

The new Ecodesign Regulation

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As part of the [EU Green Deal](#) the EU is strengthening the sustainable design of products with new legal acts. The new Ecodesign Regulation plays an important role in this. The EU Green Deal is a strategy paper published by the European Commission in 2019, which aims to lead the EU to climate neutrality by 2050 by adapting and renewing the legal framework. The strategy paper is not legally binding. However, on 24 June 2021, the [European Climate Law](#) was adopted, thereby aiming to achieve climate neutrality by 2050, and all EU Member States are subject to it. Climate neutrality means no more net greenhouse gas emissions from 2050 and decoupling economic growth from resource utilisation.

In March 2020, the EU adopted the [Circular Economy Action Plan](#) which aims to improve the circular potential of products placed on the market and promote the production and import of sustainable products. In addition, the Packaging Regulation (EU) 2025/40 came into force on 11 February 2025, including requirements to reduce packaging waste.¹

With the [Sustainable Product Initiative](#), the EU is promoting sustainable products and establishing new requirements in terms of energy and resource efficiency. In the long term, this can also lead to savings in production costs and thus strengthen the competitiveness of companies. The Sustainable Product Initiative focuses on key sectors, including plastics, electronics, textiles, packaging, batteries and waste management.

Status Quo: Regulatory framework of the Ecodesign Directive 2009/125/EC

Individual requirements of the [Ecodesign Directive 2009/125/EC](#) currently provide the general legal framework for environmentally friendly product design in the EU. They regulate the requirements for energy-related products on a transitional basis. The [Energy-related Products Act \(EVPG\)](#) transposes the requirements of the Ecodesign Directive into German law. The Ecodesign Directive does not establish any obligations on its own, but only in conjunction with so-called implementing regulations of the EU Commission for the Ecodesign Directive. These define specific, binding minimum requirements for certain products or product groups. To date, implementing regulations have come into force for 28 different product groups², including televisions, household appliances, washing machines, tumble dryers, vacuum cleaners and external power supplies.³ These implementing

¹ <https://www.europarl.europa.eu/topics/en/article/20210128STO96607/how-the-eu-wants-to-achieve-a-circular-economy-by-2050>

² You can find an overview of the product groups regulated by implementing regulations

here: https://energy.ec.europa.eu/topics/energy-efficiency/energy-label-and-ecodesign/list-energy-efficient-products-regulations-product-group_de?redir=1

regulations are directly applicable in the EU Member States. The regulations focus on energy efficiency requirements to cap the maximum energy consumption of products.

The Ecodesign Directive, in conjunction with the implementing regulations, only covers energy-related products. These are products that have an impact on energy consumption during use, as well as parts that are intended to be incorporated into such goods as individual components for the end user.

According to the Ecodesign Directive, manufacturers must assess products with regard to their conformity with the energy efficiency requirements before placing them on the market or putting them into operation and issue a corresponding declaration of conformity.

The Ecodesign Directive is flanked by the [Energy Labelling Regulation 2017/1369](#). This lays down requirements for the labelling of products with regard to their energy efficiency in delegated regulations in order to inform consumers about the energy efficiency of individual product groups.

The market surveillance authorities of the federal states are responsible for checking the ecodesign conformity of products. In particular, they record and analyse available information on defect hotspots and goods flows and carry out random checks on products. Possible sanctions for infringements include the imposition of fines, a ban on placing the products in question on the market and putting them into service or the ordering of a recall.

The new Ecodesign Regulation

The new Ecodesign Regulation came into force on 18 July 2024 and replaces the Ecodesign Directive. Like the previous directive, the Ecodesign Regulation serves as a horizontal framework. This means that the Ecodesign Regulation itself does not define any product-specific requirements and only a few specific obligations for economic operators. These concrete product-specific requirements and obligations for economic operators only arise from product-specific delegated acts. These apply in conjunction with the general requirements of the Ecodesign Regulation.

