Youth Voices On The Sustainable Products Initiative (SPI)

Reaction Paper

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1. Introduction

The Sustainable Products Initiative (SPI) is an EU initiative with the aim of ensuring that products placed on the EU market are more sustainable, meaning that they are designed to achieve the objectives of the EU's flagship Circular Economy Action Plan. Among others, this would include making products more **durable, reusable, repairable, recyclable and energy efficient**. This will be done primarily through a **review of the current Ecodesign Directive** and the expansion of its scope beyond energy-related products.

In 2020, the European Commission requested feedback from its stakeholders on their Roadmap for the Sustainable Products Initiative. The next step of the process included public consultation on the initiative which was concluded in 2021. In March 2022, the European Commission submitted a legislative outline for regulation on ecodesign requirements for sustainable products inviting third-party feedback on the proposal. Currently, the Regulation is undergoing the ordinary legislative procedure, and it has reached its first reading in the European Parliament. Until the new regulation is adopted, the Commission will continue its work under the current Ecodesign Directive.

The updated version of the Ecodesign Directive is meant to better implement the objectives of the European Green Deal and the EU Climate Law. Given that the current product design does not sufficiently consider a product's environmental impact over its entire life cycle, the new proposal aims at first including broader sustainability requirements for the design of products. Secondly, it addresses the concern about the consumers' difficulty in making sustainable choices by introducing mandatory Digital Product Passports that would ensure everyone has access to broader information on the sustainability aspect of their product choices.

In this paper, we describe the role of youth in policy, the initiative, and we bring forward three policy recommendations that we believe are fundamental for the realisation of a circular economy for European products:

1. A genuine and full engagement of stakeholders;
2. The integration of the perspective of intergenerational justice;
3. An enhanced attention to policy clarity coherence.

Our attention in this paper is focused on the Initiative as potentially having a strong impact on the "digital" sector as, we will see in section 5.3, including the sector in the initiative is fundamental to achieve the objectives of the circular economy.

2. Why is youth important?

The youth has a crucial role to play in promoting the transition towards a circular economy and sustainable social practices. The next generations are key stakeholders as they are both citizens and the direct recipients of the socio-economic impacts of envisaged global changes. In accordance with democratic principles, the future of a community must be decided by the people who will live in it. The engagement of young people in a sustainable and just transition is therefore necessary to ensure that circular economic models are well integrated in our future and guarantee intergenerational justice in decision and policy making.

People under 35 years-old account for approximately 40% of the population in Europe (1). It follows that youth participation in decision-making needs to be increased and given more consideration in the policy and legislative-making process. Active efforts should be made to involve the youth in key conversations and incorporate their thoughts and values into policy making. Treating the youth as equal to other stakeholders and acknowledging the value of their ideas will allow innovative and intersectional solutions to be generated. It is also fundamental to consider that the youth represents a varied segment of the population, with different levels of expertise and professional roles, increasing the richness in the contribution that it can play in the greening of Europe.

The role of the youth becomes even stronger when digitalisation comes into play. We are the first generation to grow up in a fully digitalised environment, and we are major consumers of new digital services. As such, young people will be crucial in shaping the norms impacting production, ranging from design to waste management and recyclability. Most importantly, it is today's youth that will set the example for what future generations demand, shaping consumption patterns and behaviours for years to come.

Tackling the digital transformation, avoiding its pitfalls, and making good use of the economic and social opportunities it brings, is not an easy task. However, with a strong emphasis on youth-led solutions, amongst other considerations, we can achieve a critical step in the move towards a circular economy.

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1. Eurostat, 'Population by age group' (2022)
<https://ec.europa.eu/eurostat/databrowser/view/TPS00010__custom_3805290/default/table?lang=en> (October 2022).

3. SPI Outline

The Sustainable Products Initiative covers products sold within the EU's internal market. The Initiative, in the words of the EU Commission's Inception Impact Assessment, aims at **correcting market and regulatory failures present within the market itself**. Among these failures, we find:

- the lack of "sufficient incentives" for producers to make sustainable products more available on the market caused by the logic of "take-make-use-dispose";
- the lack of information that would enable consumers and upstream economic operators to choose "products with the lowest environmental footprint";
- the lack of a comprehensive legal instrument aimed at regulating the whole life-cycle of a consistent amount of products present on the market (2).

The SPI includes several different new instruments and revisions of instruments to achieve a broad range of objectives and touch upon different topics, from ecodesign to consumer rights. The Initiative also draws from the Batteries Regulation end-of-life handling, by focusing on better communication of sustainability standards and transparency through information requirements such as labelling. In this position paper, we have mainly focused on the SPI as replacing the Ecodesign Directive.

