress towards achieving the objectives of the self-regulation measures and to demonstrate that the criteria set in paragraph 3, points (a) to (e), remain fulfilled. Those reports shall also be made available on a publicly accessible website.	5. Once a self-regulation measure has been listed in ~~an~~ <u>implementing a delegated</u> act adopted pursuant to paragraph 3, second subparagraph, the signatories of that measure shall report to the Commission, at regular intervals set out in that <u>implementing delegated</u> act, on the progress towards achieving the objectives of the self-regulation measures and to demonstrate that the criteria set in paragraph 3, points (a) to (e), remain fulfilled. ~~Those~~ <u>Where a signatory does not comply with the requirements of the self-regulation measure, it shall take corrective action. The independent inspector shall notify the Commission of the lack of compliance of a signatory. Progress reports, including compliance</u> reports ~~shall also be made by the independent inspector, and~~	5. Once a self-regulation measure has been listed in an implementing act adopted pursuant to paragraph 3, ~~second~~ third subparagraph, the signatories of that measure shall report to the Commission, at regular intervals set out in that implementing act, on the progress towards achieving the objectives of the self-regulation measures and to demonstrate that the criteria set in paragraph 3, points (a) to (e), remain fulfilled. Those reports shall also be made available on a publicly and freely accessible website.	

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		<u>notifications about lack of compliance and corresponding corrective action shall</u> be made available on a publicly accessible website <u>of the Commission</u> .		
Article 18(6)				
440	6. Where the Commission considers, based on information received pursuant to paragraphs 4 or 5, that a self-regulation measure no longer fulfils the criteria set out in paragraph 3, it shall delete it from the list referred to in that paragraph. In such cases, the Commission may decide to adopt ecodesign requirements applicable to the product covered by that self-regulation measure.	6. Where the Commission considers, based on information received pursuant to paragraphs 2, 4 or 5, that a self-regulation measure no longer fulfils the criteria set out in paragraph 3, it shall delete it from the list referred to in that paragraph. In such cases, the Commission may decide to adopt ecodesign requirements applicable to the product covered by that self-regulation measure.	6. Where the Commission considers, ~~based on information received pursuant to paragraphs 4 or 5, that a self-regulation measure~~ that a self-regulation measure listed in an implementing act adopted pursuant to paragraph 3, third subparagraph, no longer fulfils the criteria set out in paragraph 3 or where the signatories of the self-regulation measure concerned did not met the deadline referred to in paragraph 4, it shall delete it from the list referred to in that paragraph. In such cases, the Commission may decide to adopt ecodesign requirements applicable to the product covered by that self-regulation measure. The list shall	

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			be updated in accordance with the examination procedure referred to in Article 67(3).	
Article 19				
441	Article 19 Micro, small and medium-sized enterprises	Article 19 Micro, small and medium-sized enterprises	Article 19 Micro, small and medium-sized enterprises	
Article 19(1)				
442	1. In the context of programmes from which SMEs can benefit, the Commission shall take into account initiatives which help SMEs to integrate environmental sustainability aspects including energy efficiency in their value chain.	1. In the context of programmes from which <u>micro-enterprises and</u> SMEs can benefit, the Commission shall take into account initiatives which help <u>micro-enterprises and</u> SMEs to integrate environmental sustainability aspects including energy efficiency in their value chain.	1. In the context of programmes from which SMEs can benefit, the Commission shall make sure there are take into account initiatives which help SMEs to integrate environmental sustainability aspects including energy efficiency in their value chain.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 19(2)				
443	2. When adopting delegated acts pursuant to Article 4 the Commission shall, where appropriate, accompany those acts with guidelines covering specificities of SMEs active in the product or product group sector affected for facilitating the application of this Regulation by SMEs.	2. When adopting delegated acts pursuant to Article 4 the Commission shall, where appropriate, accompany those acts with guidelines covering specificities of <u>micro-enterprises</u> and SMEs active in the product or product group sector affected for facilitating the application of this Regulation by <u>micro-enterprises</u> and SMEs. <u>The Commission shall consult micro-enterprises' and SMEs' representative organisations in the drafting of the guidelines.</u>	2. When adopting delegated acts pursuant to Article 4 the Commission shall, ~~where appropriate,~~ accompany those acts with guidelines and digital tools, for example for life cycle analysis calculation, covering specificities of SMEs active in the product or product group sector affected for facilitating the application of this Regulation by SMEs. The Commission shall provide specific support for SMEs for the implementation of requirements regarding product passports.	
Article 19(3), first subparagraph				
444	Member States shall take appropriate measures to help SMEs apply ecodesign requirements set	Member States shall take appropriate measures to help <u>micro-enterprises and</u> SMEs apply	3. Member States shall take appropriate measures to help SMEs apply ecodesign requirements set	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	out in delegated acts adopted pursuant to Article 4..	ecodesign requirements set out in delegated acts adopted pursuant to Article 4. <u><i>When preparing such measures, Member States shall consult micro-enterprises' and SMEs' representative organisations.</i></u>	out in delegated acts adopted pursuant to Article 4.-	
Article 19(3), second subparagraph				
445	Those measures shall at least include ensuring the availability of one-stop shops or similar mechanisms to raise awareness and create networking opportunities for SMEs to adapt to requirements.	Those measures shall at least include ensuring the availability of one-stop shops or similar mechanisms to raise awareness and create networking opportunities for <u><i>micro-enterprises and SMEs</i></u> to adapt to requirements. <u><i>Those measures shall also at least include specific mechanisms to facilitate compliance with the requirements set out in Articles 8 to 12a and with conducting life cycle assessments.</i></u>	Those measures shall at least include ensuring the availability of one-stop shops or similar mechanisms to raise awareness and create networking opportunities for SMEs to adapt to requirements. The Commission shall provide support in the implementation of those measures.	
Article 19(3), third subparagraph				

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446	In addition, without prejudice to applicable State aid rules, such measures may include:	In addition, without prejudice to applicable State aid rules, such measures may include:	In addition, without prejudice to applicable State aid rules, such measures may include:	
Article 19(3), third subparagraph, point (a)				
447	(a) financial support, including by giving fiscal advantages and providing physical and digital infrastructure investments;	(a) financial support, including by giving fiscal advantages, <u>enabling participation in the Ecodesign Forum</u> , ~~and~~ providing physical and digital infrastructure investments;	(a) financial support, including by giving fiscal advantages and providing physical and digital infrastructure investments;	
Article 19(3), third subparagraph, point (b)				
448	(b) access to finance;	(b) access to finance;	(b) access to finance;	
Article 19(3), third subparagraph, point (c)				

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449	(c) specialised management and staff training;	(c) specialised management and staff training;	(c) specialised management and staff training;	
Article 19(3), third subparagraph, point (d)				
450	(d) organisational and technical assistance.	(d) organisational and technical assistance.	(d) organisational and technical assistance.	
Chapter VI				
451	Chapter VI Destruction of unsold consumer products	Chapter VI Destruction of unsold consumer products	Chapter VI Destruction of unsold consumer products	
Section 1				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
451a			Section 1. GENERAL	
Article 20aa				
451b			Article 20aa General principle to prevent discarding	
Article 20aa, first paragraph				
451c			Economic operators shall take necessary measures which can reasonably be expected to prevent the need to discard unsold consumer products that are fit for use.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Section 2				
451d			Section 2 TRANSPARENCY	
Article 20				
452	Article 20 Destruction of unsold consumer products	Article 20 Destruction of unsold consumer products	Article 20 ~~Destruction of~~ Disclosure of information on unsold consumer products	
Article 20(1), first subparagraph				
453	An economic operator that discards unsold consumer products directly, or on behalf of another economic operator, shall disclose:	An economic operator that discards unsold consumer products directly, or on behalf of another economic operator, shall disclose:	1. An economic operator that discards unsold consumer products directly, ~~or on behalf of another economic operator~~ or has unsold consumer products discarded on their behalf , shall disclose:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20(1), first subparagraph, point (a)				
454	(a) the number of unsold consumer products discarded per year, differentiated per type or category of products;	(a) the number <u>and percentage</u> of unsold consumer products discarded per year, differentiated per type or category of products;	(a) the number and weight of unsold consumer products discarded per year, differentiated per type or category of products;	
Article 20(1), first subparagraph, point (b)				
455	(b) the reasons for the discarding of products;	(b) the reasons for the discarding of products;	(b) the reasons for the discarding of products, and where applicable, the relevant exemption according to Article 20c (5);	
Article 20(1), first subparagraph, point (c)				
456	(c) the delivery of discarded	(c) the delivery of discarded	(c) the proportion of the delivery	

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	products to preparing for re-use, remanufacturing, recycling, energy recovery and disposal operations in accordance with the waste hierarchy as defined by Article 4 of Directive 2008/98/EC.	products to <u>donation</u> , preparing for re-use, remanufacturing, recycling, energy recovery and disposal operations in accordance with the waste hierarchy as defined by Article 4 of Directive 2008/98/EC.	of discarded products, whether directly or through a third party, to each of the following activities: ~~to~~ preparing for re-use, remanufacturing, recycling, other recovery, for example, energy recovery and disposal operations in accordance with the waste hierarchy as defined by Article 4 of Directive 2008/98/EC;	
Article 20(1), first subparagraph, point (d)				
456a			(d) measures aimed at preventing the destruction of unsold consumer products.	
Article 20(1), second subparagraph				
457	The economic operator shall disclose that information on a freely accessible website or otherwise make it publicly	The economic operator shall disclose that information on a freely accessible website ~~or otherwise make it publicly~~	The economic operator shall disclose that information at least on an easily ~~on a freely accessible page of their website or otherwise~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	available, until a delegated act adopted pursuant to paragraph 3 starts applying to the category of unsold consumer products discarded by the operator in question.	~~available~~ <u>of the Commission</u> , until a delegated act adopted pursuant to paragraph 3 starts applying to the category of unsold consumer products discarded by the operator in question.	~~make it publicly available, until a delegated act adopted.~~ Economic operators that are subject to the obligation to publish the sustainability reporting in their management report pursuant to paragraph 3 starts applying to the category of unsold consumer products discarded Articles 19a or 29a of Directive 2013/34/EU may, as an alternative to disclosure on their website, include the information referred to above in that sustainability reporting [, provided such information is covered by the operator in questionsustainability reporting standards adopted pursuant to Article 29b of that Directive].	
Article 20(1), second subparagraph				
457a			Unsold consumer products that have become non-compliant with national or EU legislation after being placed on the market or put into service due to the coming into force of new or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			changed legislation, are exempted from the requirements in paragraph 1.	
Article 20(1), fourth subparagraph				
457b			The information shall be disclosed on an annual basis and shall cover the unsold consumer products discarded during the previous financial year. The information for each year shall be publicly available for a period of 5 years. The first disclosure shall cover unsold consumer products discarded during the first full financial year of this regulation being in force.	
Article 20(-1), fifth subparagraph				
457c			With the exception of when the information is available to the	

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			national authority on the basis of another legal act, the economic operator shall, upon request from the Commission or a competent national authority, provide all the information and documentation necessary to demonstrate the delivery and reception of the discarded products as disclosed pursuant to paragraph 1(c), where requested, information about the applicability of an exemption from a prohibition against destruction pursuant to Article 20c (5). Such information and documentation shall be provided in paper or electronic form within 30 days of receipt of the request.	
Article 20(1a)				
457d			1a. The obligation in paragraph 1 of this Article shall not apply to SMEs. However, the obligation shall apply to medium-sized enterprises from [OJ note: 4	

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			years after entry into force of this Regulation].	
Article 20(2), first subparagraph				
458	The Commission may adopt implementing acts setting out the format for the disclosure of the information referred to in paragraph 1, including the type or category and how the information is to be verified.	The Commission ~~may~~ ^{shall} adopt implementing acts setting out the format for the disclosure of the information referred to in paragraph 1, including the type or category and how the information is to be verified.	2. The Commission ~~may~~ ^{shall} adopt implementing acts setting out the details and format, including the delimitation of product types or categories and how the information is to be verified, with consideration given to the need to protect sensitive information and trade secrets, for the disclosure of the information referred to in paragraph 1 points a, b and c by economic operators not disclosing them in their management report as referred to in paragraph 1, fourth subparagraph, including the type or category and how the information is to be verified.	
Article 20(2), first subparagraph a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
458a			The first implementing act shall be adopted no later than [OJ note: 12 months after entry into force of this Regulation].	
Article 20(2), second subparagraph				
459	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3).	
Article 20(3), first subparagraph				
460	The Commission shall be empowered to adopt delegated acts in accordance with Article 66 to supplement this Regulation by prohibiting economic operators to destroy unsold consumer products in the Union, where the destruction	<u>2a.</u> The Commission shall be empowered to adopt delegated acts in accordance with Article 66 to supplement this Regulation by prohibiting economic operators to destroy unsold consumer products ~~in the Union~~ , where the destruction	~~3. The Commission shall be empowered to adopt delegated acts in accordance with Article 66 to supplement this Regulation by prohibiting economic operators to destroy unsold consumer products in the Union, where the destruction~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of unsold consumer products falling within a certain product group has significant environmental impact.	of unsold consumer products falling within a certain product group has ~~significant~~ <u>non-negligible</u> environmental impact.	of unsold consumer products falling within a certain product group has significant environmental impact.	
Article 20(2b), first subparagraph				
460a		<u>2b. On the basis of information provided under paragraph 1, the Commission shall by ... [insert the date 2 years after the entry into force of this Regulation] and every 3 years thereafter publish a report on the destruction of unsold goods. In that report, the Commission shall identify the products for which it considers necessary to adopt a delegated act prohibiting the destruction of unsold goods.</u>		
Article 20(3), second subparagraph				
461				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	In the delegated acts adopted pursuant to the first subparagraph, the Commission shall set out certain exemptions to those prohibitions where it is appropriate in view of:	In the delegated acts adopted pursuant to the first subparagraph, the Commission shall set out certain exemptions to those prohibitions where it is appropriate in view of:	In the delegated acts adopted pursuant to the first subparagraph, the Commission shall set out certain exemptions to those prohibitions where it is appropriate in view of:	
Article 20(3), second subparagraph, point (a)				
462	(a) health and safety concerns;	(a) health, <u>hygiene</u> and safety concerns;	(a) health and safety concerns;	
Article 20(3), second subparagraph, point (b)				
463	(b) damage to products as a result of their handling or detected after a product has been returned by a consumer;	(b) damage to products <u>that cannot be repaired in a cost-effective manner</u> as a result of their handling or detected after a product has been returned ~~by a consumer~~ ;	(b) damage to products as a result of their handling or detected after a product has been returned by a consumer;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20(3), second subparagraph, point (c)				
464	(c) fitness of the product for the purpose for which it is intended, taking into account, where applicable, Union and national law and technical standards;	(c) ~~fitness of the product for the purpose for which it is intended, taking into account, where applicable, Union and national law and technical standards;~~	(c) ~~fitness of the product for the purpose for which it is intended, taking into account, where applicable, Union and national law and technical standards;~~	
Article 20(3), second subparagraph, point (d)				
465	(d) refusal of products for donation, preparing for re-use or remanufacturing.	(d) refusal of products for donation, preparing for re-use or remanufacturing.	(d) ~~refusal of products for donation, preparing for re-use or remanufacturing.~~	
Article 20(2a), second subparagraph, point (da)				
465a		<u>(da) counterfeit products.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20(4), first subparagraph				
466	When preparing a delegated act adopted pursuant to paragraph 3, the Commission shall:	When preparing a delegated act adopted pursuant to paragraph 3, the Commission shall:	~~4. When preparing a delegated act adopted pursuant to paragraph 3, the Commission shall:~~	
Article 20(4), first subparagraph, point (a)				
467	(a) assess the prevalence and environmental impact of the destruction of specific consumer products;	(a) assess the prevalence and environmental impact of the destruction of specific consumer products;	~~(a) assess the prevalence and environmental impact of the destruction of specific consumer products;~~	
Article 20(4), first subparagraph, point (b)				
468	(b) take into account the information disclosed by economic operators pursuant to paragraph 1;	(b) take into account the information disclosed by economic operators pursuant to paragraph 1;	~~(b) take into account the information disclosed by economic operators pursuant to paragraph 1;~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20(4), first subparagraph, point (c)				
469	(c) carry out an impact assessment based on best available evidence and analyses, and on additional studies as necessary.	(c) carry out an impact assessment based on best available evidence and analyses, and on additional studies as necessary.	~~(c) carry out an impact assessment based on best available evidence and analyses, and on additional studies as necessary.~~	
Article 20(4), second subparagraph				
470	The Commission shall consult the Ecodesign Forum referred to in Article 17, and take account of its views on possible prohibitions of destruction of unsold consumer products referred to in paragraph 3, prior to the preparation of the delegated acts setting out those prohibitions.	The Commission shall consult the Ecodesign Forum referred to in Article 17, and take account of its views on possible prohibitions of destruction of unsold consumer products referred to in paragraph 3, prior to the preparation of the delegated acts setting out those prohibitions.	~~The Commission shall consult the Ecodesign Forum referred to in Article 17, and take account of its views on possible prohibitions of destruction of unsold consumer products referred to in paragraph 3, prior to the preparation of the delegated acts setting out those prohibitions.~~	
Article 20(5), first subparagraph				
471				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Where unsold consumer products are destroyed under an exemption referred to in paragraph 3, second subparagraph, the responsible economic operator shall disclose on a freely accessible website or otherwise make publicly available:	Where unsold consumer products are destroyed under an exemption referred to in paragraph 3, second subparagraph, the responsible economic operator shall disclose on a freely accessible website or otherwise make publicly available:	~~5. Where unsold consumer products are destroyed under an exemption referred to in paragraph 3, second subparagraph, the responsible economic operator shall disclose on a freely accessible website or otherwise make publicly available:~~	
Article 20(5), first subparagraph, point (a)				
472	(a) the number of unsold consumer products destroyed;	(a) the number <u>and percentage</u> of unsold consumer products destroyed;	~~(a) the number of unsold consumer products destroyed;~~	
Article 20(5), first subparagraph, point (b)				
473	(b) the reasons for their destruction, referring to the applicable exemption;	(b) the reasons for their destruction, referring to the applicable exemption;	~~(b) the reasons for their destruction, referring to the applicable exemption;~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20(5), first subparagraph, point (c)				
474	(c) the delivery of the products destroyed to recycling, energy recovery and disposal operations in accordance with the waste hierarchy as defined by Article 4 of Directive 2008/98/EC.	(c) the delivery of the products destroyed to recycling, energy recovery and disposal operations in accordance with the waste hierarchy as defined by Article 4 of Directive 2008/98/EC.	(c) ~~the delivery of the products destroyed to recycling, energy recovery and disposal operations in accordance with the waste hierarchy as defined by Article 4 of Directive 2008/98/EC.~~	
Article 20(5), second subparagraph				
475	The details and format for the disclosure of information provided in the implementing act adopted pursuant to paragraph 2 shall apply to the information to be disclosed pursuant to this paragraph, unless the delegated act adopted pursuant to paragraph 3 provides otherwise.	The details and format for the disclosure of information provided in the implementing act adopted pursuant to paragraph 2 shall apply to the information to be disclosed pursuant to this paragraph, unless the delegated act adopted pursuant to paragraph 3 provides otherwise.	~~The details and format for the disclosure of information provided in the implementing act adopted pursuant to paragraph 2 shall apply to the information to be disclosed pursuant to this paragraph, unless the delegated act adopted pursuant to paragraph 3 provides otherwise.~~	
Article 20(6), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
476	This Article shall not apply to SMEs.	This Article shall not apply to SMEs.	~~6. This Article shall not apply to SMEs.~~	
Article 20(6), second subparagraph				
477	However, the Commission may, in the delegated acts adopted pursuant to paragraph 3, provide that the prohibition to destroy unsold consumer products referred to in paragraph 3 or the disclosure obligation referred to in paragraph 4 shall apply to:	However, the Commission may, in the delegated acts adopted pursuant to paragraph 3, provide that the prohibition to destroy unsold consumer products referred to in paragraph 3 or the disclosure obligation referred to in paragraph 4 shall apply to:	~~However, the Commission may, in the delegated acts adopted pursuant to paragraph 3, provide that the prohibition to destroy unsold consumer products referred to in paragraph 3 or the disclosure obligation referred to in paragraph 4 shall apply to:~~	
Article 20(6), second subparagraph, point (a)				
478	(a) medium-sized enterprises, where there is sufficient evidence that they account for a substantial proportion of unsold consumer	(a) medium-sized enterprises, where there is sufficient evidence that they account for a substantial proportion of unsold consumer	~~(a) medium-sized enterprises, where there is sufficient evidence that they account for a substantial proportion of unsold consumer~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	products being destroyed;	products being destroyed;	products being destroyed;	
Article 20(6), second subparagraph, point (b)				
479	(b) microenterprises, small enterprises or medium-sized enterprises, where there is sufficient evidence that they may be used to circumvent the prohibition to destroy unsold consumer products referred to in paragraph 3 or the disclosure obligation referred to in paragraph 4.	(b) microenterprises, small enterprises or medium-sized enterprises, where there is sufficient evidence that they may be used to circumvent the prohibition to destroy unsold consumer products referred to in paragraph 3 or the disclosure obligation referred to in paragraph 4.	(b) ~~microenterprises, small enterprises or medium-sized enterprises, where there is sufficient evidence that they may be used to circumvent the prohibition to destroy unsold consumer products referred to in paragraph 3 or the disclosure obligation referred to in paragraph 4.~~	
Article 20(6a)				
479a		<u>6a. The Commission shall provide economic operators with sufficient time to adjust to new requirements.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20a				
479b		<u>Article 20a</u>		
Article 20a(1)				
479c		<u>1. One year after ... [insert the date of the entry into force of this Regulation], the destruction of unsold consumer products by economic operators shall be prohibited for the following product categories:</u>		
Article 20a(1), point (a)				
479d		<u>(a) textiles and footwear;</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20a(1), point (b)				
479e		<u>(b) electrical and electronic equipment.</u>		
Article 20a(2)				
479f		<u>2. The Commission shall be empowered to adopt delegated acts in accordance with Article 66 to supplement this Regulation to set out certain exemptions from the prohibitions referred to in paragraph 1 where it is appropriate taking into account the following:</u>		
Article 20a(2), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
479g		<u>(a) health, hygiene and safety concerns;</u>		
Article 20a(2), point (b)				
479h		<u>(b) damage to products that cannot be repaired in a cost-effective manner as a result of their handling or detected after a product has been returned;</u>		
Article 20a(2), point (c)				
479i		<u>(c) refusal of products for donation, preparing for re-use or remanufacturing;</u>		
Article 20a(2), point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
479j		<u>(d) counterfeit products.</u>		
Article 20a(3), first subparagraph				
479k		<u>3. Where unsold products are destroyed under an exemption referred to in paragraph 2, the responsible economic operator shall disclose on a freely accessible website or otherwise make publicly available:</u>		
Article 20a(3), first subparagraph, point (a)				
479l		<u>(a) the number and percentage of unsold products destroyed;</u>		
Article 20a(3), first subparagraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
479m		<u><i>(b) the reasons for the destruction of the unsold products, referring to the applicable exemption;</i></u>		
Article 20a(3), first subparagraph, point (c)				
479n		<u><i>(c) the delivery of the products destroyed to recycling, energy recovery and disposal operations in accordance with the waste hierarchy as defined by Article 4 of Directive 2008/98/EC.</i></u>		
Article 20a(3), second subparagraph				
479o		<u><i>The details of and format for the disclosure of information provided for in the implementing act adopted pursuant to Article 20(2) shall apply to the information to be disclosed pursuant to this</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>paragraph, unless the delegated act adopted pursuant to paragraph 2 provides otherwise.</u>		
Article 20a(4), first subparagraph				
479p		<u>4. This Article shall not apply to SMEs.</u>		
Article 20a(4), second subparagraph				
479q		<u>However, the Commission may, in the delegated acts adopted pursuant to paragraph 2, provide that the prohibition of the destruction of unsold consumer products referred to in paragraph 1 or the disclosure obligation referred to in paragraph 3 shall apply to:</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20a(4), second subparagraph, point (a)				
479r		<u>(a) medium-sized enterprises, where there is sufficient evidence that they account for a substantial proportion of unsold consumer products being destroyed;</u>		
Article 20a(4), second subparagraph, point (b)				
479s		<u>(b) micro-enterprises and small or medium-sized enterprises, where there is sufficient evidence that they may be used to circumvent the prohibition on the destruction of unsold consumer products referred to in paragraph 1 or the disclosure obligation referred to in paragraph 3.</u>		
Article 20b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
479t			Article 20b Prohibition against the destruction of unsold consumer products that are apparel or clothing accessories	
Article 20b(1)				
479u			1. From [OJ note: 36 months after entry into force of this Regulation], destruction of unsold consumer products that are apparel or clothing accessories, listed in Chapters 61 and 62 of the TARIC established in Council Regulation (EEC) No 2658/87¹, is prohibited. _____ 1. Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20b(2), first subparagraph				
479v			2. The Commission shall by [OJ note: 18 months after entry into force of this Regulation] adopt implementing acts specifying the relevant exemptions from the prohibition against destruction of unsold consumer products that are apparel or clothing accessories based on the principles laid down in Article 20c paragraph 4 and on the justifications laid down in Article 20c paragraph 5.	
Article 20b(2), second subparagraph				
479w			Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20b(3)				
479x			3. Paragraph 1 shall not apply to SMEs. However, it shall apply to medium-sized enterprises from [OJ note: 4 years after entry into force of this Regulation].	
Article 20c				
479y			Article 20c Empowerment to the Commission to adopt implementing acts setting out prohibitions against destruction of unsold consumer products	
Article 20c(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
479z			2. The implementing acts shall specify:	
Article 20c(2), point (a)				
479aa			(a) the type of unsold consumer products that shall fall into the scope of the act, ensuring products are not treated in a discriminatory manner;	
Article 20c(2), point (b)				
479ab			(b) the applicable exemptions;	
Article 20c(2), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
479ac			(c) the details and format of the reporting obligation of economic operators when destroying unsold consumer products under an exemption;	
Article 20c(2), point (d)				
479ad			(d) the date of application, and where appropriate, any tiered or transitional measures or periods. Such dates shall be fixed taking account, in particular, possible impacts on SMEs.	
Article 20c(3)				
479ae			3. When preparing an implementing act referred to in paragraph 1, the Commission	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			shall:	
Article 20c(3), point (a)				
479af			(a) carry out an impact assessment based on best available evidence and analyses, and on additional studies as necessary;	
Article 20c(3), point (b)				
479ag			(b) carry out appropriate consultation with stakeholders, the Ecodesign Forum referred to in Article 17 and the Ecodesign Expert Group referred to in Article 17a;	
Article 20c(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
479ah			4. Exemptions from the prohibition shall respect the following principles:	
Article 20c(4), point (a)				
479ai			(a) The exemption shall apply to all or part of the prohibition;	
Article 20c(4), point (b)				
479aj			(b) The exemption shall be adapted to the specificities of the type of unsold consumer products in the scope;	
Article 20c(4), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
479ak			(c) The exemption shall apply for a limited or unlimited time.	
Article 20c(5)				
479al			5. The exemptions shall not constitute a means of arbitrary discrimination and shall be based on one of the following justifications:	
Article 20c(5), point (a)				
479am			(a) health and safety reasons;	
Article 20c(5), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
479an			(b) the products are damaged as a result of their handling or detected after a product has been returned by a consumer, despite the measures taken in accordance with Article 20aa;	
Article 20c(5), point (c)				
479ao			(c) fitness of the product for the purpose for which it is intended, taking into account, where applicable, Union and national law and technical standards;	
Article 20c(5), point (d)				
479ap			(d) refusal of products for donation, preparing for re-use or remanufacturing;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20c(5), point (e)				
479aq			(e) products which are illegal under national or Union law including non-compliant products, counterfeit products, or products rendered unsellable due to infringement of intellectual property rights;	
Article 20c(5), point (f)				
479ar			(f) products exceeding their expiry date;	
Article 20c(5), point (g)				
479as			(g) products for which	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			destruction is the option with the least negative environmental impact.	
Article 20c(6)				
479at			5. This Article shall not apply to SMEs. However, it shall apply to medium-sized enterprises from [OJ note: 4 years after entry into force of this Regulation] including implementing acts already adopted in accordance with paragraph 1 of this Article.	
Article 20c(1), first subparagraph				
479au			1. Notwithstanding Article 20b, the Commission shall be empowered to adopt implementing acts setting out prohibitions against destruction of unsold consumer products by	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			economic operators when the following criteria are fulfilled:	
Article 20c(1), first subparagraph, point (a)				
479av			(a) destruction of the type of unsold consumer products has a negative environmental impact;	
Article 20c(1), first subparagraph, point (b)				
479aw			(b) a prohibition would not lead to significant disproportionate administrative burden.	
Article 20c(1), second subparagraph				
479ax			Those implementing acts shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			be adopted in accordance with the examination procedure referred to in Article 67(3).	
Section 3				
479ay			Section 3 PROHIBITION	
Article 20d				
479az			Article 20d Prioritisation of unsold consumer products for setting a prohibition against destruction	
Article 20d(1)				
479ba				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			1. The Commission shall, no later than [OJ note: 24 months after entry into force of this Regulation] and once every 36 months thereafter, publish a list of products for which it intends to carry out impact assessments under Article 20c and proposed timelines, taking into account:	
Article 20d(1), point (a)				
479bb			(a) the prevalence of the destruction of specific consumer products;	
Article 20d(1), point (b)				
479bc			(b) comparative environmental impact resulting from such destruction;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20d(1), point (c)				
479bd			(c) the information available including the information disclosed by economic operators pursuant to Article 20.	
Article 20d(2)				
479be			2. The Commission shall, when carrying out an impact assessment as referred to in Article 5(4), assess whether a prohibition against destruction of the relevant product group should be established, pursuant to Article 20c.	
Chapter VII				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
480	Chapter VII Obligations of economic operators	Chapter VII Obligations of economic operators	Chapter VII Obligations of economic operators	Chapter VII Obligations of economic operators Text Origin: Commission Proposal
Article 21				
481	Article 21 Obligations of manufacturers	Article 21 Obligations of manufacturers	Article 21 Obligations of manufacturers	Article 21 Obligations of manufacturers Text Origin: Commission Proposal
Article 21(1)				
482				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. When placing products covered by a delegated act adopted pursuant to Article 4 on the market or putting them into service, manufacturers shall ensure that:	1. When placing products covered by a delegated act adopted pursuant to Article 4 on the market or putting them into service, manufacturers shall ensure that:	1. When placing products covered by a delegated act adopted pursuant to Article 4 on the market or putting them into service, manufacturers shall ensure that:	1. When placing products covered by a delegated act adopted pursuant to Article 4 on the market or putting them into service, manufacturers shall ensure that: Text Origin: Commission Proposal
Article 21(1), point (a)				
483	(a) those products have been designed and manufactured in accordance with the requirements set out in Article 6 and the delegated acts adopted pursuant to Article 4;	(a) those products have been designed and manufactured in accordance with the requirements set out in Article 6 and the delegated acts adopted pursuant to Article 4;	(a) those products have been designed and manufactured in accordance with the requirements set out in ~~Article 6 and~~ the delegated acts adopted pursuant to Article 4;	(a) those products have been designed and manufactured in accordance with the requirements set out in ~~Article 6 and~~ the delegated acts adopted pursuant to Article 4; Text Origin: Council Mandate
Article 21(1), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
484	(b) those products are accompanied by the information required by the Article 7 and the delegated acts adopted pursuant to Article 4;	(b) those products are accompanied by the information required by the Article 7 and the delegated acts adopted pursuant to Article 4;	(b) those products are accompanied by the information required by the Article 7 and the delegated acts adopted pursuant to Article 4 and ;	(b) those products are accompanied by the information required by ~~the~~ Article 7 and the delegated acts adopted pursuant to Article 4 <u>and</u> ; Text Origin: Council Mandate
Article 21(1), point (c)				
485	(c) a product passport is available in accordance with Article 8 and the delegated acts adopted pursuant to Article 4.	(c) a product passport is available in accordance with Article 8 and the delegated acts adopted pursuant to Article 4.	(c) a product passport is available in accordance with Article 8 and the delegated acts adopted pursuant to Article 4.	(c) a product passport is available in accordance with Article 8 and the delegated acts adopted pursuant to Article 4. Text Origin: Commission Proposal
Article 21(2), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	486	Before placing a product covered by a delegated act adopted pursuant to Article 4 on the market or putting it into service, manufacturers shall carry out the conformity assessment procedure specified in the delegated acts adopted pursuant to Article 4 and draw up the required technical documentation, or have it carried out on their behalf.	Before placing a product covered by a delegated act adopted pursuant to Article 4 on the market or putting it into service, manufacturers shall carry out the conformity assessment procedure specified in the delegated acts adopted pursuant to Article 4 and draw up the required technical documentation, or have it carried out on their behalf.	2. Before placing a product covered by a delegated act adopted pursuant to Article 4 on the market or putting it into service, manufacturers shall carry out the conformity assessment procedure specified in the delegated acts adopted pursuant to Article 4 ~~and draw up the required technical documentation~~, or have it carried out on their behalf, and draw up the required technical documentation. Text Origin: Council Mandate
Article 21(2), second subparagraph				
Y	487	Where compliance of a product covered by a delegated act adopted pursuant to Article 4 with the applicable requirements has been demonstrated by that procedure, manufacturers shall draw up an EU	Where compliance of a product covered by a delegated act adopted pursuant to Article 4 with the applicable requirements has been demonstrated by that procedure, manufacturers shall draw up an EU	Where compliance of a product covered by a delegated act adopted pursuant to Article 4 with the applicable requirements has been demonstrated by that procedure, manufacturers shall draw up an EU linked to Article 40

