



ECOS Recommendations for Ecodesign Forum

Process, transparency, inclusiveness, and resources

March 2024

ECOS has been a stakeholder in the Ecodesign and Energy Labelling Consultation Forum for 17 years. We have participated in developing requirements for around 30 products alongside other civil society organisations (CSOs). As an Annex III organisation under Regulation (EU) 1025/2012, representing the voice of the environment in standardisation activities, with 20+ years of experience in standardisation committees, we have significant experience working alongside other stakeholders to develop product requirements.

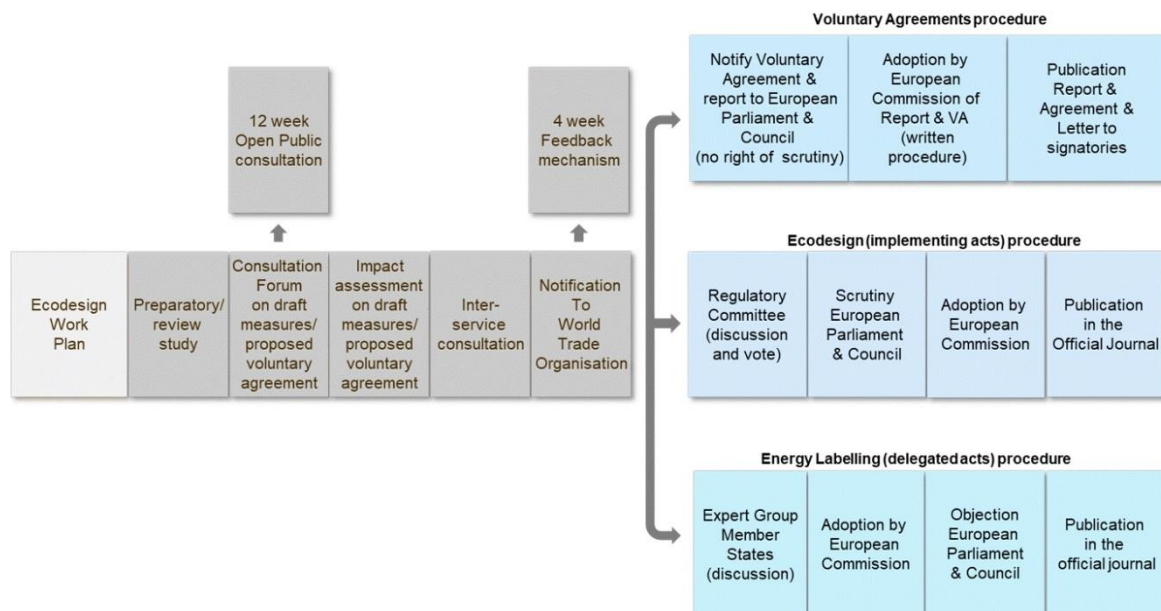
This paper is divided in two parts. In the first part we describe our longstanding experience in the Consultation Forum as well as key learnings on the organisation and functioning of the Consultation Forum. In the second part we present recommendations and best practices for the setting up of the new Ecodesign Forum, established in the framework of Ecodesign for Sustainable Product Regulation legislation. We look forward to bringing expertise to the table and working with the Commission to make sustainable products the norm.

Our experiences - Consultation Forum

ECOS has been an active stakeholder in the Ecodesign and Energy Labelling Consultation Forum (CF) for over 17 years. While we appreciate the current stakeholders' consultation on implementing measures, more can be done to ensure that the regulatory process is efficient. ECOS was able to identify a series of issues that led to delays, ineffective meetings and decisions, and potential conflict. **Effective participation requires transparency, rules that are fit for purpose, and realistic while ambitious timelines.**

The process established to develop product-specific regulation under the current Ecodesign Directive has shown its value. This includes a broad consultation of stakeholders in the CF and multi-year working plans. The involvement of civil society organisations, which have so far strongly contributed to the process, is essential and will depend on public funding from the European Commission.

The process, described below, includes several opportunities for stakeholder engagement which moves much more smoothly when **stakeholder engagement is prioritised** and when it happens in a **transparent** way.



