



Joint Statement on Article 16(5) of the ESPR

Our associations, representing a diverse range of sectors, are concerned with the current approach the EU Commission is pursuing in relation to the implementation of a label under the Ecodesign for Sustainable Products Regulation (ESPR).

We support the objectives of the ESPR in improving the sustainability of products placed on the EU market, and in providing consumers with accurate, transparent sustainability information. However, we believe that Article 16(5), should be subject to a thorough review and subsequent amendment to ensure it does not introduce horizontal labelling measures not underpinned by clear metrics and methodologies. Pending such an amendment, we urge the Commission to defer the adoption of any implementing acts under this article. Failure to do so would result in an increase in regulatory complexity, consumer confusion, and contradiction of the objectives of the EU Commission's 2025 Single Market Strategy.

We urge policymakers to leave decisions on the layout and content of any potential future ESPR label to product-specific delegated acts that thoroughly assess the most appropriate requirements relevant to the overall sustainability of the product, and the information considered relevant to be provided to consumers. Furthermore, the Commission should also fully account for existing product-specific labeling regulations and the outcomes of ongoing sectoral studies to avoid unnecessary overlap and regulatory complexity.

For these reasons, we recommend the suspension in the adoption of any implementing acts mandated by **Article 16(5) of the ESPR** and its deletion through an amendment:

~~"5. The Commission shall adopt implementing acts establishing common requirements for the layout of the labels required pursuant to Article 7(7), point (c)."~~

Should the proper removal not be possible, we would recommend **delaying** the adoption of this implementing act under Article 16(5) until a sufficient number of delegated acts have been published, thereby ensuring that the common design and layout are consistent with the information requirements and methodologies identified by product delegated acts. Such an approach would also avoid opening the ESPR. Furthermore, industry remains committed to engaging on any future label through product-specific delegate acts, once the underlying methodologies are well defined.

Adopting this approach would ensure that the following important considerations are addressed:

Avoiding a One-Size-Fits-All Approach: Products within the scope of the ESPR are extremely diverse and require different types of information and parameters to be communicated. Therefore, decisions on labels should be taken in product-specific delegated acts, based on a thorough assessment of what information is relevant for consumers and how it should best be delivered.

Demonstrating the Relevance of a Label for each Product Group: Before introducing any label, the Commission should clearly specify the problem the label is intended to address, such as whether it provides pre-sale or post-sale information, and demonstrate why existing EU tools are not sufficient. This assessment should be carried out during the development of product-specific delegated acts, particularly given that alternative solutions for providing consumer information, including digital ones such as the Digital Product Passport (DPP) and QR codes, are already being developed under the ESPR or exist under other EU legislation for certain product groups. The assessment should also take into account the capacity of market surveillance authorities to ensure compliance, as they are currently insufficiently equipped to manage overlapping requirements.

Prioritising Digitalisation: In light of these considerations, the ESPR should prioritise digital solutions such as the DPP, EPREL and QR codes as the primary vehicles for sustainability information, ensuring that any implementing acts under Article 16(5) do not mandate specific characteristics of physical labels where digital alternatives may be more effective. This is particularly important for small products, where a hybrid digital approach reduces costs, minimises packaging, and avoids adding confusion for consumers given the existing labels on the market. The label should be made visible at the point of sale, both online and in physical stores,

through digital formats made available to retailers, without requiring a physical label to be included with each product sold.

Ensuring Value of Information for the Consumer: Duplicating information across multiple channels risks confusing consumers rather than supporting informed purchasing decisions. Prior to introducing any new label, the Commission should, therefore, assess whether it improves consumer understanding or, rather risks misleading or overwhelming consumers. In addition, any consideration of an ESPR label should take place only after the DPP and product-specific ecodesign requirements have been fully implemented and evaluated. Only at that stage will it be possible to assess how information can best be made accessible and understandable to consumers.

In conclusion, introducing an ESPR label in accordance with the requirements set out in Article 16(5), before defining the scope, metrics, parameters considered, assessment methodologies, and compliance controls, would create premature, prescriptive labelling requirements. We therefore urge EU policymakers to prioritise an approach at the product group level that takes advantage of digital tools and existing EU instruments. Establishing a robust methodological framework first will ensure that any future labelling, where justified, is tailored to the product's specific sustainability parameters, safeguards consumer trust, and is aligned with the EU's simplification and digitalisation objectives. Article 16(5) reverses the logical sequence of steps, we therefore urge the Commission to defer the adoption of implementing acts for common layouts and to propose an amendment to the ESPR Article 16(5) in light of the EU's ongoing simplification and streamlining exercises.