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	declaration of conformity in accordance with Article 37 and affix the CE marking in accordance with Article 39. However, where the Commission has specified alternative rules pursuant to Article 4, third subparagraph, point (f), the manufacturer shall draw up a conformity declaration and affix conformity marking in accordance with those rules.	declaration of conformity in accordance with Article 37 and affix the CE marking in accordance with Article 39. However, where the Commission has specified alternative rules pursuant to Article 4, third subparagraph, point (f), the manufacturer shall draw up a conformity declaration and affix conformity marking in accordance with those rules.	declaration of conformity in accordance with Article 37 and affix the CE marking in accordance with Article 39. However, where the Commission has specified alternative rules pursuant to Article 4, third subparagraph, point (f)(c), the manufacturer shall draw up a conformity declaration and affix conformity marking in accordance with those rules.	
Article 21(3)				
488	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.	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, <u>the complexity of the information to be provided</u> , or requirements concerned.	3. Manufacturers shall keep the technical documentation and the EU declaration of conformity for 10 years after ~~the~~ a product has ~~been placed on the market or put into service~~ covered by a delegated ~~acts~~ act 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 has been placed on the market or put into service unless a different period has been	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			specified in that delegated act.	
Article 21(4)				
489	4. Manufacturers shall ensure that procedures are in place for series production to remain in conformity with the applicable requirements. Changes in the production process, product design or in characteristics, as well as changes in harmonised standards, common specifications or other technical specifications by reference to which product conformity is declared or by application of which its conformity is verified, shall be adequately taken into account by manufacturers and, in case they found that the product's conformity is affected, manufacturers shall carry out a re-assessment in accordance with the conformity assessment procedure specified in the delegated acts adopted pursuant to Article 4, or have it carried out on their behalf..	4. Manufacturers shall ensure that procedures are in place for series production to remain in conformity with the applicable requirements. Changes in the production process, product design or in characteristics, as well as changes in harmonised standards, common specifications or other technical specifications by reference to which product conformity is declared or by application of which its conformity is verified, shall be adequately taken into account by manufacturers and, in case they found that the product's conformity is affected, manufacturers shall carry out a re-assessment in accordance with the conformity assessment procedure specified in the delegated acts adopted pursuant to Article 4, or have it carried out on their behalf..	4. Manufacturers shall ensure that procedures are in place for products covered by a delegated act adopted pursuant to Article 4 which are part of a series production to remain in conformity with the applicable requirements. Changes in the production process, product design or in characteristics, as well as changes in harmonised standards, common specifications or other technical specifications by reference to which product conformity is declared or by application of which its conformity is verified, shall be adequately taken into account by manufacturers and, in case they found that the product's conformity is affected, manufacturers shall carry out a re-assessment in accordance with the applicable conformity assessment procedure ~~specified in the delegated acts~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			adopted pursuant to Article 4, or have it carried out on their behalf.-	
Article 21(5)				
490	5. Manufacturers shall ensure that their products bear a type, batch or serial number or other element allowing their identification, or, where the size or nature of the product does not allow so, that the required information is provided on the packaging or in a document accompanying the product.	5. Manufacturers shall ensure that their products bear a type, batch or serial number or other element allowing their identification, or, where the size or nature of the product does not allow so, that the required information is provided on the packaging or in a document accompanying the product.	5. Manufacturers shall ensure that their products covered by a delegated act adopted pursuant to Article 4 bear a type, batch or serial number or other element allowing their identification, or, where the size or nature of the product does not allow so, that the required information is provided on the packaging or in a document accompanying the product.	5. Manufacturers shall ensure that their products <u>covered by a delegated act adopted pursuant to Article 4</u> bear a type, batch or serial number or other element allowing their identification, or, where the size or nature of the product does not allow so, that the required information is provided on the packaging or in a document accompanying the product. Text Origin: Council Mandate
Article 21(6)				
491				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	6. Manufacturers shall indicate on the product their name, registered trade name or registered trade mark and the postal address and, where available, electronic means of communication, where they can be contacted or, where this is not possible, on its packaging, in a document accompanying the product or, where available, in a product passport. The address shall indicate a single point where the manufacturer can be contacted. The contact details shall be clear, understandable and legible.	6. Manufacturers shall indicate on the product their name, registered trade name or registered trade mark and the postal address and, where available, electronic means of communication, where they can be contacted or, where this is not possible, on its packaging, in a document accompanying the product or, where available, in a product passport. The address shall indicate a single point where the manufacturer can be contacted. The contact details shall be clear, understandable and legible.	6. Manufacturers shall for products covered by a delegated act adopted pursuant to Article 4, indicate ~~indicate on the product~~ their name, registered trade name or registered trade mark and the, postal address and, where available, electronic means of communication, where they can be contacted or, where this is not possible, on its packaging, in a document accompanying the product or, where available, in a product passport. The address shall indicate a single point where the manufacturer can be contacted. The contact details shall be clear, understandable and legible.:	
Article 21(6), point (a)				
491a			(a) on the public part of the product passport, when applicable, and	see also discussion on art 8

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 21(5a), first subparagraph, point (b)				
Y	491b		(b) on the product or, where this is not possible, on its packaging, or in a document accompanying the product.	Y
Article 21(5a), second subparagraph				
Y	491c		The address shall indicate a single point where the manufacturer can be contacted. The contact details shall be clear, understandable and legible.	Y
Article 21(7)				
Y	492	7. Manufacturers shall ensure that that a product covered by a delegated act adopted pursuant to Article 4 is accompanied by	7. Manufacturers shall ensure that ~~that~~ a product covered by a delegated act adopted pursuant to Article 4 is accompanied by	7. Manufacturers shall ensure that ~~that~~ a product covered by a delegated act adopted pursuant to Article 4 is accompanied by Pcy - "preferably in digital format"

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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).	instructions <u>in digital format</u> 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). <u>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.</u>	instructions that enable ~~consumers~~ customers and other ~~end-users~~ relevant actors 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 set out in Article 7(2), point (b), point (ii) specified in the delegated acts adopted pursuant to Article 4 ~~and pursuant to Article 7(2)(b), point (ii).~~	Can pass on one pager on ~~consumers/customers/end-users~~
Article 21(7a)				
492a		<u>7a. When providing the instructions referred to in paragraph 7, the manufacturer</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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.</u>		
Article 21(7a)				
492b		<u>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.</u>		EC - tie this to life span of product / date of placing on the market?
Article 21(7c)				
492c		<u>7c. The delegated acts adopted pursuant to Article 4 may specify, in well-justified cases, that certain concise information forming part</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>of the instructions provided for in paragraph 7 of this Article may be provided in paper format.</u>		
Article 21(8), first subparagraph				
493	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.	Manufacturers who consider or have reason to believe that a product covered by a delegated act adopted pursuant to Article 4 that they ~~have~~ <u>has</u> been placed on the market or put into service is not in conformity with the requirements set out in those delegated acts shall ~~immediately~~ <u>without undue delay</u> take the necessary corrective measures to bring that product into conformity, <u>or to immediately</u> ~~to~~ withdraw it or recall it, if appropriate.	8. 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~~ that delegated ~~acts~~ act shall immediately take the necessary corrective ~~measures~~ action to bring that product into conformity, ~~to~~ withdraw that product ~~it~~ or recall it, ~~if~~ as appropriate.	
Article 21(8), second subparagraph				
494				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Manufacturer shall immediately inform the market surveillance authorities of the Member States in which they made the product available of the suspected non-compliance and of any corrective measures taken.	Manufacturer shall immediately inform the market surveillance authorities of the Member States in which they made the product available of the suspected non-compliance and of any corrective measures taken.	~~Manufacturer~~ Manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available or put it into service of the suspected non-compliance and of any corrective ~~measures~~ action taken.	~~Manufacturer~~ Manufacturers shall immediately inform the market surveillance authorities of the Member States in which they <u>made the product available or put it into service</u> of the suspected non-compliance and of any corrective ~~measures~~ action taken. EC to check bracketed text with NLF colleagues Text Origin: Council Mandate
Article 21(8a), first subparagraph				
494a		<u>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</u>		<u>8a. Manufacturers shall establish /make 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</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>end-users to submit complaints or concerns regarding the potential non-conformity of products.</u>		<u>end-users to submit complaints or concerns regarding the potential non-conformity of products.</u> EC - move elements to 21(6)? Text Origin: EP Mandate
Article 21(8a), second subparagraph				
494b		<u>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.</u> <u>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.</u>		EC - duplicate with 21(8), exc. for the register EP // flex - alignment on GPSR Article 9(12+13) Pcy - slightly different text, to be checked.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 21(9), first subparagraph			
495	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.	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 <u>as soon as possible and no later than</u> within ~~10~~<u>15</u> days of receipt of a request by a competent national authority.	9. Manufacturers shall, for products covered by a delegated act adopted pursuant to Article 4, further to a reasoned request from a competent national authority, provide all the information and documentation necessary to demonstrate the conformity of ~~the product~~ those products, 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.	Manufacturers shall, <u>for products covered by a delegated act adopted pursuant to Article 4</u>, further to a reasoned request from a competent national authority, provide all the information and documentation necessary to demonstrate the conformity of ~~the product~~ <u>those products</u>, 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~~, <u>as soon as possible and</u> within 10 / <u>15</u> days of receipt of a request by a competent national authority. Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 21(9), second subparagraph				
496	Manufacturers shall cooperate with the competent national authority, on any action taken to remedy any case of non-compliance with the requirements set out in a delegated act adopted pursuant to Article 4 by which the product in question is covered.	Manufacturers shall cooperate with the competent national authority, on any action taken to remedy any case of non-compliance with the requirements set out in a delegated act adopted pursuant to Article 4 by which the product in question is covered.	Manufacturers shall cooperate with the competent national authority, on any action taken to remedy any case of non-compliance with the requirements set out in a delegated act adopted pursuant to Article 4 by which the product in question is covered.	Manufacturers shall cooperate with the competent national authority, on any action taken to remedy any case of non-compliance with the requirements set out in a delegated act adopted pursuant to Article 4 by which the product in question is covered. Text Origin: Commission Proposal
Article 22				
497	Article 22 Authorised representatives	Article 22 Authorised representatives	Article 22 Authorised representatives	Article 22 Authorised representatives Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 22(1), first subparagraph				
498	A manufacturer may, by a written mandate, appoint an authorised representative.	A manufacturer may, by a written mandate, appoint an authorised representative.	1. A manufacturer may, by a written mandate, appoint an authorised representative.	A manufacturer may, by a written mandate, appoint an authorised representative. Text Origin: Council Mandate
Article 22(1), second subparagraph				
499	The obligations laid down in Article 21(1) and the drawing up of technical documentation shall not form part of the authorised representative's mandate.	The obligations laid down in Article 21(1) and the drawing up of technical documentation shall not form part of the authorised representative's mandate.	The obligations laid down in Article 21(1) and the drawing up of technical documentation shall not form part of the authorised representative's mandate.	The obligations laid down in Article 21(1) and the drawing up of technical documentation shall not form part of the authorised representative's mandate. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 22(2)				
500	2. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following:	2. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following:	2. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following:	2. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to do at least the following: Text Origin: Commission Proposal
Article 22(2), point (a)				
501	(a) keep the EU declaration of conformity and technical documentation at the disposal of the national market surveillance authorities for 10 years after a product covered by a delegated act adopted pursuant to Article 4 has	(a) keep the EU declaration of conformity and technical documentation at the disposal of the national market surveillance authorities for 10 years after a product covered by a delegated act adopted pursuant to Article 4 has	(a) keep the EU declaration of conformity and technical documentation at the disposal of the national market surveillance authorities for 10 years after a product covered by a delegated act adopted pursuant to Article 4 has	(a) keep the EU declaration of conformity and technical documentation at the disposal of the national market surveillance authorities for 10 years after a product covered by a delegated act adopted pursuant to Article 4 has

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	been placed on the market or put into service;	been placed on the market or put into service;	been placed on the market or put into service unless a different period has been specified in that delegated act;	been placed on the market or put into service <u>unless a different period has been specified in that delegated act;</u> Text Origin: Council Mandate
Article 22(2), point (b)				
502	(b) cooperate with the competent national authorities, at their request, on any measures taken with regard to non-compliances of the product covered by the authorised representative's mandate;	(b) cooperate with the competent national authorities, at their request, on any measures taken with regard to non-compliances of the product covered by the authorised representative's mandate;	(b) cooperate with the competent national authorities, at their request, on any measures taken with regard to non-compliances of the product covered by the authorised representative's mandate;	(b) cooperate with the competent national authorities, at their request, on any measures taken with regard to non-compliances of the product covered by the authorised representative's mandate; Text Origin: Commission Proposal
Article 22(2), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 503	(c) further to a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a product in a language that can be easily understood by that authority;	(c) further to a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a product in a language that can be easily understood by that authority;	(c) further to a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a product in a language that can be easily understood by that authority;	(c) further to a reasoned request from a competent national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a product in a language that can be easily understood by that authority; Text Origin: Commission Proposal
Article 22(2), point (d)				
Y 504	(d) further to a request from a competent national authority, make available relevant documents within 10 days of the receipt of such a request ;	(d) further to a request from a competent national authority, make available relevant documents <u>as soon as possible and no later than</u> within ~~10~~ <u>15</u> days of the receipt of such a request-;	(d) further to a request from a competent national authority, ~~make available~~ provide relevant documents within 10 days of the receipt of such a request and ;	(d) further to a request from a competent national authority, ~~make available~~ provide relevant documents ~~within 10~~ <u>as soon as possible and within 10/15</u> days of the receipt of such a request <u>and</u> ;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				DLA check on adding "and" Text Origin: Council Mandate
Article 22(2), point (e)				
505	(e) terminate the mandate if the manufacturer acts contrary to its obligations under this Regulation and the delegated act adopted pursuant to Article 4.	(e) terminate the mandate if the manufacturer acts contrary to its obligations under this Regulation and the delegated act adopted pursuant to Article 4.	(e) terminate the mandate if the manufacturer acts contrary to its obligations under this Regulation ~~and the delegated act adopted pursuant to Article 4.~~	(e) terminate the mandate if the manufacturer acts contrary to its obligations under this Regulation <i>and the delegated act adopted pursuant to Article 4.</i> Text Origin: Council Mandate
Article 23				
506	Article 23 Obligations of importers	Article 23 Obligations of importers	Article 23 Obligations of importers	Article 23 Obligations of importers

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 23(1)				
507	1. Importers shall only place on the market products covered by a delegated act adopted pursuant to Article 4 that comply with the requirements set out in the applicable delegated acts.	1. Importers shall only place on the market products covered by a delegated act adopted pursuant to Article 4 that comply with the requirements set out in the applicable delegated acts.	1. Importers shall ~~only place on the market~~ , with regard to products covered by a delegated act adopted pursuant to Article 4, only place on the market products that comply with the requirements set out in the applicable delegated acts.	1. Importers shall ~~only place on the market~~ , with regard to products covered by a delegated act adopted pursuant to Article 4, only place on the market products that comply with the requirements set out in the applicable delegated acts. Text Origin: Council Mandate
Article 23(2), first subparagraph				
508	Before placing a product covered by a delegated act adopted	Before placing a product covered by a delegated act adopted	2. Before placing a product covered by a delegated act adopted	Before placing a product covered by a delegated act adopted

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	pursuant to Article 4 on the market, importers shall ensure that:	pursuant to Article 4 on the market, importers shall ensure that:	pursuant to Article 4 on the market, importers shall ensure that:	pursuant to Article 4 on the market, importers shall ensure that: Text Origin: Commission Proposal
Article 23(2), first subparagraph, point (a)				
509	(a) the appropriate conformity assessment procedure has been carried out by the manufacturer and that the manufacturer has drawn up the technical documentation;	(a) the appropriate conformity assessment procedure has been carried out by the manufacturer and that the manufacturer has drawn up the technical documentation;	(a) the appropriate conformity assessment procedure has been carried out by the manufacturer and that the manufacturer has drawn up the technical documentation;	(a) the appropriate conformity assessment procedure has been carried out by the manufacturer and that the manufacturer has drawn up the technical documentation; Text Origin: Commission Proposal
Article 23(2), first subparagraph, point (b)				
510				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(b) products are accompanied by the information required by the Article 7 and the delegated acts adopted pursuant to Article 4;	(b) products are accompanied by the information required by the Article 7 and the delegated acts adopted pursuant to Article 4;	(b) products are accompanied by the information required by the ~~Article 7 and~~ the delegated acts adopted pursuant to Article 4;	! see row 848
Article 23(2), first subparagraph, point (c)				
511	(c) a product passport is available in accordance with Article 8 and the delegated acts adopted pursuant to Article 4.	(c) a product passport is available in accordance with Article 8 and the delegated acts adopted pursuant to Article 4.	(c) a product passport is available in accordance with ~~Article 8 and~~ the delegated acts adopted pursuant to Article 4.	! see row 845 - consistency needed.
Article 23(2), second subparagraph				
512	The importer shall further ensure that the product bears the required CE marking referred to in Article 38, or the alternative conformity marking as laid down in a delegated act adopted pursuant to Article 4, third subparagraph, point (f), and is accompanied by the required documents, and that the	The importer shall further ensure that the product bears the required CE marking referred to in Article 38, or the alternative conformity marking as laid down in a delegated act adopted pursuant to Article 4, third subparagraph, point (f), and is accompanied by the required documents, and that the	The importer shall further ensure that a product covered by a delegated act adopted pursuant to Article 4 ~~the product~~ bears the required CE marking referred to in Article 38, where applicable, in accordance with the rules and conditions referred to in Article 39 , or the alternative conformity	linked to second hand pdts and art 4

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	manufacturer has complied with the requirements set out in Article 21(5) and (6).	manufacturer has complied with the requirements set out in Article 21(5) and (6).	marking as laid down in a delegated act adopted pursuant to Article 4, third subparagraph, point ~~(b)~~ (c), and is accompanied by the required documents, and that the manufacturer has complied with the requirements set out in Article 21(5) and (6).	
Article 23(2), third subparagraph				
513	Where importers consider or have reason to believe that a product is not in conformity with the requirements set out in the applicable delegated acts adopted pursuant to Article 4, they shall not place the product on the market or put it into service until it has been brought into conformity.	Where importers consider or have reason to believe that a product is not in conformity with the requirements set out in the applicable delegated acts adopted pursuant to Article 4, they shall not place the product on the market or put it into service until it has been brought into conformity.	Where importers consider or have reason to believe that a product is not in conformity with the requirements set out in the applicable delegated acts adopted pursuant to Article 4, they shall not place the product on the market or put it into service until it has been brought into conformity.	Where importers consider or have reason to believe that a product is not in conformity with the requirements set out in the applicable delegated acts adopted pursuant to Article 4, they shall not place the product on the market or put it into service until it has been brought into conformity. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 23(3)				
514	3. Importers shall indicate on the product their name, registered trade name or registered trade mark and the postal address and, where available, electronic means of communication, where they can be contacted or, where this is not possible, on the packaging, in a document accompanying the product or, where available, in a product passport. The contact details shall be clear, understandable and legible.	3. Importers shall indicate on the product their name, registered trade name or registered trade mark and the postal address and, where available, electronic means of communication, where they can be contacted or, where this is not possible, on the packaging, in a document accompanying the product or, where available, in a product passport. The contact details shall be clear, understandable and legible.	3. Importers shall indicate on the product, for products covered by a delegated act adopted pursuant to Article 4, indicate their name, registered trade name or registered trade mark ~~and the~~ , postal address and, ~~where available~~ , electronic means of communication, where they can be contacted or, ~~where this is not possible, on the packaging, in a document accompanying the product or, where available, in a product passport. The contact details shall be clear, understandable and legible.:~~	
Article 23(3), first subparagraph, point (a)				
514a			(a) on the public part of the product passport, when applicable, and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 23(3), first subparagraph, point (b)			
Y	514b		(b) on the product or, where this is not possible, on the packaging, or in a document accompanying the product .	Y
	Article 23(3), second subparagraph			
Y	514c		The contact details shall be clear, understandable and legible.	Y
	Article 23(4)			
Y	515	4. Importers shall ensure that the product is accompanied by instructions that enable the consumer to assemble, install,	4. Importers shall ensure that the product is accompanied by instructions that enable the consumer to assemble, install, the product is accompanied by a product covered by a delegated act adopted pursuant to Article 4	linked to 2nd hand pdt and info rq

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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. <u><i>The obligations set in Article 21, paragraphs 7b and 7c shall apply mutatis mutandis.</i></u>	instructions that enable the ~~consumer to~~ customer and other relevant actors 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 shall include at least the information set out in Article 7(2), point (b), point (ii) , as specified in the delegated acts adopted pursuant to Article 4.	
Article 23(5)				
516	5. Importers shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in a delegated act adopted pursuant to Article 4 by which it is covered.	5. Importers shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in a delegated act adopted pursuant to Article 4 by which it is covered.	5. Importers shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in a delegated act adopted pursuant to Article 4 by which it is covered.	5. Importers shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in a delegated act adopted pursuant to Article 4 by which it is covered.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 23(6), first subparagraph				
517	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.	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~~ <u>without undue delay</u> take the corrective measures necessary to bring that product into conformity, <u>or to immediately</u> ~~to~~ withdraw it or recall it, if appropriate.	6. 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 delegated act shall immediately take the ~~corrective measures~~ corrective action to bring that product into conformity, ~~to~~ withdraw that product ~~it~~ or recall it, ~~if~~ as appropriate.	
Article 23(6), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	518	Importers shall immediately inform the market surveillance authorities of the Member States in which they made the product available of the suspected non-compliance and of any corrective measures taken.	Importers shall immediately inform the market surveillance authorities of the Member States in which they made the product available of the suspected non-compliance and of any corrective measures action taken.	Importers shall immediately inform the market surveillance authorities of the Member States in which they made the product available of the suspected non-compliance and of any corrective ~~measures~~ action taken. Text Origin: Council Mandate
Article 23(7)				
Y	519	7. Importers shall, for 10 years or the period specified by a delegated act adopted pursuant to Article 4, keep a copy of the EU declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request.	7. Importers shall, for 10 years or the period specified by a delegated act adopted pursuant to Article 4, keep a copy of the EU declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request, for 10 years after a product covered by a delegated act adopted pursuant to Article 4	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			has been placed on the market or put into service, unless a different period has been specified in that delegated act.	
Article 23(8), first subparagraph				
520	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.	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 <u>as soon as possible and no later than</u> within ~~10~~ <u>15</u> days of receipt of a request by the competent authority of a Member State.	8. 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 covered by a delegated act adopted pursuant to Article 4 , 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 national authority .	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 23(8), second subparagraph				
521	Importers shall cooperate with the competent national authority on any action taken to remedy any case of non-compliance with the requirements set out in a delegated act adopted pursuant to Article 4 by which the product in question is covered.	Importers shall cooperate with the competent national authority on any action taken to remedy any case of non-compliance with the requirements set out in a delegated act adopted pursuant to Article 4 by which the product in question is covered.	Importers shall cooperate with the competent national authority on any action taken to remedy any case of non-compliance with the requirements set out in a delegated act adopted pursuant to Article 4 by which the product in question is covered.	Importers shall cooperate with the competent national authority on any action taken to remedy any case of non-compliance with the requirements set out in a delegated act adopted pursuant to Article 4 by which the product in question is covered. Text Origin: Commission Proposal
Article 24				
522	Article 24 Obligations of distributors	Article 24 Obligations of distributors	Article 24 Obligations of distributors	Article 24 Obligations of distributors

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 24(1)				
523	1. When making a product covered by a delegated act adopted pursuant to Article 4 available on the market, distributors shall act with due care in relation to the requirements set out in that act.	1. When making a product covered by a delegated act adopted pursuant to Article 4 available on the market, distributors shall act with due care in relation to the requirements set out in that act.	1. When making a product covered by a delegated act adopted pursuant to Article 4 available on the market, distributors shall act with due care in relation to the requirements set out in that act.	1. When making a product covered by a delegated act adopted pursuant to Article 4 available on the market, distributors shall act with due care in relation to the requirements set out in that act. Text Origin: Commission Proposal
Article 24(2)				
524	2. Before making a product covered by a delegated act adopted	2. Before making a product covered by a delegated act adopted	2. Before making a product covered by a delegated act adopted	2. Before making a product covered by a delegated act adopted

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	pursuant to Article 4 available on the market, distributors shall verify that the following:	pursuant to Article 4 available on the market, distributors shall verify that the following:	pursuant to Article 4 available on the market, distributors shall verify that the following:	pursuant to Article 4 available on the market, distributors shall verify that ~~the following~~ : Text Origin: Council Mandate
Article 24(2), point (a)				
525	(a) the product bears the CE marking in accordance with Articles 38 and 39 or alternative conformity marking adopted pursuant to Article 4, third subparagraph, point (f), and, where relevant, is labelled or is linked to a product passport in accordance with that delegated acts;	(a) the product bears the CE marking in accordance with Articles 38 and 39 or alternative conformity marking adopted pursuant to Article 4, third subparagraph, point (f), and, where relevant, is labelled or is linked to a product passport in accordance with that delegated acts;	(a) the product bears the CE marking in accordance with Articles 38 and 39 or ~~alternative~~ the conformity marking adopted in accordance with ~~pursuant to~~ Article 4, third subparagraph, point ~~(f)~~ (c) , and, where relevant, is labelled or is linked to a product passport in accordance with that delegated acts;	
Article 24(2), point (b)				
526				

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	(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;	(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; <u>the obligations set in Article 21, paragraphs 7b and 7c, shall apply mutatis mutandis;</u>	(b) the product is accompanied by the required documents and by instructions, ~~to that~~ enable the ~~consumer to~~ customer 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~~ customers, 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~~ specified in the delegated act adopted pursuant to Article 4 and;	(b) the product is accompanied by the required documents and by instructions, ~~to that~~ enable the ~~consumer to~~ customer 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~~ customers, 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~~ specified in the delegated act adopted pursuant to Article 4; <u>[the obligations set in Article 21, paragraphs 7b and 7c, shall apply mutatis mutandis];</u> <u>and;</u> Text Origin: Council Mandate
Article 24(2), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
527	(c) the manufacturer and the importer have complied with the requirements set out in Article 21(5) and (6) and Article 23(3).	(c) the manufacturer and the importer have complied with the requirements set out in Article 21(5) and (6) and Article 23(3).	(c) the manufacturer and the importer have complied with the requirements set out in Article 21(5) and (6) and Article 23(3).	(c) the manufacturer and the importer have complied with the requirements set out in Article 21(5) and (6) and Article 23(3). Text Origin: Commission Proposal
Article 24(3), first subparagraph				
528	Where a distributor considers or has reason to believe that a product, before making it available on the market, or its manufacturer is not complying with the requirements set out in a delegated act adopted pursuant to Article 4, they shall not make the product available on the market until the product has been brought into conformity or the manufacturer complies.	Where a distributor considers or has reason to believe that a product, before making it available on the market, or its manufacturer is not complying with the requirements set out in a delegated act adopted pursuant to Article 4, they shall not make the product available on the market until the product has been brought into conformity or the manufacturer complies.	3. Where a distributor considers or has reason to believe that a product, before making it available on the market, or its manufacturer is not complying with the requirements set out in a delegated act adopted pursuant to Article 4, they shall not make the product available on the market until the product has been brought into conformity or the manufacturer complies.	Where a distributor considers or has reason to believe that a product, before making it available on the market, or its manufacturer is not complying with the requirements set out in a delegated act adopted pursuant to Article 4, they shall not make the product available on the market until the product has been brought into conformity or the manufacturer complies.

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				Text Origin: Council Mandate
Article 24(3), second subparagraph				
G 529	Distributors shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in in the delegated act adopted pursuant to Article 4.	Distributors shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in in the delegated act adopted pursuant to Article 4.	Distributors shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out ~~in~~ in the delegated act adopted pursuant to Article 4.	Distributors shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in in the delegated act adopted pursuant to Article 4. Text Origin: Commission Proposal
Article 24(4), first subparagraph				
Y 530	Distributors who consider or have reason to believe that a product	Distributors who consider or have reason to believe that a product	4. Distributors who consider or have reason to believe that a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	which they have made available on the market is not in conformity with the requirements set out in a delegated act adopted pursuant to Article 4 shall make sure that the corrective measures necessary to bring that product into conformity, to withdraw it or recall it, if appropriate, are taken.	which they have made available on the market is not in conformity with the requirements set out in a delegated act adopted pursuant to Article 4 shall make sure that the corrective measures necessary to bring that product into conformity, to withdraw it or recall it, if appropriate, are taken.	product which they have made available on the market is not in conformity with the requirements set out in a delegated act adopted pursuant to Article 4 shall make sure that the ~~corrective measures~~ necessary corrective action to bring that product into conformity; ~~to withdraw it or recall it, if appropriate, are~~ is taken.	cf market surveillance discussion
Article 24(4), second subparagraph				
531	Distributors shall immediately inform the market surveillance authorities of the Member States in which they made the product available of the suspected non-compliance and of any corrective measures taken.	Distributors shall immediately inform the market surveillance authorities of the Member States in which they made the product available of the suspected non-compliance and of any corrective measures taken.	Distributors shall immediately inform the market surveillance authorities of the Member States in which they made the product available of the suspected non-compliance and of any corrective ~~measures~~ action taken.	Distributors shall immediately inform the market surveillance authorities of the Member States in which they made the product available of the suspected non-compliance and of any corrective ~~measures~~ action taken. Text Origin: Council Mandate
Article 24(5), first subparagraph				

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532	Distributors shall, further to a reasoned request from a competent national authority, provide the authority with all the information and documentation to which they have access and that is relevant for demonstrating the conformity of a product. That information and documentation shall be provided in either paper or electronic form.	Distributors shall, further to a reasoned request from a competent national authority, provide the authority with all the information and documentation to which they have access and that is relevant for demonstrating the conformity of a product. That information and documentation shall be provided in either paper or electronic form.	5. Distributors shall, further to a reasoned request from a competent national authority, provide the authority with all the information and documentation to which they have access and that is relevant for demonstrating the conformity of a product. That information and documentation shall be provided in either paper or electronic form, within 10 days of receipt of a request by a competent national authority.	cf ART 21(9)
Article 24(5), second subparagraph				
533	Distributors shall cooperate with that authority on any corrective action taken to remedy any case of non-compliance with a delegated act adopted pursuant to Article 4 by which the product in question is covered.	Distributors shall cooperate with that authority on any corrective action taken to remedy any case of non-compliance with a delegated act adopted pursuant to Article 4 by which the product in question is covered.	Distributors shall cooperate with that authority on any corrective action taken to remedy any case of non-compliance with a delegated act adopted pursuant to Article 4 by which the product in question is covered.	Distributors shall cooperate with that authority on any corrective action taken to remedy any case of non-compliance with a delegated act adopted pursuant to Article 4 by which the product in question is covered.

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				Text Origin: Commission Proposal
Article 25				
534	Article 25 Obligations of dealers	Article 25 Obligations of dealers	Article 25 Obligations of dealers	Article 25 Obligations of dealers Text Origin: Commission Proposal
Article 25(1)				
535	1. Dealers shall ensure that their customers have access to any relevant information required by the delegated acts adopted pursuant to Article 4, including in case of distance selling.	1. Dealers shall ensure that their customers have access to any relevant information required by the delegated acts adopted pursuant to Article 4, including in case of distance selling.	1. Dealers shall ensure that their potential customers and customers have access to any relevant information accompanying the products, as required by the delegated acts adopted pursuant to Article 4,	1. Dealers shall ensure that their <u>potential customers and</u> customers have access to any relevant information <u>accompanying the products, as</u> required by the delegated acts adopted pursuant to Article 4, including in case of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			including in case of distance selling.	distance selling. Text Origin: Council Mandate
Article 25(2)				
536	2. Dealers shall ensure that the product passport is easily accessible to customers, including in case of distance selling, as specified in Article 8 and delegated acts adopted pursuant to Article 4by which the product is covered.	2. Dealers shall ensure that the product passport is easily accessible to customers, including in case of distance selling, as specified in Article 8 and delegated acts adopted pursuant to Article 4by which the product is covered.	2. Dealers shall ensure that the product passport is easily accessible to potential customers and customers, including in case of distance selling, as ~~specified-set out~~ in Article 8 <del> and 8(2)</del> , point (e), and specified in the delegated acts adopted pursuant to Article 4 ~~by~~ 4 by which the product is covered.	2. Dealers shall ensure that the product passport is easily accessible to <u>potential customers</u> <u>and</u> customers, including in case of distance selling, as ~~specified-set out~~ in Article ~~8 and 8(2)~~ , <u>point (e), and specified in the</u> delegated acts adopted pursuant to Article ~~4by~~ <u>4 by</u> which the product is covered. Text Origin: Council Mandate
Article 25(3)				
537				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	3. Dealers shall:	3. Dealers shall:	3. Dealers shall, including in case of distance selling :	3. Dealers shall, <u>including in case of distance selling</u> : Text Origin: Council Mandate
Article 25(3), point (a)				
538	(a) display to customers, in a visible manner, including for online distance selling, labels provided in accordance with Article 26(2) or (3);	(a) display to customers, in a visible manner, including for online distance selling, labels provided in accordance with Article 26(2) or (3);	(a) display to potential customers and customers, in a visible manner, ~~including for online distance selling~~ , labels provided in accordance with Article ~~26(2) or (3)~~ 26(1), point (b) or 26(1), point (c) and ;	cf article 26 discussion
Article 25(3), point (b)				
539	(b) make reference to the information included in labels provided in accordance with Article 26(2) or (3) in visual	(b) make reference to the information included in labels provided in accordance with Article 26(2) or (3) in visual	(b) make reference to the information included in labels provided in accordance with Article ~~26(2) or (3)~~ 26(1), point (b)	cf art 26 discussion

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	advertisements or in technical promotional material for a specific model, in accordance with delegated acts adopted pursuant to Article 4 by which the product is covered;	advertisements or in technical promotional material for a specific model, in accordance with delegated acts adopted pursuant to Article 4 by which the product is covered;	or 26(1), point (c) in visual advertisements or in technical promotional material for a specific model, in accordance with delegated acts adopted pursuant to Article 4 by which the product is covered and ;	
Article 25(3), point (c)				
540	(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.	(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 <u>regarding ecodesign requirements</u> .	(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.	(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 <u>regarding ecodesign requirements</u> . Text Origin: EP Mandate
Article 25a				
540a				

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		<u>Article 25a</u> <u>Obligations of suppliers</u>		
Article 25a, first paragraph				
540b		<u>The supplier of a substance or a mixture or the supplier of an article shall provide free of charge all the relevant information to the economic operators to facilitate its compliance with the performance and information requirements set out in this Regulation.</u>		
Article 26				
541	Article 26 Obligations related to labels	Article 26 Obligations related to labels	Article 26 Obligations related to labels	Article 26 Obligations related to labels

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				Text Origin: Commission Proposal
Article 26(1)				
542	1. Where a delegated act adopted pursuant to Article 4 requires products to have a label as referred to in Article 14, the economic operator placing the product on the market or putting it into service shall ensure that products are accompanied, for each individual unit and free of charge, by printed labels in accordance with that delegated act.	1. Where a delegated act adopted pursuant to Article 4 requires products to have a label as referred to in Article 14, the economic operator placing the product on the market or putting it into service shall ensure that products are accompanied, for each individual unit and free of charge, by printed labels in accordance with that delegated act.	1. Where a delegated act adopted pursuant to Article 4 requires products to have a label as referred to in Article 14, the economic operator placing the product on the market or putting it into service shall ensure that products are accompanied, for each individual unit and free of charge, by printed labels in accordance with that delegated act.:	
Article 26(1), point (a)				
542a			(a) ensure that products are accompanied, for each individual unit and free of charge, by printed labels in accordance with	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			that delegated act.	
Article 26(2)				
543	2. Where a delegated act adopted pursuant to Article 4 requires products to have a label as referred to in Article 14, the economic operator placing the product on the market or putting it into service shall deliver printed labels or digital copies of the label to the dealer free of charge, promptly and in any event within 5 working days of the dealer's request.	2. Where a delegated act adopted pursuant to Article 4 requires products to have a label as referred to in Article 14, the economic operator placing the product on the market or putting it into service shall deliver printed labels or digital copies of the label to the dealer free of charge, promptly and in any event within 5 working days of the dealer's request.	~~2. (b) Where a delegated act adopted pursuant to Article 4 requires products to have a label as referred to in Article 14, the economic operator placing the product on the market or putting it into service shall deliver~~ provide printed labels or digital copies of the label to the dealer free of charge, promptly and in any event within 5 working days of the dealer's request.;	
Article 26(3)				
544	3. Where a delegated act adopted pursuant to Article 4 requires products to have a label as referred to in Article 14, the economic	3. Where a delegated act adopted pursuant to Article 4 requires products to have a label as referred to in Article 14, the economic	~~3. (c) Where a delegated act adopted pursuant to Article 4 requires products to have a label as referred to in Article 14, the~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	operator placing the product on the market or putting it into service shall ensure that its labels are accurate and shall, as part of the applicable conformity assessment procedure, produce technical documentation sufficient to enable the accuracy to be assessed.	operator placing the product on the market or putting it into service shall ensure that its labels are accurate and shall, as part of the applicable conformity assessment procedure, produce technical documentation sufficient to enable the accuracy to be assessed.	~~economic operator placing the product on the market or putting it into service shall ensure that its labels are accurate and shall, as part of the applicable conformity assessment procedure, produce technical documentation sufficient to enable the accuracy to be assessed.~~	
Article 26(4)				
545	4. Where a delegated act adopted pursuant to Article 4 requires products to have a label as referred to in Article 14, the economic operator placing the product on the market or putting it into service shall:	4. Where a delegated act adopted pursuant to Article 4 requires products to have a label as referred to in Article 14, the economic operator placing the product on the market or putting it into service shall:	~~4. Where a delegated act adopted pursuant to Article 4 requires products to have a label as referred to in Article 14, the economic operator placing the product on the market or putting it into service shall:~~	
Article 26(2)				
545a			2. Where a delegated act	

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			adopted pursuant to Article 4 requires products to have a label as referred to in Article 14, the economic operator making the product available or putting it into service shall:	
Article 26(4), point (a)				
546	(a) make reference to the information included in the label, in visual advertisements or in technical promotional material for a specific model in accordance with the relevant delegated act adopted pursuant to Article 4;	(a) make reference to the information included in the label, in visual advertisements or in technical promotional material for a specific model in accordance with the relevant delegated act adopted pursuant to Article 4;	(a) make reference to the information included in the label, in visual advertisements or in technical promotional material for a specific model in accordance with the relevant delegated act adopted pursuant to Article 4;	
Article 26(4), point (b)				
547	(b) not provide or display other labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with	(b) not provide or display other labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with	(b) not provide or display other labels, marks, symbols or inscriptions that are likely to mislead or confuse customers with	

