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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a framework for the setting of ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC (first reading) - Adoption of the legislative act = Statement

Statement by Austria

Austria still sees the need for greater clarity in some areas of the proposed regulation, but is able to accept the current text in a spirit of compromise. However, the following points must once again be highlighted:

Austria has serious reservations regarding Article 65 (Green public procurement). In view of the established case-law of the CJEU, according to which the choice of award criteria and their weighting for each procurement procedure lies with the respective contracting authority (see, for example, Case C-19/00, *SIAC*, paragraph 36; Case C-448/01, *EVN and Wienstrom*, paragraph 37), Austria expects the establishment of binding award criteria with binding weighting and targets at national level to be considered by the Commission only as a last resort when adopting implementing acts under Article 65.

In addition, Austria is of the opinion that the definition of green criteria in public procurement should be integrated into a coherent and horizontal approach that is incorporated in the procurement directives.

Austria is also in favour of ensuring that the requirements for digital product passports are designed in such a way as to limit the burden on businesses to a feasible level and that an evaluation of the impact of the digital product passport in terms of its additional administrative burden and associated costs, particularly for SMEs, is carried out in a timely manner.
