

FEFCO response to the European Commission's proposal for a Regulation on Eco-design for Sustainable Products (ESPR)

The European Federation of Corrugated Board Manufacturers (FEFCO) welcomes the European Commission's first package of the Circular Economy Action Plan 2.0. The proposal for a regulation on eco-design for sustainable products has the potential to significantly influence the environmental impact of products placed on the EU market. However, the measures established by the legislation must be achievable and supported by fact-based evidence to ensure the stability of the single market.

The main points outlined in this position are the following:

1. Product functionality is critical to its sustainability.
2. The eco-design requirements should introduce renewability and recyclability as individual criteria.
3. Legislative overlap and added administrative burden should be avoided when adopting delegated acts.
4. Digital Product Passport and self-regulation measures should be effective and compatible with the single market.

1. Product functionality is critical to its sustainability

If products are to reach their full sustainability potential, functionality is key. This is especially true in the case of packaging: its main purpose is to protect products and prevent waste.

Packaging functionality is essential to prevent negative environmental impacts exacerbated by product damage, as it only accounts for a minimal percentage of the total carbon footprint of a final product; for example, only 3-3.5% of the climate impact of packaged food can be attributed to packaging¹.

Consequently, the design phase for products is instrumental and any eco-design requirements should take this into consideration. Functionality of products and fit-for-purpose packaging should be among the guiding principles embedded in the ESPR.

2. The eco-design requirements should introduce renewability and recyclability as individual criteria

Eco-design requirements are crucial for ensuring that products become more sustainable. Given this, we believe 'renewability' should be included as a key eco-design criterion. Renewable materials play an essential role for energy production and the bioeconomy and demonstrate an efficient use of resources, therefore contributing to the Commission's climate neutrality ambitions. Renewable materials already contribute to climate mitigation efforts. One example comes from the corrugated industry, which has decreased its carbon footprint emissions per tonne by 40% over the past 20 years².

While the inclusion of the 'possibility of remanufacturing and recycling' as a requirement is appreciated, it should be strengthened. Recyclability plays an essential role in making products more sustainable and its importance should be accurately reflected in the legislation. One of the most recycled products in the EU is paper and board packaging, which

¹ [guideline_stopwastesavefood_en_220520.pdf \(denkstatt.eu\)](#)

² [Home - European Database for Corrugated Board Life Cycle Studies | Fefco](#)

has a recycling rate of 84.2%³, making it a circular product. Recyclability is key for the green transition as it enables the efficient use of resources. We would therefore suggest introducing recyclability as a separate, stand-alone criterion.

3. Legislative overlap and added administrative burden should be avoided when adopting delegated acts

The Commission aims to develop Europe's green transition via legislation that focuses on improving sustainability and circularity. However, such an enormous project runs the risk of creating legislative overlap. The European Commission should therefore take into account existing product-specific legislations that aim to improve sustainability before setting further measures in a delegated act.

This potential overlap is mentioned in the ESPR, with reference made to batteries, toys, detergents and packaging. However, the inclusion of packaging as a potential product parameter (Annex I) for future delegated acts (specifically the "*weight and volume of the product and its packaging, and the product-to-packaging ratio*" and "*amount of waste generated, including...packaging waste*") may still cause legislative intersection. Allowing for the inclusion of requirements on a product's packaging in any delegated act significantly overburdens the packaging industry, **especially considering that the Waste Framework Directive and Packaging and Packaging Waste Directive already cover all relevant elements related to packaging sustainability.**

Additionally, setting a general requirement based on 'product-to-packaging ratios' does not take into account the specific characteristics of individual products within a product group, including a range of sizes, weights, etc. To be effective, such requirements must be detailed at unit level, which will prove difficult given the complexity of products on the market. We therefore suggest refraining from setting requirements like this in delegated acts.

4. Digital Product Passport and self-regulation measures should be effective and compatible with the single market

Regarding the Digital Product Passport (DPP), the Commission should consider that manufacturers already provide a substantial amount of data on their products through various other legislative requirements. The information included in the DPP should add value, not prove redundant.

Furthermore, the data required by the measure could infringe upon confidentiality agreements, complicating industry's ability to comply.

We support the initiative's intention to recognise self-regulation measures as these will provide industry with much-needed flexibility for advancing on sustainability goals. Self-regulation measures and delegated acts resulting from this legislation should both be recognised on the market and ensure that product functionality is compatible with sustainability. The legislation should not create additional administrative burdens and promote the innovation of greener products.

Finally, the free circulation of products is essential to the functioning of the internal market and a level playing field should be guaranteed for both domestic and imported products.

FEFCO looks forward to collaborating with policymakers to ensure that EU legislation supports existing and future sustainable products placed on the market and enables innovation.

³ [Statistics | Eurostat \(europa.eu\)](https://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&plugin=1)