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	respect to the information included on the label.	respect to the information included on the label <u>by mimicking mandatory labels or by providing information contradicting or inconsistent with mandatory labels. These restrictions shall not comprise the EU Ecolabel provided for in Regulation (EC) No 66/2010 and other nationally or regionally recognised EN ISO 14024 type 1-Ecolabels as referred to in that Regulation.</u>	respect to the information included on the label.	
Article 27				
548	Article 27 Obligations of fulfilment service providers	Article 27 Obligations of fulfilment service providers	Article 27 Obligations of fulfilment service providers	Article 27 Obligations of fulfilment service providers Text Origin: Commission Proposal
Article 27, first paragraph				

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549	Fulfilment service providers shall ensure that, for products that they handle that are covered by a delegated act adopted pursuant to Article 4, the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the products' compliance with the requirements set out in that delegated act .	Fulfilment service providers shall ensure that, for products that they handle that are covered by a delegated act adopted pursuant to Article 4, the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the products' compliance with the requirements set out in that delegated act .	Fulfilment service providers shall ensure that, for products that they handle that are covered by a delegated act adopted pursuant to Article 4, the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the products' compliance with the requirements set out in that delegated act-.	Fulfilment service providers shall ensure that, for products that they handle that are covered by a delegated act adopted pursuant to Article 4, the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the products' compliance with ~~the requirements set out in~~ that delegated act-.
Article 28				
550	Article 28 Cases in which obligations of manufacturers apply to importers and distributors	Article 28 Cases in which obligations of manufacturers apply to importers and distributors	Article 28 Cases in which obligations of manufacturers apply to importers and distributors	Article 28 Cases in which obligations of manufacturers apply to importers and distributors

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				Proposal
Article 28, first paragraph				
551	An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of a manufacturer under Article 21, where they:	An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of a manufacturer under Article 21, where they:	An importer or distributor shall be considered a manufacturer for the purposes of this Regulation ~~and shall be subject to the obligations of a manufacturer under Article 21,~~ where they:	An importer or distributor shall be considered a manufacturer for the purposes of this Regulation ~~and shall be subject to the obligations of a manufacturer under Article 21,~~ where they: Text Origin: Council Mandate
Article 28, first paragraph, point (1)				
552	(1) place a product covered by a delegated act adopted pursuant to Article 4 on the market under their name or trademark;	(1) place a product covered by a delegated act adopted pursuant to Article 4 on the market under their name or trademark;	(1) place a product covered by a delegated act adopted pursuant to Article 4 on the market under their name or trademark or ;	(1) place a product covered by a delegated act adopted pursuant to Article 4 on the market under their name or trademark <u>or</u> ;

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				Text Origin: Council Mandate
Article 28, first paragraph, point (2)				
553	(2) modify such a product already placed on the market in a way that affects compliance with the requirements set out in delegated acts adopted pursuant to Article 4 by which the product is covered.	(2) modify such a product already placed on the market in a way that affects compliance with the requirements set out in delegated acts adopted pursuant to Article 4 by which the product is covered.	(2) modify ~~such~~ a product already placed on the market in a way that affects compliance with the requirements set out in delegated acts adopted pursuant to Article 4 by which the product is covered.	(2) modify such a product already placed on the market in a way that affects compliance with the requirements set out in delegated acts adopted pursuant to Article 4 by which the product is covered. Text Origin: Commission Proposal
Article 29				
554	Article 29 Obligations of online marketplaces and online search engines	Article 29 Obligations of online marketplaces ~~and online search engines~~	Article 29 Obligations of online marketplaces and online search engines	EP - cf DSA text. EC - adjustments could be needed

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				following the publication of DSA but not to the extent done by EP. Serious concerns. Council shares those concerns, esp. possible DSA deviation, even if included in the GPSR.
Article 29(1)				
555	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:	1. ~~The cooperation referred to in Article 7(2) of 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. (EU) 2019/1020 shall, with regard to online marketplaces and for the purposes of this Regulation, include in particular:~~	1. The cooperation referred to in Article 7(2) of Regulation (EU) 2019/1020 shall, with regard to the providers of online marketplaces and for the purposes of this Regulation, include in particular:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 29(1), point (a)				
R	556	(a) cooperating to ensure effective market surveillance measures, including by abstaining from putting in place obstacles to such measures;	(a) ~~cooperating to ensure effective market surveillance measures, including by abstaining from putting in place obstacles to such measures;~~	(a) cooperating to ensure effective market surveillance measures, including by abstaining from putting in place obstacles to such measures;
Article 29(1), point (b)				
R	557	(b) informing the market surveillance authorities of any action taken;	(b) ~~informing the market surveillance authorities of any action taken;~~	(b) informing the market surveillance authorities of any action taken with regard to non-compliance or suspected non-compliance concerning products covered by a delegated act adopted pursuant to Article 4;
Article 29(1), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
R 558	(c) establishing a regular and structured exchange of information on offers that have been removed on the basis of this Article by online marketplaces;	(c) ~~establishing a regular and structured exchange of information on offers that have been removed on the basis of this Article by online marketplaces;~~	(c) establishing a regular and structured exchange of information on offers that have content that has been removed by online marketplaces as referred to in paragraph 3 on the basis of this Article by online marketplaces;	R
Article 29(1), point (d)				
R 559	(d) allowing online tools operated by market surveillance authorities to access their interfaces in order to identify non-compliant products;	(d) ~~allowing online tools operated by market surveillance authorities to access their interfaces in order to identify non-compliant products;~~	(d) allowing online tools operated by market surveillance authorities to access their interfaces in order to identify non-compliant products and;	R
Article 29(1), point (e)				
R 560	(e) upon request of the market surveillance authorities, when online marketplaces or online	(e) ~~upon request of the market surveillance authorities, when online marketplaces or online~~	(e) upon request of the market surveillance authorities, when online marketplaces, or online	R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	~~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.~~	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.	
Article 29(2), first subparagraph				
561	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.	~~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.~~	2. For the purpose of the requirements of [Article 22(7)] 31(1) of Regulation (EU) .../... [the Digital Services Act] 2022/2065 , online marketplaces shall design and organise their online interface in a way that enables dealers to fulfil their obligations set out in Article 25 of this Regulation and allows economic operators to fulfil their obligations under Article 30(1) of this Regulation.	

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Article 29(2), second subparagraph				
562	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.	~~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.~~	The information shall be able to be provided for each product offered and displayed or otherwise made easily accessible by for customers on the product listing.	
Article 29(2), third subparagraph				
563	In particular, where delegated acts adopted pursuant to Article 4 require online visual advertising for certain 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.	~~In particular, where delegated acts adopted pursuant to Article 4 require online visual advertising for certain 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.~~	In particular, where delegated acts adopted pursuant to Article 4 require online visual advertising for certain 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 29(3)				
564	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].	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~~ <u>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</u> 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].	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 act against one or more ~~remove~~ specific ~~illegal~~ items of content referring to a non-compliant product, including by removing it. Such content shall be considered as illegal content within the meaning of Article 3, point (h) of Regulation (EU) 2022/2065 ~~from its online interface, disable access to it or display an explicit warning to end-users when they access it. Market surveillance authorities may, in accordance with Such orders shall comply with [Article 8(1)]~~ 9 of Regulation (EU) .../... [the Digital Services Act] 2022/2065, issue such orders	Pcy specific concerns on the end of COM proposal and EP text

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 29(4)			
G	565	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].	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].~~	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].~~ Text Origin: Commission Proposal
	Article 29(5), first subparagraph			
R	566	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	Online marketplaces shall establish <u>or appoint an existing contact point as</u> a single contact point allowing for direct communication with Member States' market surveillance authorities in relation to compliance with this Regulation	5. 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~~

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	pursuant to Article 4.	and the delegated acts adopted pursuant to Article 4 <u>and enable consumers to communicate directly and rapidly with them in relation to ecodesign requirements.</u>	pursuant to Article 4.	
Article 29(5), second subparagraph				
567	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].	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 ~~f~~ Article ~~10(1)]~~ <u>11</u> of Regulation (EU) ~~.../...~~ ~~[the Digital Services Act]~~ <u>Act</u> <u>2022/2065</u> .	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 ~~f~~ Article ~~10(1)]~~ <u>11(1)</u> of Regulation (EU) ~~.../...~~ [the Digital Services Act] <u>2022/2065</u> .	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 ~~f~~ Article ~~10(1)]~~ <u>11(1)</u> of Regulation (EU) ~~.../...~~ ~~[the Digital Services Act]~~ <u>Act</u> <u>2022/2065</u> . Text Origin: EP Mandate
Article 30				
568				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 30 Information obligations of economic operators	Article 30 Information obligations of economic operators	Article 30 Information obligations of economic operators	
Article 30(1)				
569	1. Where products are made available on the market online or through other means of distance sales by the relevant economic operators, the relevant product offer shall clearly and visibly provide at least the following information:	1. Where products are made available on the market online or through other means of distance sales by the relevant economic operators, the relevant product offer shall clearly and visibly provide at least the following information:	1. ~~Where products are made available on the market online or through other means of distance sales by the relevant~~ When making a product covered by a delegated act adopted pursuant to Article 4 available on the market through distance selling, economic operators, the relevant shall ensure that the product offer shall clearly and visibly provide provides at least the following information:	
Article 30(1), point (a)				
570				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(a) the name, registered trade name or registered trade mark of the manufacturer, as well as the postal or electronic address where they can be contacted;	(a) the name, registered trade name or registered trade mark of the manufacturer, as well as the postal or electronic address where they can be contacted;	(a) the name, registered trade name or registered trade mark of the manufacturer, as well as the postal or electronic and email address where they can be contacted;	
Article 30(1), point (b)				
571	(b) in case the manufacturer is not established in the Union, the name, address, telephone number and email address of the economic operator established in the Union within the meaning of Article 4 of Regulation (EU) 2019/1020;	(b) in case the manufacturer is not established in the Union, the name, address, telephone number and email address of the economic operator established in the Union within the meaning of Article 4 of Regulation (EU) 2019/1020;	(b) in case the manufacturer is not established in the Union, the name, postal address, telephone number and email address of the economic operator established in the Union within the meaning of Article 44(2) of Regulation (EU) 2019/1020, and ;	
Article 30(1), point (c)				
572	(c) information to identify the product, including its type and, where available, batch or serial	(c) information ~~to identify~~ <u>allowing the identification of</u> the product, including ~~its type and, where~~	(c) information to identify the product, including its type and; ~~where available, batch or serial~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	number and any other product identifier.	~~available, batch or serial number~~ <u>picture of it, its type</u> and any other product identifier.	number and any other a product identifier.	
Article 30(2), first subparagraph				
573	Economic operators shall, upon request, provide the market surveillance authorities with:	Economic operators shall, upon request, provide the market surveillance authorities with:	2. Economic operators shall, upon reasoned request, provide the market surveillance authorities with:	
Article 30(2), first subparagraph, point (a)				
574	(a) the name of any economic operator who has supplied them with a product falling within the scope of a delegated act adopted pursuant to Article 4;	(a) the name of any economic operator who has supplied them with a product falling within the scope of a delegated act adopted pursuant to Article 4;	(a) the name of any economic operator who has supplied them with a product falling within the scope of a delegated act adopted pursuant to Article 4;	
Article 30(2), first subparagraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
575	(b) any economic operator to whom they have supplied such products, as well as the quantities and exact models.	(b) any economic operator to whom they have supplied such products, as well as the quantities and exact models.	(b) any economic operator to whom they have supplied such products, as well as the quantities and exact models.	
Article 30(2), second subparagraph				
576	Economic operators shall be able to provide this information for 10 years after they have been supplied with the relevant products and for 10 years after they have supplied such products. When adopting delegated acts pursuant to Article 4, the Commission may specify a period of more or less than 10 years to take account of the nature of the relevant products or requirements.	Economic operators shall be able to provide this information for 10 years after they have been supplied with the relevant products and for 10 years after they have supplied such products. When adopting delegated acts pursuant to Article 4, the Commission may specify a period of more or less than 10 years to take account of the nature of the relevant products or requirements.	Economic operators shall be able to provide this information for 10 years after they have been supplied with the relevant products and for 10 years after they have supplied such products. ~~When adopting delegated acts pursuant to Article 4, the Commission may specify a period of more or less than 10 years to take account of the nature of the relevant products or requirements~~ unless a different period has been specified in that delegated act. That information shall be provided in paper or electronic form within 10 days of receipt of a request by the market surveillance authority.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 30(3), first subparagraph				
577	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, <u>upon a reasoned request from a national competent authority</u> , 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:	3. 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:	
Article 30(3), first subparagraph, point (a)				
578	(a) the need to facilitate the verification of compliance with the applicable requirements by market surveillance authorities;	(a) the need to facilitate the verification of compliance with the applicable requirements by market surveillance authorities;	(a) the need to facilitate the verification of compliance with the applicable requirements by market surveillance authorities;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 30(3), first subparagraph, point (b)				
579	(b) the need to avoid disproportionate administrative burden for economic operators.	(b) the need to avoid disproportionate administrative burden for economic operators.	(b) the need to avoid disproportionate administrative burden for economic operators—, in particular for SMEs, and;	
Article 30(3), first subparagraph, point (c)				
579a			(c) the need to protect the economic operators' trade secrets and intellectual property rights.	
Article 30(3), second subparagraph				
580	The Commission shall specify the manner in which the relevant parts of the technical documentation shall be made available. Where available, technical documentation	The Commission shall specify the manner in which the relevant parts of the technical documentation shall be made available. Where available, technical documentation	The Commission shall specify the manner in which the relevant parts of the technical documentation are to ~~shall~~ be made available. ~~Where available,~~ in the relevant	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall be made available through the product passport.	shall be made available through the product passport.	implementing act. Technical documentation shall be made available through the product passport, where available.	
Article 31				
581	Article 31 Monitoring and reporting obligations of economic operators	Article 31 Monitoring and reporting obligations of economic operators	Article 31 Monitoring and reporting obligations of in-use data by economic operators	
Article 31(1), first subparagraph				
582	When requiring manufacturers, their authorised representatives or importers to make available to the Commission, information on the quantities of a product covered by delegated acts adopted pursuant to Article 4, third subparagraph, point (b), the Commission shall take into	When requiring manufacturers, their authorised representatives or importers to make available to the Commission, information on the quantities of a product covered by delegated acts adopted pursuant to Article 4, third subparagraph, point (b), the Commission shall take into	~~When requiring manufacturers, their authorised representatives or importers to make available to the Commission, information on the quantities of a product covered by delegated acts adopted pursuant to Article 4, third subparagraph, point (b), the Commission shall take into~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	account the following criteria:	account the following criteria:	account the following criteria:	
Article 31(1), first subparagraph, point (a)				
583	(a) the availability of evidence on the market penetrations of the relevant product in order to facilitate the review of delegated acts adopted pursuant to Article 4 applicable to that product;	(a) the availability of evidence on the market penetrations of the relevant product in order to facilitate the review of delegated acts adopted pursuant to Article 4 applicable to that product;	~~(a) the availability of evidence on the market penetrations of the relevant product in order to facilitate the review of delegated acts adopted pursuant to Article 4 applicable to that product;~~	
Article 31(1), first subparagraph, point (b)				
584	(b) the need to avoid disproportionate administrative burden for economic operators.	(b) the need to avoid disproportionate administrative burden for economic operators.	~~(b) the need to avoid disproportionate administrative burden for economic operators.~~	
Article 31(1), second subparagraph				
585				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	The Commission shall specify the period of time to which the information referred to in the first subparagraph shall relate. That information shall be differentiated per product model.	The Commission shall specify the period of time to which the information referred to in the first subparagraph shall relate. That information shall be differentiated per product model.	~~The Commission shall specify the period of time to which the information referred to in the first subparagraph shall relate. That information shall be differentiated per product model.~~	
Article 31(1), third subparagraph				
586	The Commission shall ensure that the resulting data is processed securely and in compliance with Union law.	The Commission shall ensure that the resulting data is processed securely and in compliance with Union law.	~~The Commission shall ensure that the resulting data is processed securely and in compliance with Union law.~~	
Article 31(1), fourth subparagraph				
587	The Commission shall specify in those delegated acts the means through which the relevant information shall be made available and its periodicity.	The Commission shall specify in those delegated acts the means through which the relevant information shall be made available and its periodicity.	~~The Commission shall specify in those delegated acts the means through which the relevant information shall be made available and its periodicity.~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 31(1a)				
587a			1a. The Commission shall, as appropriate to the product group concerned, require products to measure and report in-use-data in accordance with paragraph 2 and 3 when this is necessary to ensure energy-efficient usage of products or to develop new product ecodesign requirements.	
Article 31(2), first subparagraph				
588	When requiring a product to be able to measure the energy it consumes or its performance in relation to other relevant product parameters referred to in Annex I while in use, pursuant to Article 4, third subparagraph, point (c), the Commission shall take into account	When requiring a product to be able to measure the energy it consumes or its performance in relation to other relevant product parameters referred to in Annex I while in use, pursuant to Article 4, third subparagraph, point (c), the Commission shall take into account	2. When requiring a product to be able to measure the energy it consumes or its performance in relation to other relevant product parameters referred to in Annex I while in use, pursuant to Article 4, third subparagraph, point ~~(c)~~ (b(i)) , the Commission shall take into	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the following criteria:	the following criteria:	account the following criteria:	
Article 31(2), first subparagraph, point (a)				
589	(a) the usefulness of in-use data for end-users to understand and manage the energy use or performance of the product;	(a) the usefulness of in-use data for end-users to understand and manage the energy use or performance of the product;	(a) the usefulness of in-use data for ~~end-users~~ customers to understand and manage the energy use or performance of the product;	
Article 31(2), first subparagraph, point (b)				
590	(b) the technical feasibility of recording in-use data;	(b) the technical feasibility of recording in-use data;	(b) the technical feasibility of recording in-use data and ;	
Article 31(2), first subparagraph, point (c)				
591	(c) the need to avoid disproportionate administrative	(c) the need to avoid disproportionate administrative	(c) the need to avoid disproportionate administrative	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	burden for economic operators.	burden for economic operators.	burden for economic operators—, in particular for SMEs;	
Article 31(2), first subparagraph, point (d)				
591a			(d) anonymisation of data, given the need to ensure privacy of data in line with the Regulation [GDPR].	
Article 31(2), second subparagraph				
592	Products covered by a requirement set pursuant to Article 4, third subparagraph, point (c), shall record the resulting in-use data and make it visible to the end-user.	Products covered by a requirement set pursuant to Article 4, third subparagraph, point (c), shall record the resulting in-use data and make it visible to the end-user.	Products covered by a requirement set pursuant to Article 4, third subparagraph, point (c), shall, when this is necessary and appropriate in line with the criteria in paragraph 2 , record the resulting in-use data and make it visible to the end-usercustomer .	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 31(3), first subparagraph				
593	When requiring manufacturers, their authorised representatives or importers to collect, anonymise or report to the Commission in-use data referred to in paragraph 2, pursuant to Article 4, third subparagraph, point (d), the Commission shall take into account the following criteria:	When requiring manufacturers, their authorised representatives or importers to collect, anonymise or report to the Commission in-use data referred to in paragraph 2, pursuant to Article 4, third subparagraph, point (d), the Commission shall take into account the following criteria:	3. When requiring manufacturers, their authorised representatives or importers to collect, anonymise ~~or~~ and report to the Commission in-use data referred to in paragraph 2, pursuant to Article 4, third subparagraph, point ~~(d)~~ (b(ii)) , the Commission shall take into account the following criteria:	
Article 31(3), first subparagraph, point (a)				
594	(a) the usefulness of in-use data for the Commission when reviewing ecodesign requirements or assisting market surveillance authorities with statistical information for their risk-based analysis;	(a) the usefulness of in-use data for the Commission when reviewing ecodesign requirements or assisting market surveillance authorities with statistical information for their risk-based analysis;	(a) the usefulness of in-use data for the Commission when reviewing ecodesign requirements or assisting market surveillance authorities with– statistical information for their risk-based analysis and ;	
Article 31(3), first subparagraph, point (aa)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
594a		<u>(aa) the need to ensure protection of data and data privacy;</u>		
Article 31(3), first subparagraph, point (b)				
595	(b) the need to avoid disproportionate administrative burden for economic operators.	(b) the need to avoid disproportionate administrative burden for economic operators.	(b) the need to avoid disproportionate administrative burden for economic operators-, in particular for SMEs.	
Article 31(3), second subparagraph				
596	Such requirements referred to in the first subparagraph may in particular consist of:	Such requirements referred to in the first subparagraph may in particular consist of:	Such requirements referred to in the first subparagraph may in particular consist of:	
Article 31(3), second subparagraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
597	(a) collecting the in-use data if it can be accessed remotely via the internet, unless the end-user expressly refuses to make that data available;	(a) collecting the in-use data if it can be accessed remotely via the internet, ~~unless~~ <u>following explicit consent by</u> the end-user ~~expressly refuses~~ <u>in accordance with Regulation (EU) 2016/679</u> to make ~~that~~ <u>the</u> data available;	~~(a)~~ (i) collecting and anonymising the in-use data if it can be accessed remotely via the internet, unless the ~~end-user~~ customer expressly refuses to make that data available;	
Article 31(3), second subparagraph, point (b)				
598	(b) anonymising the data collected under point (a) and report it to the Commission at least once a year. The economic operator shall include the product database identification number of the model as referred to in Article 12(5) of Regulation (EU) No 2017/1369 and, if relevant to their performance, geographical information on the products.	(b) anonymising the data collected under point (a) and report it to the Commission at least once a year. The economic operator shall include the product database identification number of the model as referred to in Article 12(5) of Regulation (EU) No 2017/1369 and, if relevant to their performance, geographical information on the products.	~~(b)~~ (ii) after anonymising the data collected under point (a) ~~and report~~ , reporting it to the Commission at least once a year. The economic operator shall include the product database identification number of the model as referred to in Article 12(5) of Regulation (EU) No 2017/1369 and, if relevant to their performance, general geographical information on the products.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 31(3), third subparagraph				
599	The Commission shall specify the details and format for reporting the in-use data as referred to in the second subparagraph, point (b).	The Commission shall specify the details and format for reporting the in-use data as referred to in the second subparagraph, point (b).	The Commission shall specify the details and format for reporting the anonymised in-use data as referred to in the second subparagraph, point (b), in the relevant delegated act .	
Article 31(4)				
600	4. The Commission shall periodically assess the in-use data received pursuant to paragraph 3 and shall, where appropriate, publish aggregated datasets.	4. The Commission shall periodically assess the in-use data received pursuant to paragraph 3 and shall, where appropriate, publish aggregated datasets.	4. The Commission shall periodically assess the in-use data received pursuant to paragraph 3 and shall, where appropriate, publish aggregated datasets.	
Article 31a				
600a			Article 31a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Requirements on supply chain actors [The below text is the previous Article 5(6), amended and transformed into a separate Article]	
Article 31a, first paragraph				
600b			When specified in the delegated act adopted pursuant Article 4, supply chain actors shall:	
Article 31a, first paragraph, point (a)				
600c			(a) provide, upon request, manufacturers, notified bodies and competent national authorities with available relevant information related to their supplies or services;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 31a, first paragraph, point (b)				
600d			(b) allow, in the absence of information referred to in point (a), manufacturers to assess their supplies or services and give access to relevant documents or facilities to those manufacturers;	
Article 31a, first paragraph, point (c)				
600e			(c) enable notified bodies and competent national authorities to verify the correctness of relevant information related to their activities.	
Article 31a, second paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
600f			The requirement under the first paragraph should be non-discriminatory, not give raise to disproportionate administrative burden and take into consideration economic actors legitimate needs to protect trade secrets. The Commission shall, when establishing requirements referred to in points (a) and (b) of paragraph 6, take into account the needs of SMEs including SME's difficulties in accessing information.	
Chapter VIII				
601	Chapter VIII Conformity of products	Chapter VIII Conformity of products	Chapter VIII Conformity of products	Chapter VIII Conformity of products Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 32				
602	Article 32 Test, measurement and calculation methods	Article 32 Test, measurement and calculation methods	Article 32 Test, measurement and calculation methods	Article 32 Test, measurement and calculation methods Text Origin: Commission Proposal
Article 32(1)				
603	1. For the purposes of compliance and verification of compliance with ecodesign requirements, tests, measurements and calculations shall be made using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the art methods. Such methods shall fulfil	1. For the purposes of compliance and verification of compliance with ecodesign requirements, tests, measurements and calculations shall be made using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the art methods. Such methods shall fulfil	1. For the purposes of compliance and verification of compliance with ecodesign requirements, tests, measurements and calculations shall be made using harmonised standards or other reliable, accurate and reproducible methods that take into account the generally recognised state-of-the art	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the test, measurement and calculation requirements set out in the relevant delegated acts adopted pursuant to Article 4.	the test, measurement and calculation requirements set out in the relevant delegated acts adopted pursuant to Article 4.	methods. Such methods shall fulfil the requirements on test, measurement and calculation requirements methods set out in the relevant delegated acts adopted pursuant to Article 4.	
Article 32(2), first subparagraph				
604	Where necessary to ensure compliance with ecodesign requirements set out in delegated acts adopted pursuant to Article 4, third subparagraph, point (e), the Commission may require the use of online tools for the calculation of the performance of products in relation to the relevant product parameter referred to in Annex I reflecting the applicable calculation requirements.	Where necessary to ensure compliance with ecodesign requirements set out in delegated acts adopted pursuant to Article 4, third subparagraph, point (e), the Commission may require the use of online tools for the calculation of the performance of products in relation to the relevant product parameter referred to in Annex I reflecting the applicable calculation requirements.	~~2. Where necessary to ensure compliance with ecodesign requirements set out in delegated acts adopted pursuant to Article 4, third subparagraph, point (e), the Commission may require the use of online tools for the calculation of the performance of products in relation to the relevant product parameter referred to in Annex I reflecting the applicable calculation requirements.~~	
Article 32(2), second subparagraph				
605				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Where setting such requirements for the use of online tools, the Commission shall take into account the following criteria:	Where setting such requirements for the use of online tools, the Commission shall take into account the following criteria:	~~Where~~ When setting such requirements for the use of online tools ~~the requirement to use digital tools~~ pursuant to Article 4, third subparagraph, point (b)(iii)), the Commission shall take into account the following criteria:	
Article 32(2), second subparagraph, point (a)				
606	(a) the need to ensure the harmonised application of calculation requirements;	(a) the need to ensure the harmonised application of calculation requirements;	(a) the need to ensure the harmonised application of calculation requirements;	
Article 32(2), second subparagraph, point (b)				
607	(b) the need to minimise administrative burden imposed on economic operators complying with the relevant requirements.	(b) the need to minimise administrative burden imposed on economic operators complying with the relevant requirements.	(b) the need to minimise administrative burden imposed on economic operators ~~complying with the relevant requirements.~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 32(2), third subparagraph				
608	Online tools shall be freely accessible for economic operators complying with the relevant requirements.	Online tools shall be freely accessible for economic operators complying with the relevant requirements.	Online tools shall be freely accessible for economic operators ~~complying with the relevant requirements.~~	
Article 33				
609	Article 33 Circumvention	Article 33 Circumvention	Article 33 Prevention of circumvention and worsening of performance	
Article 33(-1)				
609a			-1. An economic operator shall not engage in any behaviour that undermines the compliance with this Regulation regardless of whether that behaviour is of a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			contractual, commercial, technical or any other nature.	
Article 33(1), first subparagraph				
610	Products falling within the scope of a delegated act adopted pursuant to Article 4 shall not be placed on the market or put into service if they are designed to alter their behaviour or properties when they are tested in order to reach a more favourable result for any of the product parameters regulated in delegated acts adopted pursuant to Article 4 by which the products are covered.	Products falling within the scope of a delegated act adopted pursuant to Article 4 shall not be placed on the market or put into service if they are designed to alter their behaviour or properties when they are tested in order to reach a more favourable result for any of the product parameters regulated in delegated acts adopted pursuant to Article 4 by which the products are covered.	1. Products falling within the scope of a delegated act adopted pursuant to Article 4 shall not be placed on the market or put into service if they are designed to alter their behaviour or properties when they are tested in order to reach a more favourable result for any of the product parameters regulated in delegated acts adopted pursuant to Article 4 by which the products are covered.	
Article 33(1), second subparagraph				
611	For the purposes of this paragraph, products designed to be able to detect they are being tested and	For the purposes of this paragraph, products designed to be able to detect they are being tested and	For the purposes of this paragraph, products designed to be able to detect they are being tested and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	automatically alter their performance in response and products pre-set to alter their performance at the time of testing shall constitute products designed to alter their behaviour or properties when they are tested.	automatically alter their performance in response and products pre-set to alter their performance at the time of testing shall constitute products designed to alter their behaviour or properties when they are tested.	automatically alter their performance in response and products pre-set to alter their performance at the time of testing shall constitute products designed to alter their behaviour or properties when they are tested.	
Article 33(2), first subparagraph				
612	Economic operators placing a product covered by a delegated act adopted pursuant to Article 4 shall not prescribe instructions specific to testing that alter the behaviour or the properties of products in order to reach a more favourable result for any of the product parameters regulated in delegated acts adopted pursuant to Article 4 by which the products are covered.	Economic operators placing a product covered by a delegated act adopted pursuant to Article 4 shall not prescribe instructions specific to testing that alter the behaviour or the properties of products in order to reach a more favourable result for any of the product parameters regulated in delegated acts adopted pursuant to Article 4 by which the products are covered.	2. Economic operators placing on the market or putting into service a product covered by a delegated act adopted pursuant to Article 4 shall not prescribe instructions specific to testing that alter the behaviour or the properties of products in order to reach a more favourable result for any of the product parameters regulated in delegated acts adopted pursuant to Article 4 by which the products are covered.	
Article 33(2), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
613	For the purposes of this paragraph, instructions leading to a manual alteration of the product before a test that alters the performance of the product shall constitute instructions specific to testing that alter the behaviour or the properties of products.	For the purposes of this paragraph, instructions leading to a manual alteration of the product before a test that alters the performance of the product shall constitute instructions specific to testing that alter the behaviour or the properties of products.	For the purposes of this paragraph, instructions leading to a manual alteration of the product before a test that alters the performance of the product shall constitute instructions specific to testing that alter the behaviour or the properties of products.	
Article 33(3)				
614	3. Products falling within the scope of a delegated act adopted pursuant to Article 4 shall not be placed on the market or put into service if they are designed to alter their behaviour or properties within a short period after putting the product into service leading to a worsening of their 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 their functional performance	3. Products falling within the scope of a delegated act adopted pursuant to Article 4 shall not be placed on the market or put into service if they are designed to alter their behaviour or properties within a short period after putting the product into service leading to a worsening of their 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 their functional performance	3. Products falling within the scope of a delegated act adopted pursuant to Article 4 shall not be placed on the market or put into service if they are designed to alter their behaviour or properties within a short period after putting the product into service leading to a worsening of their 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 their functional performance	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	from the perspective of the user.	from the perspective of the user.	from the perspective of the user.	
Article 33(4), first subparagraph				
615	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 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.	Software or firmware updates shall not <u>significantly</u> 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 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.	4. 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 with the test method used for the conformity assessment, except with explicit consent of the end-user customer prior to the update. No performance change shall occur as a result of rejecting the update.	
Article 33(4), second subparagraph				
616	Software or firmware updates shall	Software or firmware updates shall	Software or firmware updates shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	not worsen performance referred to in the first subparagraph to the extent that the product becomes non-compliant with the requirements set out in delegated acts adopted pursuant to Article 4 applicable at the time of the placing on the market or putting into service of the product.	not worsen performance referred to in the first subparagraph to the extent that the product becomes non-compliant with the requirements set out in delegated acts adopted pursuant to Article 4 applicable at the time of the placing on the market or putting into service of the product.	not in any case worsen performance referred to in the first subparagraph to the extent that the product becomes non-compliant with the requirements set out in delegated acts adopted pursuant to Article 4 applicable at the time of the placing on the market or putting into service of the product.	
Article 34				
617	Article 34 Presumption of conformity	Article 34 Presumption of conformity	Article 34 Presumption of conformity	
Article 34(1)				
618	1. Tests, measurement or calculation methods referred to in Article 32 which are in conformity with harmonised standards or parts thereof, the references of which	1. Tests, measurement or calculation methods referred to in Article 32 which are in conformity with harmonised standards or parts thereof, the references of which	1. Tests, measurement or calculation methods referred to in Article 32 which are in conformity with harmonised standards or parts thereof, the references of which	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the requirements set out in that Article and with test, measurement and calculation requirements set out in delegated acts adopted pursuant to Article 4 to the extent that those requirements are covered by such harmonised standards or parts thereof.	have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the requirements set out in that Article and with test, measurement and calculation requirements set out in delegated acts adopted pursuant to Article 4 to the extent that those requirements are covered by such harmonised standards or parts thereof.	have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the requirements set out in that Article and with test, measurement and calculation requirements set out in delegated acts adopted pursuant to Article 4 to the extent that those requirements are covered by such harmonised standards or parts thereof.	
Article 34(2)				
619	2. Products which are in conformity with harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with ecodesign requirements set out in delegated acts adopted pursuant to Article 4 to the extent that those requirements are covered by such harmonised standards or parts	2. Products which are in conformity with harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with ecodesign requirements set out in delegated acts adopted pursuant to Article 4 to the extent that those requirements are covered by such harmonised standards or parts	2. Products which are in conformity with harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with ecodesign requirements set out in delegated acts adopted pursuant to Article 4 to the extent that those requirements are covered by such harmonised standards or parts	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	thereof.	thereof.	thereof.	
Article 34(3)				
620	3. Products covered by a delegated act adopted pursuant to Article 4, which have been awarded the EU Ecolabel pursuant to Regulation (EC) No 66/2010 shall be presumed to comply with the ecodesign requirements set out in that delegated act in so far as those requirements are covered by the EU Ecolabel criteria established according to Article 16(2) of Regulation (EC) No 66/2010.	3. Products covered by a delegated act adopted pursuant to Article 4, which have been awarded the EU Ecolabel pursuant to Regulation (EC) No 66/2010 shall be presumed to comply with the ecodesign requirements set out in that delegated act in so far as those requirements are covered by the EU Ecolabel criteria established according to Article 16(2) of Regulation (EC) No 66/2010.	3. Products covered by a delegated act adopted pursuant to Article 4, which have been awarded the EU Ecolabel pursuant to Regulation (EC) No 66/2010 or nationally, or regionally officially recognised EN ISO 14024 type I environmental labels as referred to in that Regulation, shall be presumed to comply with the ecodesign requirements set out in that delegated act in so far as the criteria established by those requirements are covered by ~~the EU Ecolabel criteria established according to Article 16(2) of Regulation (EC) No 66/2010~~ and are at least as strict as those requirements .	
Article 35				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
621	Article 35 Common specifications	Article 35 Common specifications	Article 35 Common specifications	
Article 35(1), second subparagraph				
621a			-1. Those implementing acts shall only be adopted where the following conditions are fulfilled:	
Article 35(1), first subparagraph				
622	The Commission may adopt implementing acts laying down common specifications for ecodesign requirements, the essential requirements for product passports referred to in Article 10 or for test, measurement or calculation methods referred to in Article 32, in the following	The Commission may adopt implementing acts laying down common specifications for ecodesign requirements, the essential requirements for product passports referred to in Article 10 or for test, measurement or calculation methods referred to in Article 32, in the following	1. The Commission may adopt implementing acts ~~laying down~~ establishing common specifications ~~for covering~~ ecodesign requirements, the essential requirements for product passports referred to in ~~Article 10~~ Article 10 or for test, measurement or calculation	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	situations:	situations:	methods referred to in Article 32, for products covered by delegated acts adopted pursuant to Article 4. ~~in the following situations:~~	
Article 35(1), first subparagraph, point (a)				
623	(a) it has requested one or more European standardisation organisations to draft a harmonised standard in relation to an ecodesign requirement or method that is not covered by a harmonised standard or part thereof, the references of which have been published in the Official Journal of the European Union, and there are either undue delays in the standardisation procedure or the request has not been accepted by any of the European standardisation organisations;	(a) it has requested one or more European standardisation organisations to draft a harmonised standard in relation to an ecodesign requirement or method that is not covered by a harmonised standard or part thereof, the references of which have been published in the Official Journal of the European Union, and there are either undue delays in the standardisation procedure or the request has not been accepted by any of the European standardisation organisations;	(a) ~~it~~ the Commission has requested, pursuant to Article 10(1) of Regulation (EU) No 1025/2012 , one or more European standardisation organisations to draft a harmonised standard ~~in relation to~~ for an ecodesign requirement ~~or method that is not covered by a harmonised standard or part thereof, the references of which have been published in the Official Journal of the European Union, and there are either undue delays in the standardisation procedure or the request has not been accepted by any of the European standardisation organisations;~~ an essential requirement for product passports referred to in Article	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			10 of this Regulation or for a test, measurement or calculation method referred to in Article 32 of this Regulation and	
Article 35(1), second subparagraph, point (a)(i)				
623a			(i) the request has not been accepted, or	
Article 35(1), second subparagraph, point (a)(ii)				
623b			(ii) the harmonised standards addressing that request is not delivered within the deadline set in accordance with Article 10(1) of Regulation 1025/2012, or	
Article 35(1), second subparagraph, point (a)(iii)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
623c			(iii) the harmonised standards do not comply with the request; and	
Article 35(1), first subparagraph, point (b)				
624	(b) the Commission has decided in accordance with the procedure referred to in Article 11(5) of Regulation (EU) No 1025/2012 to maintain with restriction or to withdraw the references to the harmonised standards or parts thereof by which an ecodesign requirements or method is covered.	(b) the Commission has decided in accordance with the procedure referred to in Article 11(5) of Regulation (EU) No 1025/2012 to maintain with restriction or to withdraw the references to the harmonised standards or parts thereof by which an ecodesign requirements or method is covered.	(b) ~~the Commission has decided in accordance with the procedure~~ reference to harmonised standards for an ecodesign requirement or an essential requirement for product passports referred to in Article ~~11(5) of 10 of this Regulation (EU)~~ No 1025/2012 to maintain with restriction or to withdraw the references to the harmonised standards or parts thereof by which ~~an ecodesign requirements or method is covered.~~ or for a test, measurement or calculation method referred to in Article 32 of this Regulation is published in the Official Journal of the European Union in accordance	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			with Regulation (EU) No 1025/2012 and no such reference is expected to be published within a reasonable period;	
Article 35(1), second subparagraph				
625	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3). <u>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</u>	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>requirements.</u>		
Article 35(1a)				
625a			1a. Before preparing a draft implementing act, the Commission shall inform the committee referred to in Article 22 of Regulation EU (No) 1025/2012 that it considers that the conditions in paragraph 1 of this article are fulfilled.	
Article 35(1b)				
625b			1b. When preparing the draft implementing act establishing the common specification, the Commission shall take into account the views of relevant bodies or the Ecodesign Forum and the Ecodesign Expert Group, and shall duly consult all	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			relevant stakeholders.	
Article 35(2)				
626	2. Test, measurement and calculation methods referred to in Article 32 which are in conformity with common specification or parts thereof shall be presumed to be in conformity with the requirements set out in that Article and with test, measurement and calculation requirements set out in delegated acts adopted pursuant to Article 4 to the extent that those requirements are covered by such common specification or parts thereof.	2. Test, measurement and calculation methods referred to in Article 32 which are in conformity with common specification or parts thereof shall be presumed to be in conformity with the requirements set out in that Article and with test, measurement and calculation requirements set out in delegated acts adopted pursuant to Article 4 to the extent that those requirements are covered by such common specification or parts thereof.	2. Test, measurement and calculation methods referred to in Article 32 which are in conformity with common specification or parts thereof shall be presumed to be in conformity with the requirements set out in that Article and with test, measurement and calculation requirements set out in delegated acts adopted pursuant to Article 4 to the extent that those requirements are covered by such common specification or parts thereof.	
Article 35(3)				
627	3. Products which are in conformity with common	3. Products which are in conformity with common	3. Products within the scope of this Regulation which are in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	specifications or parts thereof shall be presumed to be in conformity with ecodesign requirements set out in the delegated act adopted pursuant to Article 4 by which those products are covered to the extent that those requirements are covered those common specifications or parts thereof.	specifications or parts thereof shall be presumed to be in conformity with ecodesign requirements set out in the delegated act adopted pursuant to Article 4 by which those products are covered to the extent that those requirements are covered those common specifications or parts thereof.	conformity with common specifications or parts thereof established by implementing acts referred to in paragraph 1 shall be presumed to be in conformity with ecodesign requirements, the essential requirements for product passports referred to in Article 10 or for test, measurement or calculation methods referred to in Article 32 set out in the delegated act adopted pursuant to Article 4 by which those products are covered to the extent that those requirements are covered by those common specifications or parts thereof.	
Article 35(4)				
627a			4. Where a harmonised standard is adopted by an European standardisation organisation and proposed to the Commission for the purpose of publishing its reference in the Official Journal of the European Union, the Commission shall assess the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			harmonised standard in accordance with Regulation (EU) No 1025/2012. When references of a harmonised standard are published in the Official Journal of the European Union, the Commission shall repeal implementing acts referred to in paragraph 1, or parts thereof which cover the same ecodesign requirements, essential requirements for product passports and the test, measurement or calculation methods.	
Article 35(5)				
627b			5. When a Member State considers that a common specification does not entirely satisfy the ecodesign requirements, the essential requirements for product passports and the test, measurement or calculation methods, it shall inform the Commission thereof by	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			submitting detailed explanation and the Commission shall assess that information and, if appropriate, may amend the implementing act establishing the common specification in question.	
Article 36				
628	Article 36 Conformity assessment	Article 36 Conformity assessment	Article 36 Conformity assessment	
Article 36(1)				
629	1. When specifying the applicable conformity assessment procedure pursuant to Article 4, second subparagraph, the Commission shall consider the following criteria:	1. When specifying the applicable conformity assessment procedure pursuant to Article 4, second subparagraph, the Commission shall consider the following criteria:	1. When specifying the applicable conformity assessment procedure pursuant to Article 4, second subparagraph, the Commission shall consider the following criteria:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 36(1), point (a)				
630	(a) whether the module concerned is appropriate to the type of product and proportionate to the public interest pursued;	(a) whether the module concerned is appropriate to the type of product and proportionate to the public interest pursued;	(a) whether the module concerned is appropriate to the type of product, appropriate to the relevant ecodesign requirements and proportionate to the public interest pursued;	
Article 36(1), point (b)				
631	(b) the nature of the product parameters referred to in Annex I on which the relevant ecodesign requirements are based, in particular whether performance in relation to those product parameters can be verified on the product itself;	(b) the nature of the product parameters referred to in Annex I on which the relevant ecodesign requirements are based, in particular whether performance in relation to those product parameters can be verified on the product itself;	(b) the nature of the product parameters referred to in Annex I ~~on which the relevant ecodesign requirements are based, in particular whether performance in relation to those product parameters can be verified on the product itself;~~ risks entailed by the product and the extent to which conformity assessment corresponds to the type and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			degree of risk,	
Article 36(1), point (c)				
632	(c) where third party involvement is mandatory, the need for the manufacturer to have a choice between quality assurance and product certification modules set out in Annex II of Decision No 768/2008/EC.	(c) where third party involvement is mandatory, the need for the manufacturer to have a choice between quality assurance and product certification modules set out in Annex II of Decision No 768/2008/EC.	(c) where third party involvement is mandatory, the need for the manufacturer to have a choice between ~~quality assurance and product certification~~ the modules set out in Annex II of Decision No 768/2008/EC.	
Article 36(2)				
633	2. Where relevant, records and correspondence relating to the conformity assessment shall be drawn up in an official language of the Member State where a notified body involved in a conformity assessment procedure referred to in paragraph 1 is established, or in a language accepted by that body.	2. Where relevant, records and correspondence relating to the conformity assessment shall be drawn up in an official language of the Member State where a notified body involved in a conformity assessment procedure referred to in paragraph 1 is established, or in a language accepted by that body.	2. ~~Where relevant,~~ Records and correspondence relating to the conformity assessment shall be drawn up in an official language of the Member State where a notified body involved in a conformity assessment procedure referred to in paragraph 1 is established, or in a language accepted by that body.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 37				
634	Article 37 EU declaration of conformity	Article 37 EU declaration of conformity	Article 37 EU declaration of conformity	
Article 37(1)				
635	1. The EU declaration of conformity shall state that the fulfilment of ecodesign requirements specified in the applicable delegated acts adopted pursuant to Article 4 has been demonstrated.	1. The EU declaration of conformity shall state that the fulfilment of ecodesign requirements specified in the applicable delegated acts adopted pursuant to Article 4 has been demonstrated.	1. The EU declaration of conformity shall state that the fulfilment of ecodesign requirements specified in the applicable delegated acts adopted pursuant to Article 4 or according to Article 34 has been demonstrated.	
Article 37(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
636	2. The EU declaration of conformity shall have the model structure set out in Annex V, shall contain the elements specified in the applicable conformity assessment procedure and a reference to the applicable delegated acts adopted pursuant to Article 4. It shall be continuously updated. It shall be translated into the language or languages required by the Member State in which the product is placed or made available.	2. The EU declaration of conformity shall have the model structure set out in Annex V, shall contain the elements specified in the applicable conformity assessment procedure and a reference to the applicable delegated acts adopted pursuant to Article 4. It shall be continuously updated. It shall be translated into the language or languages required by the Member State in which the product is placed or made available.	2. The EU declaration of conformity shall have the model structure set out in Annex V, shall contain the elements specified in the applicable conformity assessment procedure and a reference to the applicable delegated acts adopted pursuant to Article 4. It shall be continuously updated. It shall be translated into the language or languages required by the Member State in which the product is placed or made available on the market.	
Article 37(3)				
637	3. Where a product covered by a delegated act adopted pursuant to Article 4 is subject to more than one Union act requiring an EU declaration of conformity, a single EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall	3. Where a product covered by a delegated act adopted pursuant to Article 4 is subject to more than one Union act requiring an EU declaration of conformity, a single EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall	3. Where a product covered by a delegated act adopted pursuant to Article 4 is subject to more than one Union act requiring an EU declaration of conformity, a single EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	state the Union acts concerned and their publication references. It may be a dossier made up of relevant individual EU declarations of conformity.	state the Union acts concerned and their publication references. It may be a dossier made up of relevant individual EU declarations of conformity.	state the Union acts concerned and their publication references. It may be a dossier made up of relevant individual EU declarations of conformity.	
Article 37(4)				
638	4. By drawing up the EU declaration of conformity, the manufacturer shall assume responsibility for the compliance of the product.	4. By drawing up the EU declaration of conformity, the manufacturer shall assume responsibility for the compliance of the product.	4. By drawing up the EU declaration of conformity, the manufacturer shall assume responsibility for the compliance of the product.	
Article 38				
639	Article 38 General principles of the CE marking	Article 38 General principles of the CE marking	Article 38 General principles of the CE marking	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 38, first paragraph				
640	The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.	The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.	The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.	
Article 39				
641	Article 39 Rules and conditions for affixing the CE marking	Article 39 Rules and conditions for affixing the CE marking	Article 39 Rules and conditions for affixing the CE marking	
Article 39(1)				
642	1. The CE marking shall be affixed visibly, legibly and indelibly to the product. Where that is not possible or not warranted on account of the nature of the	1. The CE marking shall be affixed visibly, legibly and indelibly to the product. Where that is not possible or not warranted on account of the nature of the	1. The CE marking shall be affixed visibly, legibly and indelibly to the product. Where that is not possible or not warranted on account of the nature of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	product, it shall be affixed to the packaging and to the accompanying documents.	product, it shall be affixed to the packaging and to the accompanying documents.	product, it shall be affixed to the packaging and to the accompanying documents.	
Article 39(2)				
643	2. The CE marking shall be affixed before the product is placed on the market.	2. The CE marking shall be affixed before the product is placed on the market.	2. The CE marking shall be affixed before the product is placed on the market or put into service.	
Article 39(3), first subparagraph				
644	For a product in the conformity assessment of which a notified body participates, the CE marking shall be followed by the identification number of that notified body.	For a product in the conformity assessment of which a notified body participates, the CE marking shall be followed by the identification number of that notified body.	For a product in the production control phase ~~conformity assessment~~ of which a notified body participates, the CE marking shall be followed by the identification number of that notified body.	
Article 39(3), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
645	The identification number of the notified body shall be affixed by the body itself or, under its instructions, by the manufacturer or its authorised representative.	The identification number of the notified body shall be affixed by the body itself or, under its instructions, by the manufacturer or its authorised representative.	The identification number of the notified body shall be affixed by the body itself or, under its instructions, by the manufacturer or its authorised representative.	
Article 39(4)				
646	4. The CE marking and, where applicable, the identification number of the notified body may be followed by a pictogram or other marking indicating a special risk or use.	4. The CE marking and, where applicable, the identification number of the notified body may be followed by a pictogram or other marking indicating a special risk or use.	4. The CE marking and, where applicable, the identification number of the notified body may be followed by a pictogram or other marking indicating a special risk or use.	
Article 39(5)				
647	5. Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking and take	5. Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking and take	5. Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking and take	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	appropriate action in the event of improper use of the marking.	appropriate action in the event of improper use of the marking.	appropriate action in the event of improper use of the marking.	
Article 40				
648	Article 40 Alternative conformity declarations and markings	Article 40 Alternative conformity declarations and markings	Article 40 ~~Alternative conformity declarations and~~ Specifying rules on markings	
Article 40, first paragraph				
649	When specifying alternative rules on the declaration of conformity or markings indicating conformity with the applicable requirements under Union law pursuant to Article 4, third subparagraph, point (f), the Commission shall take into account the following criteria:	When specifying alternative rules on the declaration of conformity or markings indicating conformity with the applicable requirements under Union law pursuant to Article 4, third subparagraph, point (f), the Commission shall take into account the following criteria:	When specifying ~~alternative~~ rules on markings, for products without requirements for CE marking in Union law, the declaration of conformity or markings indicating conformity with the applicable requirements under Union law pursuant to Article 4, third subparagraph, point ~~(f)~~ (c) , the Commission shall take into account the following criteria:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 40, first paragraph, point (a)				
650	(a) the need to minimise administrative burden for economic operators;	(a) the need to minimise administrative burden for economic operators;	(a) the need to minimise administrative burden for economic operators;	
Article 40, first paragraph, point (b)				
651	(b) the need to ensure coherence with other conformity declarations and markings applicable to a specific product;	(b) the need to ensure coherence with other conformity declarations and markings applicable to a specific product;	(b) the need to ensure coherence with other conformity declarations and markings applicable to a specific product;	
Article 40, first paragraph, point (c)				
652	(c) the need to prevent confusion about the meaning of conformity declarations and markings under	(c) the need to prevent confusion about the meaning of conformity declarations and markings under	(c) the need to prevent confusion about the meaning of conformity declarations and markings under	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	other Union law.	other Union law.	other Union law.	
Chapter IX				
653	Chapter IX Notification of conformity assessment bodies	Chapter IX Notification of conformity assessment bodies	Chapter IX Notification of conformity assessment bodies	
Article 41				
654	Article 41 Notification	Article 41 Notification	Article 41 Notification	
Article 41, first paragraph				
655	Member States shall notify the	Member States shall notify the	Member States shall notify the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Commission and the other Member States of bodies authorised to carry out the third-party conformity assessment tasks provided for under the delegated acts adopted pursuant to Article 4.	Commission and the other Member States of bodies authorised to carry out the third-party conformity assessment tasks provided for under the delegated acts adopted pursuant to Article 4.	Commission and the other Member States of bodies authorised to carry out the third-party conformity assessment tasks when provided for under the delegated acts adopted pursuant to Article 4.	
Article 42				
656	Article 42 Notifying authorities	Article 42 Notifying authorities	Article 42 Notifying authorities	
Article 42(1)				
657	1. Member States shall designate a notifying authority that shall be responsible for setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies,	1. Member States shall designate a notifying authority that shall be responsible for setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies,	1. Member States shall designate a notifying authority that shall be responsible for setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	including compliance with the provisions of Article 47.	including compliance with the provisions of Article 47.	including compliance with the provisions of Article 47.	
Article 42(2)				
658	2. Member States may decide that the assessment and monitoring referred to in paragraph 1 shall be carried out by a national accreditation body within the meaning of and in accordance with Regulation (EC) No 765/2008.	2. Member States may decide that the assessment and monitoring referred to in paragraph 1 shall be carried out by a national accreditation body within the meaning of and in accordance with Regulation (EC) No 765/2008.	2. Member States may decide that the assessment and monitoring referred to in paragraph 1 shall be carried out by a national accreditation body within the meaning of and in accordance with Regulation (EC) No 765/2008.	
Article 42(3)				
659	3. Where the notifying authority delegates or entrusts the assessment, notification or monitoring referred to in paragraph 1 to a body which is not a governmental entity, that body shall be a legal entity and shall comply <i>mutatis mutandis</i> with the	3. Where the notifying authority delegates or entrusts the assessment, notification or monitoring referred to in paragraph 1 to a body which is not a governmental entity, that body shall be a legal entity and shall comply <i>mutatis mutandis</i> with the	3. Where the notifying authority delegates or otherwise entrusts the assessment, notification or monitoring referred to in paragraph 1 to a body which is not a governmental entity, that body shall be a legal entity and shall comply <i>mutatis mutandis</i> ~~<i>mutatis</i>~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	requirements laid down in Article 43. In addition, it shall have arrangements to cover liabilities arising out of its activities.	requirements laid down in Article 43. In addition, it shall have arrangements to cover liabilities arising out of its activities.	mutatis with the requirements laid down in Article 43.– In addition, it shall have arrangements to cover liabilities arising out of its activities.	
Article 42(4)				
660	4. The notifying authority shall take full responsibility for the tasks performed by the body referred to in paragraph 3.	4. The notifying authority shall take full responsibility for the tasks performed by the body referred to in paragraph 3.	4. The notifying authority shall take full responsibility for the tasks performed by the body referred to in paragraph 3.	
Article 43				
661	Article 43 Requirements relating to notifying authorities	Article 43 Requirements relating to notifying authorities	Article 43 Requirements relating to notifying authorities	
Article 43(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
662	1. A notifying authority shall be established in such a way that no conflict of interest with conformity assessment bodies or notified bodies occurs.	1. A notifying authority shall be established in such a way that no conflict of interest with conformity assessment bodies or notified bodies occurs.	1. A notifying authority shall be established in such a way that no conflict of interest with conformity assessment bodies or notified bodies occurs.	
Article 43(2)				
663	2. A notifying authority shall be organised and operated so as to safeguard the objectivity and impartiality of its activities.	2. A notifying authority shall be organised and operated so as to safeguard the objectivity and impartiality of its activities.	2. A notifying authority shall be organised and operated so as to safeguard the objectivity and impartiality of its activities.	
Article 43(3)				
664	3. A notifying authority shall be organised in such a way that each decision relating to notification of a conformity assessment body is taken by competent persons different from those who carried	3. A notifying authority shall be organised in such a way that each decision relating to notification of a conformity assessment body is taken by competent persons different from those who carried	3. A notifying authority shall be organised in such a way that each decision relating to notification of a conformity assessment body is taken by competent persons different from those who carried	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	out the assessment.	out the assessment.	out the assessment.	
Article 43(4)				
665	4. A notifying authority shall not offer or provide any activities that conformity assessment bodies perform, or consultancy services on a commercial or competitive basis.	4. A notifying authority shall not offer or provide any activities that conformity assessment bodies perform, or consultancy services on a commercial or competitive basis.	4. A notifying authority shall not offer or provide any activities that conformity assessment bodies perform, or consultancy services on a commercial or competitive basis.	
Article 43(5)				
666	5. A notifying authority shall safeguard the confidentiality of the information it obtains. However, it shall, upon request, exchange information on notified bodies with the Commission, with notifying authorities of other Member States and with other relevant national authorities.	5. A notifying authority shall safeguard the confidentiality of the information it obtains. However, it shall, upon request, exchange information on notified bodies with the Commission, with notifying authorities of other Member States and with other relevant national authorities.	5. A notifying authority shall safeguard the confidentiality of the information it obtains. However, it shall, upon request, exchange information on notified bodies with the Commission, with notifying authorities of other Member States and with other relevant national authorities, which shall safeguard confidentiality of the information	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			received.	
Article 43(6)				
667	6. A notifying authority shall take as a basis for notification only the specific conformity assessment body applying for notification and not take account of the capacities or personnel of parent or sister companies. The authority shall assess that body against all relevant requirements and conformity assessment tasks.	6. A notifying authority shall take as a basis for notification only the specific conformity assessment body applying for notification and not take account of the capacities or personnel of parent or sister companies. The authority shall assess that body against all relevant requirements and conformity assessment tasks.	6. A notifying authority shall take as a basis for notification only the specific conformity assessment body applying for notification and not take account of the capacities or personnel of parent or sister companies. The authority shall assess that body against all relevant requirements and conformity assessment tasks.	
Article 43(7), first subparagraph				
668	A notifying authority shall have a sufficient number of competent personnel and sufficient funding at its disposal for the proper performance of its tasks.	A notifying authority shall have a sufficient number of competent personnel and sufficient funding at its disposal for the proper performance of its tasks.	7. A notifying authority shall have a sufficient number of competent personnel and sufficient funding at its disposal for the proper performance of its tasks.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 43(7), second subparagraph				
R 669	The Commission may adopt implementing acts laying down a minimum number of full-time equivalents considered sufficient for the proper monitoring of notified bodies, where appropriate in relation to specific conformity assessment tasks. Where monitoring is carried out by a national accreditation body or a body referred to in Article 42(3), this minimum number shall apply to that body.	The Commission may adopt implementing acts laying down a minimum number of full-time equivalents considered sufficient for the proper monitoring of notified bodies, where appropriate in relation to specific conformity assessment tasks. Where monitoring is carried out by a national accreditation body or a body referred to in Article 42(3), this minimum number shall apply to that body.	~~The Commission may adopt implementing acts laying down a minimum number of full-time equivalents considered sufficient for the proper monitoring of notified bodies, where appropriate in relation to specific conformity assessment tasks. Where monitoring is carried out by a national accreditation body or a body referred to in Article 42(3), this minimum number shall apply to that body.~~	
Article 43(7), third subparagraph				
R 670	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3).	~~Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3).~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 44				
671	Article 44 Information obligation on notifying authorities	Article 44 Information obligation on notifying authorities	Article 44 Information obligation on notifying authorities	Article 44 Information obligation on notifying authorities Text Origin: Commission Proposal
Article 44, first paragraph				
672	Member States shall inform the Commission of their procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, and of any changes thereto.	Member States shall inform the Commission of their procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, and of any changes thereto.	Member States shall inform the Commission of their procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, and of any changes thereto.	Member States shall inform the Commission of their procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, and of any changes thereto.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 44, second paragraph				
673	The Commission shall make that information publicly available.	The Commission shall make that information publicly available.	The Commission shall make that information publicly available.	The Commission shall make that information publicly available. Text Origin: Commission Proposal
Article 45				
674	Article 45 Requirements relating to notified bodies	Article 45 Requirements relating to notified bodies	Article 45 Requirements relating to notified bodies	Article 45 Requirements relating to notified bodies Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 45(1)				
675	1. For the purposes of notification, a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11.	1. For the purposes of notification, a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11.	1. For the purposes of notification, a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11.	1. For the purposes of notification, a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11. Text Origin: Commission Proposal
Article 45(2)				
676	2. A conformity assessment body shall be established under the national law of a Member State and have legal personality.	2. A conformity assessment body shall be established under the national law of a Member State and have legal personality.	2. A conformity assessment body shall be established under the national law of a Member State and have legal personality.	2. A conformity assessment body shall be established under the national law of a Member State and have legal personality. Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 45(3), first paragraph				
677	3. A conformity assessment body shall be a third-party body independent of the organisation or the product it assesses. It shall not have any business ties with organisations that have an interest in the products it assesses, in particular manufacturers, their trade partners and their shareholding investors. This shall not preclude the conformity assessment body from carrying out conformity assessment activities for competing manufacturers.	3. A conformity assessment body shall be a third-party body independent of the organisation or the product it assesses. It shall not have any business ties with organisations that have an interest in the products it assesses, in particular manufacturers, their trade partners and their shareholding investors. This shall not preclude the conformity assessment body from carrying out conformity assessment activities for competing manufacturers.	3. A conformity assessment body shall be a third-party body independent of the organisation or the product it assesses. It shall not have any business ties with organisations that have an interest in the products it assesses, in particular manufacturers, their trade partners and their shareholding investors. ~~This shall not preclude the conformity assessment body from carrying out conformity assessment activities for competing manufacturers.~~	
Article 45(3), second subparagraph				
677a			However, a body belonging to a business association or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of products which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.	
Article 45(3), third subparagraph				
677b			This shall not preclude the conformity assessment body from carrying out conformity assessment activities for competing manufacturers.	
Article 45(4), first subparagraph				
678	A conformity assessment body, its	A conformity assessment body, its	4. A conformity assessment body,	A conformity assessment body, its