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2. European Commission, 'Inception Impact Assessment' (2020). Available at <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12567-Sustainable-products-initiative_en> accessed 10 May 2022.

4. Scope of the SPI: the Ecodesign Regulation

The SPI will be replacing Directive 2009/125/EC - the Ecodesign Directive - with a new instrument: the **Ecodesign Regulation**. The change in instrument is significant, as a Regulation is directly binding, resulting in the highest level of harmonisation amongst Member States. This is aimed at providing legal certainty on a fundamental matter such as the internal market, as "the obligations are implemented at the same time and in the same way in all 27 Member States (3).

With the new Ecodesign Regulation, it is **not only the form of the legal instrument that changes, but also the content of the obligations contained in it**, which are to be looked at from a completely different perspective with respect to the ones of Directive 2009/125/EC. The new Regulation builds upon several recently published instruments that will shape European policy for the years to come. Among these, we find **the European Green Deal, the European Climate Law and the Circular Economy Action Plan (CEAP)**, which set Europe on the path towards the EU's objective of climate neutrality by 2050 (4).

In terms of scope, it is also important to underline that **the new Ecodesign Regulation does not exist in a vacuum**, but operates in a field where **other regulatory instruments exist**. Therefore, the new Regulation will set requirements for those products that existing law does not address or addresses in a way that does not take environmental sustainability into account at a sufficient level. When provisions addressing the matter such as product-specific legislation (e.g., on safety aspects of some products such as toys, batteries, detergents or packing) or legislation covering horizontal aspects (e.g. REACH rules on chemicals) exist, the Commission will assess overlaps and conflicts arising and how to eventually address them with **further instruments** (5).

3. European Commission, 'Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC - COM(2022)142' (2022). Available at <https://eur-lex.europa.eu/resource.html?uri=cellar:bb8539b7-b1b5-11ec-9d96-01aa75ed71a1.0001.02/DOC_1&format=PDF> accessed 10 May 2022.
4. Ibid, p. 2.
5. Ibid.

4.1 Scope of products

The new Ecodesign Regulation is **broader in scope** than the Ecodesign Directive was. The Directive's provisions only covered energy-related products, while the Regulation is meant to provide a framework for **"the broadest range of products"** (6**)**. Broadening the scope of action was one of the reasons that pushed for the adoption of the Ecodesign Regulation in the first place, as other products besides energy-related products are considered as generating significant environmental impacts and worthy of legislative action.

Article 2(1) of the 2022 Proposal for the Ecodesign Regulation defines "product" as **"any physical good that is placed on the market or put into service"**. This potentially leaves the Regulation with a large amount of products to cover. However, as it was for the Ecodesign Directive, products will be classified in already existing **"product-groups"**, which are meant to ensure that products that "serve similar purposes and are similar in terms of use, or have similar functional properties, and are similar in terms of consumer perception" (7) are regulated in similar terms.

Energy-related products, meaning products that have "an impact on energy consumption" when they are used, **will still be covered** by the Regulation, with some differences with respect to the approach taken by the old Directive. As of now, it seems that more focus will be put on their whole life-cycle and not only on their consumption levels in terms of energy efficiency, as it previously was.

For all these products - whether energy-related or not - the Ecodesign Regulation establishes **new obligations for all economic operators**, from producers to sellers - online and physical retailers - and consumers. These obligations can be **defined as ecodesign requirements.**

4.2 Ecodesign Requirements

Ecodesign Requirements are at the basis of the new Regulation. In the Regulation's Article 2(7), Ecodesign Requirements are defined as "requirements aimed at making a product more environmentally sustainable". The requirements aim to ensure that products sold and bought in Europe comply with the Regulation.

These standards are meant to cover the whole life-cycle of products and may regard, for specific product groups: "(a) durability; (b) reliability; (c) reusability; (d) upgradability; (e) reparability; (f) possibility of maintenance and refurbishment; (g) presence of substances of concern; (h) energy use or energy efficiency; (i) resource use or resource efficiency; (j) recycled content; (k) possibility of remanufacturing and recycling; (l) possibility of recovery of materials; (m) environmental impacts, including carbon and environmental footprint; (n) expected generation of waste materials." (8)

6. Ibid, Preamble.
7. Ibid, Art 2(5).
8. Ibid, Art 5(1).

Article 4 of the Regulation gives the power to adopt these specific requirements for several product groups to the European Commission, which is meant to adopt delegated acts to improve the environmental sustainability of products. As we have seen, the definition of the "products" that could be regulated is very broad, and therefore, a system of priorities based on the current environmental footprint of categories of products will likely be put in place. The categories that will result in the most unsustainable impact assessments will be regulated first, through delegated acts complementing the Regulation (9).

