

Parliament set to cast final vote on sustainable products, hazardous substances shortcoming

Brussels, 11 July 2023 - Tomorrow, the European Parliament is set to cast its final vote on the EU's proposed Ecodesign for Sustainable Products Regulation (ESPR) aimed at establishing a legal framework to make sustainable products the norm. With the new legislation looking to foster product circularity, Substances of Concern (SoC) should only be considered for the purpose of recycling and subsequent use of secondary raw materials. Restrictions of hazardous substances due to human health and environmental safety concerns should instead continue to be managed under the established EU regulatory framework, REACH.

To avoid overlap with other regulatory requirements, the definition of Substances of Concern (SoC) should only focus on substances that impede reuse and recycling of products.

Setting requirements related to substances of concern, as defined in the ESPR, could ultimately lead to double requirements on products. REACH already provides an appropriate and complete framework to effectively analyse and manage chemicals, chemicals in articles and complex products. On top of it, the RoHS Directive on its end, is considered as a *lex specialis* for the home appliance sector taking into account EEE specificities and setting clear requirements and processes.

"Regulatory actions on chemicals in products should only focus on hazardous substances that impede the recycling and reuse of materials in the product in which they are present," said APPLiA Environment Policy Director Korrina Hegarty. Where the impediment should be "confirmed by the evaluation of the state-of-the art recycling techniques." This is in line with the focus of the Ecodesign Regulation on regulating product sustainability and would overall help enhancing future recycling solutions.

Among the substances that would be covered within the proposed definition are also Classification, Labelling and Packaging (CLP) substances. However, as pointed out by APPLiA Energy & Environment Policy Manager Giulia Zilla, "finished materials are most often a mixture of substances of which the classification can totally differ." Tracking them would not only be technically unfeasible but also burdensome for the industry to check the truth-worthiness of the information provided up the supply chain.



Comparing apples with apples. Published in 2020, the **EU's Chemicals Strategy for Sustainability (CSS)** aims to better protect citizens from the harmful chemicals and boost innovation by promoting the use of **safer and more sustainable chemicals**. It sets concrete actions to minimise the use of SoC including requirements under the ESPR. The legislative proposal of the Ecodesign for Sustainable Products Regulation goes further than CSS in defining the Substances of Concern by creating a blanket approach on substances that have a classifiable hazard of some type.

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