

VdMi position on the Ecodesign Regulation for Sustainable Products

On 30 March 2022, the EU Commission proposed the Ecodesign Regulation for Sustainable Products (ESPR). It is a central part of the Commission's approach to greener and more circular products. The proposal is based on the current Ecodesign Directive, which currently only applies to energy-related products.

The central element of the ESPR is the revision of the current Ecodesign Directive. On the one hand, the scope of the directive will be extended so that in future all physical products offered on the EU market (including chemicals) will be covered, whereas currently only energy-related products have to meet ecodesign requirements. On the other hand, the catalogue of criteria will also be expanded to include aspects of the circular economy. In future, products will therefore have to meet performance requirements to be defined in delegated acts: Durability, reliability, reusability, upgradability, repairability, maintenance and refurbishment; the presence of substances of concern; energy and resource efficiency; recycled components; remanufacturing and recycling; carbon and environmental footprint; and expected waste generation. A digital product passport is also to be introduced.

Our key remarks and messages:

- The proposed Regulation for Sustainable Products (ESPR) will have major impact on VdMi members as manufacturers of chemical precursors.
- Sustainability must take into account the ecological, economic and social dimensions within the framework of the entire life cycle.
- Pigments, fillers and intermediates already provide a significant contribution to the sustainability of a wide variety of final products
- The ESPR should avoid any overlapping or inconsistencies with existing legislations and with other initiatives of the new Chemical Strategy for Sustainability
- Therefore, the following aspects should be taken into account
 - Sustainability and hazardous substances are not mutually exclusive
 - No restriction of substances under the ESPR
 - No disadvantages for European competitors
 - Additional methods for assessing the ecological footprint must be considered.

General Assessment

VdMi welcomes the EU Commission's efforts to strengthen the circular economy through the Ecodesign Regulation for Sustainable Products (ESPR), which is part of the 2020 Circular Economy Action Plan, as part of the Green Deal.

Nevertheless, when considering sustainability criteria, the product and its use within the framework of the entire life cycle must be kept in mind, i.e. including performance and functionality. Focusing exclusively on the circular economy is a too limited approach.

Sustainable products also play an important role in the whole chemical industry and therefore, all contributions that help to conserve resources should be taken into account. This also includes the durability of products and their general contribution to climate protection. VdMi as part of the chemical industry acknowledges its responsibility in providing chemicals which help achieve a higher sustainability of the final articles, and is working continuously on improving, whenever possible, the performance of its products.

The following aspects mentioned in the proposed ESPR are extremely important:

- **Sustainability and hazardous substances are not mutually exclusive.** The functionality or reactivity of chemical substances required for this is often inextricably linked to the hazardous properties and does not automatically pose a risk to humans and the environment. The focus must therefore be on the safe and sustainable use of substances and products.
- **No restriction of substances under the ESPR.** Restriction of substances must be in line with REACH: The current legislation (in particular, REACH) must be considered and creating new legislation should be avoided. E.g., SDS are the documents to inform about hazardous chemicals content to customers and users, and they should remain the reference for sharing information down the supply chain.
- **The digital product passport (DPP) does not apply to chemicals and mixtures, therefore the principle of confidentiality must be ensured.** Disclosure of information could be critical for chemicals (confidential information and know-how must be protected).
- **No disadvantages for European competitors.** An effective initiative on products will need to have a clear strategy as regards imports in the EU.
- **Sustainability must take into account the ecological, economic and social dimensions within the framework of the entire life cycle.** We also support the inclusion of requirements to address social aspects. This will be part of the input requirements on product design and lifecycle analysis (Eco-design). Considering only circular aspects could restrict product innovation and future technical solutions for added value challenges.

Sustainability is part of our industry - Additional aspects to distinguish between products and chemicals

When considering the different contributions to the sustainability of products, chemical substances or mixtures could clearly not be ruled the same way as final products (electronics, textile, households) for which material durability, new features, planned obsolescence, fashion, and so on are relevant parameters to quantify the sustainability aspect.

Chemical substances and mixtures (e. g. VdMi products like pigments, fillers, ceramic colours, and masterbatches) will be consumed in the production or incorporated into the final articles to enhance their performance; from this point of view, “successful” chemicals (substances and mixtures) on the market are already the ones increasing the sustainability of the product by improving its quality.

The implementation of new approaches will have, in any case, an economic impact on the chemical manufacturers, especially smaller companies. Therefore, it is also important to create incentives to develop reverse logistics systems and recycling initiatives, which will increase circular economy and reduce waste disposal in the chemical industry.

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The Verband der Mineralfarbenindustrie e. V. represents German manufacturers of inorganic (e. g. titanium dioxide, iron oxides), organic and metallic pigments, fillers (e.g. silica), carbon black, ceramic and glass colours, food colorants, artists' and school paints, masterbatches and products for applied photocatalysis.