



**2022/0095(COD)**

20.10.2022

## **DRAFT OPINION**

of the Committee on the Internal Market and Consumer Protection

for the Committee on the Environment, Public Health and Food Safety

on establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC  
(COM((2022)0142 – C9-0132/2022 – 2022/0095(COD))

Rapporteur for opinion (\*): David Cormand(\*) Associated committee – Rule 57 of the Rules of Procedure

PA\_Legam

## SHORT JUSTIFICATION

The Ecodesign Regulation is the first milestone to make our internal market truly sustainable. Europe succeeded in creating a single market for the exchange of goods and services that establishes the Union as the largest market in the world. We must now use this power wisely to make it compatible with our European values.

The market is subject to a detrimental market failure that favours economic actors who adopt production methods and create products undermining the environment and social rights. To ensure fair competition, market rules must instead reward those who produce and innovate in line with our social and environmental rights.

The Rapporteur wants to ensure that this Regulation allows us to stay within planetary boundaries and contribute to meeting EU's environmental and climate targets. This Regulation must therefore endorse this level of ambition through the adoption of ambitious eco-design requirements and put an end to unsustainable business models that are only economically profitable at the expense of environmental standards and social rights. Thus, the negative impact on the competitiveness of economic actors should not be an obstacle in itself to the achievement of our ecodesign objectives.

Moreover, the Rapporteur believes the Regulation should lay a minimum level for ecodesign requirements to exclude the least performant products from the market. However, Member States should be able to set more stringent requirements and restrict the entry and use of certain products based on environmental objectives. This allows for a more flexible approach to attaining the Union's environmental objectives in the respect of the subsidiarity principle. Given the urgency of the environmental and climate crisis, preventing Member States from acting locally will only delay the already very late action needed. It is also in line with article 193 of the Treaty on the Functioning of the European Union which provides that Member States shall not be prevented from introducing more stringent protective measures in relation to environmental matters.

Concerning the scope of the Regulation, the Rapporteur proposes to include digital services that are not linked to a product. Digital services are a growing part of our economy and starting to promote their ecodesign insurgent. Given their intangible nature, the Rapporteur proposes to develop a label for the ecodesign of digital services and calls the Commission to develop a robust methodology based on best practices in the sector. Such label should reward actors developing eco-designed digital services and serve as a marker for public procurement and private actors' choices.

The Commission proposes to regulate ecodesign criteria by product category. The Rapporteur welcomes this approach, which allows for granularity in legislative action. However, he is of the opinion that some aspects require horizontal provisions to ensure that we design truly durable and repairable products. He thus proposes to introduce some horizontal requirements on durability and reparability. A general ban on premature obsolescence practices, including software obsolescence, is the natural element of a Regulation on Ecodesign of products. Furthermore, this reflects what the commission has proposed to address under Consumer Law in its proposal "Empowering Consumers in the Green Transition". Moreover, it is fundamental that reparability be at the heart of Ecodesign requirements by banning certain product designs that prevent a product to be repaired but also by providing access to right

tools and information to all actors of the sector. The Rapporteur therefore proposes to detail the criteria that the Commission will have to consider in the framework of a European reparability score, including in particular the price of spare parts and their delivery time. These two elements are indeed at the heart of the concerns of Europeans when questioned about the modalities of recourse to repair and should be reflected in the methodology to establish such a reparability score. Last but not least, the extent of the product lifespan covered by the durability requirement must be reflected in the relevant consumer rights. The Rapporteur therefore calls for the duration of legal guarantees to be aligned with the estimated lifetime of product category in each delegated act.

The Digital Product Passport is a great tool for the free circulation of data and the transparency of value chains. Opening access to data related to the ecodesign of products to researchers, NGOs, economic actors and concerned consumers will allow the opening of new markets and the promotion of the most virtuous actors in their field. The Rapporteur also introduces the exclusion of the storage of personal data of end-users of products in order to prevent the establishment of a generalized surveillance.

Finally, the rapporteur proposes to make some improvement on the market surveillance chapter of this Regulation to ensure its effective enforcement. He proposes to require Member States to establish mechanisms where end-users can easily lodge a complaint in case of non-compliance; He also introduces a minimum set of penalties that market surveillance authorities can apply to infringers.

## AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a regulation

#### Recital 5

##### *Text proposed by the Commission*

(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

##### *Amendment*

(5) This Regulation will contribute to making products **and digital services** 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, **set conditions** 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.

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. ***By doing so, this Regulation should aim at supporting production and consumption patterns that are aligned with Union's overall sustainability targets, including climate, environmental, energy, resources-use and biodiversity, while staying within planetary boundaries.***

Or. en

## Amendment 2

### Proposal for a regulation

#### Recital 6

*Text proposed by the Commission*

(6) The European Parliament, in its Resolution of 25 November 2020 ‘Towards a more sustainable single market for business and consumers’<sup>30</sup>, ***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 2021<sup>31</sup>, 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 Green’ adopted on 11 December 2020<sup>32</sup>, also welcomed the Commission’s intention to submit legislative proposals as part of a comprehensive and integrated sustainable product policy framework that promotes

*Amendment*

(6) The European Parliament, in its Resolution of 25 November 2020 ‘Towards a more sustainable single market for business and consumers’<sup>[1]</sup>, ***called for setting a right framework to ensure the production of*** durable products which are easier to repair, re-use and recycle ***while providing increased rights for consumers, including information requirements and longer legal guarantee periods.*** In its report on the New Circular Economy Action Plan adopted on 16 February 2021<sup>[2]</sup>, the European Parliament ***called for EU binding targets to significantly reduce EU material and consumption footprints.*** 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 2020<sup>32</sup>, also welcomed the

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.

