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[European Union: Wide-reaching proposals to make products more sustainable and protect consumers from greenwashing](#)

European Union: Wide-reaching proposals to make products more sustainable and protect consumers from greenwashing

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[Sustainability](#) |

In brief

On 30 March 2022, the European Commission ("**Commission**") **presented** an expansive package of **European Green Deal** proposals ("**Package**") to make sustainable products the norm in the EU, boost circular business models and empower consumers for the sustainability transition. More specifically, the Package includes proposals on:

- The sustainability of physical goods and textiles.
- Ensuring construction products enable buildings to deliver on sustainability and climate objectives.
- Empowering consumers with information about the environmental sustainability of products and protecting them against greenwashing.

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These proposals will apply to virtually all physical goods placed on the market in the EU and so impact almost all sectors. Businesses need to start considering now how they can adapt and modify their products to meet these stringent new sustainability requirements. Given the focus on protecting consumers against greenwashing, businesses should also review their use of green claims and ensure that they are not misleading consumers about the environmental sustainability of products.

Sustainable products

The Commission has proposed a new **Ecodesign for Sustainable Products Regulation ("Ecodesign Proposal")** which will replace the existing Ecodesign framework with the aim of significantly improving the circularity and energy performance of products. It extends the scope of the existing framework to cover the broadest possible range of products, meaning that product categories such as furniture, mattresses, tires, detergents, paints and lubricants, as well as intermediate products like iron, steel and aluminum, are in line to become subject to ecodesign requirements in the future.

The Ecodesign Proposal also expands the type of requirements with which in-scope products will need to comply. This is in keeping with the recent trend of expanding ecodesign requirements beyond simply ensuring products use energy efficiently to ensuring products are more durable, reliable, reusable, upgradable, repairable, easier to maintain and refurbish, and energy and resource-efficient.

Digital product passports will be the norm for all products regulated under the Ecodesign Proposal, enabling products to be tagged, identified and linked to data relevant to their circularity and sustainability.

The Commission has also adopted an **Ecodesign and Energy Labelling Working Plan 2022-2024** to cover new energy-related products, notably smartphones and tablets, as well as updating and increasing the scope for products that are already regulated as a transitional measure until the Ecodesign Proposal enters into force.

Preventing destruction of unsold consumer goods

Of particular significance, the Ecodesign Proposal contains multiple measures aimed at preventing the destruction of unsold consumer goods. Large businesses discarding unsold products will have to report on the quantities discarded and the reasons why, while the Commission will also have powers to ban the destruction of unsold consumer goods outright, where it proves to be particularly problematic for certain product categories.

Sustainable and Circular Textiles

The need to address environmental issues connected with the production and consumption of textiles has been well documented in recent years. To tackle this, the Commission envisages that environmental sustainability requirements for textile products will be adopted within the scope of the framework created by the Ecodesign Proposal.

The Commission also presented the **EU Strategy for Sustainable and Circular Textiles ("Textiles Strategy")** as part of the Package, which sets out a comprehensive set of actions that go beyond including textiles in the scope of the Ecodesign Proposal. The Textiles Strategy sets out the vision and concrete actions to ensure that by 2030 textile products placed on the EU market are long-lived and recyclable, made as much

as possible of recycled fibers, free of hazardous substances and produced in respect of social rights and the environment. A key measure envisaged by the strategy is a mandatory EU extended producer responsibility scheme for textiles, similar to the schemes already in operation for Waste Electrical and Electronic Equipment (WEEE) and batteries.

Empowering consumers and banning greenwashing

The Package includes a [proposal for a Directive on empowering consumers for the green transition](#) ("**Consumer Proposal**"), with the aim of enabling consumers to make informed and environment-friendly choices when buying their products. As part of this, consumers will have a right to be provided with information on the durability and reparability of products, enabling them to make more informed decisions when making purchasing decisions.

In addition, the Consumer Proposal will strengthen consumer protection against untrustworthy or false environmental claims, banning greenwashing and practices that mislead consumers about the durability of a product. Generic and vague environmental claims such as "eco" or "green" will be prohibited where the excellent environmental performance of the product cannot be demonstrated. The display of voluntary sustainability labels will also be prohibited where these are not based on a third-party verification scheme or established by public authorities.

By ensuring that environmental claims are fair, consumers will be able to choose products that are genuinely better for the environment than their competitors, encouraging competition toward more environmentally sustainable products.

Construction products

Finally, the Package also includes a [proposal for a revised Construction Products Regulation](#) ("**Construction Products Proposal**"), with the aim of strengthening and modernizing the rules in place since 2011. The proposal addresses the green performance of construction products with the intention of enabling the construction ecosystem to contribute to meeting climate and sustainability goals. The design and manufacture of construction products will be based on state of the art to make them more durable, repairable, recyclable and easier to re-manufacture.

Final comments

The Package of measures will have a transformative effect on the EU market, significantly curtailing the use of the "take, make, break and throw away" model across almost all product categories.

The Ecodesign Proposal, the Consumer Proposal and the Construction Products Proposal will need to be reviewed and agreed upon by legislators in the European Parliament and Council before they enter into force. Although it may be a few years before these requirements become mandatory in the EU, businesses need to be considering now how they will need to adapt and modify to meet these stringent new sustainability requirements.

In respect of green claims, the aspects of the Consumer Proposal aimed at tackling greenwashing will no doubt embolden regulators already keen to act upon the problem and prevent consumers from being misled. Businesses should start reviewing their use of these types of claims now and not wait for the legislation to be finalized.

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