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	top-level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, importer, distributor, installer, purchaser, owner, user or maintainer of the products which they assess, nor the representative of any of those parties. This shall not preclude the use of assessed products that are necessary for the operations of the conformity assessment body or the use of such products for personal purposes.	top-level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, importer, distributor, installer, purchaser, owner, user or maintainer of the products which they assess, nor the representative of any of those parties. This shall not preclude the use of assessed products that are necessary for the operations of the conformity assessment body or the use of such products for personal purposes.	its top-level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, importer, distributor, installer, purchaser, owner, user or maintainer of the products which they assess, nor the representative of any of those parties. This shall not preclude the use of assessed products that are necessary for the operations of the conformity assessment body or the use of such products for personal purposes.	top-level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, importer, distributor, installer, purchaser, owner, user or maintainer of the products which they assess, nor the representative of any of those parties. This shall not preclude the use of assessed products that are necessary for the operations of the conformity assessment body or the use of such products for personal purposes. Text Origin: Commission Proposal
Article 45(4), second subparagraph				
679	A conformity assessment body, its top-level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved	A conformity assessment body, its top-level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved	A conformity assessment body, its top-level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved	A conformity assessment body, its top-level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in the design, manufacture or construction, the marketing, installation, use or maintenance of those products, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall apply in particular to consultancy services.	in the design, manufacture or construction, the marketing, installation, use or maintenance of those products, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall apply in particular to consultancy services.	in the design, manufacture or construction, the marketing, installation, use or maintenance of those products, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall apply in particular to consultancy services.	in the design, manufacture or construction, the marketing, installation, use or maintenance of those products, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall apply in particular to consultancy services. Text Origin: Commission Proposal
Article 45(4), third subparagraph				
680	Conformity assessment bodies shall ensure that the activities of its parent or sister companies, subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.	Conformity assessment bodies shall ensure that the activities of its parent or sister companies, subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.	Conformity assessment bodies shall ensure that the activities of its parent or sister companies, subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.	Conformity assessment bodies shall ensure that the activities of its parent or sister companies, subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 45(4), fourth subparagraph				
681	The establishment and the supervision of internal procedures, general policies, codes of conduct or other internal rules, the assignment of personnel to specific tasks and the conformity assessment decisions may not be delegated to a subcontractor or a subsidiary.	The establishment and the supervision of internal procedures, general policies, codes of conduct or other internal rules, the assignment of personnel to specific tasks and the conformity assessment decisions may not be delegated to a subcontractor or a subsidiary.	A conformity assessment body shall not delegate to a subcontractor or a subsidiary the establishment and the supervision of internal procedures, general policies, codes of conduct or other internal rules, the assignment of its personnel to specific tasks and the conformity assessment decisions ~~may not be delegated to a subcontractor or a subsidiary.~~	
Article 45(5)				
682	5. Conformity assessment bodies and their personnel shall carry out	5. Conformity assessment bodies and their personnel shall carry out	5. Conformity assessment bodies and their personnel shall carry out	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field. They shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.	the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field. They shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.	the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field. They shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.	
Article 45(6), first subparagraph				
683	A conformity assessment body shall be capable of carrying out all the conformity assessment tasks assigned to it under the relevant delegated act adopted pursuant to Article 4 and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.	A conformity assessment body shall be capable of carrying out all the conformity assessment tasks assigned to it under the relevant delegated act adopted pursuant to Article 4 and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.	6. A conformity assessment body shall be capable of carrying out all the conformity assessment tasks assigned to it under the relevant delegated act adopted pursuant to Article 4 and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 45(6), second subparagraph				
684	At all times and for each conformity assessment procedure, and for each kind or category of products in relation to which it has been notified, a conformity assessment body shall have at its disposal the necessary:	At all times and for each conformity assessment procedure, and for each kind or category of products in relation to which it has been notified, a conformity assessment body shall have at its disposal the necessary:	At all times and for each conformity assessment procedure, and for each kind or category of products in relation to which it has been notified, a conformity assessment body shall have at its disposal the necessary:	
Article 45(6), second subparagraph, point (a)				
685	(a) personnel with technical knowledge, and sufficient and appropriate experience to perform the conformity assessment tasks. Personnel responsible for taking assessment decisions shall be employed by the conformity assessment body under the national law of the notifying Member State, shall not have any other potential conflict of interest, shall be	(a) personnel with technical knowledge, and sufficient and appropriate experience to perform the conformity assessment tasks. Personnel responsible for taking assessment decisions shall be employed by the conformity assessment body under the national law of the notifying Member State, shall not have any other potential conflict of interest, shall be	(a) personnel with technical knowledge, and sufficient and appropriate experience to perform the conformity assessment tasks. ~~Personnel responsible for taking assessment decisions shall be employed by the conformity assessment body under the national law of the notifying Member State, shall not have any other potential conflict of interest, shall be~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	competent to verify the assessments made by other staff, external experts or subcontractors. The number of such personnel shall be sufficient to ensure business continuity and a consistent approach to conformity assessments;	competent to verify the assessments made by other staff, external experts or subcontractors. The number of such personnel shall be sufficient to ensure business continuity and a consistent approach to conformity assessments;	~~competent to verify the assessments made by other staff, external experts or subcontractors. The number of such personnel shall be sufficient to ensure business continuity and a consistent approach to conformity assessments;~~	
Article 45(6), second subparagraph, point (b)				
686	(b) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the of these procedures and the ability to reproduce them. This shall include a qualification matrix that matches relevant personnel, their respective status and tasks within the conformity assessment body with the conformity assessment tasks in relation to which the body intends to be notified;	(b) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the of these procedures and the ability to reproduce them. This shall include a qualification matrix that matches relevant personnel, their respective status and tasks within the conformity assessment body with the conformity assessment tasks in relation to which the body intends to be notified;	(b) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring ~~the of these procedures~~ transparency and the ability to ~~reproduce them~~ . This shall include ~~a qualification matrix that matches~~ of reproduction of those procedures including a description of how relevant personnel, their ~~respective~~ status and tasks ~~within the conformity assessment body with~~ correspond to the conformity assessment tasks in relation to which the body intends to be notified;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 45(6), second subparagraph, point (c)				
687	(c) appropriate policies and procedures to distinguish the tasks it carries out as a notified body from other activities;	(c) appropriate policies and procedures to distinguish the tasks it carries out as a notified body from other activities;	(c) appropriate policies and procedures to distinguish the tasks it carries out as a notified body from other activities;	
Article 45(6), second subparagraph, point (d)				
688	(d) procedures for the performance of activities, which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.	(d) procedures for the performance of activities, which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.	(d) procedures for the performance of activities, which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.	
Article 45(6), third subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
689	It shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and shall have access to all necessary equipment or facilities.	It shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and shall have access to all necessary equipment or facilities.	It shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and shall have access to all necessary equipment or facilities.	
Article 45(7)				
690	7. The personnel responsible for carrying out conformity assessment activities shall have the following:	7. The personnel responsible for carrying out conformity assessment activities shall have the following:	7. The personnel responsible for carrying out conformity assessment activities shall have the following:	
Article 45(7), point (a)				
691	(a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment	(a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment	(a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	body has been notified;	body has been notified;	body has been notified;	
Article 45(7), point (b)				
692	(b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments, including appropriate knowledge and understanding of the relevant legislation, test, measurement and calculation requirements, of the applicable harmonised standards or common specifications and of the relevant provisions of this Regulation, and of the delegated acts adopted pursuant to Article 4;	(b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments, including appropriate knowledge and understanding of the relevant legislation, test, measurement and calculation requirements, of the applicable harmonised standards or common specifications and of the relevant provisions of this Regulation, and of the delegated acts adopted pursuant to Article 4;	(b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments, including appropriate knowledge and understanding of the relevant legislation, test, measurement and calculation requirements, of the applicable harmonised standards or common specifications and of the relevant provisions of this Regulation, and of the delegated acts adopted pursuant to Article 4;	
Article 45(7), point (c)				
693	(c) the ability to draw up certificates, records and reports	(c) the ability to draw up certificates, records and reports	(c) the ability to draw up certificates, records and reports	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	demonstrating that assessments have been carried out.	demonstrating that assessments have been carried out.	demonstrating that assessments have been carried out.	
Article 45(7a)				
693a			7a. Personnel responsible for taking assessment decisions shall be employed by the conformity assessment body under the national law of the notifying Member State, shall not have any other potential conflict of interest, shall be competent to verify the assessments made by other staff, external experts or subcontractors. The number of such personnel shall be sufficient to ensure business continuity and a consistent approach to conformity assessments.	
Article 45(8), first subparagraph				
694				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	The impartiality of the conformity assessment bodies and their top-level management and of the assessment personnel shall be guaranteed.	The impartiality of the conformity assessment bodies and their top-level management and of the assessment personnel shall be guaranteed.	8. The impartiality of the conformity assessment bodies and their top-level management and of the assessment personnel shall be guaranteed.	
Article 45(8), second subparagraph				
695	The remuneration of the top-level management and assessment personnel of a conformity assessment body shall not depend on the number of assessments carried out or their results.	The remuneration of the top-level management and assessment personnel of a conformity assessment body shall not depend on the number of assessments carried out or their results.	The remuneration of the top-level management and assessment personnel of a conformity assessment body shall not depend on the number of assessments carried out or their results.	
Article 45(9)				
696	9. Conformity assessment bodies shall take out liability insurance unless liability is assumed by the State in accordance with national law, or the Member State itself is directly responsible for the	9. Conformity assessment bodies shall take out liability insurance unless liability is assumed by the State in accordance with national law, or the Member State itself is directly responsible for the	9. Conformity assessment bodies shall take out liability insurance unless liability is assumed by the State in accordance with national law, or the Member State itself is directly responsible for the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	conformity assessment.	conformity assessment.	conformity assessment.	
Article 45(10)				
697	10. The personnel of a conformity assessment body shall observe professional secrecy regarding all information obtained in carrying out the conformity assessment tasks under the relevant delegated acts adopted pursuant to Article 4, except in relation to the notifying authorities and other national authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.	10. The personnel of a conformity assessment body shall observe professional secrecy regarding all information obtained in carrying out the conformity assessment tasks under the relevant delegated acts adopted pursuant to Article 4, except in relation to the notifying authorities and other national authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.	10. The personnel of a conformity assessment body shall observe professional secrecy regarding all information obtained in carrying out the conformity assessment tasks under the relevant delegated acts adopted pursuant to Article 4, except in relation to the notifying authorities and other national authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.	
Article 45(11)				
698	11. Conformity assessment bodies shall participate in, or ensure that their assessment personnel are	11. Conformity assessment bodies shall participate in, or ensure that their assessment personnel are	11. Conformity assessment bodies shall participate in, or ensure that their assessment personnel are	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	informed about, the relevant standardisation activities and apply as general guidance the administrative decisions and documents produced as a result of the work of that group.	informed about, the relevant standardisation activities and apply as general guidance the administrative decisions and documents produced as a result of the work of that group.	informed about of, the relevant standardisation activities and apply as general guidance the administrative decisions and documents produced as a result of the work of that group.	
Article 46				
699	Article 46 Presumption of conformity of conformity assessment bodies	Article 46 Presumption of conformity of conformity assessment bodies	Article 46 Presumption of conformity of conformity assessment bodies	
Article 46, first paragraph				
700	Where a conformity assessment body demonstrates its conformity with the criteria laid down in the relevant harmonised standards or parts thereof the references of which have been published in the Official Journal of the European	Where a conformity assessment body demonstrates its conformity with the criteria laid down in the relevant harmonised standards or parts thereof the references of which have been published in the Official Journal of the European	Where a conformity assessment body demonstrates its conformity with the criteria laid down in the relevant harmonised standards or parts thereof the references of which have been published in the Official Journal of the European	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Union it shall be presumed to comply with the requirements set out in Article 45 in so far as the applicable harmonised standards cover those requirements.	Union it shall be presumed to comply with the requirements set out in Article 45 in so far as the applicable harmonised standards cover those requirements.	Union it shall be presumed to comply with the requirements set out in Article 45 in so far as the applicable harmonised standards cover those requirements.	
Article 47				
701	Article 47 Subsidiaries of and subcontracting by notified bodies	Article 47 Subsidiaries of and subcontracting by notified bodies	Article 47 Subsidiaries of and subcontracting by notified bodies	
Article 47(1)				
702	1. Where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 45 and shall inform the	1. Where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 45 and shall inform the	1. Where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 45 and shall inform the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	notifying authority accordingly.	notifying authority accordingly.	notifying authority accordingly.	
Article 47(2)				
703	2. Notified bodies shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established. The relevant notified bodies shall establish procedures for the on-going monitoring of the competence, activities and performance of its subcontractors or subsidiaries, taking into account the qualification matrix referred to in Article 45(6).	2. Notified bodies shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established. The relevant notified bodies shall establish procedures for the on-going monitoring of the competence, activities and performance of its subcontractors or subsidiaries, taking into account the qualification matrix referred to in Article 45(6).	2. Notified bodies shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever these are established. ~~The relevant notified bodies shall establish procedures for the on-going monitoring of the competence, activities and performance of its subcontractors or subsidiaries, taking into account the qualification matrix referred to in Article 45(6).~~	
Article 47(3)				
704	3. Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.	3. Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.	3. Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 47(4)				
705	4. Notified bodies shall keep at the disposal of the notifying authority the relevant documents concerning the assessment and monitoring of the qualifications of the subcontractor or the subsidiary and the work carried out by them under the relevant delegated acts adopted pursuant to Article 4.	4. Notified bodies shall keep at the disposal of the notifying authority the relevant documents concerning the assessment and monitoring of the qualifications of the subcontractor or the subsidiary and the work carried out by them under the relevant delegated acts adopted pursuant to Article 4.	4. Notified bodies shall keep at the disposal of the notifying authority the relevant documents concerning the assessment and monitoring of the qualifications of the subcontractor or the subsidiary and the work carried out by them under the relevant delegated acts adopted pursuant to Article 4.	
Article 48				
706	Article 48 Application for notification	Article 48 Application for notification	Article 48 Application for notification	
Article 48(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
707	1. A conformity assessment body shall submit an application for notification to the notifying authority of the Member State in which it is established.	1. A conformity assessment body shall submit an application for notification to the notifying authority of the Member State in which it is established.	1. A conformity assessment body shall submit an application for notification to the notifying authority of the Member State in which it is established.	
Article 48(2)				
708	2. That application shall be accompanied by a description of the conformity assessment activities, the conformity assessment module or modules and the product or products for which that body claims to be competent, the qualification matrix referred to in Article 45(6), as well as by an accreditation certificate, where one exists, issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article 45. The accreditation certificate shall relate only to the precise legal body applying for	2. That application shall be accompanied by a description of the conformity assessment activities, the conformity assessment module or modules and the product or products for which that body claims to be competent, the qualification matrix referred to in Article 45(6), as well as by an accreditation certificate, where one exists, issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article 45. The accreditation certificate shall relate only to the precise legal body applying for	2. That application shall be accompanied by a description of the conformity assessment activities, the conformity assessment module or modules and the product or products for which that body claims to be competent, ~~the qualification matrix referred to in Article 45(6),~~ as well as by an accreditation certificate, where one exists, issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article 45. The accreditation certificate shall relate only to the precise legal body applying for	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	notification and shall be based, in addition to relevant harmonised standards, on the specific requirements and conformity assessment tasks set out in the relevant delegated act adopted pursuant to Article 4.	notification and shall be based, in addition to relevant harmonised standards, on the specific requirements and conformity assessment tasks set out in the relevant delegated act adopted pursuant to Article 4.	notification and shall be based, in addition to relevant harmonised standards, on the specific requirements and conformity assessment tasks set out in the relevant delegated act adopted pursuant to Article 4.	
Article 48(3)				
709	3. Where the conformity assessment body concerned cannot provide an accreditation certificate, it shall provide the notifying authority with all the documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements laid down in Article 45.	3. Where the conformity assessment body concerned cannot provide an accreditation certificate, it shall provide the notifying authority with all the documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements laid down in Article 45.	3. Where the conformity assessment body concerned cannot provide an accreditation certificate, it shall provide the notifying authority with all the documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements laid down in Article 45.	
Article 49				
710				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 49 Notification procedure	Article 49 Notification procedure	Article 49 Notification procedure	
Article 49(1)				
711	1. Notifying authorities only notify conformity assessment bodies which have satisfied the requirements laid down in Article 45.	1. Notifying authorities only notify conformity assessment bodies which have satisfied the requirements laid down in Article 45.	1. Notifying authorities only notify conformity assessment bodies which have satisfied the requirements laid down in Article 45.	
Article 49(2)				
712	2. They shall notify the Commission and the other Member States using the electronic notification tool developed and managed by the Commission.	2. They shall notify the Commission and the other Member States using the electronic notification tool developed and managed by the Commission.	2. They shall notify the Commission and the other Member States using the electronic notification tool developed and managed by the Commission.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 49(3)				
713	3. The notification shall include full details of the conformity assessment activities, the conformity assessment module or modules and product or products concerned and the relevant attestation of competence.	3. The notification shall include full details of the conformity assessment activities, the conformity assessment module or modules and product or products concerned and the relevant attestation of competence.	3. The notification shall include full details of the conformity assessment activities, the conformity assessment module or modules and product or products concerned and the relevant attestation of competence.	
Article 49(4)				
714	4. Where a notification is not based on an accreditation certificate as referred to in Article 48(2), the notifying authority shall provide the Commission and the other Member States with documentary evidence which attests to the conformity assessment body's competence and the arrangements in place to ensure that that body will be monitored regularly and will continue to satisfy the requirements laid down	4. Where a notification is not based on an accreditation certificate as referred to in Article 48(2), the notifying authority shall provide the Commission and the other Member States with documentary evidence which attests to the conformity assessment body's competence and the arrangements in place to ensure that that body will be monitored regularly and will continue to satisfy the requirements laid down	4. Where a notification is not based on an accreditation certificate as referred to in Article 48(2), the notifying authority shall provide the Commission and the other Member States with documentary evidence which attests to the conformity assessment body's competence and the arrangements in place to ensure that that body will be monitored regularly and will continue to satisfy the requirements laid down	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in Article 45.	in Article 45.	in Article 45.	
Article 49(5), first subparagraph				
715	The body concerned may perform the activities of a notified body if the Commission or the other Member States do not raise any objections within 2 weeks of a notification where an accreditation certificate is used, or within 2 months of a notification where accreditation is not used.	The body concerned may perform the activities of a notified body if the Commission or the other Member States do not raise any objections within 2 weeks of a notification where an accreditation certificate is used, or within 2 months of a notification where accreditation is not used.	5. The body concerned may perform the activities of a notified body if the Commission or the other Member States do not raise any objections within 2 weeks of a notification where an accreditation certificate is used, or within 2 months of a notification where accreditation is not used.	
Article 49(5), second subparagraph				
716	Only such a body shall be considered a notified body for the purposes of this Regulation.	Only such a body shall be considered a notified body for the purposes of this Regulation.	Only such a body shall be considered a notified body for the purposes of this Regulation.	
Article 49(6), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
717	The notification shall become valid the day after the body is included in the list of notified bodies referred to in Article 50(2) by the Commission. The body concerned may perform the activities of a notified body only after the notification has become valid.	The notification shall become valid the day after the body is included in the list of notified bodies referred to in Article 50(2) by the Commission. The body concerned may perform the activities of a notified body only after the notification has become valid.	~~6. The notification shall become valid the day after the body is included in the list of notified bodies referred to in Article 50(2) by the Commission. The body concerned may perform the activities of a notified body only after the notification has become valid.~~	
Article 49(6), second subparagraph				
718	The Commission shall not publish a notification if it is aware or becomes aware that the relevant notified body does not meet the requirements laid down in Article 45.	The Commission shall not publish a notification if it is aware or becomes aware that the relevant notified body does not meet the requirements laid down in Article 45.	~~The Commission shall not publish a notification if it is aware or becomes aware that the relevant notified body does not meet the requirements laid down in Article 45.~~	
Article 49(7)				
719				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	7. The Commission and the other Member States shall be notified of any subsequent relevant changes to the notification.	7. The Commission and the other Member States shall be notified of any subsequent relevant changes to the notification.	7. The Commission and the other Member States shall be notified of any subsequent relevant changes to the notification.	
Article 50				
720	Article 50 Identification numbers and lists of notified bodies	Article 50 Identification numbers and lists of notified bodies	Article 50 Identification numbers and lists of notified bodies	
Article 50(1), first subparagraph				
721	The Commission shall assign an identification number to a notified body.	The Commission shall assign an identification number to a notified body.	1. The Commission shall assign an identification number to a notified body.	
Article 50(1), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
722	It shall assign a single such number even where the body is notified under several Union acts.	It shall assign a single such number even where the body is notified under several Union acts.	It shall assign a single such number even where the body is notified under several Union acts.	
Article 50(2), first subparagraph				
723	The Commission shall make the list of the bodies notified under this Regulation publicly available, including the identification numbers that have been allocated to them and the activities for which they have been notified.	The Commission shall make the list of the bodies notified under this Regulation publicly available, including the identification numbers that have been allocated to them and the activities for which they have been notified.	2. The Commission shall make the list of the bodies notified under this Regulation publicly available, including the identification numbers that have been allocated to them and the activities for which they have been notified.	
Article 50(2), second subparagraph				
724	The Commission shall ensure that that list is kept up to date.	The Commission shall ensure that that list is kept up to date.	The Commission shall ensure that that list is kept up to date.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 51				
725	Article 51 Changes to notifications	Article 51 Changes to notifications	Article 51 Changes to notifications	
Article 51(1)				
726	1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 45, or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw notification as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. It shall immediately inform the Commission and the other Member States accordingly.	1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 45, or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw notification as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. It shall immediately inform the Commission and the other Member States accordingly.	1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 45, or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw notification as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. It shall immediately inform the Commission and the other Member States accordingly.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 51(2)				
727	2. In the event of restriction, suspension or withdrawal of notification, or where the notified body has ceased its activity, the notifying Member State shall take appropriate steps to ensure that this body's files are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities at their request.	2. In the event of restriction, suspension or withdrawal of notification, or where the notified body has ceased its activity, the notifying Member State shall take appropriate steps to ensure that this body's files are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities at their request.	2. In the event of restriction, suspension or withdrawal of notification, or where the notified body has ceased its activity, the notifying Member State shall take appropriate steps to ensure that this body's files are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities at their request.	
Article 52				
728	Article 52 Challenge of the competence of notified bodies	Article 52 Challenge of the competence of notified bodies	Article 52 Challenge of the competence of notified bodies	
Article 52(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
729	1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention regarding, the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject.	1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention regarding, the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject.	1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention regarding, the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject.	
Article 52(2)				
730	2. The notifying Member State shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the body concerned.	2. The notifying Member State shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the body concerned.	2. The notifying Member State shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the body concerned.	
Article 52(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
731	3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.	3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.	3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.	
Article 52(4), first subparagraph				
732	Where the Commission ascertains that a notified body does not meet or no longer meets the requirements for its notification, it shall adopt an implementing act requiring the notifying Member State to take the necessary corrective action, including withdrawal of the notification if necessary. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 67(2).	Where the Commission ascertains that a notified body does not meet or no longer meets the requirements for its notification, it shall adopt an implementing act requiring the notifying Member State to take the necessary corrective action, including withdrawal of the notification if necessary. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 67(2).	4. Where the Commission ascertains that a notified body does not meet or no longer meets the requirements for its notification, it shall ~~adopt an implementing act requiring~~ inform the notifying Member State accordingly and request it to take the necessary corrective ~~action~~ measures , including withdrawal of the notification if necessary. ~~That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 67(2).~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Article 52(4), second subparagraph					
R	733	The Commission shall update the list of notified bodies referred to in Article 50(2) within 2 weeks of the implementing act being adopted.	The Commission shall update the list of notified bodies referred to in Article 50(2) within 2 weeks of the implementing act being adopted.	~~The Commission shall update the list of notified bodies referred to in Article 50(2) within 2 weeks of the implementing act being adopted.~~	R
Article 53					
G	734	Article 53 Operational obligations of notified bodies	Article 53 Operational obligations of notified bodies	Article 53 Operational obligations of notified bodies Text Origin: Commission Proposal	G
Article 53(1)					
G	735				G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Notified bodies shall carry out conformity assessments in accordance with the conformity assessment procedures provided for in the delegated acts adopted pursuant to Article 4.	1. Notified bodies shall carry out conformity assessments in accordance with the conformity assessment procedures provided for in the delegated acts adopted pursuant to Article 4.	1. Notified bodies shall carry out conformity assessments in accordance with the conformity assessment procedures provided for in the delegated acts adopted pursuant to Article 4.	1. Notified bodies shall carry out conformity assessments in accordance with the conformity assessment procedures provided for in the delegated acts adopted pursuant to Article 4. Text Origin: Commission Proposal
Article 53(2), first subparagraph				
736	Conformity assessments shall be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators. Conformity assessment bodies shall perform their activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.	Conformity assessments shall be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators. Conformity assessment bodies shall perform their activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.	2. Conformity assessments shall be carried out in a proportionate manner, avoiding unnecessary burdens for economic operators. ~~Conformity assessment~~ Notified bodies shall perform their activities taking due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 53(2), second subparagraph				
737	In so doing they shall nevertheless respect the degree of rigour and the level of protection required for the compliance of the product with the relevant requirements.	In so doing they shall nevertheless respect the degree of rigour and the level of protection required for the compliance of the product with the relevant requirements.	In so doing they shall nevertheless respect the degree of rigour and the level of protection required for the compliance of the product with the relevant requirements.	
Article 53(3)				
738	3. Where a notified body finds that a manufacturer does not meet the relevant requirements or corresponding harmonised standards, common specifications or other technical specifications, it shall require that manufacturer to take appropriate corrective measures in view of a second and final conformity assessment, unless the deficiencies cannot be remedied, in which case it shall not issue a certificate or approval	3. Where a notified body finds that a manufacturer does not meet the relevant requirements or corresponding harmonised standards, common specifications or other technical specifications, it shall require that manufacturer to take appropriate corrective measures in view of a second and final conformity assessment, unless the deficiencies cannot be remedied, in which case it shall not issue a certificate or approval	3. Where a notified body finds that a manufacturer does not meet the relevant requirements or corresponding harmonised standards, common specifications or other technical specifications, it shall require that manufacturer to take appropriate corrective measures in view of a second and final conformity assessment, unless the deficiencies cannot be remedied, in which case ~~and~~ it shall not issue a certificate or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	decision.	decision.	approval decision.	
Article 53(4)				
739	4. Where, in the course of the monitoring of conformity following the issue of a certificate or approval decision, a notified body finds that a product or the manufacturer does not comply or no longer complies, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw the certificate or approval decision if necessary.	4. Where, in the course of the monitoring of conformity following the issue of a certificate or approval decision, a notified body finds that a product or the manufacturer does not comply or no longer complies, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw the certificate or approval decision if necessary.	4. Where, in the course of the monitoring of conformity following the issue of a certificate in accordance with the conformity assessment procedures provided for in a delegated act adopted pursuant to Article 4 ~~or approval decision~~ , a notified body finds that a product or the manufacturer does not comply or no longer complies, it shall require the manufacturer to take appropriate corrective measures and shall suspend or withdraw the certificate ~~or approval decision~~ if necessary.	
Article 53(5)				
740				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	5. Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates or approval decisions, as appropriate.	5. Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates or approval decisions, as appropriate.	5. Where corrective measures are not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates or approval decisions, as appropriate.	
Article 53(6)				
741	6. When taking conformity assessment decisions, including when deciding on the need to suspend or withdraw a certificate or approval decisions in light of possible non-compliance, notified bodies shall apply clear and pre-determined criteria.	6. When taking conformity assessment decisions, including when deciding on the need to suspend or withdraw a certificate or approval decisions in light of possible non-compliance, notified bodies shall apply clear and pre-determined criteria.	6. ~~When taking conformity assessment decisions, including when deciding on the need to suspend or withdraw a certificate or approval decisions in light of possible non-compliance, notified bodies shall apply clear and pre-determined criteria.~~	
Article 53(7)				
742	7. Notified bodies shall ensure rotation among the personnel carrying out different conformity	7. Notified bodies shall ensure rotation among the personnel carrying out different conformity	7. ~~Notified bodies shall ensure rotation among the personnel carrying out different conformity~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	assessment tasks.	assessment tasks.	assessment tasks.	
Article 54				
743	Article 54 Information obligation on notified bodies	Article 54 Information obligation on notified bodies	Article 54 Information obligation on notified bodies	
Article 54(1)				
744	1. Notified bodies shall inform the notifying authority of the following:	1. Notified bodies shall inform the notifying authority of the following:	1. Notified bodies shall inform the notifying authority of the following:	
Article 54(1), point (a)				
745	(a) any refusal, restriction,	(a) any refusal, restriction,	(a) any refusal, restriction,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	suspension or withdrawal of a certificate;	suspension or withdrawal of a certificate;	suspension or withdrawal of a certificate;	
Article 54(1), point (b)				
746	(b) any circumstances affecting the scope of and conditions for notification;	(b) any circumstances affecting the scope of and conditions for notification;	(b) any circumstances affecting the scope of and conditions for notification;	
Article 54(1), point (c)				
747	(c) any request for information which they have received from market surveillance authorities regarding conformity assessment activities;	(c) any request for information which they have received from market surveillance authorities regarding conformity assessment activities;	(c) any request for information which they have received from market surveillance authorities regarding conformity assessment activities;	
Article 54(1), point (d)				
748				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(d) on request, conformity assessment activities performed within the scope of their notification and any other activity performed, including cross-border activities and subcontracting.	(d) on request, conformity assessment activities performed within the scope of their notification and any other activity performed, including cross-border activities and subcontracting.	(d) on request, conformity assessment activities performed within the scope of their notification and any other activity performed, including cross-border activities and subcontracting.	
Article 54(2)				
749	2. Notified bodies shall provide the other bodies notified under this Regulation which carry out similar conformity assessment activities that cover the same products with relevant information on issues relating to negative and, on request, positive conformity assessment results.	2. Notified bodies shall provide the other bodies notified under this Regulation which carry out similar conformity assessment activities that cover the same products with relevant information on issues relating to negative and, on request, positive conformity assessment results.	2. Notified bodies shall provide the other bodies notified under this Regulation which carry out similar conformity assessment activities that cover the same ~~products~~ product group with relevant information on issues relating to negative and, on request, positive conformity assessment results.	
Article 54(3)				
750	3. Where the Commission or a	3. Where the Commission or a	3. Where the Commission or a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Member State's market surveillance authority submits a request to a notified body established on the territory of another Member State relating to a conformity assessment carried out by that notified body, it shall send a copy of that request to the notifying authority of that other Member State. The notified body concerned shall respond without delay and within 15 days at the latest to the request. The notifying authority shall ensure that such requests are resolved by the notified body unless there is a legitimate reason for not doing so.	Member State's market surveillance authority submits a request to a notified body established on the territory of another Member State relating to a conformity assessment carried out by that notified body, it shall send a copy of that request to the notifying authority of that other Member State. The notified body concerned shall respond without delay and within 15 days at the latest to the request. The notifying authority shall ensure that such requests are resolved by the notified body unless there is a legitimate reason for not doing so.	Member State's market surveillance authority submits a request to a notified body established on the territory of another Member State relating to a conformity assessment carried out by that notified body, it shall send a copy of that request to the notifying authority of that other Member State. The notified body concerned shall respond without delay and within 15 days at the latest to the request. The notifying authority shall ensure that such requests are resolved by the notified body ~~unless there is a legitimate reason for not doing so.~~	
Article 54(4), first subparagraph				
751	Where notified bodies have or receive evidence that:		4. Where notified bodies have or receive evidence that:	
Article 54(4), first subparagraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
752	(a) another notified body does not comply with the requirements laid down in Article 45 or its obligations; or	(a) another notified body does not comply with the requirements laid down in Article 45 or its obligations; or	(a) another notified body does not comply with the requirements laid down in Article 45 or its obligations; or	
Article 54(4), first subparagraph, point (b)				
753	(b) a product placed on the market does not comply with ecodesign requirements set out in delegated acts adopted pursuant to Article 4 by which that product is covered; or	(b) a product placed on the market does not comply with ecodesign requirements set out in delegated acts adopted pursuant to Article 4 by which that product is covered; or	(b) a product placed on the market does not comply with ecodesign requirements set out in delegated acts adopted pursuant to Article 4 by which that product is covered; or	
Article 54(4), first subparagraph, point (c)				
754	(c) a product placed on the market, due to its physical condition, is likely to cause a serious risk;	(c) a product placed on the market, due to its physical condition, is likely to cause a serious risk;	(c) a product placed on the market, due to its physical condition, is likely to cause a serious risk;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 54(4), second subparagraph				
755	they shall alert and share such evidence with the relevant market surveillance or notifying authority, as appropriate.	they shall alert and share such evidence with the relevant market surveillance or notifying authority, as appropriate.	they shall alert and share such evidence with the relevant market surveillance or notifying authority, as appropriate.	
Article 55				
756	Article 55 Exchange of experience	Article 55 Exchange of experience	Article 55 Exchange of experience	
Article 55, first paragraph				
757	The Commission shall provide for the organisation of exchange of experience between the Member	The Commission shall provide for the organisation of exchange of experience between the Member	The Commission shall provide for the organisation of exchange of experience between the Member	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	States' authorities responsible for notification policy.	States' authorities responsible for notification policy.	States' authorities responsible for notification policy.	
Article 56				
758	Article 56 Coordination of notified bodies	Article 56 Coordination of notified bodies	Article 56 Coordination of notified bodies	
Article 56(1), first subparagraph				
759	The Commission shall ensure that appropriate coordination and cooperation between bodies notified under this Regulation are put in place and properly operated in the form of a group or groups of notified bodies, where appropriate including groups of bodies notified under the same delegated act adopted pursuant to Article 4 or in relation to similar conformity assessment tasks.	The Commission shall ensure that appropriate coordination and cooperation between bodies notified under this Regulation are put in place and properly operated in the form of a group or groups of notified bodies, where appropriate including groups of bodies notified under the same delegated act adopted pursuant to Article 4 or in relation to similar conformity assessment tasks.	1. The Commission shall ensure that appropriate coordination and cooperation between bodies notified under this Regulation are put in place and properly operated in the form of a group or groups of notified bodies, where appropriate including groups of bodies notified under the same delegated act adopted pursuant to Article 4 or in relation to similar conformity assessment tasks.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 56(1), second subparagraph				
760	Notified bodies shall participate in the work of any relevant group, directly or by means of designated representatives.	Notified bodies shall participate in the work of any relevant group, directly or by means of designated representatives.	Notified bodies shall participate in the work of any relevant group, directly or by means of designated representatives.	
Article 56(2)				
761	2. Notified bodies shall apply as general guidance any relevant documents produced as a result of the work of the groups referred to in paragraph 1.	2. Notified bodies shall apply as general guidance any relevant documents produced as a result of the work of the groups referred to in paragraph 1.	2. Notified bodies shall apply as general guidance any relevant documents produced as a result of the work of the groups referred to in paragraph 1.	
Article 56(3)				
762	3. Coordination and cooperation in	3. Coordination and cooperation in	3. Coordination and cooperation in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the groups referred to in paragraph 1 shall aim at ensuring the harmonised application of this Regulation and of the delegated acts adopted pursuant to Article 4. In doing so, the groups shall follow as general guidance any relevant documents produced by the administrative cooperation group set up pursuant to Article 30(2) of Regulation (EU) 2019/1020.	the groups referred to in paragraph 1 shall aim at ensuring the harmonised application of this Regulation and of the delegated acts adopted pursuant to Article 4. In doing so, the groups shall follow as general guidance any relevant documents produced by the administrative cooperation group set up pursuant to Article 30(2) of Regulation (EU) 2019/1020.	the groups referred to in paragraph 1 shall aim at ensuring the harmonised application of this Regulation and of the delegated acts adopted pursuant to Article 4. ~~In doing so, the groups shall follow as general guidance any relevant documents produced by the administrative cooperation group set up pursuant to Article 30(2) of Regulation (EU) 2019/1020.~~	
Chapter X				
763	Chapter X Incentives	Chapter X Incentives	Chapter X Incentives	
Article 57				
764	Article 57 Member State incentives	Article 57 Member State incentives	Article 57 Member State incentives	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 57(1)				
765	1. Member States incentives relating to products covered by a delegated act adopted pursuant to Article 4 that determines classes of performance in accordance with Article 7(4), in relation to a product parameter referred to in Annex I, shall concern the highest two classes of performance that are populated at Union level or, where relevant, products with an EU Ecolabel, unless otherwise specified in that delegated act.	1. Member States incentives relating to products covered by a delegated act adopted pursuant to Article 4 that determines classes of performance in accordance with Article 7(4), in relation to a product parameter referred to in Annex I, shall concern the highest two classes of performance that are populated at Union level or, where relevant, products with an EU Ecolabel, unless otherwise specified in that delegated act.	1. Member States incentives relating to products covered by a delegated act adopted pursuant to Article 4 that determines classes of performance in accordance with Article 7(4), in relation to a product parameter referred to in Annex I, shall concern– the highest two classes of performance that are populated at Union level or, where relevant, products with an EU Ecolabel, ~~unless otherwise specified in that delegated act~~ including products fulfilling equivalent requirements.	
Article 57(1a)				
765a			1a. The Commission is empowered to adopt implementing acts specifying the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			product parameters referred to in Annex I for the products covered by a delegated act adopted pursuant to Article 4 which can be subject to Member States incentives in order to boost demand of environmentally sustainable products. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 66(3).	
Article 57(2), first subparagraph				
766	Where a delegated act adopted pursuant to Article 4 determines classes of performance pursuant to Article 7(4), in relation to more than one product parameter referred to in Annex I or where classes of performance are established both under Regulation (EU) 2017/1369 and under this Regulation, the Commission may further specify in the delegated acts adopted pursuant to Article 4, third	Where a delegated act adopted pursuant to Article 4 determines classes of performance pursuant to Article 7(4), in relation to more than one product parameter referred to in Annex I or where classes of performance are established both under Regulation (EU) 2017/1369 and under this Regulation, the Commission may further specify in the delegated acts adopted pursuant to Article 4, third	~~2. Where a delegated act adopted pursuant to Article 4 determines classes of performance pursuant to Article 7(4), in relation to more than one product parameter~~ The implementing acts referred to in Annex I or where classes of performance are established both under Regulation (EU) 2017/1369 and under this Regulation, the Commission may further specify in the delegated acts adopted pursuant	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	subparagraph, point (g), which product parameters the Member States incentives shall concern.	subparagraph, point (g), which product parameters the Member States incentives shall concern.	to Article 4, third subparagraph, point (g), which product parameters the Member States incentives shall concern. paragraph 1a shall comply with the following criteria:	
Article 57(2), second subparagraph				
767	When doing so, the Commission shall take into account the following criteria:	When doing so, the Commission shall take into account the following criteria:	~~When doing so, the Commission shall take into account the following criteria:~~	
Article 57(2), second subparagraph, point (a)				
768	(a) the number of products in each class of performance;	(a) the number of products in each class of performance;	(a) Where a delegated act adopted pursuant to Article 4 determines classes of performance pursuant to Article 7(4), in relation to more than one product parameter referred to in Annex I or where classes of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			performance are established both under Regulation (EU) 2017/1369 and under this Regulation, the Commission may, in order to boost demand of environmentally sustainable the number of products, specify in implementing acts which product parameters the Member States incentives shall concern and that the highest two classes in each class of performance; for each parameter can be incentivised.	
Article 57(2), second subparagraph, point (b)				
769	(b) the relative affordability of the products in each class of performance;	(b) the relative affordability of the products in each class of performance;	(b) the relative affordability of the products in each class of performance;	
Article 57(2), second subparagraph, point (c)				
770				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(c) the need to ensure sufficient demand for more environmentally sustainable products.	(c) the need to ensure sufficient demand for more environmentally sustainable products.	(c) the need to ensure sufficient demand for more environmentally sustainable products.	
Article 57(2), second subparagraph a				
770a			When deciding which product parameter requirements regarding incentives shall concern, the Commission shall, as appropriate for the product group concerned, consider where there is potential in boosting demand of more well-performing products, and the likelihood that incentives would help achieve this goal.	
Article 57(3), first subparagraph				
771	Where a delegated act adopted pursuant to Article 4 does not determine classes of performance,	Where a delegated act adopted pursuant to Article 4 does not determine classes of performance,	(b) Where a delegated act adopted pursuant to Article 4 does not determine classes of performance,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the Commission may specify in the delegated acts adopted pursuant to Article 4, third subparagraph, point (g), requirements related to product parameters that products concerned by Member State incentives shall meet.	the Commission may specify in the delegated acts adopted pursuant to Article 4, third subparagraph, point (g), requirements related to product parameters that products concerned by Member State incentives shall meet.	the Commission may specify in the delegated acts adopted pursuant to Article 4, third subparagraph, point (g), requirements an implementing act that , requirements on performance related to product parameters that products concerned by Member State incentives shall meet.	
Article 57(3), second subparagraph				
772	When doing so, the Commission shall take into account the following criteria:	When doing so, the Commission shall take into account the following criteria:	3. When doing so preparing the implementing acts referred to in paragraph 2 , the Commission shall take into account the following criteria:	
Article 57(3), second subparagraph, point (a)				
773	(a) the relative affordability of the products meeting those requirements;	(a) the relative affordability of the products meeting those requirements;	(a) the ~~relative affordability of the~~ number of products meeting those requirements in each class of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			performance;	
Article 57(3), second subparagraph, point (b)				
774	(b) the need to ensure sufficient demand for more environmentally sustainable products.	(b) the need to ensure sufficient demand for more environmentally sustainable products.	(b) the need to ensure affordability of the products meeting those requirements, to avoid significant negative impacts on consumers ~~sufficient demand for more environmentally sustainable products.~~	
Article 57(4)				
774a			4. The implementing acts adopted under paragraphs 2 and 3 shall be adopted in accordance with the examination procedure referred to in Article 67(3).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 58				
775	Article 58 Green public procurement	Article 58 Green public procurement	Article 58 Green public procurement	
Article 58(1)				
776	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 performance clauses, or targets, as appropriate.	1. <u>Without prejudice to Directives 2014/24/EU and 2014/25/EU</u> , 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~~ <u>shall</u> take the form of mandatory technical specifications, selection criteria, award criteria, contract performance clauses, or targets, as appropriate.	1. Requirements pursuant to Article 4, third subparagraph, point (h) ~~The Commission is empowered to adopt implementing acts specifying minimum mandatory requirements for public contracts falling within the scope of Directive 2014/24/EU or Directive 2014/25/EU and~~ 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~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			mandatory technical specifications, selection criteria, award criteria, contract performance clauses, or targets, as appropriate in order to incentivise the supply and demand for environmentally sustainable products falling in the scope of those implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 67(3).	
Article 58(1a)				
776a		<u>1a. Member States, together with the Commission, shall provide assistance to national contracting authorities to upskill and reskill staff in charge of green public procurement.</u>		
Article 58(2)				
777				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 take into account the following criteria:	2. When establishing requirements pursuant to Article 4, third subparagraph, point (h), for public contracts paragraph 1 , the Commission shall take into account the following criteria:	
Article 58(3)				
777a			3. Contracting authorities and contracting entities referred to in paragraph 1 may, in duly justified cases, derogate from the mandatory requirements specified in an implementing act referred to in paragraph 1 on the grounds of public security and public health. Contracting authorities and contracting entities may also, in duly justified cases, derogate from the mandatory requirements, when those would lead to disproportionate technical difficulties.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 58(2b), first subparagraph				
777b			1a. The requirements referred to in paragraph 1 shall be set on products which are covered by delegated acts setting out ecodesign requirements as appropriate in view of the specificities of to the product group concerned:	
Article 58(2b), first subparagraph, point (a)				
777c			(a) Include requirements on the product referred to in Annex I considering in particular product groups' (i) lifetime extension, (ii) energy consumption, (iii) end of life management, (iv) criteria applicable to refurbished/remanufactured,	
Article 58(2b), first subparagraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
777d			(b) Where classes of performance have been defined for the products in accordance with Article 7(4), require products to fulfil one of the highest two classes of performance that are populated at Union level.	
Article 58(2b), second subparagraph				
777e			The requirements shall, as appropriate to the product group concerned, take the form of,	
Article 58(1a), second subparagraph, point (i)				
777f			(i) technical specifications within the meaning of paragraph 1 of Annex VII of Directive 2014/24/EU and of Article 60 of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Directive 2014/25/EU,	
Article 58(1a), second subparagraph, point (ii)				
777g			(ii) selection criteria within the meaning of Article 58 of Directive 2014/24/EU and of Article 80 of Directive 2014/25/EU,	
Article 58(1a), second subparagraph, point (iii)				
777h			(iii) contract performance clauses within the meaning of Article 70 of Directive 2014/24/EU and of Article 87 of Directive 2014/25/EU,	
Article 58(1a), second subparagraph, point (iv)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
777i			(iv) targets.	
Article 58(2), point (a)				
778	(a) the value and volume of public contracts awarded for that given product group or for the services or works using the given product group;	(a) the value and volume of public contracts awarded for that given product group or for the services or works using the given product group;	(a) the value and volume of public contracts awarded for that given the relevant product group or for the services or works using the given product group;	
Article 58(2), point (b)				
779	(b) the need to ensure sufficient demand for more environmentally sustainable products;	(b) <u>environmental benefits and</u> the need to ensure sufficient demand for more environmentally sustainable products;	(b) ~~the need to ensure sufficient demand for more environmentally sustainable products;~~	
Article 58(2), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
780	(c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable products, without entailing disproportionate costs.	(c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable products, without entailing disproportionate costs.	(c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable products, without entailing disproportionate costs;	
Article 58(2), point (d)				
780a			(d) the market situation at Union level of the relevant product group.	
Article 58(2), point (e)				
780b			(e) the effects of the requirements on competition.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Chapter XI				
781	Chapter XI Market surveillance	Chapter XI Market surveillance	Chapter XI Market surveillance	Chapter XI Market surveillance Text Origin: Commission Proposal
Article 59				
782	Article 59 Market surveillance action plans	Article 59 Market surveillance action plans	Article 59 <i>Market surveillance activities</i> Market surveillance action plans	
Article 59(1), first subparagraph				
R 783				R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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].	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, <u>including physical and laboratory checks based on adequate samples</u> , 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].	1. 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 overarching national market surveillance strategy according to Article 13 of Regulation (EU) 2019/1020, outline 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, where such information is easily available, take into account the environmental impact of non-compliance of relevant products, when setting priorities for such activities draw up the first such action plan by [16 July 2024].	
Article 59(1), second subparagraph				
784	The action plan referred to in paragraph 1 shall at least include:	The action plan referred to in paragraph 1 shall at least include:	The action plan referred to in paragraph 1 shall at least include:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 59(1), second subparagraph, point (a)			
785	(a) the products or requirements identified as priorities for market surveillance, taking into account the common priorities identified by the administrative cooperation group pursuant to Article 62(1), point (a), and in accordance with the implementing acts referred to in paragraph 5;	(a) the products or requirements identified as priorities for market surveillance, taking into account the common priorities identified by the administrative cooperation group pursuant to Article 62(1), point (a), and in accordance with the implementing acts referred to in paragraph 5;	(a) the products or requirements identified as priorities for market surveillance, taking into account the common priorities identified by the administrative cooperation group pursuant to Article 62(1), point (a), and in accordance with the implementing acts referred to in paragraph 5;	
	Article 59(1), second subparagraph, point (b)			
786	(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.	(b) the market surveillance activities planned in order to reduce <i>or bring to an end</i> non-compliance for those products or requirements identified as priorities, including the nature and minimum number of checks to be performed during the period	(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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		covered by the action plan.		
Article 59(2)				
787	2. The priorities for market surveillance referred to in paragraph 1, point (a), shall be identified on the basis of objective criteria, including:	2. The priorities for market surveillance referred to in paragraph 1, point (a), shall be identified on the basis of objective criteria, including:	2. ~~The priorities for market surveillance referred to in paragraph 1, point (a), shall be identified on the basis of objective criteria, including:~~	
Article 59(2), point (a)				
788	(a) the levels of non-compliance observed in the market;	(a) the levels of non-compliance observed in the market;	(a) ~~the levels of non-compliance observed in the market;~~	
Article 59(2), point (b)				
789	(b) the environmental impacts of	(b) the environmental impacts of	(b) ~~the environmental impacts of~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	non-compliance;	non-compliance;	~~non-compliance;~~	
Article 59(2), point (ba)				
R 789a		<u>(ba) the number of complaints received from end-users, consumer organisations or other information received from economic operators or the media;</u>		R
Article 59(2), point (c)				
R 790	(c) the number of relevant products made available on national markets; and	(c) the number of relevant products made available on national markets; and	(c) ~~the number of relevant products made available on national markets; and~~	R
Article 59(2), point (d)				
R 791				R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(d) the number of relevant economic operators active on those markets.	(d) the number of relevant economic operators active on those markets.	(d) the number of relevant economic operators active on those markets.	
Article 59(3)				
792	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.	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. <u>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.</u>	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.	
Article 59(3a)				
792a		<u>3a. In order to carry out market</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>surveillance in relation to this Regulation and to the delegated acts adopted pursuant to Article 4, Member States shall ensure that their market surveillance authorities have the necessary resources, including sufficient budgetary and other resources, such as a sufficient number of competent personnel, expertise, procedures and other arrangements for the proper performance of their duties.</u>		
Article 59(4)				
793	4. Member States shall communicate their action plans to the Commission and other Member States through the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020.	4. Member States shall communicate their action plans to the Commission and other Member States through the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020.	~~4. Member States shall communicate their action plans to the Commission and other Member States through the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020.~~	
Article 59(5), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
794	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).	The Commission may adopt ~~implementing acts~~ <u>delegated acts in accordance with Article 66 to supplement this Regulation by</u> listing the products or requirements that Member States shall ~~at least consider~~ <u>include</u> as priorities for market surveillance pursuant to paragraph 1, point (a).	~~5. 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).~~	
Article 59(5), second subparagraph				
795	Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 67(2).	~~Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 67(2).~~	~~Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 67(2).~~	
Article 60				
796	Article 60	Article 60	Article 60	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Minimum number of checks	Minimum number of checks	Minimum number of checks	
Article 60(1), first subparagraph				
797	The Commission is empowered to adopt delegated acts in accordance with Article 66 to supplement this Regulation by laying down the minimum number of checks to be performed by the market surveillance authorities of each Member State on specific products covered by delegated acts adopted pursuant to Article 4 or in relation to specific requirements set out in such delegated acts. The delegated act may, where relevant, specify the nature of the checks required and methods to be used.	The Commission is empowered to adopt delegated acts in accordance with Article 66 to supplement this Regulation by laying down the minimum number of checks to be performed by the market surveillance authorities of each Member State on specific products covered by delegated acts adopted pursuant to Article 4 or in relation to specific requirements set out in such delegated acts. The delegated act may, where relevant, specify the nature of the checks required and methods to be used.	~~1. The Commission is empowered to adopt delegated acts in accordance with Article 66 to supplement this Regulation by laying down the minimum number of checks to be performed by the market surveillance authorities of each Member State on specific products covered by delegated acts adopted pursuant to Article 4 or in relation to specific requirements set out in such delegated acts. The delegated act may, where relevant, specify the nature of the checks required and methods to be used.~~	
Article 60(1), second subparagraph				
798	The minimum number of checks	The minimum number of checks	~~The minimum number of checks~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall be established on the basis of the following criteria:	shall be established on the basis of the following criteria:	shall be established on the basis of the following criteria:	
Article 60(1), second subparagraph, point (a)				
799	(a) the criteria listed in Article 59(2);	(a) the criteria listed in Article 59(2);	(a) the criteria listed in Article 59(2);	
Article 60(1), second subparagraph, point (b)				
800	(b) the activities planned in Member States' action plans;	(b) the activities planned in Member States' action plans;	(b) the activities planned in Member States' action plans;	
Article 60(1), second subparagraph, point (c)				
801	(c) the common priorities identified by the administrative cooperation group pursuant to	(c) the common priorities identified by the administrative cooperation group pursuant to	(c) the common priorities identified by the administrative cooperation group pursuant to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 62(1), point (a);	Article 62(1), point (a);	Article 62(1), point (a);	
Article 60(1), second subparagraph, point (d)				
802	(d) where relevant, the priorities included in the implementing acts referred to in Article 59(5).	(d) where relevant, the priorities included in the ~~implementing~~ <u>delegated</u> acts referred to in Article 59(5).	(d) ~~where relevant, the priorities included in the implementing acts referred to in Article 59(5).~~	
Article 60(2)				
803	2. Market surveillance authorities shall have the right to recover from the responsible economic operator the costs of document inspection and physical product testing in case of non-compliance with delegated acts adopted pursuant to Article 4.	2. Market surveillance authorities shall have the right to recover from the responsible economic operator the costs of document inspection and physical product testing in case of non-compliance with delegated acts adopted pursuant to Article 4.	2. ~~Market surveillance authorities shall have the right to recover from the responsible economic operator the costs of document inspection and physical product testing in case of non-compliance with delegated acts adopted pursuant to Article 4.~~	
Article 61				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
804	Article 61 Reporting and benchmarking	Article 61 Reporting and benchmarking	Article 61 Reporting and benchmarking	
Article 61(1)				
805	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.	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 <u>number and nature of checks performed, as well as the</u> nature and severity of any penalty imposed in relation to non-compliance with this Regulation.	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.~~	
Article 61(2), first subparagraph				
806	The Commission shall, every 2 years, draw up a report by 30 June	The Commission shall, every 2 years, draw up a report by 30 June	2. The Commission shall, every-2 4 years, draw up a report by 30	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	based on the information entered by market surveillance authorities into the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020. The first of these reports shall be published by [OP: Please add date: two years after date of application of this Regulation].	based on the information entered by market surveillance authorities into the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020. The first of these reports shall be published by [OP: Please add date: two years after date of application of this Regulation].	June based on the information entered by market surveillance authorities into the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020. The first of these reports shall be published by [OP: Please add date: four years after date of application of this Regulation] ~~OP: Please add date: two years after date of application of this Regulation].~~	
Article 61(2), second subparagraph				
807	The report shall include:	The report shall include:	The report shall include:	
Article 61(2), second subparagraph, point (a)				
808	(a) information on the nature and number of checks performed by market surveillance authorities during the two previous calendar	(a) information on the nature and number of checks performed by market surveillance authorities during the two previous calendar	(a) information on the nature and number of checks performed by market surveillance authorities during the ~~two~~ four previous	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	years pursuant to Article 34(4) and (5) of Regulation (EU) 2019/1020;	years pursuant to Article 34(4) and (5) of Regulation (EU) 2019/1020;	calendar years pursuant to Article 34(4) and (5) of Regulation (EU) 2019/1020;	
Article 61(2), second subparagraph, point (b)				
809	(b) information on the levels of non-compliance identified and on the nature and severity of penalties imposed for the two previous calendar years in relation to products covered by delegated acts adopted pursuant to Article 4 of this Regulation;	(b) information on the levels of non-compliance identified and on the nature and severity of penalties imposed for the two previous calendar years in relation to products covered by delegated acts adopted pursuant to Article 4 of this Regulation;	(b) ~~information on the levels of non-compliance identified and on the nature and severity of penalties imposed for the two previous calendar years in relation to products covered by delegated acts adopted pursuant to Article 4 of this Regulation;~~	
Article 61(2), second subparagraph, point (c)				
810	(c) a comparison of this information with the activities planned in the context of the action plans drawn up pursuant to Article 59(1);	(c) a comparison of this information with the activities planned in the context of the action plans drawn up pursuant to Article 59(1);	(c) ~~a comparison~~ an evaluation of this information ~~with~~ in relation to the activities planned in the context of the ~~action plans drawn up~~ activities planned pursuant to Article ~~59(1)~~ 59 ;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 61(2), second subparagraph, point (d)				
811	(d) indicative benchmarks for market surveillance authorities in relation to the frequency of checks and the nature and severity of penalties imposed.	(d) indicative benchmarks for market surveillance authorities in relation to the frequency of checks and the nature and severity of penalties imposed.	(d) indicative benchmarks for market surveillance authorities in relation to the frequency of checks ~~and the nature and severity of penalties imposed.~~	
Article 61(3)				
812	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.	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 <u>both</u> a summary of <u>the report and</u> the report.	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.	
Article 62				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
R 813	Article 62 Market surveillance coordination and support	Article 62 Market surveillance coordination and support	Article 62 Market surveillance coordination and support	
Article 62(1), first subparagraph				
R 814	For the purposes of this Regulation, the administrative cooperation group ('ADCO') set up pursuant to Article 30(2) of Regulation (EU) 2019/1020 shall meet at regular intervals and, where necessary, at the reasoned request of the Commission or of two or more participating market surveillance authorities.	For the purposes of this Regulation, the administrative cooperation group ('ADCO') set up pursuant to Article 30(2) of Regulation (EU) 2019/1020 shall meet at regular intervals and, where necessary, at the reasoned request of the Commission or of two or more participating market surveillance authorities.	1. For the purposes of this Regulation, the administrative cooperation group ('ADCO') set up pursuant to Article 30(2) of Regulation (EU) 2019/1020 shall meet at regular intervals and, where necessary, at the reasoned request of the Commission or of two or more participating market surveillance authorities shall:	
Article 62(1), second subparagraph				
R 815	In the context of performing its	In the context of performing its	In the context of performing its	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	tasks set out in Article 32 of Regulation (EU) 2019/1020, the ADCO shall support the implementation of the action plans drawn up pursuant to Article 59(1) and shall identify:	tasks set out in Article 32 of Regulation (EU) 2019/1020, the ADCO shall support the implementation of the action plans drawn up pursuant to Article 59(1) and shall identify:	~~tasks set out in Article 32 of Regulation (EU) 2019/1020, the ADCO shall support the implementation of the action plans drawn up pursuant to Article 59(1) and shall identify:~~	
Article 62(1), second subparagraph, point (a)				
816	(a) common priorities for market surveillance as referred to in Article 59(1), point (a), based on objective criteria as referred to in Article 59(2);	(a) common priorities for market surveillance as referred to in Article 59(1), point (a), based on objective criteria as referred to in Article 59(2);	~~(a) common priorities for market surveillance as referred to in Article 59(1), point (a), based on objective criteria as referred to in Article 59(2);~~	
Article 62(1), second subparagraph, point (b)				
817	(b) priorities for Union support pursuant to paragraph 2;	(b) priorities for Union support pursuant to paragraph 2;	~~(b) priorities for Union support pursuant to paragraph 2;~~	
Article 62(1), second subparagraph, point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
818	(c) requirements set out in delegated acts adopted pursuant to Article 4 that are applied or interpreted differently that should be priorities for the organisation of common trainings or adoption of guidelines pursuant to paragraph 2 of this Article.	(c) requirements set out in delegated acts adopted pursuant to Article 4 that are applied or interpreted differently that should be priorities for the organisation of common trainings or adoption of guidelines pursuant to paragraph 2 of this Article.	~~(c) requirements set out in delegated acts adopted pursuant to Article 4 that are applied or interpreted differently that should be priorities for the organisation of common trainings or adoption of guidelines pursuant to paragraph 2 of this Article.~~	
Article 62(2), first subparagraph				
819	Based on priorities identified by the ADCO, the Commission shall:	Based on priorities identified by the ADCO, the Commission shall:	~~Based on priorities identified by the ADCO, the Commission shall:~~	
Article 62(2), first subparagraph, point (a)				
820	(a) organise joint market surveillance and testing projects in areas of common interest;	(a) organise joint market surveillance and testing projects in areas of common interest;	(a) organise joint market surveillance and testing projects in areas of common interest;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 62(2), first subparagraph, point (b)				
821	(b) organise joint investment in market surveillance capacities, including equipment and IT tools;	(b) organise joint investment in market surveillance capacities, including equipment and IT tools;	(b) organise joint investment in market surveillance capacities, including equipment and IT tools;	
Article 62(2), first subparagraph, point (c)				
822	(c) organise common trainings for the staff of market surveillance authorities, notifying authorities and notified bodies, including on the correct interpretation and application of requirements set out in delegated acts adopted pursuant to Article 4 and on methods and techniques relevant for applying or verifying compliance with such;	(c) organise common trainings for the staff of market surveillance authorities, notifying authorities and notified bodies, including on the correct interpretation and application of requirements set out in delegated acts adopted pursuant to Article 4 and on methods and techniques relevant for applying or verifying compliance with such;	(c) organise common trainings for the staff of market surveillance authorities, customs authorities , notifying authorities and notified bodies, including on the correct interpretation and application of requirements set out in delegated acts adopted pursuant to Article 4 and on methods and techniques relevant for applying or verifying compliance with such conformity assessment and compliance verification ;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 62(2), first subparagraph, point (d)				
823	(d) elaborate guidelines for the application and enforcement of requirements set out in delegated acts adopted pursuant to Article 4, including common practices and methodologies for effective market surveillance.	(d) elaborate guidelines for the application and enforcement of requirements set out in delegated acts adopted pursuant to Article 4, including common practices and methodologies for effective market surveillance.	(d) elaborate guidelines for the application and enforcement of requirements set out in delegated acts adopted pursuant to Article 4, including common practices and methodologies for effective market surveillance.	
Article 62(2), first subparagraph, point (da)				
823a		<u>(da) where appropriate, consult with stakeholders and experts.</u>		
Article 62(2), second subparagraph				
824	The Union shall, where	The Union shall, where	The Union shall, where	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	appropriate, finance the actions referred to in points (a), (b) and (c).	appropriate, finance the actions referred to in points (a), (b) and (c).	appropriate, finance the actions referred to in points (a), (b) and (c).	
Article 62(3)				
825	3. The Commission shall provide technical and logistic support to ensure the ADCO fulfils its tasks set out in Article 32 of Regulation (EU) 2019/1020 and this Article.	3. The Commission shall provide technical and logistic support to ensure the ADCO fulfils its tasks set out in Article 32 of Regulation (EU) 2019/1020 and this Article.	3. The Commission shall provide technical and logistic support to ensure the ADCO fulfils its tasks set out in Article 32 of Regulation (EU) 2019/1020 and this Article where such tasks relate to this Regulation.	
Chapter XII				
826	Chapter XII Safeguard procedures	Chapter XII Safeguard procedures	Chapter XII Safeguard procedures	Chapter XII Safeguard procedures Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 63				
827	Article 63 Procedure for dealing with products presenting a risk at national level	Article 63 Procedure for dealing with products presenting a risk at national level	Article 63 Procedure for dealing with products presenting a risk at national level	Article 63 Procedure for dealing with products presenting a risk at national level Text Origin: Commission Proposal
Article 63(1), first subparagraph				
828	Where the market surveillance authorities of one Member State have sufficient reason to believe that a product covered by a delegated act adopted pursuant to Article 4 presents a risk, they shall carry out an evaluation covering all requirements relevant to the risk	Where the market surveillance authorities of one Member State have sufficient reason to believe that a product covered by a delegated act adopted pursuant to Article 4 presents a risk, they shall carry out an evaluation covering all requirements relevant to the risk	1. Where the market surveillance authorities of one Member State have sufficient reason to believe that a product covered by a delegated act adopted pursuant to Article 4 presents a risk, they shall carry out an evaluation covering all requirements relevant	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and laid down in this Regulation or in the relevant delegated act. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.	and laid down in this Regulation or in the relevant delegated act. The relevant economic operators shall cooperate as necessary with the market surveillance authorities.	to the risk and laid down in this Regulation or in the relevant delegated act. ~~The relevant economic operators shall cooperate as necessary with the market surveillance authorities.~~	
Article 63(1), second subparagraph				
829	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	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	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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	may include the actions listed in Article 16(3) of Regulation (EU) 2019/1020.	may include <u>as a minimum</u> the actions listed in Article 16(3) of Regulation (EU) 2019/1020.	may include the actions listed in Article 16(3) of Regulation (EU) 2019/1020.	
Article 63(1), third subparagraph				
830	The market surveillance authorities shall inform the relevant notified body accordingly.	The market surveillance authorities shall inform the relevant notified body accordingly.	Where appropriate , the market surveillance authorities shall inform the relevant notified body accordingly.	
Article 63(2)				
831	2. Where the market surveillance authorities consider that non-compliance is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.	2. Where the market surveillance authorities consider that non-compliance is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.	2. Where the market surveillance authorities consider that non-compliance is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 63(3)				
832	3. The economic operator shall ensure that all appropriate corrective action is taken in respect of all the products concerned that it has made available on the market throughout the Union.	3. The economic operator shall ensure that all appropriate corrective action is taken in respect of all the products concerned that it has made available on the market throughout the Union.	3. The relevant economic operator shall ensure that all appropriate corrective action is taken in respect of all the products concerned that it has made available on the market throughout the Union.	
Article 63(4), first subparagraph				
833	Where the relevant economic operator does not take corrective action within the period referred to in the second subparagraph of paragraph 1 or the non-compliance persists, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the making available of the product concerned on their national market, to withdraw the product from that	Where the relevant economic operator does not take corrective action within the period referred to in the second subparagraph of paragraph 1 or the non-compliance persists, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the making available of the product concerned on their national market, to withdraw the product from that	4. Where the relevant economic operator does not take corrective action within the period referred to in the second subparagraph of paragraph 1 or the non-compliance persists, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the making available of the product concerned on their national market, to withdraw the product from that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	market or to recall it.	market or to recall it.	market or to recall it.	
Article 63(4), second subparagraph				
834	They shall inform the Commission and the other Member States, without delay, of those measures.	They shall inform the Commission and the other Member States, without delay, of those measures.	They shall inform the Commission and the other Member States, without delay, of those measures.	
Article 63(5)				
835	5. The information to the Commission and the other Member States referred to in paragraph 4 shall be communicated through the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall include all available details, in particular the data necessary for the identification of the non-compliant product, the origin of the product, the nature of the non-compliance alleged and the non-	5. The information to the Commission and the other Member States referred to in paragraph 4 shall be communicated through the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall include all available details, in particular the data necessary for the identification of the non-compliant product, the origin of the product, the nature of the non-compliance alleged and the non-	5. The information to the Commission and the other Member States referred to in paragraph 4 shall be communicated through the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and shall include all available details, in particular the data necessary for the identification of the non-compliant product, the origin of the product, the nature of the non-compliance alleged and the non-	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	compliance involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. The market surveillance authorities shall also indicate whether the non-compliance is due to either:	compliance involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. The market surveillance authorities shall also indicate whether the non-compliance is due to either:	compliance involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. The market surveillance authorities shall also indicate whether the non-compliance is due to either:	
Article 63(5), point (a)				
836	(a) failure of the product to meet requirements set out in the relevant delegated act adopted pursuant to Article 4; or	(a) failure of the product to meet requirements set out in the relevant delegated act adopted pursuant to Article 4; or	(a) failure of the product to meet requirements set out in the relevant delegated act adopted pursuant to Article 4; or	
Article 63(5), point (b)				
837	(b) shortcomings in the harmonised standards or common specification referred to in Articles 34 and 35 conferring a presumption of conformity.	(b) shortcomings in the harmonised standards or common specification referred to in Articles 34 and 35 conferring a presumption of conformity.	(b) shortcomings in the harmonised standards or common specification referred to in Articles 34 and 35 conferring a presumption of conformity.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 63(6)				
838	6. Member States other than the Member State initiating the procedure shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the product concerned, and, in the event of disagreement with the notified national measure, of their objections.	6. Member States other than the Member State initiating the procedure shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the product concerned, and, in the event of disagreement with the notified national measure, of their objections.	6. Member States other than the Member State initiating the procedure shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the product concerned, and, in the event of disagreement with the notified national measure, of their objections.	
Article 63(7)				
839	7. Where, within three months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect	7. Where, within three months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect	7. Where, within three months of receipt of the information referred to in paragraph 4, no objection has been raised by either a Member State or the Commission in respect	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of a provisional measure taken by a Member State, that measure shall be deemed justified. Measures may specify a period longer or shorter than three months in order to take account of the specificities of the products or requirements concerned.	of a provisional measure taken by a Member State, that measure shall be deemed justified. Measures may specify a period longer or shorter than three months in order to take account of the specificities of the products or requirements concerned.	of a provisional measure taken by a Member State, that measure shall be deemed justified. Measures may specify a period longer or shorter than three months in order to take account of the specificities of the products or requirements concerned.	
Article 63(8)				
840	8. Member States shall ensure that appropriate restrictive measures are taken in respect of the product or manufacturer concerned, such as withdrawal of the product from their market, without delay.	8. Member States shall ensure that appropriate restrictive measures are taken in respect of the product or manufacturer concerned, such as withdrawal of the product from their market, without delay.	8. Member States shall ensure that appropriate restrictive measures are taken in respect of the product or ~~manufacturer~~ concerned, such as withdrawal of the product from their market, without delay.	
Article 64				
841	Article 64 Union safeguard procedure	Article 64 Union safeguard procedure	Article 64 Union safeguard procedure	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 64(1), first subparagraph				
842	Where, on completion of the procedure set out in Article 63(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not.	Where, on completion of the procedure set out in Article 63(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not.	1. Where, on completion of the procedure set out in Article 63(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not.	
Article 64(1), second subparagraph				
843				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	That implementing act shall be adopted in accordance with the examination procedure referred to in Article 67(3).	That implementing act shall be adopted in accordance with the examination procedure referred to in Article 67(3).	That implementing act shall be adopted in accordance with the examination procedure referred to in Article 67(3).	
Article 64(2), first subparagraph				
844	The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.	The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.	2. The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.	
Article 64(2), second subparagraph				
845	If the national measure is considered justified, all Member States shall take the measures necessary to ensure that the non-compliant product is withdrawn from their market, and shall inform	If the national measure is considered justified, all Member States shall take the measures necessary to ensure that the non-compliant product is withdrawn from their market, and shall inform	If the national measure is considered justified, all Member States shall take the measures necessary to ensure that the non-compliant product is withdrawn from their market, and shall inform	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the Commission accordingly.	the Commission accordingly.	the Commission accordingly.	
Article 64(2), third subparagraph				
846	If the national measure is considered unjustified, the Member State concerned shall withdraw the measure.	If the national measure is considered unjustified, the Member State concerned shall withdraw the measure.	If the national measure is considered unjustified, the Member State concerned shall withdraw the measure.	
Article 64(3)				
847	3. Where the national measure is considered justified and the non-compliance of the product is attributed to shortcomings in the harmonised standards referred to in Article 34 of this Regulation, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.	3. Where the national measure is considered justified and the non-compliance of the product is attributed to shortcomings in the harmonised standards referred to in Article 34 of this Regulation, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.	3. Where the national measure is considered justified and the non-compliance of the product is attributed to shortcomings in the harmonised standards referred to in Article 34 of this Regulation, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 64(4), first subparagraph				
848	Where the national measure is considered justified and the non-compliance of the product is attributed to shortcomings in the common specifications referred to in Article 35, the Commission shall, without delay, adopt implementing acts amending or repealing the common specifications concerned.	Where the national measure is considered justified and the non-compliance of the product is attributed to shortcomings in the common specifications referred to in Article 35, the Commission shall, without delay, adopt implementing acts amending or repealing the common specifications concerned.	[4. Where the national measure is considered justified and the non-compliance of the product is attributed to shortcomings in the common specifications referred to in Article 35, the Commission shall, without delay, adopt implementing acts amending or repealing the common specifications concerned.]	
Article 64(4), second subparagraph				
849	The implementing acts referred to in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 67(3).	The implementing acts referred to in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 67(3).	The implementing acts referred to in the first subparagraph shall be adopted in accordance with the examination procedure referred to in Article 67(3).	
Article 65				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
850	Article 65 Formal non-compliance	Article 65 Formal non-compliance	Article 65 Formal non-compliance	
Article 65(1)				
851	1. Where a Member State makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:	1. Where a Member State makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:	1. Where a Member State makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:	
Article 65(1), point (a)				
852	(a) the CE marking has been affixed in violation of Article 30 of Regulation (EC) No 765/2008 or of Article 39 of this Regulation;	(a) the CE marking has been affixed in violation of Article 30 of Regulation (EC) No 765/2008 or of Article 39 of this Regulation;	(a) the CE marking has been affixed in violation of Article 30 of Regulation (EC) No 765/2008 or of Article 39 of this Regulation;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 65(1), point (b)				
853	(b) the CE marking has not been affixed;	(b) the CE marking has not been affixed;	(b) the CE marking has not been affixed;	
Article 65(1), point (c)				
854	(c) the identification number of the notified body has been affixed in violation of Article 39 or has not been affixed where required;	(c) the identification number of the notified body has been affixed in violation of Article 39 or has not been affixed where required;	(c) the identification number of the notified body has been affixed in violation of Article 39 or has not been affixed where required;	
Article 65(1), point (d)				
855	(d) the EU declaration of conformity has not been drawn up;	(d) the EU declaration of conformity has not been drawn up;	(d) the EU declaration of conformity has not been drawn up;	
Article 65(1), point (e)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
856	(e) the EU declaration of conformity has not been drawn up correctly;	(e) the EU declaration of conformity has not been drawn up correctly;	(e) the EU declaration of conformity has not been drawn up correctly;	
Article 65(1), point (f)				
857	(f) the technical documentation is not available, not complete or contains errors;	(f) the technical documentation is not available, not complete or contains errors;	(f) the technical documentation is not available, not complete or contains errors;	
Article 65(1), point (g)				
858	(g) the information referred to in Article 21(6) or Article 23(3) is absent, false or incomplete;	(g) the information referred to in Article 21(6) or Article 23(3) is absent, false or incomplete;	(g) the information referred to in Article 21(6) or Article 23(3) is absent, false or incomplete;	
Article 65(1), point (h)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
859	(h) any other administrative requirement provided for in Article 21 or Article 23 or in the applicable delegated act adopted pursuant to Article 4, is not fulfilled.	(h) any other administrative requirement provided for in Article 21 or Article 23 or in the applicable delegated act adopted pursuant to Article 4, is not fulfilled.	(h) any other administrative requirement provided for in Article 21 or Article 23 or in the applicable delegated act adopted pursuant to Article 4, is not fulfilled.	
Article 65(2)				
860	2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the product being made available on the market or ensure that it is recalled or withdrawn from the market.	2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the product being made available on the market or ensure that it is recalled or withdrawn from the market.	2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the product being made available on the market or ensure that it is recalled or withdrawn from the market.	
Chapter XIII				
861				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Chapter XIII Delegated powers and committee procedure	Chapter XIII Delegated powers and committee procedure	Chapter XIII Delegated powers and committee procedure	
Article 66				
862	Article 66 Exercise of the delegation	Article 66 Exercise of the delegation	Article 66 Exercise of the delegation	
Article 66(1)				
863	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 66(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
864	2. The power to adopt delegated acts referred to in Article 4, Article 9(1), second subparagraph, Article 11(4), Article 20(3), and Article 61(1) shall be conferred on the Commission for a period of six years from [one month after the entry into force of this act]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the six-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in Article 4, Article 9(1), second subparagraph, Article 11(4), Article 20(3), and Article 61(1) shall be conferred on the Commission for a period of ~~six~~<u>five</u> years from [~~one month after the~~<u>the date of</u> entry into force of this act]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the ~~six-year~~<u>five-year</u> period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The power to adopt delegated acts referred to in Article 4, Article 9(1), second subparagraph ~~11a~~, Article 11(4), Article 20(3), ~~9(1)~~, second subparagraph and Article 61(1)11(4) shall be conferred on the Commission for a period of six years from [one month after the entry into force of this act]~~one month after the entry into force of this act~~. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the six-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
Article 66(3)				
865	3. The delegation of power	3. The delegation of power	3. The delegation of power	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	referred to in Article 4, Article 9(1), second subparagraph, Article 11(4), Article 20(3), and Article 61(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	referred to in Article 4, Article 9(1), second subparagraph, Article 11(4), Article 20(3), and Article ~~61(1)~~ 60(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	referred to in Article 4, Article ~~9(1), second subparagraph~~ 11a , Article ~~11(4), Article 20(3), 9(1), second subparagraph~~ and Article ~~61(1)~~ 11(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
Article 66(4)				
866	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State acting in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State acting in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State acting in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 66(5)				
867	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
Article 66(6)				
868	6. A delegated act adopted pursuant to Article 4, Article 9(1), second subparagraph, Article 11(4), Article 20(3), and Article 61(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that	6. A delegated act adopted pursuant to Article 4, Article 9(1), second subparagraph, Article 11(4), Article 20(3), and Article 61(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that	6. A delegated act adopted pursuant to Article 4, Article 9(1), ~~second subparagraph~~ 11a , Article ~~11(4), Article 20(3), 9(1), second subparagraph~~ and Article ~~61(1)~~ 11(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	
Article 67				
869	Article 67 Committee procedure	Article 67 Committee procedure	Article 67 Committee procedure	
Article 67(1)				
870	1. The Commission shall be assisted by a Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 67(2)				
871	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	
Article 67(3)				
872	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	
Chapter XIV				
873	Chapter XIV Final provisions	Chapter XIV Final provisions	Chapter XIV Final provisions	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 68				
874	Article 68 Penalties	Article 68 Penalties	Article 68 Penalties	
Article 68, first paragraph				
875	Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive, taking into account the extent of non-compliance and the number of units of non-complying products placed on the Union market. Member States shall notify the Commission of those provisions by [one year after the date of application of this Regulation] at the latest and shall notify it without	Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive; ~~taking into account the extent of non-compliance and the number of units of non-complying products placed on the Union market.~~ Member States shall notify the Commission of those provisions by [one year after the date of application of this Regulation] at the latest and shall notify it without	Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive; ~~taking into account the extent of non-compliance and the number of units of non-complying products placed on the Union market.~~ Member States shall notify the Commission of those provisions by [one year two years after the date of entry into force of this Regulation after the date of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	delay of any subsequent amendment affecting them.	delay of any subsequent amendment affecting them.	application of this Regulation] at the latest and shall notify it without delay of any subsequent amendment affecting them.	
Article 68, first paragraph a				
875a		<u>When determining the type and level of penalties to be imposed in the event of infringements, the competent authorities of the Member States shall give due regard to the following criteria:</u>		
Article 68, first paragraph a, point (a)				
875b		<u>(a) the nature, gravity and duration of the infringement, including the number of units of non-complying products placed on the Union market;</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 68, first paragraph a, point (b)				
875c		<u>(b) where appropriate, the intentional or negligent character of the infringement;</u>		
Article 68, first paragraph a, point (c)				
875d		<u>(c) the financial strength of the natural or legal person held responsible, as indicated for example by the total turnover of the legal person held responsible or the annual income of the natural person held responsible;</u>		
Article 68, first paragraph a, point (d)				
875e		<u>(d) the economic benefits derived from the infringement by the natural or legal person held</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>responsible, insofar as they can be determined;</u>		
Article 68, first paragraph a, point (e)				
875f		<u>(e) the damage to human health or the environment caused by the infringement, insofar as it can be determined;</u>		
Article 68, first paragraph a, point (f)				
875g		<u>(f) any action taken by the natural or legal person held responsible to mitigate or remedy the damage caused;</u>		
Article 68, first paragraph a, point (g)				
875h				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>(g) the level of cooperation of the natural or legal person held responsible with the competent authority;</u>		
Article 68, first paragraph a, point (h)				
875i		<u>(h) previous infringements by the natural or legal person held responsible;</u>		
Article 68, first paragraph a, point (i)				
875j		<u>(i) any action aiming to circumvent or obstruct administrative controls and</u>		
Article 68, first paragraph a, point (j)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
875k		<u>(j) any other aggravating or mitigating factor applicable to the circumstances of the case.</u>		
Article 68, third paragraph				
875l		<u>The Member States shall at least be able to impose the following penalties in the event of infringements of this Regulation:</u>		
Article 68, third paragraph, point (a)				
875m		<u>(a) fines;</u>		
Article 68, third paragraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
875n		<u>(b) confiscation of revenues gained by the natural or legal person from a transaction related to the infringement;</u>		
Article 68, third paragraph, point (c)				
875o		<u>(c) exclusion from public procurement procedures.</u>		
Article 69				
876	Article 69 Evaluation	Article 69 <u>Monitoring and</u> evaluation	Article 69 Evaluation	
Article 69, first paragraph -a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
876a		<u><i>The Commission shall compile relevant data on products and product groups subject to ecodesign requirements, including on their life-cycle, environmental, carbon and material footprints with a view to evaluating the improvements of the environmental sustainability of those products. On the basis of those data, the Commission shall publish an annual report.</i></u>		
Article 69, second paragraph				
876b		<u><i>The Commission shall regularly, and at least once every 3 years following the adoption of ecodesign requirements, conduct an evaluation of such requirements, with a view to identifying the need for potential reviews.</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		NB: should be article 69, first paragraph -a, 2nd subparagraph		
Article 69, first paragraph				
877	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.	<u><del>No later</del>~~No sooner~~ than [86 years after the date of application of this Regulation], and every 6 years thereafter, 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 <u>also evaluate the use of exemptions for imported second-hand products or product groups provided for in delegated acts adopted pursuant to Article 4 this Regulation.</u></u> <u>~~No later than [insert the date 4 years after the date of application of this Regulation], the Commission shall consider the inclusion of social sustainability~~</u>	No-sooner later than [8 years after the date of application of this Regulation] 8 years after the date of application of this Regulation] and every 8 years thereafter, 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>and due diligence requirements within the scope of this Regulation.</u> <u>The Commission shall</u> 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, <u>and make it publicly available</u>. Member States shall provide the Commission with the information necessary for the preparation of that report.		
Article 69, second paragraph				
877a			The evaluation shall in particular include an assessment of whether Article 6 could be extended to include the possibility for the Commission to, when appropriate, put in place a mechanism enabling the automatic adaptation of ecodesign requirements triggered by the improvement of performance of the products	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			being placed on the market, with the purpose of ensuring that ecodesign requirements remain relevant and proportionate to the market situation, considering also legal and economic constraints.	
Article 69, third paragraph				
877b			The Commission shall however carry out an evaluation of Chapter VI by [4 years after the date of application of this Regulation] and every 4 years thereafter. The evaluation shall in particular assess the SME exemption.	
Article 69, second paragraph				
878	Where the Commission finds it appropriate, the report shall be	Where the Commission finds it appropriate, the report shall be	Where the Commission finds it appropriate, the report shall be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation.	accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation.	accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation.	
Article 69a				
878a		<u>Article 69a</u> <u>Remedies for lack of compliance</u>		
Article 69a, first paragraph				
878b		<u>In the event of non-compliance of a product with ecodesign requirements, the product shall be considered to be in nonconformity with the sales contract, in the meaning of the Article 5 of the Directive (EU) 2019/771, and shall give consumers the right to a remedy under the conditions set out in Article 13 of this Directive,</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>independently of the expiry of the time limits as defined by Article 10 of this Directive.</i></u>		
Article 69a, second paragraph				
878c		<u><i>The marketing or offering for sale of a product which is non-compliant with ecodesign requirements shall be considered an unfair commercial practice in accordance with Article 5 of Directive 2005/29/EC and therefore give consumers the right to a remedy under Article 11a of this Directive.</i></u>		
Article 69b				
878d		<u><i>Article 69b</i></u> <u><i>Amendment to Directive (EU) 2020/1828</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 69b, first paragraph				
878e		<u><i>Point (27) of Annex I to Directive (EU) 2020/1828 of the European Parliament and of the Council^{1a} shall be replaced by the following:</i></u> <u><i>‘(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.’</i></u> <u><i>1a. Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (OJ L 409, 4.12.2020, p. 1).</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 70				
879	Article 70 Repeal and transitional provisions	Article 70 Repeal and transitional provisions	Article 70 Repeal and transitional provisions	
Article 70(1)				
880	1. Directive 2009/125/EC is repealed.	1. Directive 2009/125/EC is repealed.	1. Directive 2009/125/EC is repealed- with effect from [OJ note: date of entry into force of this Regulation], with the exception of:	
Article 70(1), point (a)				
880a			(a) Article 1(3), Article 2, Article 3(1), Articles 4, 5 and 8, Article 9(3), Article 10, Article 14 and Annexes IV, V and VI of Directive 2009/125/EC which	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			shall continue to apply to products regulated by implementing measures adopted pursuant to Article 15 of that Directive until such measures are repealed;	
Article 70(1), point (b)				
880b			(b) Articles 6, 7, 12 and 20 of Directive 2009/125/EC, which are repealed, with effect from [OJ note: 24 months after the entry into force of this Regulation].	
Article 70(2)				
881	2. References to the repealed Directive shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VIII.	2. References to the repealed Directive shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VIII.	2. References to the repealed Directive shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VIII.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 70(3)				
882	3. Article 1(3), Article 2, Article 3(1), Articles 4, 5 and 8, Article 9(3), Article 10 and Annexes IV, V and VI of Directive 2009/125/EC, as applicable on [OP: please insert the day before the date of application of this Regulation] shall continue to apply to implementing measures adopted pursuant to Article 15 of that Directive.	3. Article 1(3), Article 2, Article 3(1), Articles 4, 5 and 8, Article 9(3), Article 10 and Annexes IV, V and VI of Directive 2009/125/EC, as applicable on [OP: please insert the day before the date of application of this Regulation] shall continue to apply to implementing measures adopted pursuant to Article 15 of that Directive.	3. ~~Article 1(3), Article 2, Article 3(1), Articles 4, 5 and 8, Article 9(3), Article 10 and Annexes IV, V and VI of Directive 2009/125/EC, as applicable on [OP: please insert the day before the date of application of this Regulation] shall continue to apply to implementing measures adopted pursuant to Article 15 of that Directive.~~	
Article 70(4)				
883	4. Articles 3, 33 and Articles 59 to 65 of this Regulation shall apply to implementing measures adopted pursuant to Article 15 of Directive 2009/125/EC.	4. Articles 3, 33 and Articles 59 to 65 of this Regulation shall apply to implementing measures adopted pursuant to Article 15 of Directive 2009/125/EC.	4. ~~Article 33 and Articles 3, 33 and [61 and 62] of this Regulation shall apply to the products regulated by implementing measures adopted pursuant to Article 15 of Directive 2009/125/EC. Articles 3, 59, 63~~ 59	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			to 65 and 68 of this Regulation shall apply to the products regulated by implementing measures adopted pursuant to Article 15 of Directive 2009/125/EC from [OJ note: 24 months after the entry into force of this Regulation].	
Article 70(5)				
884	5. For products placed on the market or put into service in accordance with Directive 2009/125/EC before the date of application of a delegated act adopted pursuant to Article 4 of this Regulation covering the same products, the manufacturer shall, for a period of 10 years as from the date when the last of that product was manufactured, make an electronic version of documentation relating to the conformity assessment and the declaration of conformity available for inspection within 10 days of a request received from market	5. For products placed on the market or put into service in accordance with Directive 2009/125/EC before the date of application of a delegated act adopted pursuant to Article 4 of this Regulation covering the same products, the manufacturer shall, for a period of 10 years as from the date when the last of that product was manufactured, make an electronic version of documentation relating to the conformity assessment and the declaration of conformity available for inspection within 10 days of a request received from market	5. For products placed on the market or put into service in accordance with Directive 2009/125/EC before the date of application of a delegated act adopted pursuant to Article 4 of this Regulation covering the same products, the manufacturer shall, for a period of 10 years as from the date when the last of that product was manufactured, make an electronic version of documentation relating to the conformity assessment and the declaration of conformity available for inspection within 10 days of a request received from market	