European Commission (https://ec.europa.eu/commission/presscorner/detail/en/qanda_19_5889)

Organisation

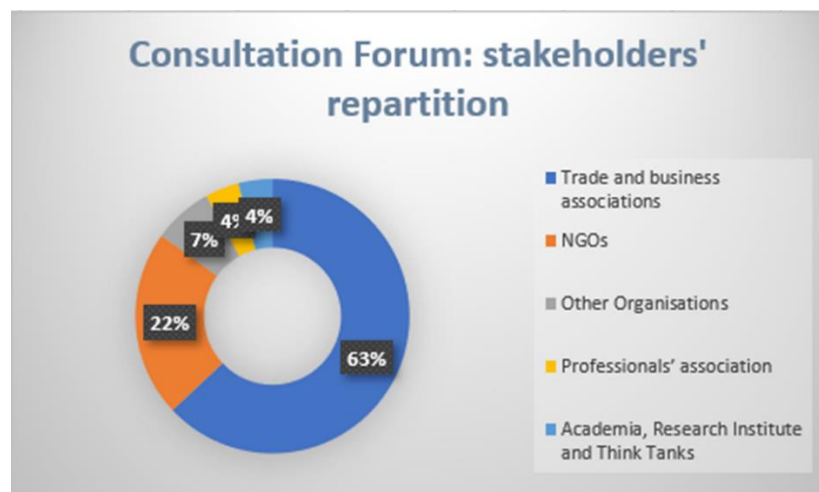
While some aspects of the CF are well organised, we have been experiencing some inefficiencies. As a civil society organisation with a limited budget and capacity, administrative issues hampered our ability to fully participate. Those included issues regarding **scheduling** - timing of the CF during holidays or with short notice, delays in holding the meeting, and holding meetings about too many product groups at once - and issues with late **communication, transparency** on participants, and late dissemination of working documents.

On **content**, we observed that the CF discussions sometimes missed the overall vision of the EU political agenda and lacked alignment with other goals, such as on climate policies, e.g. F-gases. We also noticed that on some products or topics, there was a **multiplication of studies**, which created, in our view, additional work that did not advance the discussions.

Involvement of CSOs and stakeholder engagement

Overall, we have been pleased with stakeholder engagement, but as is often the case, improvements are needed to ensure civil society is well represented at the CF. **Engagement of civil society from the beginning** will help to speed up the process and create the most future-proof product parameters.

One area to be improved in the future Ecodesign Forum is the **representation of NGOs and other civil society representatives**. Industry and business representations make up a majority of the CF members. Environmental and consumer stakeholders must be represented, but representation is just a baseline. There must be **measures taken to ensure that civil society voices can fully participate and are heard and included**.



<https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&do=groupDetail.groupDetail&groupID=3609>

In the current CF, we have observed that **CSOs are involved, but usually it is the same participants, with some knowledgeable voices missing**. This could partially be attributed to some communication and transparency issues (lack of **dedicated product pages that are kept up to date with status and timelines**). But mostly, this is due to the absence in the discussions of **key actors such as circularity operators, e.g. repairers, recyclers and a heavy representation of trade and business associations**.

Challenges we faced in the CF:

- First, there is a limitation of five **representatives per organisation**. This can limit CSO participation due to issues with capacity and budgeting. In that context, and especially in situations where trade and business associations are overrepresented, CSOs should be allowed more seats (10, for example). CSOs should also be allowed to attribute these seats to partners and non-represented but essential voices. For example, in discussions related to the resource efficiency of products, the voice of independent repairers is usually indirectly represented by ECOS.
- Second, there is a **lack of transparency regarding other attendees**. It is not always clear who is representing what organisation or who has a particular affiliation.
- Finally, we have observed that on some occasions, the Commission will take a **political decision that differs from what has been agreed upon in the CF**. This negates the contributions of CSOs in the CF and creates a lack of trust in the process. Addressing this point will be particularly key when looking at the new set up for the Ecodesign Forum and the Member States Expert Group – see more on this in the recommendations chapter.

Assessment of the current Consultation Forum



- In-person/hybrid meetings.
- (Original approach) CF per product group/piece of legislation to allow for focused discussion.
- Environmental Stakeholders and consumer represented.



