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MEETING DOCUMENT

From: European Commission Services

To: Delegations

Subject: Presentation from the Commission: Proposal for the Ecodesign for Sustainable Products Regulation (ESPR)

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Proposal for the Ecodesign for Sustainable Products Regulation (ESPR)

WP 14 November



CHAPTER X - Incentives

Two ways of incentivising the uptake of the best performing products are foreseen:

- incentives for consumers to encourage them to buy the best performing products [art. 57];
- green public procurement requirements ^{TO BE CONFIRMED PRODUCT PER PRODUCT)} to mandate contracting authorities/entities to choose among the best performing products [art. 58].

Article 57 – Member States incentives

It seeks to improve market penetration of best performing products inspired by Article 7.2 of Energy labelling,

Unless otherwise specified,

- Highest two classes of performance (EU market is the reference, not significance threshold)
- Ecolabel

MS free to decide on whether whether to incentivise consumers to buy the best performing products economic instruments; the type of incentives to adopt;

DA to ensure right parameters are incentivized when:

- Classes of performance set for more than 1 parameter/also avoids incoherence with regime under Regulation 2017/1369
- No classes of performance have been set

Article 58 - GPP

Mandatory GPP requirements that can be set out are:

- Technical specifications
- Selection criteria
- Award criteria
- Contract performance clauses
- Targets

Requirements for supply, services and works contracts

Monitoring and reporting (via the use of eForms)

Article 58 - GPP



- No requirements set on a general basis;
- Requirements tailored on the specific products to make sure that market situation and buyers' constraints are properly assessed (preliminary study and IA);
- Criteria to be specifically taken into account are:
 - Relevance of the products for public procurement (value and volume of contracts);
 - Need to boost demand;
 - Economic feasibility

Art. 66: Exercise of the delegation

Standard provision foreseeing:

- Scope of the delegation (5 types of delegated acts);
- Duration of the delegation (6 years);
- Revocation of delegation by EP or Council;
- Application of Interinstitutional Agreement on Better Law-Making for Member States consultation;
- Notification of adopted delegated acts;
- 6 • Objection expressed by EP or Council

Delegated acts in the proposal

3 supplementing the Regulation:

- DAs pursuant to Article 4 [setting out product related requirements];
- DAs pursuant to Article 20(3) [setting out prohibitions to discard unsold consumer goods];
- DAs pursuant to Article 60 (1) [setting out minimum number of checks for market surveillance]

2 amending the Regulation:

- DAs pursuant to Article 9 (1) second subpara and to Article 11(4) [replacing standards for DPP]

Art. 67: Committee procedure

Implementing acts foreseen in the proposal following the advisory procedure:

- List of self regulation measures established as valid alternatives to a delegated act [art. 18];
- Request a Member State to take necessary corrective action for non-compliant notified bodies [art. 52];
- List of products or requirements to be considered as priorities for market surveillance [art. 59].

Art. 67: Committee procedure

Implementing acts foreseen in the proposal following the examination procedure:

- Implementation arrangements for interconnection of DPP registry and EU CSW CERTEX [art. 13];
- Common requirements for labels [art. 14];
- Format for the disclosure of the information on discarded unsold consumer products [art. 20];
- Common specifications for ecodesign requirements, essential requirements for DPP, for test, measurement or calculation methods [art. 35];
- Minimum number of FTEs for notified bodies [art. 43];
- Decision whether national measure is justified or not under Union safeguard procedure [art. 64;]

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