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	surveillance authorities or the Commission.	surveillance authorities or the Commission.	surveillance authorities or the Commission.	
Article 71				
885	Article 71 Entry into force	Article 71 Entry into force	Article 71 Entry into force and application	
Article 71, first paragraph				
886	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
Article 71, first paragraph a				
886a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			It shall apply from [OJ note: 24 months after entry into force of this Regulation]. However, Articles 1, 2, 4, 5, 6, 7, 7a, 8, 9, 10, 11, 11a, 12, 12a, 13(1), 13(6a), 14, 16, 17, 17a, 18, 19(1), 19(2), 20, 20b(2), 20c, 20d, 30(3), 31, 31a, 32, 33, 35, 36(1), 38, 40, 57, 58, 61, 62, 66, 67, 69 and 70 shall apply from [OJ note: the date of entry into force of this Regulation].	
Article 71, second paragraph				
887	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	
Formula				
888	Done at Brussels,	Done at Brussels,	Done at Brussels,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
889	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
890	The President	The President	The President	
Formula				
891	For the Council	For the Council	For the Council	
Formula				
892				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	The President	The President	The President	
Annex I				
893	Annex I	Annex I	Annex I	Annex I Text Origin: Commission Proposal
Annex I, first paragraph				
894	Product parameters	Product parameters NB: issue for all the annexes: the system considers the title as a paragraph and doesn't make the difference between paragraphs and subparagraphs	Product parameters	Product parameters Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex I, second paragraph			
895	The following parameters may, as appropriate, and where necessary supplemented by others, be used as a basis for improving the product aspects referred to in Article 5(1):	The following parameters ~~may~~ <u>shall</u> , as appropriate, and where necessary supplemented by others, be used, <u>individually or combined</u> , as a basis for improving the product aspects referred to in Article 5(1):	The following parameters ~~may~~ <u>shall</u> , as appropriate, ~~and where necessary supplemented by others~~ to the relevant product groups , be used as a basis for improving the product aspects referred to in Article 5(1):	
	Annex I, second paragraph, point (a)			
896	(a) durability and reliability of the product or its components as expressed through the product's guaranteed lifetime, technical lifetime, mean time between failures, indication of real use information on the product, resistance to stresses or ageing mechanisms;	(a) durability and reliability of the product or its components as expressed through the product's guaranteed lifetime, technical lifetime, mean time between failures, indication of real use information on the product, resistance to stresses or ageing mechanisms;	(a) durability and reliability of the product or its components as expressed through the product's guaranteed lifetime, technical lifetime, premature obsolescence , mean time between failures, indication of real use information on the product, resistance to stresses or ageing mechanisms;	(a) durability and reliability of the product or its components as expressed through the product's guaranteed lifetime, technical lifetime, mean time between failures, indication of real use information on the product, resistance to stresses or ageing mechanisms;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Council check with row 900a Text Origin: Commission Proposal
Annex I, second paragraph, point (b)				
897	(b) ease of repair and maintenance as expressed through: characteristics, availability and delivery time of spare parts, modularity, compatibility with commonly available spare parts, availability of repair and maintenance instructions, number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to	(b) ease of repair and maintenance, <u>while taking into consideration product safety</u> , as expressed through: characteristics, availability ~~and~~ , delivery time <u>and affordability</u> of spare parts, modularity, compatibility with commonly available <u>tools and</u> spare parts, availability of repair and maintenance instructions, number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and materials, number and complexity of processes and <u>whether</u>	(b) ease of repair and maintenance as expressed through: characteristics, availability and delivery time of spare parts, modularity, compatibility with commonly available spare parts, availability of repair and maintenance instructions, number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to	(b) ease of repair and maintenance, <u>[while taking into consideration product safety.]</u> as expressed through: characteristics, availability ~~and~~ , delivery time <u>and affordability</u> of spare parts, modularity, compatibility with commonly available <u>tools and</u> spare parts, availability of repair and maintenance instructions, number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and materials, number and complexity of processes and <u>whether</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	product data, conditions for access to or use of hardware and software needed;	<u>specialised</u> tools <u>are</u> needed, – ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed;	product data, conditions for access to or use of hardware and software needed;	<u>specialised</u> tools <u>are</u> needed, – ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed; Council checks on safety EP on affordability Text Origin: EP Mandate
Annex I, second paragraph, point (c)				
898	(c) ease of upgrading, re-use, remanufacturing and refurbishment as expressed through: number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and	(c) ease of upgrading, re-use, remanufacturing and refurbishment as expressed through: number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and	(c) ease of upgrading, re-use, remanufacturing and refurbishment as expressed through: number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and	(c) ease of upgrading, re-use, remanufacturing and refurbishment as expressed through: number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed, conditions of access to test protocols or not commonly available testing equipment, availability of guarantees specific to remanufactured or refurbished products, conditions for access to or use of technologies protected by intellectual property rights, modularity;	tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed, conditions of access to test protocols or not commonly available testing equipment, availability of guarantees specific to remanufactured or refurbished products, conditions for access to or use of technologies protected by intellectual property rights, modularity;	tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed, conditions of access to test protocols or not commonly available testing equipment, availability of guarantees specific to remanufactured or refurbished products, conditions for access to or use of technologies protected by intellectual property rights, modularity;	tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed, conditions of access to test protocols or not commonly available testing equipment, availability of guarantees specific to remanufactured or refurbished products, conditions for access to or use of technologies protected by intellectual property rights, modularity; Text Origin: Commission Proposal
Annex I, second paragraph, point (d)				
899	(d) ease and quality of recycling as expressed through: use of easily recyclable materials, safe, easy and non-destructive access to recyclable components and materials or components and	(d) ease, <u>quality and economic viability</u> ~~and quality~~ of recycling as expressed through: use of easily recyclable materials, safe, easy and non-destructive access to recyclable components and	(d) ease and quality of recycling as expressed through: use of easily recyclable materials, safe, easy and non-destructive access to recyclable components and materials or components and	(d) ease, <u>quality and economic viability</u> ~~and quality~~ of recycling as expressed through: use of easily recyclable materials, safe, easy and non-destructive access to recyclable components and