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.

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<sup>30</sup> P9\_TA(2020)0318.

<sup>31</sup> P9\_TA(2021)0040.

<sup>32</sup> 13852/20.

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<sup>30</sup> P9\_TA(2020)0318.

<sup>31</sup> P9\_TA(2021)0040.

<sup>32</sup> 13852/20.

Or. en

### Amendment 3

#### Proposal for a regulation

##### Recital 10

###### *Text proposed by the Commission*

(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 avoiding national disparities, but also reduce the negative life cycle environmental impacts of products for which such requirements are set.

###### *Amendment*

(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 **and social** sustainability of products with binding requirements. By ensuring that only products that meet **at least** those requirements are placed on the Union market, this Regulation should not only improve the free 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.

Or. en

## Amendment 4

### Proposal for a regulation Recital 11 a (new)

*Text proposed by the Commission*

*Amendment*

***(11 a) While representing an increasing share of the European economy, digital services are seldom designed in a way that reduces their energy footprint and storage requirements. Actors who would like to resort to ecodesigned digital services have little ways of comparing their environmental virtue. To enable the generalisation of a sustainably digital environment, a European label for the ecodesign of services should be developed. Such label would ensure trustworthy implementation of best practices by digital services providers, distinguish them from their competitors and serve as a market both for public procurement and private actors engaging in the green transition.***

Or. en

## Amendment 5

### Proposal for a regulation Recital 13

*Text proposed by the Commission*

*Amendment*

(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

(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 established where the technical similarities of product groups allow their environmental sustainability to be improved based on the same requirements.

machines and washer dryers. In order to maximise the effectiveness of ecodesign requirements and to efficiently improve environmental **and social** 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 established where the technical similarities of product groups allow their environmental sustainability to be improved based on the same requirements. ***Horizontal requirements should also be developed with regard to specific product aspects that are durability and reparability to ensure that some design feature and related obligations apply across all products.***

Or. en

## Amendment 6

### Proposal for a regulation

#### Recital 14

##### *Text proposed by the Commission*

(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.

##### *Amendment*

(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 **and social** sustainability, such as energy efficiency, durability, reparability, **reuse, refurbishment** and carbon and environmental footprints. Ecodesign requirements should be transparent, objective, proportionate and in compliance with international trade rules.

Or. en



## Amendment 7

### Proposal for a regulation Recital 15

*Text proposed by the Commission*

*Amendment*

***(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.***

***deleted***

Or. en

## Amendment 8

### Proposal for a regulation Recital 23

*Text proposed by the Commission*

*Amendment*

(23) To improve environmental sustainability of products, information requirements should 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

(23) To improve environmental sustainability of products, information requirements should relate to a selected product parameter relevant to the product aspect, such as the product's environmental footprint or its durability. They ***should*** 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 compare products on the basis of their environmental sustainability, information requirements are expected to drive consumers and public authorities towards more sustainable choices.

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 in addition to performance requirements on the same product parameter. 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. ***Essential information relating to health, safety and consumer rights should always be provided to consumers through physical means such as on product or a leaflet accompanying the product.*** 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 compare products on the basis of their environmental sustainability, information requirements are expected to drive consumers and public authorities towards more sustainable choices.

Or. en

## Amendment 9

### Proposal for a regulation

#### Recital 24

##### *Text proposed by the Commission*

(24) Where delegated acts include information requirements, they may in addition determine classes 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

##### *Amendment*

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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.

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. ***In this regard, information requirements with regard to durability and reparability of products play a central role for consumers to engage in sustainable consumption patterns. This Regulation should therefore establish criteria to be taken into account for developing a reparability score and durability index to be applied on certain product-categories.***

Or. en

## **Amendment 10**

### **Proposal for a regulation Recital 24 a (new)**

*Text proposed by the Commission*

*Amendment*

***(24 a) Next to information on the durability and reparability of products that are essential for consumers to take a purchasing decision for more durable products, displaying information on their rights such as on the length of the legal guarantee of conformity and, where relevant, its voluntary extension by the manufacturer, is also important since they are reliable indicator of a product's durability. Such information should therefore be part of the labels to be displayed at point of sale.***

Or. en

## **Amendment 11**

### **Proposal for a regulation Recital 26**

*Text proposed by the Commission*

(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 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.

*Amendment*

(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, **refurbishers**, 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 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.

Or. en

**Amendment 12**

**Proposal for a regulation**

**Recital 28**

*Text proposed by the Commission*

(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

*Amendment*

(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 data should be transferable through an***

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 such as scanning devices.

***open interoperable data exchange network without vendor lock-in.*** 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 such as scanning devices.

Or. en

### Amendment 13

#### Proposal for a regulation

##### Recital 32

###### *Text proposed by the Commission*

(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 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.

###### *Amendment*

(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. For enforcement and monitoring 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.

***Researchers, NGOs, economic actors and consumers should also be given access to the eco-design requirements information for the purpose of ensuring a level playing field in the development of tools and studies.***

Or. en

## Amendment 14

### Proposal for a regulation Recital 35

*Text proposed by the Commission*

(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 with Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>66</sup>. 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 Council<sup>67</sup>.

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<sup>66</sup> 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).

<sup>67</sup> 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

*Amendment*

(35) 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 with Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>66</sup>. 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 Council<sup>67</sup>. ***The product passport's objective being to ensure value chain transparency and trust in products, the personal data of end-users falls outside the scope its purpose. Such storage by economic actors could result in a generalised surveillance incompatible with the above mentioned Regulation. Therefore personal data of end-users should not be stored or extrapolated from the digital product passport.***

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<sup>66</sup> 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).

<sup>67</sup> 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

## Amendment 15

### Proposal for a regulation

#### Recital 41

*Text proposed by the Commission*

(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.

