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ANNEXES 1 to 8

**ANNEXES**

**to the**

**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**

{SEC(2022) 165 final} - {SWD(2022) 81 final} - {SWD(2022) 82 final} -
{SWD(2022) 83 final}

## ANNEX I

## Product parameters

The following parameters may, as appropriate, and where necessary supplemented by others, be used as a basis for improving the product aspects referred to in Article 5(1):

(a) durability and reliability of the product or its components as expressed through the product's guaranteed lifetime, technical lifetime, mean time between failures, indication of real use information on the product, resistance to stresses or ageing mechanisms;

(b) ease of repair and maintenance as expressed through: characteristics, availability and delivery time of spare parts, modularity, compatibility with commonly available spare parts, availability of repair and maintenance instructions, number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed;

(c) ease of upgrading, re-use, remanufacturing and refurbishment as expressed through: number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed, conditions of access to test protocols or not commonly available testing equipment, availability of guarantees specific to remanufactured or refurbished products, conditions for access to or use of technologies protected by intellectual property rights, modularity;

(d) ease and quality of recycling as expressed through: use of easily recyclable materials, safe, easy and non-destructive access to recyclable components and materials or components and materials containing hazardous substances, material composition and homogeneity, possibility for high-purity sorting, number of materials and components used, use of standard components, use of component and material coding standards for the identification of components and materials, number and complexity of processes and tools needed, ease of non-destructive disassembly and re-assembly, conditions for access to product data, conditions for access to or use of hardware and software needed;

(e) avoidance of technical solutions detrimental to re-use, upgrading, repair, maintenance, refurbishment, remanufacturing and recycling of products and components;

(f) use of substances, on their own, as constituents of substances or in mixtures, during the production process of products, or leading to their presence in products, including once these products become waste;

(g) consumption of energy, water and other resources in one or more life cycle stages of the product, including the effect of physical factors or software and firmware updates on product efficiency and including the impact on deforestation;

(h) use or content of recycled materials;

(i) weight and volume of the product and its packaging, and the product-to-packaging ratio;

(j) incorporation of used components

(k) quantity, characteristics and availability of consumables needed for proper use and maintenance;

(l) the environmental footprint of the product, expressed as a quantification, in accordance with the applicable delegated act, of a product's life cycle environmental impacts, whether in relation to one or more environmental impact categories or an aggregated set of impact categories;

(m) the carbon footprint of the product;

(n) microplastic release;

(o) emissions to air, water or soil released in one or more life cycle stages of the product;

(p) amounts of waste generated, including plastic waste and packaging waste and their ease of re-use, and amounts of hazardous waste generated;

(q) conditions for use.

## ANNEX II

## Procedure for defining performance requirements

Performance requirements shall be set as follows:

(1) A technical, environmental and economic analysis shall select a number of representative models of the product or products in question on the market and identify the technical options for improving the product performance in relation to the parameters referred to in Annex I - in view of product-specific or horizontal requirements - taking into account the economic viability of the options and avoiding any significant increase of other life cycle environmental impacts, and significant loss of performance or of usefulness for consumers.

The technical, environmental and economic analysis shall also identify, for the parameter under consideration, the best-performing products and technologies available on the market.

The performance of products available on international markets and benchmarks set in other countries' legislation shall be taken into consideration during the analysis referred to in the first subparagraph as well as when setting requirements.

Based on this analysis, and taking into account economic and technical feasibility, including the availability of key resources and technologies, as well as the potential for improvement, levels or non-quantitative requirements shall be defined.

Any concentration limit for substances as referred to in Annex I, point (f), shall be based on a thorough analysis of the sustainability of the substances and their identified alternatives, and shall not have significant adverse effects on human health or the environment. Any performance requirement on substances as referred to in Annex I, point (f), shall take into consideration existing chemical safety assessments performed by the relevant Union bodies for the substances concerned, as well as safe and sustainable by design criteria for chemicals and materials developed by the Commission. Proposed concentration limits shall also consider aspects of enforceability, such as analytical detection limits.

Where relevant, the analysis referred to in the first subparagraph shall take into account the likely impacts of climate change on the product during its prospective lifetime, and the product's potential to improve climate resilience throughout its life cycle.

A sensitivity analysis covering the relevant factors, such as the price of energy or other resources, the cost of raw materials and necessary technologies, production costs, discount rates, and, where appropriate, external environmental costs, including avoided greenhouse gas emissions, must be carried out.

(2) For the development of the technical, environmental and economic analyses, relevant information available in the framework of other Union activities shall be taken into account and shall include technical information used as a basis for or derived from Regulation (EC) No 66/2010, Directive 2010/75/EU and Green Public Procurement criteria.

That shall also apply for information available from existing programmes applied in other parts of the world for setting the specific ecodesign requirement of products traded with the Union's economic partners.

(3) The date of entry into force of the performance requirements shall, where relevant, take into account the time needed to adapt the product design and production processes.