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	materials containing hazardous substances, material composition and homogeneity, possibility for high-purity sorting, number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed;	materials or components and materials containing hazardous substances, ~~and~~ material composition and homogeneity, possibility for high-purity sorting, <u>design for recycling</u> , number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and tools needed, ~~ease of non-destructive disassembly and re-assembly~~ , conditions for access to product data, conditions for access to or use of hardware and software needed;	materials containing hazardous substances, material composition and homogeneity, possibility for high-purity sorting, number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed;	materials or components and materials containing hazardous substances, ~~and~~ material composition and homogeneity, possibility for high-purity sorting, <u>design for recycling</u> , number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and tools needed, ~~ease of non-destructive disassembly and re-assembly~~ , conditions for access to product data, conditions for access to or use of hardware and software needed; Text Origin: EP Mandate
	Annex I, second paragraph, point (e)			
900	(e) avoidance of technical solutions detrimental to re-use, upgrading, repair, maintenance,	(e) avoidance of technical solutions detrimental to re-use, upgrading, repair, maintenance,	(e) avoidance of technical solutions detrimental to re-use, upgrading, repair, maintenance,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	refurbishment, remanufacturing and recycling of products and components;	refurbishment, remanufacturing and recycling of products and components, <u>while taking into consideration product safety</u> ;	refurbishment, remanufacturing and recycling of products and components;	
Annex I, second paragraph, point (ea)				
900a		<u>(ea) avoidance of premature obsolescence</u> ;		<u>(ea) avoidance of premature obsolescence</u> ; Council to check as a separate point - cf row 896 Text Origin: EP Mandate
Annex I, second paragraph, point (f)				
901	(f) use of substances, on their own, as constituents of substances or in	(f) use of substances, <u>and in particular the use of substances of</u>	(f) use of substances, on their own, as constituents of substances or in	(f) use of substances, <u>and in particular the use of substances of</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	mixtures, during the production process of products, or leading to their presence in products, including once these products become waste;	<u>concern</u> , on their own, as constituents of substances or in mixtures, during the production process of products, or leading to their presence in products, including once these products become waste;	mixtures, during the production process of products, or leading to their presence in products, including once these products become waste;	<u>concern</u> , on their own, as constituents of substances or in mixtures, during the production process of products, or leading to their presence in products, including once these products become waste; Text Origin: EP Mandate
Annex I, second paragraph, point (g)				
902	(g) consumption of energy, water and other resources in one or more life cycle stages of the product, including the effect of physical factors or software and firmware updates on product efficiency and including the impact on deforestation;	(g) consumption of energy, water and other resources in one or more life cycle stages of the product, including the effect of physical factors or software and firmware updates on product efficiency and including the impact on deforestation;	(g) use or consumption of energy, water and other resources, including critical raw materials in one or more life cycle stages of the product, including the effect of physical factors or software and firmware updates on product efficiency and including the impact on deforestation;	
Annex I, second paragraph, point (h)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Y	903	(h) use or content of recycled materials;	(h) use or content of recycled materials and recovery of materials, including critical raw materials;	Y
Annex I, second paragraph, point (ha)				
Y	903a	<u>(ha) use or content of sustainably sourced renewable materials;</u>		NB: EC will work on proposed wording Y
Annex I, second paragraph, point (hb)				
Y	903b	<u>(hb) use or content of critical raw materials;</u>		Y
Annex I, second paragraph, point (i)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	904	(i) weight and volume of the product and its packaging, and the product-to-packaging ratio;	(i) weight and volume of the product and its packaging, and the product-to-packaging ratio;	(i) weight and volume of the product and its packaging, and the product-to-packaging ratio; Text Origin: Commission Proposal	G
Annex I, second paragraph, point (j)					
G	905	(j) incorporation of used components	(j) incorporation of used components	(j) incorporation of used components Text Origin: Commission Proposal	G
Annex I, second paragraph, point (k)					
Y	906				Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(k) quantity, characteristics and availability of consumables needed for proper use and maintenance;	(k) quantity, characteristics and availability of consumables needed for proper use and maintenance;	(k) quantity, characteristics and availability of consumables needed for proper use and maintenance as expressed through yield, technical lifetime, ability to reuse, repair, and manufacture, mass-resource efficiency, interoperability;	(k) quantity, characteristics and availability of consumables needed for proper use and maintenance <u>as expressed, inter alia, through yield, technical lifetime, ability to reuse, repair, and remanufacture, mass-resource efficiency, interoperability;</u> NB: ok in principle but to be checked internally by CNL and EP Text Origin: Council Mandate
Annex I, second paragraph, point (l)				
907	(l) the environmental footprint of the product, expressed as a quantification, in accordance with the applicable delegated act, of a product's life cycle environmental impacts, whether in relation to one or more environmental impact categories or an aggregated set of	(l) the environmental footprint of the product, expressed as a quantification, in accordance with the applicable delegated act, of a product's life cycle environmental impacts, whether in relation to one or more environmental impact categories or an aggregated set of	(l) the environmental footprint of the product, expressed as a quantification, in accordance with the applicable delegated act, of a product's life cycle environmental impacts, whether in relation to one or more environmental impact categories or an aggregated set of	(l) the environmental footprint of the product, expressed as a quantification, in accordance with the applicable delegated act, of a product's life cycle environmental impacts, whether in relation to one or more environmental impact categories or an aggregated set of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	impact categories;	impact categories;	impact categories;	impact categories; Text Origin: Commission Proposal
Annex I, second paragraph, point (m)				
908	(m) the carbon footprint of the product;	(m) the carbon footprint of the product;	(m) the carbon and environment footprint of the product;	(m) the carbon footprint of the product; NB: ok in principle but CNL needs to check Text Origin: Commission Proposal
Annex I, second paragraph, point (ma)				
908a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>(ma) the material footprint of the product;</u>		NB: EC to provide further information
Annex I, second paragraph, point (n)				
909	(n) microplastic release;	(n) microplastic <u>and nanoplastic</u> release;	(n) microplastic release as expressed through the release during relevant product lifecycle stages including manufacturing, transport, end-use, and end of life stages;	(n) microplastic <u>and nanoplastic</u> release <u>as expressed through the release during relevant product lifecycle stages including manufacturing, transport, end-use, and end of life stages;</u> NB: to be discussed and waiting for EC comment on nano plastic Text Origin: Council Mandate
Annex I, second paragraph, point (o)				
910				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(o) emissions to air, water or soil released in one or more life cycle stages of the product;	(o) emissions to air, water or soil released in one or more life cycle stages of the product;	(o) emissions to air, water or soil released in one or more life cycle stages of the product as expressed through quantities and nature of emissions, including noise;	(o) emissions to air, water or soil released in one or more life cycle stages of the product <u>as expressed through quantities and nature of emissions, including noise;</u> NB: EP to check - EC to check if ref to concentration is necessary Text Origin: Council Mandate
Annex I, second paragraph, point (p)				
911	(p) amounts of waste generated, including plastic waste and packaging waste and their ease of re-use, and amounts of hazardous waste generated;	(p) amounts of waste generated, including plastic waste and packaging waste and their ease of re-use, <u>ease of recycling</u> and amounts of hazardous waste generated;	(p) amounts of waste generated, including plastic waste and packaging waste and their ease of re-use, and amounts of hazardous waste generated;	(p) amounts of waste generated, including plastic waste and packaging waste and their ease of re-use, and amounts of hazardous waste generated; Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex I, second paragraph, point (q)			
Y	912	(q) conditions for use. <u>including the environmental impact and benefits during use;</u>	(q) functional performance and conditions for use including as expressed through inter alia ability in performing its intended use, precautions of use, skills required, compatibility with other products or systems, etc.;	NB: link with art 5 - deletion of functional performance
	Annex I, second paragraph, point (qa)			
Y	912a	<u>(qa) impacts on human health;</u>		
	Annex I, second paragraph, point (qb)			
Y	912b	<u>(qb) secure and sustainable</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>supply of raw materials.</u>		NB: EC to see where this aspect can be integrated elsewhere
Annex I, second paragraph, point (qb)				
912c			(r) lightweight design as expressed through reduction of material consumption, load- and stress-optimisation of structures, integration of functions within the material or into a single product component, use of lower density or high-strength materials and hybrid materials, and optimisation of manufacturing, production and assembly processes with respect to material savings, recycling and other circularity aspects, and waste reduction.	<u>(qb) lightweight design as expressed through, inter alia, reduction of material consumption, load- and stress-optimisation of structures, integration of functions within the material or into a single product component, use of lower density or high-strength materials and hybrid materials, with respect to material savings, recycling and other circularity aspects, and waste reduction.</u> Text Origin: Council Mandate
Annex II				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 913	Annex II	Annex II	Annex II	Annex II Text Origin: Commission Proposal
Annex II, first paragraph				
G 914	Procedure for defining performance requirements	Procedure for defining performance requirements	Procedure for defining performance requirements	Procedure for defining performance requirements Text Origin: Commission Proposal
Annex II, second paragraph				
Y 915	Performance requirements shall be set as follows:	<u>Performance requirements shall contribute to achieving the</u>	(1) Performance requirements shall be set as follows:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>objectives mentioned in Article 5(4), point (a), and take into account the results of the relevant impact assessments. The</u> performance requirements shall be set as follows:		NB: linked to discussion on art 5
Annex II, fourth paragraph				
916	A technical, environmental and economic analysis shall select a number of representative models of the product or products in question on the market and identify the technical options for improving the product performance in relation to the parameters referred to in Annex I - in view of product-specific or horizontal requirements - taking into account the economic viability of the options and avoiding any significant increase of other life cycle environmental impacts, and significant loss of performance or of usefulness for consumers.	A technical, environmental and economic analysis shall select a number of representative models of the product or products in question on the market and identify the technical options for improving the product performance in relation to the parameters referred to in Annex I - in view of product-specific or horizontal requirements - taking into account the economic viability of the options and avoiding any significant increase of other life cycle environmental impacts, and significant loss of performance or of usefulness for consumers.	A technical, environmental and economic analysis shall select a number of representative models of the product or products in question on the market and identify the technical options for improving the product performance in relation to the parameters referred to in Annex I - in view of product-specific or horizontal requirements - taking into account the economic viability of the options and avoiding any significant increase of other life cycle environmental impacts, and significant loss of performance or of usefulness for consumers.	A technical, environmental and economic analysis shall select a number of representative models of the product or products in question on the market and identify the technical options for improving the product performance in relation to the parameters referred to in Annex I - in view of product-specific or horizontal requirements - taking into account the economic viability of the options and avoiding any significant increase of other life cycle environmental impacts, and significant loss of performance or of usefulness for consumers.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Annex II, fifth paragraph				
Y	917	The technical, environmental and economic analysis shall also identify, for the parameter under consideration, the best-performing products and technologies available on the market.	The technical, environmental and economic analysis shall also identify, for the parameter under consideration, the best-performing products and technologies available on the market <u>as well as expected technology improvements. It shall also take into account existing sectoral roadmaps as set out in Regulation (EU) 2021/1119.</u>	The technical, environmental and economic analysis shall also identify, for the parameter under consideration, the best-performing products and technologies available on the market.
Annex II, sixth paragraph				
G	918	The performance of products available on international markets and benchmarks set in other countries' legislation shall be taken	The performance of products available on international markets and benchmarks set in other countries' legislation shall be taken	The performance of products available on international markets and benchmarks set in other countries' legislation shall be taken