*Amendment*

(41) Consumers should be protected from misleading information that could hamper their choices for more sustainable products ***as determined in accordance with the applicable Union law, including rules on unfair commercial practices***. For this reasons it should be prohibited to place on the market products bearing a label mimicking the labels provided for in this Regulation.

## Amendment 16

### Proposal for a regulation

#### Recital 48

*Text proposed by the Commission*

(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 or used, it is necessary to establish such empowerment in this Regulation. However, the prohibition set in the delegated acts should

*Amendment*

(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 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 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.***

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. The Commission ***may*** consider specific exemptions under which destroying unsold consumer products may still be permitted, ***only when it raises*** 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.

Or. en

## Amendment 17

### Proposal for a regulation Recital 55 a (new)

*Text proposed by the Commission*

*Amendment*

***(55 a) Refurbishment and second-hand sectors play a specific role to promote sustainable consumption patterns and in the development of circular business models. Due to the specificities of those***



*sectors, their role along the value chain and related obligations must be distinguished from the ones applying to manufacturers, importers or distributors by specifying what should be the rules applicable to them.*

Or. en

## Amendment 18

### Proposal for a regulation Recital 88

#### *Text proposed by the Commission*

(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 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

#### *Amendment*

(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 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 Commission to ensure sufficient action is taken by market surveillance *authorities* to prevent non-compliance with ecodesign requirements.

should provide additional tools for the Commission to ensure sufficient action is taken by market surveillance *authorities* to prevent non-compliance with ecodesign requirements, *and where relevant bring non-conformity to an end.*

Or. en

## Amendment 19

### Proposal for a regulation Recital 89 a (new)

*Text proposed by the Commission*

*Amendment*

***(89 a) End-users, or other any natural or legal person must have the possibility to lodge complaints since they are well placed to notice that a product or a digital service is not in conformity with the requirements of this Regulation. Therefore, Member States should establish an easy-to-access database to allow natural or legal persons to lodge complaints, as well as put in place the mechanisms to ensure that market surveillance authorities follow-up properly on the complaints received.***

Or. en

## Amendment 20

### Proposal for a regulation Recital 90

*Text proposed by the Commission*

*Amendment*

(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

(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.

market surveillance under this Regulation and the activities planned to **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.

Or. en

## Amendment 21

### Proposal for a regulation

#### Recital 91

##### *Text proposed by the Commission*

(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.

##### *Amendment*

(91) Priorities for market surveillance under this Regulation should be identified based on objective criteria such as the levels of non-compliance observed, the environmental impacts resulting from non-compliance **or the number of complaints received**. 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.

Or. en

## Amendment 22

### Proposal for a regulation

#### Recital 93

*Text proposed by the Commission*

(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.

*Amendment*

(93) Based on data entered into the information and communication system for market surveillance, the Commission should draw up **and publish** 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.

Or. en

## **Amendment 23**

### **Proposal for a regulation**

#### **Recital 94**

*Text proposed by the Commission*

(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.

*Amendment*

(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 **bring to an end** non-compliance **with this** 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.

Or. en

## Amendment 24

### Proposal for a regulation Recital 95

#### *Text proposed by the Commission*

(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 enforce ecodesign requirements **where necessary** to ensure their harmonised application.

#### *Amendment*

(95) To support Member States in their efforts to ensure sufficient action is taken to prevent non-compliance with ecodesign requirements, the Commission should 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 **to support them in their tasks by providing them uniform methods for performing checks and testings**. In addition, the Commission should draw up guidelines on how to apply and enforce ecodesign requirements to ensure their harmonised application.

Or. en

## Amendment 25

### Proposal for a regulation Article 1 – paragraph 1 – subparagraph 1 – introductory part

#### *Text proposed by the Commission*

This Regulation establishes a framework 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**

#### *Amendment*

This Regulation establishes a framework to improve the environmental sustainability **and the social impact** of products and **digital services to support consumption patterns that are compliant with the EU overall sustainability targets in terms of resources use, climate and environmental footprint, energy efficiency and**

*Commission in delegated acts, relate to:*

***biodiversity, while staying within planetary boundaries. It shall*** ensure free movement in the internal market by setting ***eco-design*** requirements that products shall fulfil to be placed on the market or put into service.

Or. en

## **Amendment 26**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – subparagraph 1 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

***(i a) (ii) products’ compliance with social and labour standards along the value chain;***

Or. en

## **Amendment 27**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – subparagraph 1 – point i b (new)**

*Text proposed by the Commission*

*Amendment*

***(i b) (iii) other due diligence requirements in accordance with Union law.***

Or. en

## **Amendment 28**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1 a) ‘digital service’ means:***

*(a) a service that allows the consumer to create, process, store or access data in digital form;*

*or (b) a service that allows the sharing of or any other interaction with data in digital form uploaded or created by the consumer or other users of that service.*

Or. en

## Amendment 29

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 18

*Text proposed by the Commission*

(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;

*Amendment*

(18) ‘refurbishment’ means ***testing, and where necessary performing repair and maintenance, as well as deleting data connected to the previous use, including personal data, in case of electronic devices, by a professional,*** on 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 ***before making it available on the market. Refurbishment may also include improving the aesthetics of the*** product;

Or. en

## Amendment 30

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 18 a (new)

*Text proposed by the Commission*

*Amendment*

***(18 a) ‘software update’ means either a security update or any other functionality or feature update, that is necessary to keep goods with digital elements, digital***

*content and digital services in conformity  
in accordance with Directives (EU)  
2019/770 and (EU) 2019/771;*