Aims of the Regulation

The Ecodesign Regulation aims to establish a long-term sustainable, efficient product standard on the EU market by defining ecodesign requirements. In contrast to the Ecodesign Directive, the ecodesign requirements no longer relate solely to energy efficiency, but are intended in particular to improve the durability, reusability, reparability and proportion of recyclable materials in products.

The requirements of the Ecodesign Regulation primarily relate to sustainable product design, including sustainable processes along the value chain. A recyclable product design should enable better reparability and a longer product service life. In addition to stricter requirements for the energy efficiency of products, the Ecodesign Regulation also includes stricter requirements for the resource efficiency of products. As the greatest sustainability effects are achieved during the design phase of a product, the requirements of the Ecodesign

³ <https://www.bmwk.de/Redaktion/DE/Artikel/Industrie/eu-oekodesign-richtlinie.html#:~:text=Bei%20den%20Durchf%C3>

[%BChrungsverordnungen%20handelt%20es,nach%20einer%20%C3%9Cbergangsfrist%20in%20Kraft](#)

Regulation are primarily aimed at changes in this phase.

Scope

In contrast to the Ecodesign Directive, the new Ecodesign Regulation covers almost all physical products that are placed on the market or manufactured in the EU – regardless of their impact on energy consumption. Only foodstuffs, animal feed, medicinal products, live plants, products of human origin and of plants and animals and vehicles of categories M, N, L, as well as agricultural and forestry vehicles are excluded from the scope of application. The specific products to which ecodesign requirements apply will be determined by the delegated acts to the Ecodesign Regulation. At the current time⁴, the EU Commission has not yet issued any product-specific delegated acts. The EU Commission will issue the first delegated acts with product-specific ecodesign requirements on 19 July 2025 at the earliest. The focus is particularly on delegated acts for textiles and furniture⁵. Product-specific legal acts with ecodesign requirements for steel, aluminium, tyres and energy-related products, as well as horizontal requirements for the reparability of products and the recyclability of electrical and electronic equipment are to follow soon.⁶

In addition, the EU Commission will prioritise a review of the requirements of existing implementing acts under the Ecodesign Directive and replace them with delegated acts adapted to the requirements of the Ecodesign Regulation. The new product-specific delegated acts will primarily contain extended ecodesign requirements and specifications for the digital product passport.

Addressed economic operators

As set out in the New Legislative Framework, the Ecodesign Regulation addresses traditional economic operators such as manufacturers, authorised representatives, importers, distributors and – in line with general product safety law – now also fulfilment service providers. The new Ecodesign Regulation also contains requirements for online marketplaces and online search engines.

Manufacturer

A manufacturer within the meaning of the new Ecodesign Regulation is anyone who develops a product or has it manufactured and markets it in their own name or under their own brand.

In particular, manufacturers must ensure that products are designed and manufactured in accordance with the performance requirements of the product-specific delegated acts and that the information requirements applicable to the product are provided. Within this framework, manufacturers must carry out a conformity assessment for the product, issue the corresponding declaration of conformity and technical documentation, affix the CE marking and ensure that a digital product passport is available. In addition, a backup copy of the current version of the product passport must be stored by an independent third-party digital product-passport service provider.

In line with the requirements of the new Product Safety Regulation, manufacturers also have extended labelling obligations: In future, manufacturers will have to provide an e-mail address on the product itself in addition to their name and address.

⁴ Status 25/02/2025.

⁵ P. 3 Ecodesign and Energy Labelling Forum, Discussion paper on the 1st ESPR and Energy

Labelling Working Plan -
Ref.Ares(2025)690400-29/01/2025.

⁶ Ibid.

Authorised representatives / importers / distributors and fulfilment service providers

Authorised representatives, importers, distributors, retailers and – at a final stage, if none of the aforementioned economic operators are established in the EU – fulfilment service providers help to ensure that only compliant products are made available on the market. Distributors are still essentially subject to documentation and archiving obligations, while all economic operators are obliged to provide information to and co-operate with the market surveillance authorities.