## ANNEX III

## Digital Product Passport

**(referred to in Article 8)**

The requirements related to the product passport laid down in the delegated acts adopted pursuant to Article 4 shall specify what information shall or may be included in the product passport from among the following elements:

(a) information required under Articles 7(2) and 8(2) or by other Union law applicable to the relevant product group;

(b) the unique product identifier at the level indicated in the applicable delegated act adopted pursuant to Article 4;

(c) the Global Trade Identification Number as provided for in standard ISO/IEC 15459-6 or equivalent of products or their parts;

(d) relevant commodity codes, such as a TARIC code as defined in Council Regulation (EEC) No 2658/87[1];

(e) compliance documentation and information required under this Regulation or other Union law applicable to the product, such as the declaration of conformity, technical documentation or conformity certificates;

(f) user manuals, instructions, warnings or safety information, as required by other Union legislation applicable to the product;

(g) information related to the manufacturer, such as its unique operator identifier and the information referred to in Article 21(7);

(h) unique operator identifiers other than that of the manufacturer;

(i) unique facility identifiers;

(j) information related to the importer, including the information referred to in Article 23(3) and its EORI number;

(k) the name, contact details and unique operator identifier code of the economic operator established in the Union responsible for carrying out the tasks set out in Article 4 of Regulation (EU) 2019/1020, or Article 15 of Regulation (EU) […/…] on general product safety, or similar tasks pursuant to other EU legislation applicable to the product.

The delegated acts adopted pursuant to Article 4 shall identify information relevant to ecodesign requirements that manufacturers may include in the product passport in addition to the information required pursuant to Article 8(2), point (a), including information on specific voluntary labels applicable to the product. That shall include whether an EU Ecolabel has been awarded to the product in line with Regulation (EC) No 66/2010.

[1] Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

## ANNEX IV

## Internal production control

## (Module A)

1. Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4, and ensures and declares on its sole responsibility that the product satisfies the requirements of the delegated act adopted pursuant to Article 4.

2. Technical documentation

   The manufacturer shall establish the technical documentation. The documentation shall make it possible to assess the product's conformity to the requirements of the delegated act adopted pursuant to Article 4. The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the product. The technical documentation shall, wherever applicable, contain at least the following elements:

   – a general description of the product and of its intended use,

   – conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.

   – descriptions and explanations necessary for the understanding of those drawings and schemes and the operation of the product,

   – a list of the harmonised standards, common specification or other relevant technical specifications the references of which have been published in the Official Journal of the European Union, applied in full or in part, and descriptions of the solutions adopted to meet the requirements where those harmonised standards have not been applied. In the event of partly applied harmonised standards, the technical documentation shall specify the parts which have been applied,

   – results of design calculations made, examinations carried out, etc.,

   – the results of measurements carried out in relation to ecodesign requirements, including details of the conformity of these measurements as compared with the ecodesign requirements set out in the delegated act adopted pursuant to Article 4,

   – test reports, and

   – a copy of the information provided in accordance with the information requirements pursuant to Article 7,

3. Manufacturing

   The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure compliance of the product with the technical documentation referred to in point 2 and with requirements of the delegated act adopted pursuant to Article 4.

4. CE marking and EU declaration of conformity

   The manufacturer shall affix the required conformity marking to each individual product that satisfies requirements of the delegated act adopted pursuant to Article 4.

The manufacturer shall draw up a written declaration of conformity for each product model in accordance with Article 37 and keep it, together with the technical documentation, at the disposal of the competent national authorities for ten years after the product has been placed on the market or put into service. The declaration of conformity shall identify the product for which it has been drawn up.

A copy of the declaration of conformity shall be made available to the relevant authorities upon request.

5. Authorised representative

The manufacturer's obligations set out in point 4 may be fulfilled by his or her authorised representative, on his or her behalf and under his or her responsibility, provided that they are specified in the mandate.

## ANNEX V

## EU declaration of conformity

**(referred to in Article 37)**

The EU declaration of conformity shall contain the following elements:

(1) No … (unique identification of the product)

(2) Name and address of the manufacturer and, where applicable, its authorised representative;

(3) This EU declaration of conformity is issued under the sole responsibility of the manufacturer.

(4) Object of the declaration (description of the product sufficient for its unambiguous identification and allowing traceability; it may, where necessary for the identification of the EU fertilising product, include an image);

(5) The object of the declaration described above is in conformity with this Regulation, the delegated act adopted pursuant to Article 4 and, where applicable, other Union harmonisation legislation;

(6) references to the relevant harmonised standards or to the common specifications used or references to the other technical specifications in relation to which conformity is declared;

(7) where applicable, the notified body … (name, number) performed … (description of intervention) and issued the certificate or approval decision … (number);

(8) where appropriate, the reference to other Union legislation providing for the affixing of the CE mark that is applied; and

(9) the identification and signature of the person empowered to bind the manufacturer or its authorised representative.