Or. en

### **Amendment 31**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 18 b (new)**

*Text proposed by the Commission*

*Amendment*

*(18 b) ‘security update’ means an operating system update, including security patches, if relevant for a given device, whose main purpose is to provide enhanced security for the device and/or bring it into conformity;*

Or. en

### **Amendment 32**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 18 c (new)**

*Text proposed by the Commission*

*Amendment*

*(18 c) ‘functionality update’ means an operating system update that is not necessary to keep the device in conformity and whose main purpose is to improve current functionalities and/or implement new functionalities;*

Or. en

### **Amendment 33**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 20 a (new)**



*Text proposed by the Commission*

*Amendment*

***(20 a) ‘repair and maintenance information’ means all information, including all subsequent amendments and supplements, that is required for diagnosing and performing the repair of a relevant product, independently of whom is performing the repair, i.e. either a professional repairer or end-user;***

Or. en

#### **Amendment 34**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 20 b (new)**

*Text proposed by the Commission*

*Amendment*

***(20 b) ‘professional repairer’ means a natural or legal person who provides repair and maintenance services on a product, whether acting within the manufacturer’s distribution system, or independently from the manufacturer’s distribution system;***

Or. en

#### **Amendment 35**

##### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 21**

*Text proposed by the Commission*

*Amendment*

(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 ***and maintain for a certain period of time its*** required ***function and performance*** under *normal* conditions of use, maintenance and repair;

Or. en

## Amendment 36

### Proposal for a regulation Article 2 – paragraph 1 – point 22

*Text proposed by the Commission*

(22) ‘reliability’ means the probability that a product functions as required under given conditions for a given duration without a limiting event;

*Amendment*

(22) ‘reliability’ means the **high** probability that a product functions as required under given conditions for a given duration without a limiting event;

Or. en

## Amendment 37

### Proposal for a regulation Article 2 – paragraph 1 – point 37

*Text proposed by the Commission*

(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;

*Amendment*

(37) ‘unsold consumer product’ means any consumer product that has not been sold, **including surplus, excessive inventory, overstock, deadstock and samples**, 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. en

## Amendment 38

### Proposal for a regulation Article 2 – paragraph 1 – point 55

*Text proposed by the Commission*

(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

*Amendment*

(55) ‘online marketplace’ means a provider of an intermediary service using **an online interface** allows customers to conclude distance contracts with economic operators for the sale of products covered

with economic operators for the sale of products covered by delegated acts adopted pursuant to Article 4;

by delegated acts adopted pursuant to Article 4;

Or. en

## Amendment 39

### Proposal for a regulation Article 2 – paragraph 1 – point 55 a (new)

*Text proposed by the Commission*

*Amendment*

***(55 a) ‘online interface’ means any software, including a website, part of a website or an application, including mobile applications;***

Or. en

## Amendment 40

### Proposal for a regulation Article 3 – paragraph 2

*Text proposed by the Commission*

*Amendment*

***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 performance requirements included in such delegated acts.***

***deleted***

***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.*

Or. en

#### **Amendment 41**

##### **Proposal for a regulation Article 3 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**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.**

**deleted**

Or. en

#### **Amendment 42**

##### **Proposal for a regulation Article 4 – paragraph 3 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

**(h a) establishing due diligence obligations for economic operators with regard to the environmental and social impacts referred to in paragraph 1(m) of Article 5.**

Or. en

## Amendment 43

### Proposal for a regulation

#### Article 4 – paragraph 3 – point h b (new)

*Text proposed by the Commission*

*Amendment*

***(h b) specifying rules to provide for longer period for the legal guarantee of conformity based on the product parameters referred to in Annex I, point (a).***

Or. en

## Amendment 44

### Proposal for a regulation

#### Article 5 – paragraph 1 – point n a (new)

*Text proposed by the Commission*

*Amendment*

***(n a) products' compliance with social and labour standards along the value chain;***

Or. en

## Amendment 45

### Proposal for a regulation

#### Article 5 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

***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 requirements may be established horizontally ***for those product groups***.

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 requirements may be established horizontally.

Or. en

## Amendment 46

### Proposal for a regulation Article 5 – paragraph 2 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

***A horizontal ecodesign requirement established pursuant to the second subparagraph may cover products falling in the scope of a self-regulation measure 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.***

***deleted***

Or. en

## Amendment 47

### Proposal for a regulation Article 5 – paragraph 3 – introductory part

*Text proposed by the Commission*

*Amendment*

3. Ecodesign requirements shall, ***as appropriate***, include:

3. Ecodesign requirements shall include:

Or. en

## Amendment 48

### Proposal for a regulation Article 5 – paragraph 5 – point a

*Text proposed by the Commission*

*Amendment*

***(a) there shall be no significant negative impact on the functionality of the product, from the perspective of the user;***

***deleted***

**Amendment 49****Proposal for a regulation  
Article 5 a (new)***Text proposed by the Commission**Amendment***Article 5 a*****Specific ecodesign requirements on durability and reparability of products******1. Pursuant to Article 5(1), first subparagraph, with regard to ecodesign requirements for durability of products falling under the scope of this Regulation, the following practices aimed at shortening a product's lifespan by downgrading or limiting its functionality shall be prohibited :******(a) Downgrading or limiting the functionality of a product when using consumables, spare parts or accessories that are not provided by the original manufacturer;******(b) Downgrading or limiting the functionality of the relevant product through the design of specific feature;******(c) Providing software updates, including security updates that will downgrade or limit the functionality of the products ; (d) Not decoupling the provision of security and functionality updates;******2. Pursuant to Article 5(1), with regard to ecodesign requirements for reparability of products falling under the scope of this Regulation, restricting the reparability, including by impeding the disassembly of its key components or parts, or allowing access to repair and maintenance information and spare parts exclusively to authorized repairers shall be prohibited******3. In order to comply with the general requirements referred to in Paragraph 1***

