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Remiss av EU-kommissionens förslag till förordning om ekodesign för hållbara produkter

Linköpings universitet (LiU) har beretts tillfälle att yttra sig över Miljödepartementets remiss av EU-kommissionens förslag till förordning om ekodesign för hållbara produkter och lämnar följande synpunkter.

Summary

In summary, LiU has the following views on the referral:

We are positive that much of the proposal and the recommendations are in line with our university's extensive research findings in this area, e.g., related to EcoDesign, Remanufacturing, Product-Service Systems and the Circular Economy, to mention a few.

However, we have some general comments – addressing multiple places in the proposal.

- A general concern and weakness with this proposal is its main focus on the products. A product is designed to fit and be used in a particular context and with a related business model. Today's predominant business model is traditional sales of products, and consequently, products are designed to fit this model. However, new business models, e.g., functional sales (product-service systems, products as a service), when the provider maintains the ownership and the user just pays for the function, have huge implications on how products are designed and managed, both by providers and users. Many of the proposed requirements will hinder a transition toward resource-efficient and circular solutions based on functional sales, e.g., a requirement that a product shall be possible to repair might not be optimal in this type of business model and still better than traditional product sales. Our recommendation is that this needs to be addressed and thoroughly analyzed and that this regulation maybe is limited to only regulating

traditional sales or products.

- In line with the above, a problem in this regulation proposal is the overall “assumption” that durable products that are easier to repair, re-use and recycle are preferable. This may be true in some cases, but in other cases, it may be better to have just durable products with a long use phase (not just a long lifetime (can be long but not useful if the product is not just used and instead just, e.g., stored)) that is subsequently just scrapped and used as material for new products.
- There is a high ambition within this proposal – but a concern is if this will really be doable – especially since it will cover a lot of details. Furthermore, it is a risk that all these details will limit and hinder the innovation of more circular and resource-efficient solutions since those might not have all the detailed regulations in place that will be needed in order to put them on the market. It can also be that these new solutions will cut through several existing product solutions, e.g., new floor cleaning solutions that don’t require any cleaning products, or at least not traditional ones.
- Another challenge related to the above, due to all the details, will be to follow up and secure compliance. It will also be an especially huge burden for SME companies. We would recommend having fewer but easier-to-follow rules; see, e.g., last bullet below.
- Regarding product passports and information that should be provided, several practical questions arise. We don’t think that the proposal answers the following key questions in a proper way – and it is not if they will appear; what if products are modified (customized, upgraded, downgraded, etc.) during use, e.g., by the user or someone else (e.g., with illegal intentions) – how to then keep track of the passport info – and what will be the usefulness? What if products are combined with other products? What if a product is used in one phase and then in the next phase is used as a part in other products, etc.?
- Regarding information that should be displayed is the total cost (both economic and environmental) for the total use, e.g., how much the expected costs for spare parts and service will be over a product’s use phase. Furthermore, what is the expected service life, e.g., number of washes and life in months? That would drive providers and users in the right direction.

Specific comments:

- Provided definitions are inconsistent and contradicting, and some concepts used in the text, e.g., second-hand products, lack definitions. An example of the first issue: is a microphone an intermediate product or not? Current definitions imply that it can be that, but also a component and/or a product. It can also be a “energy-related” product. This makes it hard to keep things separated and clear. To conclude, in order to make the regulation easier for users, overall, the definitions avoid unwanted overlapping and inconsistency.
- Page 43 – Shouldn’t “(g) product remanufacturing and recycling” be “(g) product remanufacturability and recyclability” – to be similar to “(c)”?
- Page 44: In “(12) ‘life cycle’ means the consecutive and interlinked stages of a product’s life, consisting of raw material acquisition or generation from natural resources, pre-processing, manufacturing, storage, distribution, installation, use, maintenance, repair, upgrading, refurbishment and re-use, and end-of-life”
- Please add in “remanufacturing” between “upgrading” and “refurbishment”. In (13) it says: “‘end-of-life’ means the life cycle stage that begins when a product is discarded and ends when the product is returned to nature as a waste product or enters another product’s life cycle”. We don’t think it is end-of-life if an engine is used and then disassembled from a bus, remanufactured and used in another bus just because it is being reused in another bus?
- We miss the concept of “end-of-use” here. See this figure that describes end-of-use: Source: Sakao T. and Sundin E. (2019) How to Improve Remanufacturing? – A Systematic Analysis of Practices and Theories, Journal of Manufacturing Science and Engineering, Vol. 141, Issue 2, pp 021004-1 -- 13.
- Page 49 – Article 5: Switch places between “(d) upgradability” and “(e) reparability” – to keep the same order as above. Also, add in (f) remanufacturability. This can be measured by using, e.g., EN 45553. Also, add “recyclability”. Then (k) can be skipped. I think it is good to separate “remanufacturing” and “recycling” since they are not the same.

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