Additionally, Ecodesign requirements can include performance requirements or information requirements (10).

4.3 Performance Requirements

Performance requirements can be adopted by the Commission through delegated acts, and they can involve **various aspects of the life-cycle of products** listed in **Article 5(1)** of the new Regulation, as laid out above. Additional content regarding these aspects can be found in **Annex I of the Regulation**. In practice, performance requirements will regard the **minimum or maximum standards for aspects of a product whose sustainability can be improved**. These standards may, in the words of the Preamble to the Regulation, consist in a "**limit on energy consumption** in the use phase or on the **quantities of a given material** incorporated in the product, a requirement for minimum **quantities of recycled content**, or a limit on a specific **environmental impact category**." (11)

9. Article 16 of the Proposal for the new Regulation describes how the Commission has to take into account the contribution that potential ecodesign requirements might have on "achieving Union climate, environmental and energy efficiency objectives" and introduces further criteria for such an assessment.
10. Ibid, 2(7).
11. Ibid, Preamble (para 20).

4.4 Information Requirements

Information requirements introduced with the new Regulation include a package of measures that economic operators across the supply chain must adopt. With the Regulation, **the set of information to be provided with any product is expanded**. This information includes the performance of the product in relation with the performance requirements and information for consumers on how to minimise the environmental impact of products during their use and disposal phase.

To enable the traceability of products across the supply chain, the Regulation introduces a new important and innovative instrument: the **Digital Product Passport**, described as a **"set of data specific to a product [...] accessible via electronic means."**(12) A viable possibility for the Passport envisioned by the Regulation is the one of a QR code - "easily accessible by scanning" - and with three main characteristics: being **"flexible, agile and market-driven."**(13) On a more technical note, the Regulation establishes the design and operation of the product passport, with priorities that range from guaranteeing a high level of privacy to the setting of a product passport registry.

12. Ibid, Art 2(29).
13. Ibid, Preamble (31-32).

5. Key Demands

We aim at emphasising the role of youth and the role of GCE in the development and the successful implementation of the Sustainable Product Initiative. We, therefore, propose four crucial points that the Sustainable Product Initiative should take into account moving forward:

1. **Genuine and full engagement of stakeholders;**
2. **Intergenerational justice;**
3. **A clear framework on Sustainable Products.**

5.1 Genuine and full engagement of stakeholders

GCE welcomes the proposal of the **Sustainable Product Initiative, including the Ecodesign Directive under the Circular Economy Action Plan**, and strongly supports proposals on making products on the internal market more sustainable. We draw particular attention to the fact that the Sustainable Product Initiative is only complete if all necessary stakeholders, namely economic operators and authorities are involved in the fast and ambitious implementation and compliance to the Circular Economy Action Plan. The full engagement of stakeholders includes, but is not limited to, producers, consumers, workers, and the youth. **The youth should be at the forefront when defining these initiatives**. We highlight the strong importance of its involvement as, according to the concept of intergenerational justice, youth is one of the stakeholders that will be impacted tomorrow by the decisions and policies that are shaped today.

In order to achieve this full engagement, **GCE advocates for a stronger support of youth in small and medium-sized enterprises (SMEs)**, as those face more challenges in implementing the Regulation's - and following delegated acts - complex requirements. This especially concerns the financial aspects, as funding will most likely be necessary for the higher quality standards and extended life-cycle of products, as well as the improvement of product information through the Digital Product Passport. It is therefore crucial to give equal opportunity to underrepresented SMEs to have a say in the improvement of the process and most importantly, the implementation of the Sustainable Product Initiative.

Strong efforts must be made to ensure and maintain the international competitiveness of SMEs. It must be ensured that SMEs can stay on the market to maintain employment levels, recognising especially **the impact it would have on youth employment levels. For this reason,** when issuing delegated acts according to Article 4 of the new Regulation, **full impact assessments on youth-led SMEs and start-ups** should be carried out. **Special training for these SMEs on respecting the requirements and awareness campaigns on the potential of integrating circularity into the business models are also desirable.**
GCE strongly supports the Ecodesign Forum, aiming at engaging all stakeholders and representatives of civil society. It is essential that youth representatives are included among the parties to the Ecodesign Forum, in order to raise their specific challenges and needs.

5.2 Intergenerational justice

GCE recognises that every generation enjoys an equal claim to the resources of our planet and is entitled to the same share of participation in decision-making. GCE advocates for an integration of youth in the design and implementation of a general framework for setting ecodesign requirements for sustainable products.