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	into consideration during the analysis referred to in the first subparagraph as well as when setting requirements.	into consideration during the analysis referred to in the first subparagraph as well as when setting requirements.	into consideration during the analysis referred to in the first subparagraph as well as when setting requirements.	into consideration during the analysis referred to in the first subparagraph as well as when setting requirements. Text Origin: Commission Proposal
Annex II, seventh paragraph				
919	Based on this analysis, and taking into account economic and technical feasibility, including the availability of key resources and technologies, as well as the potential for improvement, levels or non-quantitative requirements shall be defined.	Based on this analysis, and taking into account <u>the adverse effects on human health and the environment of the product over its life cycle, planetary boundaries, the</u> economic and technical feasibility, including the availability of key resources and technologies, as well as the potential for improvement, levels or non-quantitative requirements shall be defined.	The Commission shall also take into consideration the net environmental balance between the environmental benefits and burdens; impact on innovation, aesthetics and design choices, whether there is a method or metrics for expressing the product parameter for which the performance requirement is established, and whether the compliance with the product parameter, for which the performance requirement is established, is verifiable or measurable by market	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			surveillance authorities. Based on this analysis, and taking into account economic and technical feasibility, including the availability of key resources and technologies, as well as the potential for improvement, levels or non-quantitative requirements shall be defined.	
Annex II, eighth paragraph				
920	Any concentration limit for substances as referred to in Annex I, point (f), shall be based on a thorough analysis of the sustainability of the substances and their identified alternatives, and shall not have significant adverse effects on human health or the environment. Any performance requirement on substances as referred to in Annex I, point (f), shall take into consideration existing chemical safety assessments performed by the relevant Union bodies for the substances concerned, as well as	Any concentration limit for substances as referred to in Annex I, point (f), shall be based on a thorough analysis of the sustainability of the substances and their identified alternatives, and shall not have significant adverse effects on human health or the environment. Any performance requirement on substances as referred to in Annex I, point (f), shall take into consideration existing chemical safety assessments performed by the relevant Union bodies for the substances concerned, as well as	Any concentration limit for substances as referred to in Annex I, point (f), shall be based on a thorough analysis of the sustainability of the substances and their identified alternatives, and shall not have significant adverse effects on human health or the environment. Any performance requirement on substances as referred to in Annex I, point (f), shall take into consideration existing chemical safety assessments performed by the relevant Union bodies for the substances concerned, as well as	Any concentration limit for substances as referred to in Annex I, point (f), shall be based on a thorough analysis of the sustainability of the substances and their identified alternatives, and shall not have significant adverse effects on human health or the environment. Any performance requirement on substances as referred to in Annex I, point (f), shall take into consideration existing chemical safety assessments performed by the relevant Union bodies for the substances concerned, as well as

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	safe and sustainable by design criteria for chemicals and materials developed by the Commission. Proposed concentration limits shall also consider aspects of enforceability, such as analytical detection limits.	safe and sustainable by design criteria for chemicals and materials developed by the Commission. Proposed concentration limits shall also consider aspects of enforceability, such as analytical detection limits.	safe and sustainable by design criteria for chemicals and materials developed by the Commission. Proposed concentration limits shall also consider aspects of enforceability, such as analytical detection limits.	safe and sustainable by design criteria for chemicals and materials developed by the Commission. Proposed concentration limits shall also consider aspects of enforceability, such as analytical detection limits. Text Origin: Commission Proposal
Annex II, ninth paragraph				
921	Where relevant, the analysis referred to in the first subparagraph shall take into account the likely impacts of climate change on the product during its prospective lifetime, and the product's potential to improve climate resilience throughout its life cycle.	Where relevant, the analysis referred to in the first subparagraph shall take into account the likely impacts of climate change on the product during its prospective lifetime, and the product's potential to improve climate resilience throughout its life cycle.	Where relevant, the analysis referred to in the first subparagraph shall take into account the likely impacts of climate change on the product during its prospective lifetime, and the product's potential to improve climate resilience throughout its life cycle.	Where relevant, the analysis referred to in the first subparagraph shall take into account the likely impacts of climate change on the product during its prospective lifetime, and the product's potential to improve climate resilience throughout its life cycle. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex II, tenth paragraph				
922	A sensitivity analysis covering the relevant factors, such as the price of energy or other resources, the cost of raw materials and necessary technologies, production costs, discount rates, and, where appropriate, external environmental costs, including avoided greenhouse gas emissions, must be carried out.	A sensitivity analysis covering the relevant factors, such as the price of energy or other resources, the cost of raw materials and necessary technologies, production costs, discount rates, and, where appropriate, external environmental costs, including avoided greenhouse gas emissions, must be carried out.	A sensitivity analysis covering the relevant factors, such as the price of energy or other resources, the cost of raw materials and necessary technologies, production costs, discount rates, and, where appropriate, external environmental costs, including avoided greenhouse gas emissions, must be carried out.	A sensitivity analysis covering the relevant factors, such as the price of energy or other resources, the cost of raw materials and necessary technologies, production costs, discount rates, and, where appropriate, external environmental costs, including avoided greenhouse gas emissions, must be carried out. Text Origin: Commission Proposal
Annex II, twelfth paragraph				
923	For the development of the technical, environmental and economic analyses, relevant	For the development of the technical, environmental and economic analyses, relevant	(2) For the development of the technical, environmental and economic analyses, relevant	For the development of the technical, environmental and economic analyses, relevant

