European Copper Institute response

Inception Impact Assessment on the Sustainable Products Initiative

Brussels, 13 November 2020

The European Copper Institute (ECI) welcomes the European Commission's ambition for a sustainable product policy framework, to decouple economic growth from environmental and climate impacts.

We believe a holistic, life-cycle management approach, from product design to efficient recycling, supported by reliable and verifiable environmental information, fulfilling appropriate product sustainability requirements, is the most viable approach to achieve this. A mix of the proposed policy options in the Inception Impact Assessment will be the most impactful.

In this mix, we encourage the Commission to bring consumer behaviour and operational feasibility higher in its scope, to avoid double and potentially contradictory legislation (e.g. in tracking process emissions), and to take into account sectoral (e.g. recycling performance indicators) and product specificities (e.g. Reg. (EU) 305/2011 with ample instruments for construction product sustainability).

Circularity is at the heart of the copper industry as evidenced by 2/3rds of the copper ever produced still being in service today. ECI will continue to support the copper value chain in fulfilling appropriate sustainability requirements through the provision of robust, transparent and reliable industry data for use by product designers, manufacturers and specifiers. To this end, we are looking forward to reading the Commission's definition on sustainability principles and for having clarification on products being considered for bringing in scope of the Ecodesign Directive.

ECI also strongly supports the position of Eurometaux.

Ecodesign Directive

The Commission's intention to expand the scope of the Ecodesign Directive beyond energy-related products is a positive development and should take into account existing sectoral legislation that can help realize the Sustainable Products Initiative objectives.

Furthermore, for energy-related products, there are several aspects that need to be taken into account. Material efficiency should be considered after energy efficiency has been optimised, as dematerialisation, if applied to products conducting electricity or heat, could reduce their energy efficiency and worsen their operational lifetime environmental impact.

Also, durability and repairability assessments should take into account technological lifetime and the trade-offs between repair and replacement for rapidly evolving technologies (e.g. electric vehicle batteries, renewable heating and cooling solutions).

System-level opportunities should be structurally added to the screening of product groups. The Ecodesign for power cables (Lot 8[1]) is an example of system level opportunity that ECI would like to bring to the attention of the regulator. Researchers identified many other examples where optimising the system (e.g. building, lighting, industrial and IT systems) delivers as much energy saving as would be expected from policies addressing the efficiency of products alone. In some cases, extending the scope to address the product-system level could double the energy, CO2 and cost savings. This opportunity has been identified and supported on multiple occasions:

[1] www.erp4cables.net

1) The revised MEErP[2] (adopted in 2011) encourages the consideration of different layers, stating that "(...) it always makes sense for a regulator to look beyond the strict product approach, to look forward to the possible applications of a component, sub- assembly or product in order to avoid sub-optimisation. (...) at the very least the 'extended product approach' should be taken into account);

2) The European Parliament in its Report on the implementation of the Ecodesign Directive[3] states that "(...) the development of a 'system approach' to consider not only the product but the whole system required for its functioning in the Ecodesign process is becoming an increasingly critical success factor for resource efficiency and urges the Commission to include more of such system-level opportunities in the next Ecodesign work programme"; and

3) the policy recommendations in the European Parliamentary Research Service Implementation Assessment of the Ecodesign Directive[4] states that "(...) considering not only the product but the whole system required for its functioning in the Ecodesign process would be another important success towards resource efficiency".

Sustainability principles

We very much welcome the intended establishment of overarching product sustainability principles, backed by robust methodologies. Indicators/principles with not yet mature methodologies, such as human rights and use of resources, should be further developed before being implemented.

To increase recycling, as part of the sustainability principles, our industry stands in favour of reducing waste which must remain an overarching goal covering the whole product policy spectrum. A Design-for-Sustainability approach captures the recyclability of products (design for durability, dismantling, sorting and recycling) as a key feature, and has a strong positive impact on material selection. To this end, proper recycling efficiency indicators should be established to further induce high recycling rates to the optimal level of what is more resource- and energy-efficient. At the same time, the recycled content approach that is being developed needs to be carefully assessed as while this could drive recycling of materials that currently end up in landfill, it will not increase recycling rates of highly-recycled metals like copper. This point is of utmost importance for copper which is used in key value chains (e.g. electronics, batteries, etc.), securing long lifetimes for the complex products in which it is embedded. Also, secondary materials are not technically/economically feasible or sufficiently available for all types of copper products (50% of EU demand is met through recycling).

