

ANEC input to DG Environment on crucial consumer aspects to consider for the future of an EU Product Policy Framework contributing to the Circular Economy

A) Synergies among product policies

EU Ecodesign, energy label and Ecolabel policies are precious instruments in the area of EU environmental product policy. The Ecodesign directive, in particular, is seen by consumer organisations as a model example of a framework which allows for transparent and effective decision-making.

Input to problem definition:

- The Circular Economy package only partly tackled the weakness of the current EU sustainable product policy as its major focus was on energy efficiency.
- Other important aspects such as **resource efficiency, recyclability, re-usability, waste and hazardous chemicals need to be tackled more effectively and with increasing priority.**
- For a circular economy approach to be effective, there needs to be a [stronger focus on reuse and reduction in the consumption of materials and creation of waste](#). Recycling should not be an end in itself, but must be part of a greater concept of resource saving that leads to high quality products that do not expose the consumer or the environment to detrimental effects. Part of this includes ensuring that hazardous substances are eliminated from the beginning of the product cycle.
- The European Commission proposed a harmonised methodology for the calculation of the environmental footprint of products, services and organisations based on a Life Cycle Assessment (LCA) approach. [ANEC, as well as industry stakeholders](#), strongly **oppose the use of Product Environmental Footprint/Organisation Environmental Footprint as basis for the SCP instruments and environmental labelling schemes.** (See also last chapter below).
- Shortcomings ought to be addressed. This would allow the environmental performance of products to increase as well as begin to address the most relevant environmental aspects for each product category.

Input to solution:

The [Ecodesign](#) and Energy label policies are successful. Their implementation can be further optimised to achieve improved results:

- In the case of the **EU energy labelling** scheme, market surveillance authorities will certainly be facilitated by the database foreseen in the new Energy label regulation. Member States' supervision would be considerably strengthened through having a collective European action supervised by the European Commission.
- **Synergies and coherence between product policy approaches** of the EU Eco-label energy-labelling schemes and the Ecodesign should be ensured. This can be done with collaboration and exchange of data for Ecolabel and Ecodesign product studies for example.
- **The recognition of the Ecolabel** as a label of environmental excellence, should be strengthened. In that way, it can further act as a benchmark for other product policies and inspire further improvements to products.
- **Resource overconsumption** must be tackled by reducing overall consumption through regulatory measures to prolong the service life of products. For example, by increasing warranty periods, prescription of reuse packaging, etc.
- ANEC believes a sustainable European Internal Market can only be realised if it is truly citizen-centred, putting people and environment first.

B) Interrelation of health and environmental concerns

Chemicals in consumer articles

Having in mind the important role EU environmental product policies have in guiding environmental policy, ANEC stresses the need to address environmental issues without ignoring interrelated health issues.

Input to problem definition:

- ANEC considers the current European legal framework regarding **chemicals in products** insufficient in ensuring an appropriate level of safety to consumers and the environment.
- The 7th EAP set as a crucial action point for the Commission to develop a **European Strategy for a Non-toxic Environment by 2018**. This should focus strongly on hazardous chemicals in consumer products including nanomaterials and endocrine disrupters.

The strategy did not appear in the EC work programme for 2018 and the deadline was not met. ANEC believes this will be a major loophole that will jeopardise the success of most other measures planned in the Circular Economy package.

ANEC stresses once again that this strategy has a key role to play in the current circular economy policy and the interface between chemicals, products and waste legislation.

According to ANEC, there are flaws in the current European legislation (e.g. Toy Safety Directive, REACH, GPSD), showing that there is no European Union approach to address chemicals in consumer products in a consistent systematic manner. REACH for example cannot serve this purpose due to inherent shortcomings of this legislation (e.g. lengthy procedures, substance-by-substance approach, no positive lists of allowed substances). In particular, although REACH Regulation assesses many chemical substances, it does not apply to many substances contained in everyday consumer products. Moreover, many requirements of REACH do not apply to imported articles.

- Generic safety provisions in chemicals product legislation such as the GPSD (in order to tackle the lack of ambition and vagueness in provisions)
 - when general provisions are already present in product specific legislation - those provisions need to be complemented by clear cut restrictions (limit values) to substances of concern and these should be best adapted to the risk to human health.

Input to Solution:

- The European Commission should urgently develop the European Strategy for a non-toxic environment in accordance with the 7th EAP objective and taking account of the upcoming communication on interface between chemicals products and waste legislation.
- A new European horizontal legal approach for chemicals in products is needed which ensures that consumers will only consume products which are safe. ANEC priority areas, with suggested solutions, can be accessed here: [ANEC position paper "Hazardous chemicals in products - The need for enhanced EU regulations"](#).
- Chemical safety of articles is a precondition for a successful implementation of the 'Circular economy' objectives. Find further input on the subject in [ANEC Paper 'Keeping hazards in the circle?'](#).

C) Environmental footprint

Input to problem definition:

- Studies conducted by ANEC have highlighted the methodological constraints of the LCA approach such as lack of precision, limited comparability, difficulty to identify superior products or omission of relevant environmental aspects. Many LCA indicators are used for advertising, but do not necessarily provide sound information to help consumers to choose an environmentally friendly product.
- Also, the EC PEF pilots are confirming that **LCA methodology features fundamental shortcomings** including the dependency on numerous subjective choices, lack of adequate data and limited precision. Furthermore, it is not suitable to adequately address certain environmental impacts. ANEC criticises Life Cycle Assessment (LCA) as a tool for the measurement of environmental impacts of products and organisations and calls on the European Commission in particular to re-think its approach to environmental assessment.

Input to the solution:

- Life cycle assessment is a suitable tool for orientation at the onset of indicator development or regulatory requirement setting. However, suitable production, consumption or disposal indicators are typically more robust and, in many ways, more meaningful or relevant as well as cheaper as they can be measured and are easier to verify.
- [In ANEC position paper 'Environmental Assessment goes astray: A critique of environmental footprint methodology and its ingredients'](#) we put forward an **alternative approach to Product Environmental Footprinting**, also proposing a framework for the selection of environmental indicators.

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