- Systematic delays of the ecodesign process.¹
- Chronic delays of meetings and late communication.
- Timing of CF (holidays, same week).
- “Sandwich” meetings.
- Multiplication of studies.
- Representativeness and limitation of five representatives per organisation: flexibility needed for CSOs.
- Not full transparency on stakeholders’ attendance
- EC political decisions on points not agreed on in the CF.
- Some stakeholders not represented, e.g. repairers.
- More resources to be put in the process.²

Learn from Successful Models: EPEAT

In terms of the make-up of the Forum, we recommend the adoption of a model like the one used in EPEAT³, a sustainability Type 1 ecolabel for ICT products managed by the Global Electronics Council. We have found that this model works well to ensure all stakeholders’ voices are taken into account. This system could be adapted for more fair representation in the Ecodesign Forum.

To summarise how it works:

- Each stakeholder is categorised into 4 groups: Categories: Manufacturer, Other Industry, Purchasers and Users, Sustainability Advocates and Government.
- The four categories must be represented in the technical committees.
- Each category represents 25% of the total.
- Votes must reflect the percentage (so if one category is overrepresented, the votes still total 25% of the total votes).
- In the EPEAT Technical committee meetings observers can follow the meeting but cannot speak.

A percentage of representation of interests in speaking time available, number of participants allowed, etc. would be worth exploring to bring more representativity in the Forum.

1 Coolproducts report: consequences of the delays in terms of avoided GHG emission savings https://www.coolproducts.eu/wp-content/uploads/2021/09/EEB_ECOS-Delays-in-ecodesign-report.pdf

2 BEUC’s report: financial savings of ecodesign for consumers and recommendations on civil society inclusion and resources https://www.beuc.eu/sites/default/files/publications/BEUC-X-2023-056_Energy-savings_appliances_the_silent_money_makers_in_consumers_homes.pdf

3 <https://www.epeat.net/>

ECOS Recommendations on the set up of the Ecodesign Forum

ECOS strongly supports the creation of the inclusive Ecodesign Forum proposed by the Commission. We look forward to bringing our expertise to the table to work with the Commission to make sustainable products the norm.

Taking stock from our longstanding experience in the CF, described above, this chapter covers ECOS' recommendations on the new Ecodesign Forum. We focused on the set-up, the overall process, the inclusiveness, and the resources. Some of these recommendations are administrative in nature, as we believe that better advance planning, additional transparency, and more communication will support CSOs to fully participate in the discussions.

Ecodesign Forum and Member State Expert group

ECOS welcomes the creation of the Ecodesign Forum. This will also be accompanied by the creation of a second consultative body made of Member States representatives: the 'Member States Ecodesign Expert Group'. While we understand the political reasoning behind this outcome, we are concerned that this group will duplicate discussions already taking place in the Ecodesign Forum without offering transparency or civil society inclusion. This may result in delays, political decisions taken in the Expert Group, and, most worrisome, may create a situation where Member States representatives have little incentive to (actively) participate in the Ecodesign Forum.

Detailing the respective roles of those two groups will be crucial, making sure that transparency and inclusiveness are respected in both. Moreover, it will be also key that representatives from Member States in the Expert Group are held to the highest standard and prove that they are without conflict of interest.



Ecodesign Forum and Member State Expert group: ensure clear rules on respective roles. No duplication and no delays.



Expert Group- national experts without conflict of interests.

The Overall Process and Organisation

As suggested in the previous chapter, ecodesign processes have suffered delays in the past. Some measures have been stalled without any specific reasons, without possibility to remediate to those delays within the Forum by proposing alternative formulations. Taking stock from those experiences, ECOS would like to have an **Ecodesign Forum that is efficient and stays on schedule**.

We therefore recommend:



Transparency

More transparency, with dedicated product pages (status & timelines kept up to date with meeting dates, documents, and next steps).

Clearer guidelines and rules about how and when to review and revise regulations. Starting with well-managed Terms of Reference (ToR) that are updated in a speedy manner when necessary. Regular updates or reviews of the ToR should be incorporated into the timeline to ensure the Forum stays fit for purpose.



Delays and deadlines

Mitigate and remediate risks of big delays by setting and adhering to deadlines.

Clear communication regarding the deadlines, with timely and detailed explanation in case of unavoidable delays.

Possibility for the Ecodesign Forum to propose alternative text, if that is what is holding the process, to be voted by national experts before the scrutiny process.



Timelines

With many sectors to be addressed under the ESPR, the working plan shall cover a period of at least 3 years, and it shall be regularly updated by the Commission, at least every three years.