(10) Additional information:

Signed for and on behalf of:

(place and date of issue):

(name, function) (signature):

## ANNEX VI

## Contents of delegated acts

**(referred to in Article 4)**

The delegated acts adopted pursuant to Article 4 are to specify the following technical elements:

(1) the definition of the product groups covered;

(2) the ecodesign requirements for the product groups covered, in line with Article 4 and based on the parameters referred to in Annex I;

(3) where relevant, the parameters referred to in Annex I for which no ecodesign requirement is necessary;

(4) the test, measurement or calculation standards or methods to be used pursuant to Article 32;

(5) where relevant, the transitional methods, harmonised standards, the reference numbers of which have been published in the *Official Journal of the European Union*, or common specifications to be used;

(6) the conformity assessment module to be used pursuant to Article 4, second subparagraph, as set out under Annex II to Decision 768/2008/EC. Where the module to be applied is different from the module set out in Annex IV, the factors leading to the selection of that specific procedure.

Where different conformity assessment modules, referred to in Annex II to Decision 768/2008/EC, are to be used pursuant to other Union legislation for the same product, the module defined in the delegated act adopted pursuant to Article 4 shall prevail for the ecodesign requirement concerned;

(7) requirements on information to be provided by manufacturers, including on the elements of the technical documentation to enable the verification of compliance of the product with the ecodesign requirements. Where relevant, any additional information requirements pursuant to Articles 30 and 31;

(8) implementation dates, any staged or transitional measure or periods, taking into account possible impacts on SMEs or on specific product groups manufactured primarily by SMEs;

(9) the duration of the transitional period during which Member States are to permit the placing on the market or putting into service of products, which comply with the regulations in force in their territory on the date of adoption of the delegated acts adopted pursuant to Article 4;

(10) the date for the evaluation and possible revision of the delegated act, taking into account technological progress.

## ANNEX VII

## Criteria for self-regulation measures

**(referred to in Article 18)**

The following non-exhaustive list of indicative criteria may be used to assess self-regulation measures as an alternative to a delegated act adopted pursuant to Article 4 of this Regulation:

### 1. Openness of participation

Self-regulation measures must be open to the participation of any operators placing on the market a product covered by the self-regulation measure, including third country operators, both in the preparatory and in the implementation phases. Economic operators intending to establish a self-regulation measure should make a public announcement of their intention to do so before the process of developing the measure is started.

### 2. Sustainability and added value

Self-regulation measures must respond to the policy objectives of this Regulation and must be consistent with the economic and social dimensions of sustainable development. Self-regulation measures must have an integrated approach to the protection of the interests of consumers, health, quality of life and economic interests.

### 3. Representativeness

Industry and their associations taking part in a self-regulation measure must represent a large majority of the relevant economic sector, in accordance with Article 18(3), first subparagraph, point (b). Care must be taken to ensure respect for Union competition legislation, in particular Article 101 of the Treaty on the Functioning of the European Union regarding anti-competitive agreements.

### 4. Quantified and staged objectives

The objectives defined by the signatories in their self-regulation measures must be set in clear and unambiguous terms, starting from a well-defined baseline. If the self-regulation measure covers a long time-span, interim targets must be included. It must be possible to monitor compliance with objectives and interim targets in an affordable and credible way using clear and reliable indicators.

### 5. Involvement of civil society

With a view to ensuring transparency, self-regulation measures must be publicised, including online and via other electronic means of disseminating information.

Stakeholders including Member States, industry, environmental NGOs and consumers' associations must be invited to comment on a self-regulation measure.

### 6. Monitoring and reporting

An independent inspector must monitor compliance of signatories with the self-regulation measure. The self-regulation measure must empower the independent inspector to verify compliance with the requirements of the self-regulation measure. It must also lay down the procedure to select an independent inspector and how it will be ensured that the inspector is free of conflict of interest and has the necessary skills for verifying compliance with the requirements set out in the self-regulation measure.

Every year, each signatory must report all the information and data necessary for the independent inspector to reliably verify the signatory's compliance with the self-regulation measure.

The independent inspector must draw up a compliance report at end of each one-year reporting period.

Where a signatory has not complied with the requirements of the self-regulation measure, it must take corrective action.

## 7. Cost-effectiveness of administering a self-regulation measure

The cost of administering the self-regulation measure, in particular as regards monitoring, must not lead to a disproportionate administrative burden, as compared to their objectives and to other available policy instruments.

**ANNEX VIII**

**Correlation table**

| Directive 2009/125/EC | This Regulation |
|---|---|
| Article 1 | Article 1 |
| Article 2 | Article 2 |
| Article 3 | - |
| Article 4 | Article 23 |
| Article 5 | Articles 37-39 |
| Article 6 | Article 3 |
| Article 7 | Articles 63 to 65 |
| Article 8 | Articles 21, 36 |
| Article 9 | Article 34 |
| Article 10 | - |
| Article 11 | Article 5(6) |
| Article 12 | Article 62 |
| Article 13 | Article 19 |
| Article 14 | Article 7 |
| Article 15 | Articles 4 and 5 |
| - | Article 8-15 |
| Article 16 | Article 16 |
| Article 17 | Article 18 |
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| **Article 24** | **Article 70** |
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| **ANNEX I** | **Articles 5, 7, ANNEX I** |
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