Although the EU has actively embraced the sustainable development and circular economy models and their recognition of the environmental needs of future generations, it has failed to completely embrace the correlative doctrine of intergenerational justice in the review of the Ecodesign Directive (2009/125/EC). The existing Directive integrates a Consultation Forum, which includes all relevant political, industrial and economic stakeholders with the exception of youth. All relevant stakeholders, including **youth, diverse groups and minorities**, should be included in the design and implementation of the new Ecodesign Directive through a consultation process. Youth participation needs to be **genuine and comprehensive**, from the decision-making to the implementation phases.

Building on the Consultation Forum's mission to assist with the development and review of the Ecodesign Directive, the participation of youth is instrumental to **identify priority areas** where action would be needed in its implementation as well as the **social and economic impacts** it has on them. The objective is to understand the existing critical issues and barriers of the Directive to young groups and provide evidence-based guidance to policy-makers at all levels. The Forum could also be functional for the Commission to gather ideas for **priorities for the delegated acts implementing the Regulation**.

5.3 For a clear framework on Sustainable Products

As stated in Section 1 of this document and reiterated in 5.2, GCE represents youth voices from throughout Europe, with the aim of making these voices heard in the context of the enormous transformations to our society that climate change requires. Full and genuine **stakeholders' and youth engagement**, the **necessary premise for a just ecological transition**, cannot happen without a genuine effort to make the EU's policies **clear**.

In terms of **policy clarity**, we call for increased diffusion and dissemination efforts of the Sustainable Products Initiative at several levels - through official publications by European bodies, for instance - to ensure that the **path taken by the EU in terms of sustainable products is clear to all sectors of the population**. Younger members of the population will require additional and clear guidance in order to become well informed regarding the characteristics of the current policy, to then be able to actively participate and form a genuine opinion on EU policy. Communicating clearly with different accessible publications dedicated to the policy is also fundamental to **reduce the risk of greenwashing**, making consumers more aware of objective and science-based information on the products they are buying.

However, clarity is also a question of **clear implementation timeframes. As climate change is an urgent issue, as youth, we demand rapid changes not only in EU policy, but also in EU law and in its subsequent implementation at the member-state level**. Therefore, the passing of instruments such as the new Ecodesign regulation needs to be followed by realistic time frames in which it is going to be **enforced**. If it is true that a regulation is directly binding in all concerned member states as soon as it is approved, it is also true that **the industry will likely require a certain period of time to adapt and conform to the newly established ecodesign requirements** that the Commission plans to adopt in these following years. These need to be specified, in the interest of all parties involved.

The third aspect of a clear policy that we want to underline regards the issue of the **delegated acts to improve the environmental sustainability of products** that the Commission shall adopt subsequently to the Ecodesign Regulation. In this sense, some products will take precedence over others in the setting of the ecodesign requirements through the delegated acts, and this must be a clear and well-justified choice. In this paper, we advocate **for products pertaining to the ICTs sector to take a strong precedence**. The sector is increasingly **responsible for high emissions**: ICTs-related **electricity consumption** is estimated at around **5-9%** of total consumption, corresponding to more than 2% of global emissions.(14) Digitalisation is, simultaneously, one of the main priorities of the EU's development efforts.(15)

Moreover, within the regulation of the ICTs sector, we want to highlight that attention will need to be put on the **raw materials** that are needed to build the physical hardware products needed for increased digitalisation. Focusing on the **renewability** of raw materials and integrating the reuse and recovery of end-of-life electronic materials into the supply chain for new materials is fundamental to ensure intergenerational justice and reduce e-waste, too. In this sense, attention also needs to be put on the **ability to separate components of products for end-users and repairers**.

6. Conclusion

In this paper, we have outlined the main characteristics of the EU's Sustainable Products Initiative, by focusing especially on the new Ecodesign Regulation - its scope and the new concepts it introduces in terms of ecodesign requirements. Taking these characteristics into account, we have provided for some key demands which could potentially improve the SPI - and the Regulation - in terms of stakeholder's engagement, intergenerational justice, and policy clarity. In sum, we argue for **wider participation of youth in the context of the initiative's various phases** - from its drafting to its final approval and implementation - a **clear policy implementation and dissemination with definite timeframes**, and the **prioritisation of products pertaining to the ICTs sector** for delegated acts.

14. European Commission, 'Supporting the green transition: shaping Europe's digital future' (2020). At <https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age/shaping-europe-digital-future_en> (accessed October 2022).
15. Freitag, Berners-Lee, Widdicks, Knowles, S. Blair and Friday, 'The real climate and transformative impact of ICT: a critique of estimates, trends, and regulations' (2021) Patterns 2, 6.