

## **Swedish Enterprise comments on the new product priorities under the Ecodesign for Sustainable Products Regulation (ESPR)**

This document contains the Confederation of Swedish Enterprise's (hereafter Swedish Enterprise) comments on the new product priorities under the Ecodesign for Sustainable Products Regulation (ESPR) and constitutes the organisation's answer to the public consultation. Swedish Enterprise is Sweden's largest business federation, representing over 60 000 member companies in all sectors with almost two million employees. We bring together 49 industry and employer organisations, and these comments have been produced in close collaboration with our members.

### **Main comments**

- Overall, Swedish Enterprise support the ambition to develop product-specific legislation within the frame of the ESPR and consider it an important step in the process of updating the ESPR and moving towards a more circular economy in Europe. As a business federation representing a diversity of different sectors and industries, we do not have an opinion on the specific order of product priorities.
- However, we believe that it is important to not regulate products in different and separate regulations and suggest that ecodesign requirements are only set in one regulation. This is for instance the case with construction material, which is currently subject to negotiations on the new Construction Products Regulation. In order to not create ambiguity and difficulties in managing the requirements, especially for SMEs, it is imperative that product regulation does not derive from several different pieces of legislation.
- We also want to caution against spreading product-specific regulation and the delegated acts over extensive periods of time, especially when the concerned products are closely linked together. One illustrative example are beds where furniture and textiles are listed as early prioritised groups while bed mattresses are prioritised lower and will be regulated at a later stage. Swedish Enterprise finds it imperative to keep regulation on certain end-products together in order to avoid uncertainties for producers, especially SMEs.
- Swedish Enterprise also want to raise concern about the rationale of including intermediate products as targets for ecodesign requirements. While improving the

environmental footprint and performance of these products is important for many reasons it should also be kept in mind that several intermediate products are found in, or constitute a substantial part of, most end-products. This is particularly relevant to chemicals which are in almost every product put on the market. As such, it could be more pragmatic to establish requirements at the end-product level where requirements also may be tailored to suit that product. This also enables a more holistic lifecycle approach, making it easier to avoid double ecodesign requirements affecting different stages of the lifecycle.

- Regarding the intermediate products it is also important to avoid double regulation as several of the listed products are also regulated in other pieces of legislation being revised now or in the near future, not least REACH and the Industrial Emissions Directive (IED).
- There is also reason to question the rationale behind horizontal requirements as the different criteria differ extensively and have varied relevance for different types of products. As such, it makes more sense to focus more exclusively on product specific requirements. Even within the same broader category of products there is a substantial variation in how complex products are.
- Swedish Enterprise also want to emphasise the importance of a sufficient implementation period once a delegated act for a certain product has been adopted as the business and industry sectors need reasonable time to adjust their activities to the new ecodesign requirements.
- Finally, it is also of utmost importance that the concerned business and industry sectors are genuinely represented and included in the development of the product-specific ecodesign requirements. The Ecodesign Forum and new Ecodesign Expert Group must have a clear mandate and a strong business and industry representation from a product's whole value chain.

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