Online marketplaces and search engines

Similar to the Market Surveillance Regulation (EU) 2019/1020 and the new Product Safety Regulation (EU) 2023/988, the Ecodesign Regulation stipulates that online marketplaces and search engines can be the addressees of market-surveillance-authority measures. In principle, however, these actors are not obliged to check the material conformity of the products they provide, but primarily fulfil documentation, information and cooperation obligations towards the market surveillance authorities.

Product conformity

A key requirement of the Ecodesign Regulation stipulates that products must comply with the ecodesign requirements of the delegated acts. To verify product compliance with the ecodesign requirements, the delegated acts will provide for specific testing, measurement and calculation methods that manufacturers must take into account in the product conformity assessment procedure.

Specific ecodesign requirements

The Ecodesign Regulation stipulates that the delegated acts should include specific requirements for the following product parameters:

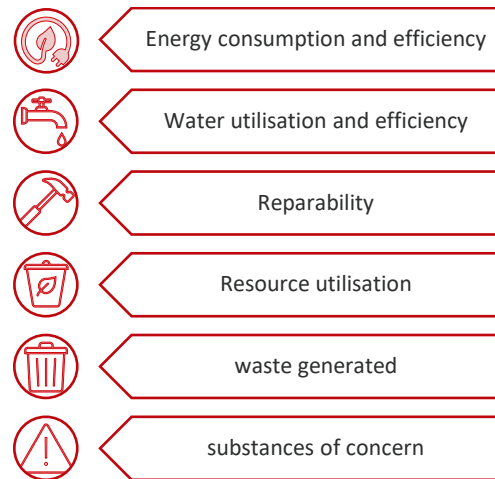


Figure 1: Ecodesign requirements

Within this framework, the EU Commission defines work plans for prioritising the adoption of delegated acts for specific product groups. The EU Commission's final work plan is expected to be published in April 2025. The first discussion paper on the work plan provides, among other things, for the prioritised adoption of delegated acts for textiles and furniture.⁷

For products that are not covered by the work programme or delegated acts, the industry has the option of taking self-regulatory measures. These must fulfil certain criteria, e.g. the measure must be in line with Union law and must have been submitted to the Commission by at least two economic operators. The self-regulation measures are reviewed by the EU Commission, which can issue further regulations for product aspects not covered by self-regulation.

⁷ P. 3 Ecodesign and Energy Labelling Forum, Discussion paper on the 1st ESPR and Energy

DIGRESSION: The right to repair

In addition to the Ecodesign Regulation, Directive (EU) 2024/1799 on the promotion of the repair of goods (the “Right to Repair” Directive) came into force on 30 July 2024. The Directive flanks the Ecodesign Regulation by providing each purchaser of certain product groups with their own right to a repair from the product manufacturer in future.⁸ The Directive applies to the purchase of products by consumers and so far covers 10 product groups, including mobile phones and vacuum cleaners. For example, the Directive contains specific regulations on the reparability of products and repair options at a reasonable price beyond the expiry of the statutory warranty period. In line with the sustainability goals of the Ecodesign Regulation, these requirements are intended to incentivise people to repair and reuse products instead of buying new ones. The EU Member States now have until 31 July 2026 to transpose the requirements of the Directive into national law.

The digital product passport

A major innovation of the Ecodesign Regulation is the introduction of the digital product passport. Products covered by the regulation may only be placed on the market or put into operation if they have a digital product passport. The digital product passport is essentially intended to ensure the exchange of information between economic operators along the value chain in line with the sustainability goals of the Ecodesign Regulation and thus promote the achievement of the EU's climate targets by 2050.

What is the digital product passport?

The digital product passport is a product-specific data record that contains specific

information about a product. It can be accessed via a data carrier attached to the product, e.g. a QR code or barcode.

What information should the digital product passport record?

