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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 <i>General Approach</i> - Statement

Delegations will find attached a statement by Germany on the above-mentioned subject in view of the (Competitiveness) Council meeting on 22 May 2023. The statement will be entered into the minutes of the Council meeting.

***Statement by the Federal Republic of Germany
on the proposal for a Regulation establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC (Ecodesign for Sustainable Products Regulation – ESPR)***

The ESPR is a central building block of the Green Deal, located at the nexus between business, environmental and consumer protection, and in particular resource conservation. Its holistic approach – from the design stage to operation, repair/remanufacturing and recycling – enables climate-friendly circular economic activity and the emergence of green lead markets.

Germany has therefore always advocated ambitious targets and a swift conclusion of the negotiations and in that spirit also supports the general approach. Nevertheless, Germany sees further need for improvement in the course of the upcoming negotiations with the Parliament:

[Article 13]

The ESPR includes rules to introduce a digital product passport (DPP) containing essential information about the ecological sustainability of products. It is designed to help consumers and businesses make informed choices when purchasing products, to simplify repairs and recycling and to enhance transparency about the environmental impact of products. The DPP is also intended to help the authorities in carrying out testing and checks. In the context of the EU Single Window, national customs systems are to be connected to the product passport registry via the EU CSW-CERTEX interface for automatic comparison (Article 13 of the draft ESPR).

Germany's Federal Government takes the view that having full automated comparison, on the import side, of the DPP in the customs declaration with the product passport registry would impose a significant and permanent administrative burden in the event that the comparison led to inconsistencies being identified. This is expected to result in the administration having to take follow-up measures outside the scope of the automated comparison, which will be additional to the customs authorities' essential tasks in monitoring prohibitions and restrictions and, given the Regulation's extensive scope, will greatly expand the customs administration's workload. However, in view of the importance of the ESPR and the sustainable approach in Europe that is associated with it, Germany is willing to set its concerns aside. In the technical arrangements, care must be taken to ensure that the procedure to be followed is not burdensome and enables the customs administration to carry out its essential tasks under Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products in a proper manner.

[Article 58]

With its large market volume, public procurement accounts for a significant share of the procurement of products and services. In general, the role of the public sector is to lead by example in sustainable consumption and at the same time it can have a significant impact on the market for environmentally-friendly products and thus for innovation. Germany's Federal Government therefore sees ambitious and effective targets for green public procurement as an important lever towards climate neutrality and resource efficiency. For this reason, it expected the ESPR to provide an ambitious and sustainable legislative framework for procurement, setting requirements for climate protection, sustainability and the circular economy, including through the highest label class and reference to Type 1 eco-labels. In addition, there are also requirements stemming from commitments at international level regarding ambitious and transformative sustainable public procurement policies, which should also be reflected in the ESPR.

With regard to the specific case of construction products, Germany's Federal Government believes that there is a need for an additional exemption in Article 58 of the draft ESPR i.e. allowing a derogation from the requirements in the construction sector if Member States have introduced appropriate sustainability standards for the construction project as a whole. Construction products are intermediate products and therefore the assessment of environmental sustainability must be viewed holistically, at the level of the construction as a whole.

[Article 69]

In the implementation of the previous ecodesign product requirements the full savings potential was not exploited for many product groups. In some cases, the revisions of the product rules were completed after the product requirements had already been met by almost all products available on the market – and therefore had only a very limited impact on the market. Germany's Federal Government therefore expects the European Commission to also examine the implementation of modern concepts such as the frontrunner approach as part of the evaluation of the ESPR. This approach enables an automatic adjustment of ecodesign requirements triggered by improvements in the performance of products placed on the market, to ensure that ecodesign requirements remain relevant and appropriate to the market situation.

In view of the upcoming negotiations with the European Parliament, we trust that these aspects will be carefully considered and will feed into the negotiations.
