

Promoting product longevity

How can the EU product safety and compliance framework help promote product durability and tackle planned obsolescence, foster the production of more sustainable products, and achieve more transparent supply chains for consumers?

The [original full study](#)¹ analyses the instruments available at EU level to promote product longevity as well as the links between product longevity and energy savings. The aim is to gain a broad understanding of how products can help attain the Paris Agreement goals by becoming more energy efficient. The study's objective is also to assess how the current European product safety and product liability legislations can be adapted to promote product longevity and tackle planned obsolescence.

Background

Following the adoption of the Paris Agreement, the environment's place in EU policies has been growing steadily. In March 2020, the European Commission released a new Circular Economy Action Plan as part of the European Green Deal, with the aim of reflecting circular economy principles into the basic design of key products, mainly through widening the scope of the Ecodesign Directive beyond energy related products. The study emphasises the fact that the plan is directionally appropriate, but that it is essential to *"get the details right"* in order to attain its full eco-friendly potential whilst protecting consumers.

For this reason, the study first focuses on product longevity and its impact on the environment. It seeks to show that



although extending the lifetime of products can have positive impacts on the environment by limiting waste, trade-offs also exist and must be understood in order to adopt the right legislative approach. It uses two case studies (automotive sector and smartphones/tablets sector) to explain that product longevity may slow the development of more eco-friendly products (such as fuel-efficient vehicles) as older, less efficient products stay in service longer. It is thus important to analyse the entire lifecycle of a product (production, usage and end of life phase) when assessing its environmental impact. The study also emphasises the need to take into account consumer behaviour when regulating product longevity, as some consumers may carry out actions which

counterbalance the benefits obtained (e.g.: spending the money saved on an unsustainable product). Others may also be happy with the current lifespan of certain products, and it is thus also important to take into account consumer choice. For these reasons, the study favours a product-by-product approach as well as a *"soft"* regulatory intervention, focused on better consumer information and transparency over a *"hard"* approach, which could ban entire products from the market and cause competition and consumer choice issues.

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Bearing all of these elements in mind, the second part of the study focuses on the strategy to be adopted to ensure efficiency of the Circular Economy Action Plan. It does so by analysing the current EU legal framework on product safety and compliance in order to get the Circular Economy Action Plan's "details right". Different measures could be used at EU level to increase product longevity, but the study focuses on the three most appropriate ones: product safety regulations (Directive 2001/95/EC and Machinery Directive), product and service liability regulations, and lastly the Ecodesign Directive 2009/125/EC and related trustmarks (CE label). Other measures at national and local level are also considered.



Key findings

After analysing the link between longevity and sustainability, consumer behaviour and the current EU framework, the study proposes the following strategy to implement product longevity:

- Policies should **be differentiated product-by-product and highly adaptable** over time. This will (1) ensure that product longevity remains eco-friendly and does not delay sustainable innovation, (2) will enable adaptation to changes in consumer behaviour, and (3) will allow adequate responses to market and technological evolution.
- **The Ecodesign framework should be the favoured mechanism** in promoting product longevity as it supports both "hard" and "soft" approaches. Although its focus is for the moment on devices with high energy consumption (e.g.: washing machines) and does not contain any provisions concerning the lifetime of products, the Ecodesign directive is flexible and its scope can easily be repurposed. The directive can also accommodate for (1) needs for minimum product lifetimes, (2) needs to inform prospective customers about expected lifetime to facilitate informed choice, and (3) promotion of modularity to facilitate ease of replacement by the user of components that have gone bad.
- **The product safety** legal framework does not seem to be the most efficient to regulate product longevity as it is mainly suitable for "hard" enforcement measures. It may however be used in conjunction with the **CE trustmark** in certain cases to ensure devices are energy efficient, durable, repairable, upgradable and that they can be reused or recycled. **Trustmarks should also be used** to enhance consumer information, for instance by adding a "longevity" requirement to the energy label (Regulation 2017/1369).
- **The EU product liability** regime enables a product-by-product approach, but only applies "ex post", thus limiting its efficiency. It will also be difficult for consumers to demonstrate actual harm in the case where a product wears out more quickly than it should.
- **Adherence to Better Regulation principles** is important in order to create a comprehensive consultation process that obtains feedback from consumer advocates and market players. This will help put in place product-specific and sector-specific policies.
- The EU should **coordinate with Member States** in order to avoid counterproductive inconsistencies. Furthermore, the EU could **inspire itself from certain national measures**, such as the "Blue Angel" trustmark in Germany, which encourages energy and resource efficiency for 12 000 products.
- The **role of reliable private/non private entities and industries should be increased**. They could play an important role by ensuring that consumers are well informed concerning the expected longevity of certain products and services. Examples of this include Germany's "Sifting Warentest", which is a private non-profit foundation that publishes articles reviewing products and services.

¹ [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/648767/IPOL_STU\(2020\)648767_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/648767/IPOL_STU(2020)648767_EN.pdf).