The digital product passport should primarily contain information on the following ecodesign aspects:

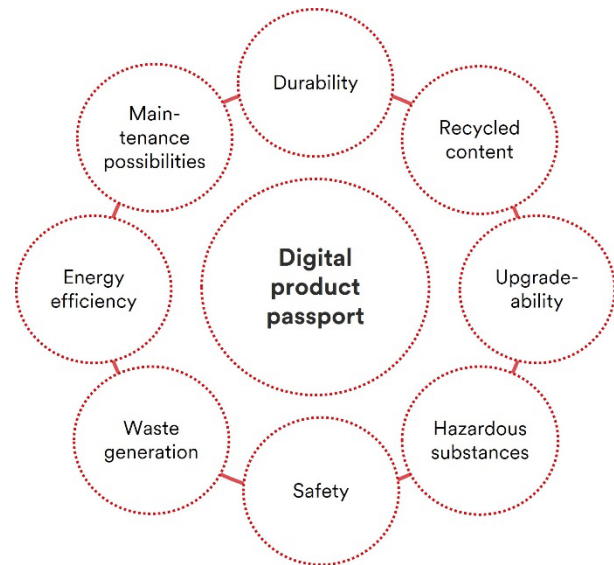


Figure 2: Product evaluation criteria for the digital product passport © reuschlaw, 2023

The product-specific delegated acts regulate which specific information must be provided in the digital product passport. This may include, for example, information on the manufacturing process, on the components of the product, including information on substances of very high concern, as well as on the proportion of recycled material and recyclability. The digital product passport should also contain a unique product identifier, operating instructions and other user information as well as necessary labelling. The data must always be complete, correct and up to date.

⁸ https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401799.

Which products require a digital product passport?

In principle, there is an obligation to create a digital product passport for all products and product groups that fall within the scope of the new Ecodesign Regulation and a product-specific delegated act. These delegated acts will also contain, among other things, specifications on the layout and position of the data carrier for the digital product passport, as well as on the actors who should have access to the stored data and the period during which the digital product passport should be available.

Who creates the digital product passport?

The obligation to create the digital product passport applies to the person placing a product on the market and thus to the person who makes the product available on the Union market for the first time. This can be the manufacturer or the importer, for example.

Who can view the digital product passport?

Access to product data takes place along the value chain according to the “need-to-know principle”. This means that users of the product, economic operators and other stakeholders, such as waste disposal companies, have access to the information relevant to them. The EU Commission is setting up a publicly accessible web portal in which the information from the digital product passport will also be made available in accordance with the need-to-know principle. The digital product passport register gives market surveillance authorities and customs access to the information stored in the digital product passport.

Implementing the digital product passport in practice

The digital product passport is attached to the product using a data carrier, such as a QR code or barcode. The information from the digital product passport is retrieved by scanning the code with a mobile phone or other digital device.

Technically, the manufacturer must ensure that the data carrier is stored on or attached to the product or permanently affixed to its packaging or accompanying documents. European standardisation organisations are currently working on developing harmonised standards for the product passport. The independent European research project CIRPASS is mainly responsible for the development and design. In addition, European standardisation organisations such as CEN and CENELEC are developing harmonised European standards for the product passport.⁹

The digital product passport is stored in a decentralised data system in order to be flexible and adaptable.

Handling product data

To achieve a comprehensive flow of information, this information should be based on open standards that are developed in an interoperable format and are machine-readable, structured and searchable and can be transferred without being tied to a specific provider.

A forerunner of the digital product passport is expected to be the digital battery passport, which will be mandatory for certain batteries from 18 February 2027 in accordance with the new Battery Regulation.¹⁰ This applies, for example, to batteries for electric cars. The first battery passport was

⁹ <https://cirpassproject.eu/>

¹⁰ Art. 77 Battery Regulation (EU)2023/1542

presented at the World Economic Forum in Davos in mid-January 2023.¹¹

In order to ensure access to the digital product passport even after the insolvency or liquidation of a company, backup copies of the product passport must be made available via an independent third-party product-passport service provider.