Sustainability labelling

Disclosure of harmonised environmental impact information is a prerequisite for improving sustainability of products and changing purchasing behaviour of end users, with methodologies and classification of performance relevant to each product type and developed by standardisation bodies.

For consumer products, information needs to be presented in a way that allows comparison of products. For other products, e.g. performing as part of a system (e.g. buildings), such labelling is not adequate, as the overall sustainability of the system needs to be considered.

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[2] Methodology for Ecodesign of Energy-related Products >> Link

[3] European Parliament resolution of 31 May 2018 on the implementation of the Ecodesign Directive (2009/125/EC) (2017/2087(INI)); §28. >> Link

[4] The Ecodesign Directive (2009/125/EC): European Implementation Assessment. Study by the European Parliamentary Research Service. Author: Anna Zygierewicz. Ex-Post Evaluation Unit. PE 611.015, November 2017, p.93. >> Link

Labelling needs to be backed up by an effective surveillance system to protect end users against false claims, to maintain credibility of the EU sustainable products market and protect manufacturers investing in sustainable production.

Increasing circular material use rate

Fostering industrial symbiosis can advance the circular economy and support decarbonisation of EU industry. For example, favourable conditions to create a market for engineered minerals (iron silicate from copper production) could provide a sustainable substitute for natural aggregates in building and construction products.

Iron silicate from copper production is an engineered material which is generated from smelting/refining and recycling processes and can therefore be reasonably considered as a circular material. Regulators can underpin the ambition to increase the circular material use rate through realistic solutions i.e. incentivize and establish favourable conditions to create a market for such recycled metals by-products and engineered minerals. The removal of obstacles for re-use of secondary materials is a priority. In this way, iron silicate from copper production can serve as a sustainable substitute for natural aggregates in building and construction products, whilst fostering industrial symbiosis towards a truly functional circular economy and in the pursuit of a decarbonized EU industry.

We encourage the Commission to take into account the relevant Joint Research Centre (JRC) 2014 study[5] arguing that final copper slags can be safely used as a valuable material, for example in construction products, and make full use of their assets in the pursuit of climate neutrality and circularity (reduced CO2 emissions and better use of a readily available resource).

Environmental impact and working conditions in which materials are sourced and/or produced

The copper industry remains committed to providing robust, transparent and reliable industry data for use by product designers/manufacturers. We have already joined forces with other metal commodities (i.e. lead, nickel and zinc) and aim to provide via the Copper Mark a credible assurance system that these metals are produced and used in a responsible way (in line with the UN SDG 12 for sustainable production and consumption – along with other SDGs). The Copper Mark has adopted the Risk Readiness Assessment (RRA) criteria of the Responsible Minerals Initiative (RMI), and provides credibility and confidence regarding the accuracy of the companies' data. Our ambition for a forthcoming joint due diligence standard aims at enabling the covered metals to meet the London Metal Exchange (LME)'s Responsible Sourcing Policy, covering not only mining and smelting/refining activities, but the entire value chain (incl. (semi-)fabricators, manufacturers and end users), and therefore be allowed and accepted as due diligence proof for product-level claims towards customers. For this reason, we deem necessary the authorization of voluntary industry-led initiatives and certification schemes, like the Copper Mark, to complement/support existing Life Cycle Assessment (LCA) methods for the environmental footprinting of products placed on the EU market (incl. services and industrial processes).

In relation to requirements to address social aspects throughout the product life cycle as part of sustainability principles and requirements, there are currently methodological limitations for several of the sustainability impact categories proposed (e.g. human rights, use of resources).

[5] Technical Report by the Joint Research Centre of the European Commission: Study on methodological aspects regarding limit values for pollutants in aggregates in the context of the possible development of end-of-waste criteria under the EU Waste Framework Directive. Hans Saveyn et al, 2014. >> Link

The role of the consumer

It remains of utmost importance that measures to incentivize the uptake of sustainable products are introduced as regardless of how ambitious any sustainability performance requirements are, the rate of pick up by consumers/end users will impact the effectiveness of the efforts. The role of regulator is to create the framework for the market to function, such as through incentives to consumers/end users, ensuring that those without the means to pay price premiums are not excluded from the sustainable products market.

ECI is the voice of the International Copper Association (ICA) in Europe. The International Copper Association, with its 35 members, represents a majority of the world's primary copper producers, some of the largest mid-stream smelters/refiners, and 10 of the world's largest copper fabricators. It aims to bring together the global copper industry to develop and defend markets for copper and to make a positive contribution to society's sustainable development goals.

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