*and 2 of this Article, manufacturers and importers shall fulfil the following obligations:*

*(a) Make spare parts available to professional repairers, refurbishers and end-users for a minimum period of time after the last unit has been placed on the market. This minimum period shall be further defined in the delegated acts adopted pursuant to Article 4;*

*(b) Provide access to repair and maintenance information, including access to diagnostic tool, to professional repairer, refurbishers and end-users;*

*(c) Provide information on the availability and price of spare parts to relevant economic operators, including professional repairers, refurbishers and end-users;*

*(d) For products with digital elements, provide software updates, including security updates, for the period of time that corresponds to consumers' expectations in accordance with Article 7 of Directive 2019/771. Security and functionality updates shall be provided separately. This minimum period shall be further defined in the delegated acts adopted pursuant to Article 4.*

*(e) For products with digital elements, the user shall have the option to de-install a functionality update and to re-install the version running on the device prior to the update, unless the device performance remains at least the same when performing the same functions after the update;*

*(f) For products with digital elements, ensure, where applicable, that the core functionality of a connected product can be de-connected to enable performance without software updates of internet connection, when such functionality does not depend on an internet connection;(g) ensure that the user has the option to securely delete data from any data storage*



*device.*

Or. en

## **Amendment 50**

### **Proposal for a regulation**

#### **Article 7 – paragraph 2 – point b – paragraph 1 – point i**

*Text proposed by the Commission*

(i) information on the performance of the product in relation to the product parameters referred to in Annex I;

*Amendment*

(i) information on the performance of the product in relation to the product parameters referred to in Annex I. ***For product parameters referred to in points (a) and (b) of Annex I, the information shall be displayed in an easy-to-understand manner and clearly visible at the time of purchase, including in case of distance selling, pursuant to requirements under Article 14 of this Regulation.***

Or. en

## **Amendment 51**

### **Proposal for a regulation**

#### **Article 7 – paragraph 2 – point b – paragraph 1 – point ii**

*Text proposed by the Commission*

(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;

*Amendment*

(ii) ***A leaflet laying out*** 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;

Or. en

## Amendment 52

### Proposal for a regulation

#### Article 7 – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

Those classes of performance shall correspond to statistically significant improvements in performance levels.

*Amendment*

Those classes of performance shall correspond to statistically significant improvements in performance levels **and with the view to support a consumption trajectory compliant with EU overall sustainability targets in terms of climate, environmental, energy efficiency, resource security and biodiversity.**

***The highest class of performance shall be reserved for those products with demonstrated alignment with the objectives of the Paris Agreement and do not cross other planetary boundaries.***

Or. en

## Amendment 53

### Proposal for a regulation

#### Article 7 – paragraph 6 – subparagraph 2 – point e

*Text proposed by the Commission*

**(e) in a user manual;**

*Amendment*

**deleted**

Or. en

## Amendment 54

### Proposal for a regulation

#### Article 7 – paragraph 6 – subparagraph 2 – point f

*Text proposed by the Commission*

**(f) on a free access website or application.**

*Amendment*

**deleted**

Or. en

## Amendment 55

### Proposal for a regulation

#### Article 7 – paragraph 6 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***In addition to the points mentioned in subparagraph 1, the required information can, as appropriate, be provided using the following manners:***

- (a) in a user manual,***
- (b) on a free access website or application***

Or. en

## Amendment 56

### Proposal for a regulation

#### Article 7 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 7 a*

#### ***Requirements for the establishment of an EU-wide repair score***

***1. Information on product parameters referred to in point (b) of Annex I shall be displayed to consumers in a clear and visible way at the time of purchase pursuant to the requirements under Article 14 of this Regulation and shall enable consumers to compare easily the characteristics of products with regard to their reparability.***

***2. This repair score shall determine classes of performance with regard to the reparability of a product from “very easy to repair” to “impossible to repair” based on an objective methodology aggregating various parameters. The methodology shall take into account the following scoring parameters:***

- (a) disassembly depth;*
- (b) availability of spare parts, including timely delivery to the repairer;*
- (c) price of spare parts;*
- (d) type of fasteners;*
- (e) type of tools used to perform the repair;*
- (f) access to repair and maintenance information;*
- (g) availability of security updates.*

*3. By [1 year after the entry into force of this Regulation], the Commission shall adopt a delegated act specifying the methodology and calculation method to assess the reparability of a product, define the classes of performance to be displayed by the repair score and define the product categories to which it will apply.*

*4. The Commission shall regularly review the methodology based on feedbacks from the Ecodesign Forum and relevant stakeholders and where necessary update it.*

Or. en

## **Amendment 57**

### **Proposal for a regulation Article 7 b (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 7 b*

##### *Durability index*

*1. Information on product parameters referred to in point (a) of Annex I shall be displayed to consumers in a clear and visible way at the time of purchase pursuant to the requirements under Article 14 of this Regulation and shall enable consumers to compare easily the characteristics of products with regard to*

*their durability.*

*2. By [2 years after entry into force], the Commission shall adopt a delegated act specifying the methodology and calculation methods to deploy a durability index and the classes of performance to be displayed. The delegated act shall also specify the product categories to which it will apply.*

*3. In addition to the requirements of paragraph 1 of this Article, distributors and dealers, as applicable, shall provide consumers with clear and easy-to-understand information at the time of purchase on the guaranteed lifetime of a product. This label shall include as a minimum the information of the length of the legal guarantee of conformity and its voluntary extension by the manufacturer*

