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Joint Industry Call for a Transitional Regime for the implementation of Article 24 of the ESPR

Brussels, 19 March 2025

Article 24 of the Ecodesign for Sustainable Product Regulation (ESPR) introduces an obligation to disclose information on the discarding of unsold consumer products for large and medium companies. The European Commission shall adopt implementing acts setting out the details and format for the disclosure, including the delimitation of product groups and how to verify such information.

Large companies shall comply with the obligation under Article 24 *from the first full financial year during which this Regulation is in force*, i.e. the first full financial year that starts after 19 July 2024. However, the first implementing act necessary for complying with this obligation is still under development and should be adopted only by 19 July 2025 (the legal deadline).

We, the co-signatories, support the overall objectives of the ESPR. The companies we represent are committed to countering the destruction of unsold consumer products and providing comparable data on these practices to support future action. Nevertheless, they are witnessing a critical mismatch of timelines between their reporting obligations and the adoption of secondary legislation that defines such obligations. Therefore, **we want to express concern about the legal uncertainty** of this situation.

Large companies, in particular those whose financial year started shortly after the entry into force of the ESPR, have had very limited time to set up internal systems to collect data on the discarding of unsold consumer products, and they have had to do so based on an incomplete legal framework. While information about discarding of unsold consumer products generally exists, this data is gathered following corporate practices. **The current absence of a harmonised reporting format leads inevitably to significant variations in the disclosure, notably on product classification.** Moreover, this data relates to products which were already discarded, and **modifying the format is a burdensome procedure.**

With the first potential (not final) details of the format being unveiled for consultation through the Ecodesign Forum, **companies are now fearing that their internal systems would not allow to provide the data in the format required, potentially leading to involuntary non-compliance.**

Against this background, **we urge the European Commission to introduce a transitional regime for large companies that grants flexibility in the absence of standardised requirements to be established in the upcoming implementing acts.** This regime shall also

foresee a **deferred date of application for such requirements**. This will give companies, especially those whose financial year starts shortly after the entry into force of the implementing acts, enough time to adjust their internal systems to the format established in the relevant implementing acts without fear of non-compliance, while also enabling the European Commission to obtain comparable data on discarded unsold consumer products in the EU.

To ensure legal certainty and a level playing field among the EU Member States, **we also call for a reference to this transitional regime in the implementing acts pursuant to art 24(3) of Regulation (EU) 2024/1781**. A suggestion for this phrasing is:

“This Implementing Regulation shall start to apply from [one year after the date of entry into force] and it shall not retroactively impact information collected before its entry into force. For the reporting periods starting before the date of application of this Implementing Regulation, Member States shall allow economic operators to disclose the information referred to in Article 24(1) of Regulation EU 2024/1871 in a format of their choice and, where necessary, in the form of estimates”.

We look forward to further exchanging on this important aspect.

LIST OF SIGNATORIES:

AIM – European Brands Associations

A.I.S.E. - International Association for Soaps, Detergents and Maintenance Products

CCIA – Computer & Communications Industry Association

CEC – European Footwear Confederation

Cosmetics Europe

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Ecommerce Europe

EFIC - European Furniture Industries Confederation

EURATEX – European Apparel and Textile Confederation

Eurocommerce

FESI – Federation of European Sporting Goods Industries

Independent Retail Europe

LightingEurope

TIE – Toy Industries of Europe