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	information available in the framework of other Union activities shall be taken into account and shall include technical information used as a basis for or derived from Regulation (EC) No 66/2010, Directive 2010/75/EU and Green Public Procurement criteria.	information available in the framework of other Union activities shall be taken into account and shall include technical information used as a basis for or derived from Regulation (EC) No 66/2010, Directive 2010/75/EU and Green Public Procurement criteria.	information available in the framework of other Union activities shall be taken into account and shall include technical information used as a basis for or derived from Regulation (EC) No 66/2010, Directive 2010/75/EU and Green Public Procurement criteria.	information available in the framework of other Union activities shall be taken into account and shall include technical information used as a basis for or derived from Regulation (EC) No 66/2010, Directive 2010/75/EU and Green Public Procurement criteria. Text Origin: Commission Proposal
Annex II, thirteenth paragraph				
924	That shall also apply for information available from existing programmes applied in other parts of the world for setting the specific ecodesign requirement of products traded with the Union's economic partners.	That shall also apply for information available from existing programmes applied in other parts of the world for setting the specific ecodesign requirement of products traded with the Union's economic partners.	That shall also apply for information available from existing programmes applied in other parts of the world for setting the specific ecodesign requirement of products traded with the Union's economic partners.	That shall also apply for information available from existing programmes applied in other parts of the world for setting the specific ecodesign requirement of products traded with the Union's economic partners. Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Annex II, fourteenth paragraph				
Y	925	(3) The date of entry into force of the performance requirements shall, where relevant, take into account the time needed to adapt the product design and production processes.	(3) The date of entry into force of the performance requirements shall, where relevant, take into account the time needed to adapt the product design and production processes.	(3) The date of entry into force of the performance requirements shall, where relevant, take into account the time needed to adapt the product design and production processes.
Annex II, Section 2				
Y	925a		Elements to be taken into consideration for information requirements	
Annex II, first paragraph				
Y	925b			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			When deciding which information requirements, other than requirements on the digital product passport and substances of concern, are appropriate for the product group concerned the Commission shall, apart from Article 5 and 7, take into consideration the following elements:	
	Annex II, first paragraph, point (a)			
925c			(a) the potential for improvement and relative effectiveness in delivering a better environmental sustainability	
	Annex II, first paragraph, point (b)			
925d			(b) the technical feasibility of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			such information requirements	
	Annex II, first paragraph, point (c)			
Y	925e		(c) the needs of various economic operators, including SMEs	Y
	Annex II, first paragraph, point (d)			
Y	925f		(d) the need for potential customers to make informed choices	Y
	Annex II, first paragraph, point (e)			
Y	925g		(e) the need to verify compliance with the requirements	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex II, first paragraph, point (f)			
Y	925h		(f) the legitimate need to protect confidential business information, intellectual property rights and trade secrets	Y
	Annex II, first paragraph, point (g)			
Y	925i		(g) the need to provide information on the performance of the products for each aspect covered by a performance requirement	Y
	Annex II, first paragraph, point (h)			
Y	925j		(h) the added value in providing	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			information on the performance of the products for aspects not covered by performance requirements.	
Annex II, second paragraph				
925k			The Commission will include information requirements in its analysis and impact assessment related to performance requirements referred to in Article 6 and this Annex. In particular, the Commission will assess the type of information and the manner in which it should be made available to ensure that it is relevant and understood by the target group.	
Annex III				
926	Annex III	Annex III	Annex III	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex III, first paragraph				
927	Digital Product Passport	Digital Product Passport	Digital Product Passport	
Annex III, second paragraph				
928	(referred to in Article 8)	(referred to in Article 8)	(referred to in ~~Article 8~~) Articles 8, 9,10 and 11	
Annex III, third paragraph				
929	The requirements related to the product passport laid down in the delegated acts adopted pursuant to Article 4 shall specify what information shall or may be included in the product passport from among the following	The requirements related to the product passport laid down in the delegated acts adopted pursuant to Article 4 shall specify what information shall or may be included in the product passport from among the following	The requirements related to the product passport laid down in the delegated acts adopted pursuant to Article 4 shall specify what information shall or may be included in the product passport from among the following	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	elements:	elements:	elements:	
Annex III, third paragraph, point (a)				
930	(a) information required under Articles 7(2) and 8(2) or by other Union law applicable to the relevant product group;	(a) information required under Articles 7(2) and 8(2) or by other Union law applicable to the relevant product group;	(a) information required under ~~Articles 7(2) and 8(2)~~ Article 7(2) point (b) and Article 7(5) or by other Union law applicable to the relevant product group;	
Annex III, third paragraph, point (b)				
931	(b) the unique product identifier at the level indicated in the applicable delegated act adopted pursuant to Article 4;	(b) the unique product identifier at the level indicated in the applicable delegated act adopted pursuant to Article 4;	(b) the unique product identifier at the level indicated in the applicable delegated act adopted pursuant to Article 4;	
Annex III, third paragraph, point (c)				
932				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(c) the Global Trade Identification Number as provided for in standard ISO/IEC 15459-6 or equivalent of products or their parts;	(c) the Global Trade Identification Number as provided for in standard ISO/IEC 15459-6 or equivalent of products or their parts;	(c) the Global Trade Identification Number as provided for in standard ISO/IEC 15459-6 or equivalent of products or their parts;	
Annex III, third paragraph, point (d)				
933	(d) relevant commodity codes, such as a TARIC code as defined in Council Regulation (EEC) No 2658/87¹; _____ 1. Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).	(d) relevant commodity codes, such as a TARIC code as defined in Council Regulation (EEC) No 2658/87¹; _____ 1. Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).	(d) relevant commodity codes, such as a TARIC code as defined in Council Regulation (EEC) No 2658/87¹; _____ 1. Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).	
Annex III, third paragraph, point (e)				
934	(e) compliance documentation and information required under this	(e) compliance documentation and information required under this	(e) compliance documentation and information required under this	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation or other Union law applicable to the product, such as the declaration of conformity, technical documentation or conformity certificates;	Regulation or other Union law applicable to the product, such as the declaration of conformity, technical documentation or conformity certificates;	Regulation or other Union law applicable to the product, such as the declaration of conformity, technical documentation or conformity certificates;	
Annex III, third paragraph, point (f)				
935	(f) user manuals, instructions, warnings or safety information, as required by other Union legislation applicable to the product;	(f) user manuals, instructions, warnings or safety information, as required by other Union legislation applicable to the product;	(f) user manuals, instructions, warnings or safety information, as required by other Union legislation applicable to the product;	
Annex III, third paragraph, point (g)				
936	(g) information related to the manufacturer, such as its unique operator identifier and the information referred to in Article 21(7);	(g) information related to the manufacturer, such as its unique operator identifier and the information referred to in Article 21(7);	(g) information related to the manufacturer, such as its unique operator identifier and the information referred to in Article 21(7);	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex III, third paragraph, point (h)				
937	(h) unique operator identifiers other than that of the manufacturer;	(h) unique operator identifiers other than that of the manufacturer;	(h) unique operator identifiers other than that of the manufacturer;	
Annex III, third paragraph, point (i)				
938	(i) unique facility identifiers;	(i) unique facility identifiers;	(i) unique facility identifiers;	
Annex III, third paragraph, point (j)				
939	(j) information related to the importer, including the information referred to in Article 23(3) and its EORI number;	(j) information related to the importer, including the information referred to in Article 23(3) and its EORI number;	(j) information related to the importer, including the information referred to in Article 23(3) and its EORI number;	
Annex III, third paragraph, point (k)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
940	(k) the name, contact details and unique operator identifier code of the economic operator established in the Union responsible for carrying out the tasks set out in Article 4 of Regulation (EU) 2019/1020, or Article 15 of Regulation (EU) [...] on general product safety, or similar tasks pursuant to other EU legislation applicable to the product.	(k) the name, contact details and unique operator identifier code of the economic operator established in the Union responsible for carrying out the tasks set out in Article 4 of Regulation (EU) 2019/1020, or Article 15 of Regulation (EU) [...] on general product safety, or similar tasks pursuant to other EU legislation applicable to the product.	(k) the name, contact details and unique operator identifier code of the economic operator established in the Union responsible for carrying out the tasks set out in Article 4 of Regulation (EU) 2019/1020, or Article 15 of Regulation (EU) [...] on general product safety, or similar tasks pursuant to other EU legislation applicable to the product.	
Annex III, third paragraph, point (l)				
940a			(l) The data carrier, the unique product identifier referred to in point (b), the unique operators identifiers referred to in points (g) and (h), and the unique facility identifiers referred to in point (i) shall, where relevant for the concerned products, comply with International Organization for Standardisation/International	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Electrotechnical Commission standard ('ISO/IEC') 15459-1:2014; International Organization for Standardisation/International Electrotechnical Commission standard ('ISO/IEC') 15459-2:2015; International Organization for Standardisation/International Electrotechnical Commission standard ('ISO/IEC') 15459-3:2014; International Organization for Standardisation/International Electrotechnical Commission standard ('ISO/IEC') 15459-4:2014; International Organization for Standardisation/International Electrotechnical Commission standard ('ISO/IEC') 15459-5:2014; International Organization for Standardisation/International Electrotechnical Commission standard ('ISO/IEC') 15459-6:2014.	
Annex III, fourth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
941	The delegated acts adopted pursuant to Article 4 shall identify information relevant to ecodesign requirements that manufacturers may include in the product passport in addition to the information required pursuant to Article 8(2), point (a), including information on specific voluntary labels applicable to the product. That shall include whether an EU Ecolabel has been awarded to the product in line with Regulation (EC) No 66/2010.	The delegated acts adopted pursuant to Article 4 shall identify information relevant to ecodesign requirements that manufacturers may include in the product passport in addition to the information required pursuant to Article 8(2), point (a), including information on specific voluntary labels applicable to the product. That shall include whether an EU Ecolabel has been awarded to the product in line with Regulation (EC) No 66/2010.	The delegated acts adopted pursuant to Article 4 shall identify information relevant to ecodesign requirements that manufacturers may include in the product passport in addition to the information required pursuant to Article 8(2), point (a), including information on specific voluntary labels applicable to the product. That shall include whether an EU Ecolabel has been awarded to the product in line with Regulation (EC) No 66/2010.	
Annex IV				
942	Annex IV	Annex IV	Annex IV	
Annex IV, first paragraph				
943				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Internal production control	Internal production control	Internal production control	
Annex IV, second paragraph				
944	(Module A)	(Module A)	(Module A)	
Annex IV, point 1.				
945	1. Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4, and ensures and declares on its sole responsibility that the product satisfies the requirements of the delegated act adopted pursuant to Article 4.	1. Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4, and ensures and declares on its sole responsibility that the product satisfies the requirements of the delegated act adopted pursuant to Article 4.	1. Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4, and ensures and declares on its sole responsibility that the product satisfies the requirements of the delegated act adopted pursuant to Article 4.	
Annex IV, point 2., first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
946	2. Technical documentation	2. Technical documentation	2. Technical documentation	
Annex IV, point 2., second subparagraph				
947	The manufacturer shall establish the technical documentation. The documentation shall make it possible to assess the product's conformity to the requirements of the delegated act adopted pursuant to Article 4. The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the product. The technical documentation shall, wherever applicable, contain at least the following elements:	The manufacturer shall establish the technical documentation. The documentation shall make it possible to assess the product's conformity to the requirements of the delegated act adopted pursuant to Article 4. The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the product. The technical documentation shall, wherever applicable, contain at least the following elements:	The manufacturer shall establish the technical documentation. The documentation shall make it possible to assess the product's conformity to the requirements of the delegated act adopted pursuant to Article 4. The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the product. The technical documentation shall, wherever applicable, contain at least the following elements:	
Annex IV, third paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
948	- a general description of the product and of its intended use,	- a general description of the product and of its intended use,	- a general description of the product and of its intended use,	
Annex IV, fourth paragraph				
949	- conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.	- conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.	- conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.	
Annex IV, fifth paragraph				
950	- descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the product,	- descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the product,	- descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the product,	
Annex IV, sixth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
951	- a list of the harmonised standards, common specification or other relevant technical specifications the references of which have been published in the Official Journal of the European Union, applied in full or in part, and descriptions of the solutions adopted to meet the requirements where those harmonised standards have not been applied. In the event of partly applied harmonised standards, the technical documentation shall specify the parts which have been applied,	- a list of the harmonised standards, common specification or other relevant technical specifications the references of which have been published in the Official Journal of the European Union, applied in full or in part, and descriptions of the solutions adopted to meet the requirements where those harmonised standards have not been applied. In the event of partly applied harmonised standards, the technical documentation shall specify the parts which have been applied,	- a list of the harmonised standards, common specification or other relevant technical specifications the references of which have been published in the Official Journal of the European Union, applied in full or in part, and descriptions of the solutions adopted to meet the requirements where those harmonised standards have not been applied. In the event of partly applied harmonised standards, the technical documentation shall specify the parts which have been applied,	
Annex IV, seventh paragraph				
952	- results of design calculations made, examinations carried out, etc.,	- results of design calculations made, examinations carried out, etc.,	- results of design calculations made, examinations carried out, etc.,	
Annex IV, eighth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
953	- the results of measurements carried out in relation to ecodesign requirements, including details of the conformity of these measurements as compared with the ecodesign requirements set out in the delegated act adopted pursuant to Article 4,	- the results of measurements carried out in relation to ecodesign requirements, including details of the conformity of these measurements as compared with the ecodesign requirements set out in the delegated act adopted pursuant to Article 4,	- the results of measurements carried out in relation to ecodesign requirements, including details of the conformity of these measurements as compared with the ecodesign requirements set out in the delegated act adopted pursuant to Article 4,	
Annex IV, ninth paragraph				
954	- test reports, and	- test reports, and	- test reports, and	
Annex IV, tenth paragraph				
955	- a copy of the information provided in accordance with the information requirements pursuant to Article 7,	- a copy of the information provided in accordance with the information requirements pursuant to Article 7,	- a copy of the information provided in accordance with the information requirements pursuant to Article 7,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex IV, point 3., first subparagraph				
956	3. Manufacturing	3. Manufacturing	3. Manufacturing	
Annex IV, point 3., second subparagraph				
957	The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure compliance of the product with the technical documentation referred to in point 2 and with requirements of the delegated act adopted pursuant to Article 4.	The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure compliance of the product with the technical documentation referred to in point 2 and with requirements of the delegated act adopted pursuant to Article 4.	The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure compliance of the product with the technical documentation referred to in point 2 and with requirements of the delegated act adopted pursuant to Article 4.	
Annex IV, point 4., first subparagraph				
958				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	4. CE marking and EU declaration of conformity	4. CE marking and EU declaration of conformity	4. CE marking and EU declaration of conformity	
Annex IV, point 4., second subparagraph				
959	The manufacturer shall affix the required conformity marking to each individual product that satisfies requirements of the delegated act adopted pursuant to Article 4.	The manufacturer shall affix the required conformity marking to each individual product that satisfies requirements of the delegated act adopted pursuant to Article 4.	The manufacturer shall affix the required conformity marking to each individual product that satisfies requirements of the delegated act adopted pursuant to Article 4.	
Annex IV, point 4., third subparagraph				
960	The manufacturer shall draw up a written declaration of conformity for each product model in accordance with Article 37 and keep it, together with the technical documentation, at the disposal of the competent national authorities for ten years after the product has been placed on the market or put	The manufacturer shall draw up a written declaration of conformity for each product model in accordance with Article 37 and keep it, together with the technical documentation, at the disposal of the competent national authorities for ten years after the product has been placed on the market or put	The manufacturer shall draw up a written declaration of conformity for each product model in accordance with Article 37 and keep it, together with the technical documentation, at the disposal of the competent national authorities for ten years after the product has been placed on the market or put	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	into service. The declaration of conformity shall identify the product for which it has been drawn up.	into service. The declaration of conformity shall identify the product for which it has been drawn up.	into service. The declaration of conformity shall identify the product for which it has been drawn up.	
Annex IV, point 4., fourth subparagraph				
961	A copy of the declaration of conformity shall be made available to the relevant authorities upon request.	A copy of the declaration of conformity shall be made available to the relevant authorities upon request.	A copy of the declaration of conformity shall be made available to the relevant authorities upon request.	
Annex IV, point 5., first subparagraph				
962	5. Authorised representative	5. Authorised representative	5. Authorised representative	
Annex IV, point 5., second subparagraph				
963				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	The manufacturer's obligations set out in point 4 may be fulfilled by his or her authorised representative, on his or her behalf and under his or her responsibility, provided that they are specified in the mandate.	The manufacturer's obligations set out in point 4 may be fulfilled by his or her authorised representative, on his or her behalf and under his or her responsibility, provided that they are specified in the mandate.	The manufacturer's obligations set out in point 4 may be fulfilled by his or her authorised representative, on his or her behalf and under his or her responsibility, provided that they are specified in the mandate.	
Annex V				
964	Annex V	Annex V	Annex V	
Annex V, first paragraph				
965	EU declaration of conformity	EU declaration of conformity	EU declaration of conformity	
Annex V, second paragraph				
966				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(referred to in Article 37)	(referred to in Article 37)	(referred to in Article 37)	
Annex V, third paragraph				
967	The EU declaration of conformity shall contain the following elements:	The EU declaration of conformity shall contain the following elements:	The EU declaration of conformity shall contain the following elements:	
Annex V, fourth paragraph				
968	(1) No ... (unique identification of the product)	(1) No ... (unique identification of the product)	(1) No ... (unique identification of the product)	
Annex V, fifth paragraph				
969	(2) Name and address of the manufacturer and, where applicable, its authorised	(2) Name and address of the manufacturer and, where applicable, its authorised	(2) Name and address of the manufacturer and, where applicable, its authorised	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	representative;	representative;	representative;	
Annex V, sixth paragraph				
970	(3) This EU declaration of conformity is issued under the sole responsibility of the manufacturer.	(3) This EU declaration of conformity is issued under the sole responsibility of the manufacturer.	(3) This EU declaration of conformity is issued under the sole responsibility of the manufacturer.	
Annex V, seventh paragraph				
971	(4) Object of the declaration (description of the product sufficient for its unambiguous identification and allowing traceability; it may, where necessary for the identification of the EU fertilising product, include an image);	(4) Object of the declaration (description of the product sufficient for its unambiguous identification and allowing traceability; it may, where necessary for the identification of the EU fertilising product, include an image);	(4) Object of the declaration (description of the product sufficient for its unambiguous identification and allowing traceability; it may, where necessary for the identification of the ~~EU fertilising~~ product, include an image);	
Annex V, eighth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
972	(5) The object of the declaration described above is in conformity with this Regulation, the delegated act adopted pursuant to Article 4 and, where applicable, other Union harmonisation legislation;	(5) The object of the declaration described above is in conformity with this Regulation, the delegated act adopted pursuant to Article 4 and, where applicable, other Union harmonisation legislation;	(5) The object of the declaration described above is in conformity with this Regulation, the delegated act adopted pursuant to Article 4 and, where applicable, other Union harmonisation legislation;	
Annex V, ninth paragraph				
973	(6) references to the relevant harmonised standards or to the common specifications used or references to the other technical specifications in relation to which conformity is declared;	(6) references to the relevant harmonised standards or to the common specifications used or references to the other technical specifications in relation to which conformity is declared;	(6) references to the relevant harmonised standards or to the common specifications used or references to the other technical specifications in relation to which conformity is declared;	
Annex V, tenth paragraph				
974	(7) where applicable, the notified body ... (name, number) performed ... (description of	(7) where applicable, the notified body ... (name, number) performed ... (description of	(7) where applicable, the notified body ... (name, number) performed ... (description of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	intervention) and issued the certificate or approval decision ... (number);	intervention) and issued the certificate or approval decision ... (number);	intervention) and issued the certificate or approval decision ... (number);	
Annex V, eleventh paragraph				
975	(8) where appropriate, the reference to other Union legislation providing for the affixing of the CE mark that is applied; and	(8) where appropriate, the reference to other Union legislation providing for the affixing of the CE mark that is applied; and	(8) where appropriate, the reference to other Union legislation providing for the affixing of the CE mark that is applied; and	
Annex V, twelfth paragraph				
976	(9) the identification and signature of the person empowered to bind the manufacturer or its authorised representative.	(9) the identification and signature of the person empowered to bind the manufacturer or its authorised representative.	(9) the identification and signature of the person empowered to bind the manufacturer or its authorised representative.	
Annex V, fourteenth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
977	Additional information:	Additional information:	(10) Additional information:	
Annex V, fifteenth paragraph				
978	Signed for and on behalf of:	Signed for and on behalf of:	Signed for and on behalf of:	
Annex V, sixteenth paragraph				
979	(place and date of issue):	(place and date of issue):	(place and date of issue):	
Annex V, seventeenth paragraph				
980	(name, function) (signature):	(name, function) (signature):	(name, function) (signature):	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VI				
981	Annex VI	Annex VI	Annex VI	
Annex VI, first paragraph				
982	Contents of delegated acts	Contents of delegated acts	~~Contents of delegated acts~~	
Annex VI, second paragraph				
983	(referred to in Article 4)	(referred to in Article 4)	~~(referred to in Article 4)~~	
Annex VI, third paragraph				
984	The delegated acts adopted pursuant to Article 4 are to specify	The delegated acts adopted pursuant to Article 4 are to specify	~~The delegated acts adopted pursuant to Article 4 are to specify~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the following technical elements:	the following technical elements:	the following technical elements:	
Annex VI, fourth paragraph				
985	(1) the definition of the product groups covered;	(1) the definition of the product groups covered;	(1) the definition of the product groups covered;	
Annex VI, fifth paragraph				
986	(2) the ecodesign requirements for the product groups covered, in line with Article 4 and based on the parameters referred to in Annex I;	(2) the ecodesign requirements for the product groups covered, in line with Article 4 and based on the parameters referred to in Annex I;	(2) the ecodesign requirements for the product groups covered, in line with Article 4 and based on the parameters referred to in Annex I;	
Annex VI, sixth paragraph				
987	(3) where relevant, the parameters referred to in Annex I for which no	(3) where relevant, the parameters referred to in Annex I for which no	(3) where relevant, the parameters referred to in Annex I for which no	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	ecodesign requirement is necessary;	ecodesign requirement is necessary;	ecodesign requirement is necessary;	
Annex VI, seventh paragraph				
988	(4) the test, measurement or calculation standards or methods to be used pursuant to Article 32;	(4) the test, measurement or calculation standards or methods to be used pursuant to Article 32;	(4) the test, measurement or calculation standards or methods to be used pursuant to Article 32;	
Annex VI, eighth paragraph				
989	(5) where relevant, the transitional methods, harmonised standards, the reference numbers of which have been published in the Official Journal of the European Union, or common specifications to be used;	(5) where relevant, the transitional methods, harmonised standards, the reference numbers of which have been published in the Official Journal of the European Union, or common specifications to be used;	(5) where relevant, the transitional methods, harmonised standards, the reference numbers of which have been published in the Official Journal of the European Union, or common specifications to be used;	
Annex VI, tenth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
990	the conformity assessment module to be used pursuant to Article 4, second subparagraph, as set out under Annex II to Decision 768/2008/EC. Where the module to be applied is different from the module set out in Annex IV, the factors leading to the selection of that specific procedure.	the conformity assessment module to be used pursuant to Article 4, second subparagraph, as set out under Annex II to Decision 768/2008/EC. Where the module to be applied is different from the module set out in Annex IV, the factors leading to the selection of that specific procedure.	~~(6) the conformity assessment module to be used pursuant to Article 4, second subparagraph, as set out under Annex II to Decision 768/2008/EC. Where the module to be applied is different from the module set out in Annex IV, the factors leading to the selection of that specific procedure.~~	
Annex VI, eleventh paragraph				
991	Where different conformity assessment modules, referred to in Annex II to Decision 768/2008/EC, are to be used pursuant to other Union legislation for the same product, the module defined in the delegated act adopted pursuant to Article 4 shall prevail for the ecodesign requirement concerned;	Where different conformity assessment modules, referred to in Annex II to Decision 768/2008/EC, are to be used pursuant to other Union legislation for the same product, the module defined in the delegated act adopted pursuant to Article 4 shall prevail for the ecodesign requirement concerned;	~~Where different conformity assessment modules, referred to in Annex II to Decision 768/2008/EC, are to be used pursuant to other Union legislation for the same product, the module defined in the delegated act adopted pursuant to Article 4 shall prevail for the ecodesign requirement concerned;~~	
Annex VI, twelfth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
992	(7) requirements on information to be provided by manufacturers, including on the elements of the technical documentation to enable the verification of compliance of the product with the ecodesign requirements. Where relevant, any additional information requirements pursuant to Articles 30 and 31;	(7) requirements on information to be provided by manufacturers, including on the elements of the technical documentation to enable the verification of compliance of the product with the ecodesign requirements. Where relevant, any additional information requirements pursuant to Articles 30 and 31;	~~(7) requirements on information to be provided by manufacturers, including on the elements of the technical documentation to enable the verification of compliance of the product with the ecodesign requirements. Where relevant, any additional information requirements pursuant to Articles 30 and 31;~~	
Annex VI, thirteenth paragraph				
993	(8) implementation dates, any staged or transitional measure or periods, taking into account possible impacts on SMEs or on specific product groups manufactured primarily by SMEs;	(8) implementation dates, any staged or transitional measure or periods, <u>in particular</u> taking into ~~account possible impacts~~ <u>on consideration the needs of micro-enterprises and</u> SMEs or on specific product groups manufactured primarily by <u>micro-enterprises and</u> SMEs;	~~(8) implementation dates, any staged or transitional measure or periods, taking into account possible impacts on SMEs or on specific product groups manufactured primarily by SMEs;~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VI, fourteenth paragraph				
994	(9) the duration of the transitional period during which Member States are to permit the placing on the market or putting into service of products, which comply with the regulations in force in their territory on the date of adoption of the delegated acts adopted pursuant to Article 4;	(9) the duration of the transitional period during which Member States are to permit the placing on the market or putting into service of products, which comply with the regulations in force in their territory on the date of adoption of the delegated acts adopted pursuant to Article 4;	~~(9) the duration of the transitional period during which Member States are to permit the placing on the market or putting into service of products, which comply with the regulations in force in their territory on the date of adoption of the delegated acts adopted pursuant to Article 4;~~	
Annex VI, fifteenth paragraph				
995	(10) the date for the evaluation and possible revision of the delegated act, taking into account technological progress.	(10) the date for the evaluation and possible revision of the delegated act, taking into account technological progress.	~~(10) the date for the evaluation and possible revision of the delegated act, taking into account technological progress.~~	
Annex VII				
996				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Annex VII	Annex VII	Annex VII	
Annex VII, first paragraph				
997	Criteria for self-regulation measures	Criteria for self-regulation measures	Criteria for self-regulation measures	
Annex VII, second paragraph				
998	(referred to in Article 18)	(referred to in Article 18)	(referred to in Article 18)	
Annex VII, third paragraph				
999	The following non-exhaustive list of indicative criteria may be used to assess self-regulation measures as an alternative to a delegated act adopted pursuant to Article 4 of	The following non-exhaustive list of indicative criteria ~~may~~ <u>shall</u> be used to assess self-regulation measures as an alternative to a delegated act adopted pursuant to	The following non-exhaustive list of ~~indicative~~ criteria ~~may~~ <u>shall</u> be used to assess self-regulation measures ~~as an alternative to a delegated act adopted pursuant to~~ <u>in</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	this Regulation:	Article 4 of this Regulation:	~~accordance with Article 4 of this Regulation~~ ¹⁸ :	
Annex VII, fourth paragraph				
1000	Openness of participation	Openness of participation	1. Openness of participation	
Annex VII, fifth paragraph				
1001	Self-regulation measures must be open to the participation of any operators placing on the market a product covered by the self-regulation measure, including third country operators, both in the preparatory and in the implementation phases. Economic operators intending to establish a self-regulation measure should make a public announcement of their intention to do so before the process of developing the measure is started.	Self-regulation measures must be open to the participation of any operators placing on the market a product covered by the self-regulation measure, including third country operators, both in the preparatory and in the implementation phases. Economic operators intending to establish a self-regulation measure should make a public announcement of their intention to do so before the process of developing the measure is started.	Self-regulation measures must be open to the participation of any operators placing on the market a product covered by the self-regulation measure, including third country operators and SMEs , both in the preparatory and in the implementation phases. Economic operators intending to establish a self-regulation measure should make a public announcement of their intention to do so before the process of developing the measure is started.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VII, sixth paragraph				
1002	Sustainability and added value	Sustainability and added value	2. Sustainability and added value	
Annex VII, seventh paragraph				
1003	Self-regulation measures must respond to the policy objectives of this Regulation and must be consistent with the economic and social dimensions of sustainable development. Self-regulation measures must have an integrated approach to the protection of the interests of consumers, health, quality of life and economic interests.	Self-regulation measures must respond to the policy objectives of this Regulation and must be consistent with the economic and social dimensions of sustainable development. Self-regulation measures must have an integrated approach to the protection of the <u>environment</u> , interests of consumers, health, quality of life and economic interests.	Self-regulation measures must respond to the policy objectives of this Regulation and must be consistent with the economic and social dimensions of sustainable development. Self-regulation measures must have an integrated approach to the protection of the interests of consumers, health, quality of life and economic interests.	
Annex VII, eighth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1004	Representativeness	Representativeness	3. Representativeness	
Annex VII, ninth paragraph				
1005	Industry and their associations taking part in a self-regulation measure must represent a large majority of the relevant economic sector, in accordance with Article 18(3), first subparagraph, point (b). Care must be taken to ensure respect for Union competition legislation, in particular Article 101 of the Treaty on the Functioning of the European Union regarding anti-competitive agreements.	Industry and their associations taking part in a self-regulation measure must represent a large majority of the relevant economic sector, in accordance with Article 18(3), first subparagraph, point (b). Care must be taken to ensure respect for Union competition legislation, in particular Article 101 of the Treaty on the Functioning of the European Union regarding anti-competitive agreements.	Industry and their associations taking part in a self-regulation measure must represent a large majority of the relevant economic sector, in accordance with Article 18(3), first subparagraph, point (b). Care must be taken to ensure respect for Union competition legislation, in particular Article 101 of the Treaty on the Functioning of the European Union regarding anti-competitive agreements.	
Annex VII, tenth paragraph				
1006			4. Quantified and staged	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Quantified and staged objectives	Quantified and staged objectives	objectives	
Annex VII, eleventh paragraph				
1007	The objectives defined by the signatories in their self-regulation measures must be set in clear and unambiguous terms, starting from a well-defined baseline. If the self-regulation measure covers a long time-span, interim targets must be included. It must be possible to monitor compliance with objectives and interim targets in an affordable and credible way using clear and reliable indicators.	The objectives defined by the signatories in their self-regulation measures must be set in clear, <u>quantifiable</u> and unambiguous terms, starting from a well-defined baseline. If the self-regulation measure covers a long time-span, interim targets must be included. It must be possible to monitor compliance with objectives and interim targets in an affordable and credible way using clear and reliable indicators.	The objectives defined by the signatories in their self-regulation measures must be set in clear and unambiguous terms, starting from a well-defined baseline. If the self-regulation measure covers a long time-span, interim targets must be included. It must be possible to monitor compliance with objectives and interim targets in an affordable and credible way using clear and reliable indicators.	
Annex VII, twelfth paragraph				
1008	Involvement of civil society	Involvement of civil society	5. Involvement of civil society	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VII, thirteenth paragraph				
1009	With a view to ensuring transparency, self-regulation measures must be publicised, including online and via other electronic means of disseminating information.	With a view to ensuring transparency, self-regulation measures must be publicised, including online <u>on a publicly accessible website of the Commission</u> and via other electronic means of disseminating information.	With a view to ensuring transparency, self-regulation measures must be publicised, including online and via other electronic means of disseminating information.	
Annex VII, fourteenth paragraph				
1010	Stakeholders including Member States, industry, environmental NGOs and consumers' associations must be invited to comment on a self-regulation measure.	Stakeholders including Member States, industry <u>within the Union and in third countries</u> , environmental NGOs and consumers' associations must be invited to comment on a self-regulation measure.	Stakeholders including Member States, industry, environmental NGOs and consumers' associations must be invited to comment on a self-regulation measure.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VII, fifteenth paragraph				
1011	Monitoring and reporting	Monitoring and reporting	6. Monitoring and reporting	
Annex VII, sixteenth paragraph				
1012	An independent inspector must monitor compliance of signatories with the self-regulation measure. The self-regulation measure must empower the independent inspector to verify compliance with the requirements of the self-regulation measure. It must also lay down the procedure to select an independent inspector and how it will be ensured that the inspector is free of conflict of interest and has the necessary skills for verifying compliance with the requirements set out in the self-regulation measure.	An independent inspector must monitor compliance of signatories with the self-regulation measure. The self-regulation measure must empower the independent inspector to verify compliance with the requirements of the self-regulation measure. It must also lay down the procedure to select an independent inspector and how it will be ensured that the inspector is free of conflict of interest and has the necessary skills for verifying compliance with the requirements set out in the self-regulation measure.	An independent inspector must monitor compliance of signatories with the self-regulation measure. The self-regulation measure must empower the independent inspector to verify compliance with the requirements of the self-regulation measure. It must also lay down the procedure to select an independent inspector and how it will be ensured that the inspector is free of conflict of interest and has the necessary skills for verifying compliance with the requirements set out in the self-regulation measure.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VII, seventeenth paragraph				
1013	Every year, each signatory must report all the information and data necessary for the independent inspector to reliably verify the signatory's compliance with the self-regulation measure.	Every year, each signatory must report all the information and data necessary for the independent inspector to reliably verify the signatory's compliance with the self-regulation measure.	Every year, each signatory must report all the information and data necessary for the independent inspector to reliably verify the signatory's compliance with the self-regulation measure.	
Annex VII, eighteenth paragraph				
1014	The independent inspector must draw up a compliance report at end of each one-year reporting period.	The independent inspector must draw up a compliance report at end of each one-year reporting period.	The independent inspector must draw up a compliance report at end of each one-year reporting period.	
Annex VII, nineteenth paragraph				
1015	Where a signatory has not complied with the requirements of the self-regulation measure, it must	Where a signatory ~~has not complied~~ <u>does not comply</u> with the requirements of the self-regulation measure, it must take corrective	Where a signatory has not complied with the requirements of the self-regulation measure, it must	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	take corrective action.	action. <u><i>The independent inspector must notify the other signatories participating in the self-regulation measure of a lack of compliance by a signatory and of the corrective action the signatory intends to take. If the signatory has not undertaken sufficient corrective action within three months, it must be dismissed from the self-regulation measure.</i></u>	take corrective action.	
Annex VII, point 6., sixth subparagraph				
1015a			The results of any market surveillance activity conducted by a market surveillance authority where non-compliance with the SRM requirements has been identified, should be taken into account by the independent inspector, in particular in the compliance report, and corrective action shall be taken.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VII, twentieth paragraph				
1016	Cost-effectiveness of administering a self-regulation measure	Cost-effectiveness of administering a self-regulation measure	7. Cost-effectiveness of administering a self-regulation measure	
Annex VII, twenty-first paragraph				
1017	The cost of administering the self-regulation measure, in particular as regards monitoring, must not lead to a disproportionate administrative burden, as compared to their objectives and to other available policy instruments.	The cost of administering the self-regulation measure, in particular as regards monitoring, must not lead to a disproportionate administrative burden, as compared to their objectives and to other available policy instruments.	The cost of administering the self-regulation measure, in particular as regards monitoring, must not lead to a disproportionate administrative burden, as compared to their objectives and to other available policy instruments.	
Annex VIII				
1018	Annex VIII	Annex VIII	Annex VIII	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, first paragraph				
1019	Correlation table	Correlation table	Correlation table	
Annex VIII, Table 1, Column 1, Row 1				
1020	Directive 2009/125/EC	Directive 2009/125/EC	Directive 2009/125/EC	
Annex VIII, Table 1, Column 1, Row 2				
1021	Article 1	Article 1	Article 1	
Annex VIII, Table 1, Column 1, Row 3				
1022				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 2	Article 2	Article 2	
Annex VIII, Table 1, Column 1, Row 4				
1023	Article 3	Article 3	Article 3	
Annex VIII, Table 1, Column 1, Row 5				
1024	Article 4	Article 4	Article 4	
Annex VIII, Table 1, Column 1, Row 6				
1025	Article 5	Article 5	Article 5	
Annex VIII, Table 1, Column 1, Row 7				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1026	Article 6		Article 6	
Annex VIII, Table 1, Column 1, Row 8				
1027	Article 7		Article 7	
Annex VIII, Table 1, Column 1, Row 9				
1028	Article 8		Article 8	
Annex VIII, Table 1, Column 1, Row 10				
1029	Article 9		Article 9	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, Table 1, Column 1, Row 11				
1030	Article 10		Article 10	
Annex VIII, Table 1, Column 1, Row 12				
1031	Article 11		Article 11	
Annex VIII, Table 1, Column 1, Row 13				
1032	Article 12		Article 12	
Annex VIII, Table 1, Column 1, Row 14				
1033	Article 13		Article 13	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, Table 1, Column 1, Row 15				
1034	Article 14		Article 14	
Annex VIII, Table 1, Column 1, Row 16				
1035	Article 15		Article 15	
Annex VIII, Table 1, Column 1, Row 17				
1036	-		-	
Annex VIII, Table 1, Column 1, Row 18				
1037				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 16		Article 16	
Annex VIII, Table 1, Column 1, Row 19				
1038	Article 17		Article 17	
Annex VIII, Table 1, Column 1, Row 20				
1039	Article 18		Article 18	
Annex VIII, Table 1, Column 1, Row 21				
1040	-	-	-	
Annex VIII, Table 1, Column 1, Row 22				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1041				
Annex VIII, Table 1, Column 1, Row 23				
1042				
Annex VIII, Table 1, Column 1, Row 24				
1043				
Annex VIII, Table 1, Column 1, Row 25				
1044				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, Table 1, Column 1, Row 26				
1045				
Annex VIII, Table 1, Column 1, Row 27				
1046	Article 19	Article 19	Article 19	
Annex VIII, Table 1, Column 1, Row 28				
1047	Article 20	Article 20	Article 20	
Annex VIII, Table 1, Column 1, Row 29				
1048	Article 21	Article 21	Article 21	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, Table 1, Column 1, Row 30				
1049	Article 22	Article 22	Article 22	
Annex VIII, Table 1, Column 1, Row 31				
1050	Article 23	Article 23	Article 23	
Annex VIII, Table 1, Column 1, Row 32				
1051	Article 24	Article 24	Article 24	
Annex VIII, Table 1, Column 1, Row 33				
1052				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 25	Article 25	Article 25	
Annex VIII, Table 1, Column 1, Row 34				
1053	Article 26	Article 26	Article 26	
Annex VIII, Table 1, Column 1, Row 35				
1054	ANNEX I	ANNEX I	ANNEX I	
Annex VIII, Table 1, Column 1, Row 36				
1055	ANNEX II	ANNEX II	ANNEX II	
Annex VIII, Table 1, Column 1, Row 37				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1056	-	-	-	
Annex VIII, Table 1, Column 1, Row 38				
1057	ANNEX III	ANNEX III	ANNEX III	
Annex VIII, Table 1, Column 1, Row 39				
1058	ANNEX IV	ANNEX IV	ANNEX IV	
Annex VIII, Table 1, Column 1, Row 40				
1059	ANNEX V	ANNEX V	ANNEX V	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, Table 1, Column 1, Row 41				
1060	ANNEX VI	ANNEX VI	ANNEX VI	
Annex VIII, Table 1, Column 1, Row 42				
1061	ANNEX VII	ANNEX VII	ANNEX VII	
Annex VIII, Table 1, Column 1, Row 43				
1062	ANNEX VIII	ANNEX VIII	ANNEX VIII	
Annex VIII, Table 1, Column 1, Row 44				
1063	ANNEX IX	ANNEX IX	ANNEX IX	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, Table 1, Column 1, Row 45				
1064	ANNEX X	ANNEX X	ANNEX X	
Annex VIII, Table 1, Column 2, Row 1				
1065	This Regulation	This Regulation	This Regulation	
Annex VIII, Table 1, Column 2, Row 2				
1066	Article 1	Article 1	Article 1	
Annex VIII, Table 1, Column 2, Row 3				
1067				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 2	Article 2	Article 2	
Annex VIII, Table 1, Column 2, Row 4				
1068	-	-	-	
Annex VIII, Table 1, Column 2, Row 5				
1069	Article 23	Article 23	Article 23	
Annex VIII, Table 1, Column 2, Row 6				
1070	Articles 37-39	Articles 37-39	Articles 37-39	
Annex VIII, Table 1, Column 2, Row 7				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1071	Article 3	Article 3	Article 3	
Annex VIII, Table 1, Column 2, Row 8				
1072	Articles 63 to 65	Articles 63 to 65	Articles 63 to 65	
Annex VIII, Table 1, Column 2, Row 9				
1073	Articles 21, 36	Articles 21, 36	Articles 21, 36	
Annex VIII, Table 1, Column 2, Row 10				
1074	Article 34	Article 34	Article 34	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, Table 1, Column 2, Row 11				
1075	-	-	-	
Annex VIII, Table 1, Column 2, Row 12				
1076	Article 5(6)	Article 5(6)	Article 5(6)	
Annex VIII, Table 1, Column 2, Row 13				
1077	Article 62	Article 62	Article 62	
Annex VIII, Table 1, Column 2, Row 14				
1078	Article 19	Article 19	Article 19	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, Table 1, Column 2, Row 15				
1079	Article 7	Article 7	Article 7	
Annex VIII, Table 1, Column 2, Row 16				
1080	Articles 4 and 5	Articles 4 and 5	Articles 4 and 5	
Annex VIII, Table 1, Column 2, Row 17				
1081	Article 8-15	Article 8-15	Article 8-15	
Annex VIII, Table 1, Column 2, Row 18				
1082				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 16	Article 16	Article 16	
Annex VIII, Table 1, Column 2, Row 19				
1083	Article 18	Article 18	Article 18	
Annex VIII, Table 1, Column 2, Row 20				
1084	Articles 17	Articles 17	Articles 17	
Annex VIII, Table 1, Column 2, Row 21				
1085	Article 20	Article 20	Article 20	
Annex VIII, Table 1, Column 2, Row 22				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1086	Article 22	Article 22	Article 22	
Annex VIII, Table 1, Column 2, Row 23				
1087	Articles 24-33	Articles 24-33	Articles 24-33	
Annex VIII, Table 1, Column 2, Row 24				
1088	Article 35	Article 35	Article 35	
Annex VIII, Table 1, Column 2, Row 25				
1089	Article 40-61	Article 40-61	Article 40-61	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, Table 1, Column 2, Row 26				
1090	Article 66	Article 66	Article 66	
Annex VIII, Table 1, Column 2, Row 27				
1091	Article 67	Article 67	Article 67	
Annex VIII, Table 1, Column 2, Row 28				
1092	Article 68	Article 68	Article 68	
Annex VIII, Table 1, Column 2, Row 29				
1093	Article 69	Article 69	Article 69	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, Table 1, Column 2, Row 30				
1094	-	-	-	
Annex VIII, Table 1, Column 2, Row 31				
1095	-	-	-	
Annex VIII, Table 1, Column 2, Row 32				
1096	Article 70	Article 70	Article 70	
Annex VIII, Table 1, Column 2, Row 33				
1097				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 71	Article 71	Article 71	
Annex VIII, Table 1, Column 2, Row 34				
1098	-	-	-	
Annex VIII, Table 1, Column 2, Row 35				
1099	Articles 5, 7, ANNEX I	Articles 5, 7, ANNEX I	Articles 5, 7, ANNEX I	
Annex VIII, Table 1, Column 2, Row 36				
1100	ANNEX II	ANNEX II	ANNEX II	
Annex VIII, Table 1, Column 2, Row 37				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1101	ANNEX III	ANNEX III	ANNEX III	
Annex VIII, Table 1, Column 2, Row 38				
1102	-	-	-	
Annex VIII, Table 1, Column 2, Row 39				
1103	ANNEX IV	ANNEX IV	ANNEX IV	
Annex VIII, Table 1, Column 2, Row 40				
1104	-	-	-	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, Table 1, Column 2, Row 41				
1105	ANNEX V	ANNEX V	ANNEX V	
Annex VIII, Table 1, Column 2, Row 42				
1106	ANNEX VI	ANNEX VI	ANNEX VI	
Annex VIII, Table 1, Column 2, Row 43				
1107	ANNEX VII	ANNEX VII	ANNEX VII	
Annex VIII, Table 1, Column 2, Row 44				
1108	-	-	-	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, Table 1, Column 2, Row 45				
1109	ANNEX VIII	ANNEX VIII	ANNEX VIII	