Or. en

## **Amendment 58**

### **Proposal for a regulation Article 7 c (new)**

*Text proposed by the Commission*

*Amendment*

*Article 7 c*

*Label on ecodesign features of digital services*

*For digital services not incorporated or interconnected with a tangible movable item and regulated under a product-related delegated act, the Commission shall establish ecodesign criteria and methodology to distinguish providers engaging in ambitious ecodesign aspects of their digital services, such as on energy and resource efficiency as well as carbon and environmental footprints.*

*Such label should enable consumers, enterprises and public authorities to choose digital services with a view to*

## **Amendment 59**

### **Proposal for a regulation**

#### **Article 8 – paragraph 2 – point f**

*Text proposed by the Commission*

(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 distributors, dealers, repairers, remanufacturers, recyclers, competent national authorities, public interest organisations and the Commission, or any organisation acting on their behalf;

*Amendment*

(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 distributors, dealers, repairers, **refurbishers**, remanufacturers, recyclers, competent national authorities, public interest organisations and the Commission, or any organisation acting on their behalf;

## **Amendment 60**

### **Proposal for a regulation**

#### **Article 8 – paragraph 2 – point g**

*Text proposed by the Commission*

(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;

*Amendment*

(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, **refurbishers**, maintenance professionals, remanufacturers, recyclers, competent national authorities, and the Commission, or any organisation acting on their behalf;

## Amendment 61

### Proposal for a regulation

#### Article 8 – paragraph 2 – point h

*Text proposed by the Commission*

(h) the period for which the product passport shall remain available.

*Amendment*

(h) the period for which the product passport shall remain available **by specifying the minimum period of time during which the actors of the value chain storing the data shall guarantee continuous availability of those data.**

Or. en

## Amendment 62

### Proposal for a regulation

#### Article 9 – paragraph 1 – subparagraph 1 – point d

*Text proposed by the Commission*

(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;

*Amendment*

(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, searchable, **and shall be transferable through an open interoperable data exchange network without vendor lock-in**, in accordance with the essential requirements set out in Article 10;

Or. en

## Amendment 63

### Proposal for a regulation

#### Article 9 – paragraph 1 – subparagraph 1 – point d a (new)

*Text proposed by the Commission*

*Amendment*

***(d a) personal data, as defined by the article 4 of Regulation (EU) 2016/679, related to the end-user of the product shall not be stored in or extrapolated from the product passport.***

Or. en

## **Amendment 64**

### **Proposal for a regulation**

#### **Article 10 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(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 the economic operator responsible for its creation or by operators authorised to act on their behalf. ***The operator storing the data shall guarantee its continuous availability for a minimum period of time after the last unit has been placed on the market to be specified by the delegated act adopted pursuant to Article 8(2);***

Or. en

## **Amendment 65**

### **Proposal for a regulation**

#### **Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 13 a***

***Access of data to researcher, NGOs and consumers***

***The Commission shall ensure that data related to performance and information requirements of products be made***



*accessible to researchers, NGOs, economic actors and consumers in the definition of access right to the digital passport, for the purpose of ensuring a level playing field in the development of comparison tools and studies.*

Or. en

## Amendment 66

### Proposal for a regulation

#### Article 20 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

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 of unsold consumer products falling within a certain product group *has significant environmental impact*.

*Amendment*

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. *When adopting such delegated act, the Commission shall take into account the environmental impact caused by the destruction of unsold consumer products falling within a certain product group and set specific targets for reuse, refurbishment or remanufacturing.*

Or. en

## Amendment 67

### Proposal for a regulation

#### Article 20 – paragraph 3 – subparagraph 2 – point b

*Text proposed by the Commission*

*(b) damage to products as a result of their handling or detected after a product has been returned by a consumer;*

*Amendment*

*deleted*

Or. en

## Amendment 68

### Proposal for a regulation Article 21 – paragraph 8 a (new)

*Text proposed by the Commission*

*Amendment*

**8 a.** *Manufacturers shall ensure access to reporting channels for end-users where they can submit complaints or raise concerns about possible non-conformity of products. Manufacturers shall assess the complaints received and, where relevant, inform market surveillance authorities of the suspected non-compliance of the product. Manufacturers shall keep a register of complaints received for 10 years and make it available upon request from a market surveillance authority.*

Or. en

## Amendment 69

### Proposal for a regulation Article 23 – paragraph 7 a (new)

*Text proposed by the Commission*

*Amendment*

**7 a.** *Importers shall ensure access to reporting channels for end-users where they can submit complaints or raise concerns about possible non-conformity of products. Importers shall assess the complaints received and, where relevant, inform market surveillance authorities of the suspected non-compliance of the product. Importers shall keep a register of complaints received for 10 years and make it available upon request from a market surveillance authority.*

Or. en

## Amendment 70

### Proposal for a regulation Article 24 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4 a. Distributors shall ensure access to reporting channels for end-users where they can submit complaints or raise concerns about possible non-conformity of products. Distributors shall assess the complaints received and, where relevant, inform market surveillance authorities of the suspected non-compliance of the product. Distributors shall keep a register of complaints received for 10 years and make it available upon request from a market surveillance authority.**

Or. en

## Amendment 71

### Proposal for a regulation Article 28 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***This Article shall not apply to economic operators acting as refurbishers.***

Or. en

## Amendment 72

### Proposal for a regulation Article 29 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

(b) informing the market surveillance authorities of any action taken;

(b) informing the market surveillance authorities of any action taken ***on a regular and timely basis***;

### **Amendment 73**

#### **Proposal for a regulation**

#### **Article 29 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(e a) cooperating to ensure effective product recalls, including carrying out recalls directly and offering remedies to consumers if the responsible economic operator fails to take adequate and timely action;***

Or. en

### **Amendment 74**

#### **Proposal for a regulation**

#### **Article 29 – paragraph 1 – point e b (new)**

*Text proposed by the Commission*

*Amendment*

***(e b) cooperating with law enforcement agencies at national and Union level, including the European Anti Fraud Office through regular and structured exchange of information on offers that have been removed on the basis of this Article by online marketplaces;***

Or. en

### **Amendment 75**

#### **Proposal for a regulation**

#### **Article 29 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

The information shall be able to be provided for each product offered and

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.

displayed or otherwise made accessible on the product listing *in a way and a language that is easily accessible and understandable for all consumers*.