On the timeline, we call for a maximum duration for the Commission to take a decision after the preparatory study.

Inclusiveness

Ensuring a thorough and inclusive stakeholder participation that includes seats for Civil society organisations (CSOs) at the Ecodesign Forum will be key for the successful implementation of the ESPR.

This must start from the beginning with the **number of representatives and their affiliations**. This **information must be transparent**, first of all, and civil society groups should not be limited by individual participants when the range of products and their requirements may require different experts at meetings.

ECOS calls for **thorough and inclusive stakeholder involvement and consultation**. When considering new measures, it needs to be ensured that all views and evidence are considered.



Participation

We welcome the final text: “balanced and effective participation of experts designated by Member States and of all interested parties”.

The purpose of the Forum must not be **politicised**. The necessary participation of industry representatives must not outweigh or overshadow other stakeholders.

Different products will have different expert needs – make sure that experts are grouped in product-specific sub-groups.



Commenting

To ensure full participation, CSOs must be included and consulted well before the voting period. We recommend adopting a similar procedure to that of the CEN/CENELEC standardisation technical committees, with a common commenting template and an obligation to then address all submitted comments in the next meeting(s). This method is transparent and fair to participants.



Timing

We request a timely sharing of documents before the meetings. Ideally, documents would be disseminated 4 weeks in advance, and written input should be allowed 4 weeks after the meeting (with 2 weeks added during usual holiday seasons).

In any case, documents should not be shared less than 14 days beforehand. This is especially important for civil society contributors.

Resources

We call for active civil society participation in an inclusive Ecodesign Forum, similar to the existing Ecodesign and Energy Labelling Consultation Forum, with long-term and stable funding for civil society to stay engaged in the process.



Ensure that relevant European Commission's offices are **fully staffed** to manage the workload



Ensure **inclusiveness and financial support** for civil society participation in the Ecodesign Forum.



Commission to secure sufficient resources and ensure that funding is in place for **substantial, long-term and stable support for the effective involvement of civil society in the Ecodesign forum.**

How the funding works for ECOS now

The process established to develop product-specific regulation under the current Ecodesign Directive has shown its value. This includes a broad consultation of stakeholders in the CF and multi-year working plans. The involvement of civil society organisations, which have so far strongly contributed to the process, is essential and has been supported by the European Commission throughout the years thanks to dedicated public funding.

Between 2007 and 2022, ECOS received direct funding from DG ENER to be part of the CF in the form of Service Agreement, renewed via a public tendering process every 3 years. In 2023, the European Commission (DG ENER) decided to move this contract arrangement under the premises of CINEA, by turning it into a specific call in the LIFE Programme. Under the LIFE Programme, it takes at least six months between the publication of the call and the actual start of the project. This means that the European Commission has to start preparing the calls for project at least one year before the start of the project.

Given the ESPR timeline, we suggest planning ahead and establishing public funding now, keeping in mind the long timeline of the LIFE project. The existing support to consumers and environmental stakeholders (shouldered currently by DG ENER alone) ends in December 2026 and it only supports our participation in the Ecodesign & Energy Labelling Consultation Forum, and therefore focuses on energy-related products only. We also receive public support under the LIFE Programme to work on standardisation processes linked to the Ecodesign and Energy Labelling framework, again focusing on energy-related products only (until February 2026).

Conclusion

With the finalisation of the Ecodesign for Sustainable Product Regulation legislation, this paper presents our longstanding experiences in the Consultation Forum, along with best practices and recommendations for the new Ecodesign Forum set up with the Ecodesign for Sustainable Product Regulation. ECOS is looking forward to bringing expertise to the table and working hand in hand with the Commission to make sustainable products the norm.

Template for comments and secretariat observations

Date:	Document:	Project:
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MB/ NC ¹	Line number (e.g. 17)	Clause/ Subclause (e.g. 3.1)	Paragraph/ Figure/ Table/ (e.g. Table 1)	Type of comment ²	Comments	Proposed change	Observations of the secretariat

1 **MB** = Member body / **NC** = National Committee (enter the ISO 3166 two-letter country code, e.g. CN for China; comments from the ISO/CS editing unit are identified by **)

2 **Type of comment:** **ge** = general **te** = technical **ed** = editorial