If the instructions for use are provided digitally, they must be included in the digital product passport and, at the consumer's request, the instructions for use on paper must be provided free of charge at the time of purchase or up to six months after purchase. Safety information and instructions for use relevant to the health and safety of product users must continue to be provided on paper.

Product passport register

At the same time, the EU Commission will create a digital product-passport register by 19 July 2026, in which at least the unique product identifier will be stored. The product-specific delegated acts determine whether further data must be stored in the product passport register.

However, the information contained in the product passport register is not necessarily congruent with the information stored in the digital product passport. The competent national authorities, customs authorities and the EU Commission will have access to the register.

Destruction of unsold consumer products

Another key innovation of the Ecodesign Regulation is the ban on the destruction of certain unsold consumer products listed in Annex VII of the Ecodesign Regulation from

19 July 2026. This encourages economic operators to establish measures that prevent unsold consumer products from being destroyed. Currently, products such as clothing/clothing accessories made of leather or waterproof shoes with rubber or plastic uppers are affected by the destruction ban. The EU Commission can extend the list of products affected by the destruction ban at any time by means of delegated acts. The ban on destruction does not apply to micro and small enterprises. Medium-sized companies do not have to implement the ban until 19 July 2030.

In addition, economic operators who dispose of unsold consumer products or have them disposed of must disclose information on unsold consumer products, such as the number of unsold consumer products disposed of per year and the reasons for their disposal. Details on disclosure will be regulated by the EU in an implementing act to be adopted by 19 July 2025.

Transitional regulations

The Ecodesign Regulation came into force on 18 July 2024 and replaces the Ecodesign Directive 2009/125/EC in its entirety. However, certain requirements of the Ecodesign Directive will continue to apply in conjunction with the implementing acts on a transitional basis until the corresponding implementing acts are repealed and replaced by delegated acts in accordance with the Ecodesign Regulation. As a consequence, manufacturers must, for example, assess the conformity of products in accordance with the existing ecodesign-implementing acts.

The first delegated acts with product-specific ecodesign requirements may be adopted from 19 July 2025. Companies

¹¹ <https://www.euwid-recycling.de/news/wirtschaft/global-battery->

[alliance-stellt-ersten-batteriepass-auf-welt-wirtschaftsforum-vor-310123/](https://www.alliance-stellt-ersten-batteriepass-auf-welt-wirtschaftsforum-vor-310123/)

should therefore familiarise themselves with the new ecodesign requirements now and make provisions for digital product data collection in order to prepare for future regulatory requirements.

In addition to product-specific ecodesign requirements, the delegated acts will also contain provisions on the digital product passport, such as the information that must be entered in the digital product passport. The implementation of the digital product passport is therefore only required once a delegated product-specific act has been issued for the respective product.

The delegated acts will provide for transitional periods of at least 18 months after the entry into force of the requirements so that companies have sufficient time to adapt to the new requirements.

Conclusion and outlook

In contrast to the Ecodesign Directive, the new Ecodesign Regulation covers almost all product groups, meaning that in future, industries that have not previously had to deal with ecodesign requirements, such as the textile industry, will also be affected by the requirements of the Regulation.

Irrespective of this, product manufacturers must prepare themselves for a significantly expanded range of obligations, particularly with regard to the digital product passport. It is particularly important to keep an eye on the adoption of product-specific delegated acts with new ecodesign requirements.

The digital product passport and the product passport register will create far-reaching transparency for the market surveillance authorities, which is expected to lead to a significant intensification of market surveillance authority activities.

All economic operators are therefore advised to deal with the requirements of the Ecodesign Regulation at an early stage and

to implement suitable processes and measures now that are also technically suitable to fulfil the requirements of the new Ecodesign Regulation. This relates in particular to the development of an interoperable data infrastructure for the provision and updating of the digital product passport.

Next step: Contact us

Take the first step on the way to implementing the new sustainability standards now and arrange a non-binding individual meeting with us.

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