Or. en

## Amendment 76

### Proposal for a regulation

#### Article 29 – paragraph 2 – subparagraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***Online marketplaces shall ensure that the traders provide the required information for each product sold on the online interface and that they verify that such information is reliable, complete and up-to-date on a regular basis.***

Or. en

## Amendment 77

### Proposal for a regulation

#### Article 29 – paragraph 3

*Text proposed by the Commission*

*Amendment*

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 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].

*Without prejudice to the prohibition to conduct general monitoring as established under the DSA, online marketplaces shall periodically carry out visual inspections and sample testing of randomly chosen products considering previous reports, databases, reviews and potential problems of compliance with the requirements set out in this Regulation and its delegated acts.*

Or. en

## Amendment 78

### Proposal for a regulation Article 29 – paragraph 4

*Text proposed by the Commission*

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].

*Amendment*

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].

*Upon receipt of the order issued by the market surveillance authority, the online marketplace shall act without delay and no later than one calendar day from the receipt of the order.*

Or. en

## Amendment 79

### Proposal for a regulation Article 29 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

**5 a. 6. Online marketplaces shall ensure that all consumers have the possibility to communicate with them in an effective, swift and easily accessible**

*way. For this purpose:*

*a. Online marketplaces shall disclose their contact details, including their phone numbers, email addresses and the postal address of their establishment within the Union.*

*b. Online marketplaces shall not exclusively rely on automated tools for the purpose of ensuring communication with consumers.*

*c. Where online marketplaces propose electronic contact forms or instant messaging for consumers, online marketplaces shall also encourage consumers to store or save on a durable medium any correspondence, including the date and hour of such correspondence.*

*d. Online marketplaces shall provide consumers with the postal address and the identity of the seller on whose behalf the online marketplace is acting.*

*Online marketplaces shall allocate the necessary human and financial resources to ensure that the provisions referred to in this Paragraph are performed in a quick, effective and efficient manner.*

*7. Online marketplaces shall ensure that a meaningful response is provided without delay and no later than one calendar to complaints submitted by consumers, consumer and other civil society organisations, and other stakeholders..*

*8. Competent authorities shall be entitled to impose deterrent, proportionate and effective sanctions on online marketplaces failing to comply with the obligations laid down in this Article, in accordance with Article 68 of this Regulation.*

*9. Consumers, consumer organisations and other stakeholders shall be entitled to seek remedies against online marketplaces for failing to comply with the obligations laid down in this Regulation.*

## Amendment 80

### Proposal for a regulation Article 58 – paragraph 1

*Text proposed by the Commission*

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.

*Amendment*

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, **shall** take the form of **either** mandatory technical specifications, selection criteria, award criteria, contract performance clauses, or targets, as appropriate.

Or. en

## Amendment 81

### Proposal for a regulation Article 58 – paragraph 2 – point a

*Text proposed by the Commission*

**(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;**

*Amendment*

**deleted**

Or. en

## Amendment 82

### Proposal for a regulation Article 58 – paragraph 2 – point c



*Text proposed by the Commission*

*Amendment*

**(c) the economic feasibility for contracting authorities or contracting entities to buy more environmentally sustainable products, without entailing disproportionate costs.**

**deleted**

Or. en

### **Amendment 83**

#### **Proposal for a regulation Article 58 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a. When setting targets pursuant to paragraph 1 of this Article, the Commission shall prioritise second-hand and refurbished products, when available.**

Or. en

### **Amendment 84**

#### **Proposal for a regulation Article -59 (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article -59**

##### ***Possibility to lodge complaints***

**1. Each Member States shall establish a publicly and easy-to-access database to allow any natural or legal person to lodge complaints where they deem based on objective circumstances that an operator or trader fail to comply with the requirements under this Regulation.**

**2. Market surveillance authorities shall assess the complaints received and take appropriate action, including checks,**

*inspections and hearings of operators or traders within a reasonable time-limit, with the view of detecting potential non-compliance and adopt interim measure.*

*3. Market surveillance authorities shall inform the natural or legal person having submitted a complaint of its decision to accede to or refuse the request for action. Such decision shall state the reason for it.*

*4. The information received on possible non-compliance shall be shared with other national market surveillance authorities and with the Commission through the information and communication system referred to in Article 61 of this Regulation.*

*5. Market surveillance authorities shall publish a summary of the findings of their investigations, as well as of the decision taken, including sanctions and penalties applied to the economic operator or traders having infringed its obligations.*

Or. en

## Amendment 85

### Proposal for a regulation

#### Article 59 – paragraph 1 – subparagraph 1

##### *Text proposed by the Commission*

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].

##### *Amendment*

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, ***inspections and audits*** 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].

Or. en

## Amendment 86

### Proposal for a regulation

#### Article 59 – paragraph 1 – subparagraph 2 – point b

*Text proposed by the Commission*

(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.

*Amendment*

(b) the market surveillance activities planned in order to **bring to an end** 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.

Or. en

## Amendment 87

### Proposal for a regulation

#### Article 59 – paragraph 2 – point a

*Text proposed by the Commission*

(a) the levels of non-compliance observed in the market;

*Amendment*

(a) the levels of non-compliance observed in the market **for a specific product-category**;

Or. en

## Amendment 88

### Proposal for a regulation

#### Article 59 – paragraph 2 – point b a (new)

*Text proposed by the Commission*

*Amendment*

**(b a) the number of complaints received from end-users, consumer organisations or other representative entities**

Or. en

## Amendment 89

### Proposal for a regulation Article 59 – paragraph 3

*Text proposed by the Commission*

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.

*Amendment*

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. ***For product-categories identified as being high-risk of non-compliance, the checks shall include as a minimum sample testing.***

Or. en

## Amendment 90

### Proposal for a regulation Article 59 – paragraph 5 – subparagraph 1

*Text proposed by the Commission*

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).

*Amendment*

The Commission may adopt implementing acts listing the products that Member States shall ***include*** as priorities for market surveillance pursuant to paragraph 1, point (a).

Or. en

## Amendment 91

### Proposal for a regulation Article 60 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

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

*Amendment*

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.

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 ***taking into account the size of market covered and the available resources***. The delegated act may, where relevant, specify the nature of the checks required and methods to be used.

Or. en

## Amendment 92

### Proposal for a regulation Article 61 – paragraph 1

#### *Text proposed by the Commission*

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.

#### *Amendment*

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 ***number of checks and inspections performed, as well as the*** nature and severity of any penalty imposed in relation to non-compliance with this Regulation.

Or. en

## Amendment 93

### Proposal for a regulation Article 61 – paragraph 3

#### *Text proposed by the Commission*

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

#### *Amendment*

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 the report.

report.

Or. en

## Amendment 94

### Proposal for a regulation

#### Article 63 – paragraph 1 – subparagraph 1

##### *Text proposed by the Commission*

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 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.

##### *Amendment*

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 **or that a performance requirement adopted in the delegated act is insufficient**, they shall carry out an evaluation covering all requirements relevant 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.

Or. en

## Amendment 95

### Proposal for a regulation

#### Article 63 – paragraph 1 – subparagraph 2

##### *Text proposed by the Commission*

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

##### *Amendment*

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 *may* include the actions listed in Article 16(3) of Regulation (EU) 2019/1020.

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 *shall* include *as a minimum* the actions listed in Article 16(3) of Regulation (EU) 2019/1020.

Or. en

## Amendment 96

### Proposal for a regulation Article 66 – paragraph 2

#### *Text proposed by the Commission*

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.

#### *Amendment*

2. The power to adopt delegated acts referred to in Article 4, **Article 7(a), (7b), 7(c)**, 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.

Or. en

## Amendment 97

### Proposal for a regulation Article 68 – paragraph 1

#### *Text proposed by the Commission*

Member States shall lay down the rules on penalties applicable to infringements of

#### *Amendment*

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 delay of any subsequent amendment affecting them.

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, the number of units of non-complying products placed on the Union market, **as well as the environmental impact of the non-compliance**. 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 delay of any subsequent amendment affecting them.

***Penalties shall include as a minimum:***

***(a) fines proportionate to the extent of non-compliance, number of units of non-complying products and environmental impact of the non-compliance, calculating the level of the fines in such a way as to make sure that they effectively deprive those responsible of the economic benefits derived from their infringements, and gradually increasing the level of such fines for repeated infringements. The maximum amount of such fines shall be at least 4 % of the manufacturer's annual EU turnover.***

***(b) in case of repeated and serious infringements to the requirements of this Regulation, temporary suspension of placing products on the market;***

***(c) temporary exclusion from public procurement processes;***

***(d) publication of the decision taken by the market surveillance authority stating the extent of non-compliance, the corrective action to be taken and the penalties applied to the economic operator.***

Or. en



## Amendment 98

### Proposal for a regulation Article 68 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 68 a*

#### *Access to remedies in case of non-compliance*

*1. In the event of non-compliance of a product with ecodesign requirements, the product shall be considered to be in non-conformity with the sales contract pursuant to Article 5 of Directive (EU) 2019/771, and shall give consumers the rights to remedy under the conditions set out in Article 13 of this Directive.*

*2. Marketing or offering on sale of a product which is non-compliant with ecodesign requirements shall be considered as an unfair commercial practice in accordance with article 5 of Directive (EU) 2005/29. Consumers shall be given the right to remedy as laid down in the later.*

Or. en

## Amendment 99

### Proposal for a regulation Article 70 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 70 a*

#### *Amendment to Directive (EU) 2020/1828*

*1. Point (27) of Annex I to Directive (EU) 2020/1828 shall be replaced by the following: “27” Regulation (EU) .../... of the European Parliament and of the Council .. on establishing a framework for setting ecodesign requirements for sustainable products and repealing*

**Amendment 100**

**Proposal for a regulation  
Annex I – paragraph 1 – point b**

*Text proposed by the Commission*

(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 product data, conditions for access to or use of hardware and software needed;

*Amendment*

(b) ease of repair and maintenance as expressed through: characteristics, ***existence of usage-meters***, 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 product data, conditions for access to or use of hardware and software needed;

**ANNEX: LIST OF ENTITIES OR PERSONS  
FROM WHOM THE RAPPOREUR FOR THE OPINION HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft opinion, until the adoption thereof in committee:

<b>Entity and/or person</b>
The European Consumer Organization - BEUC
The European Environmental Bureau - EEB
Backmarket
E-Bay
Business Europe
ANEC
CEN-CENELEC
Syctom
Refurbed
Privacy International
Danish Business Authority
European Organization for Packaging and the Environment - EUROOPEN
ADEME
Halte à l'obsolescence programmée - HOP
Avery Dennison
Etsy
ECOS
I fixit
Right to repair coalition