

# Public Consultation on the revision of the New Legislative Framework

Fields marked with \* are mandatory.

## Introduction

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The New Legislative Framework (NLF) consists of two legal acts: [Decision No 768/2008/EC](#) and [Regulation \(EC\) No 765/2008](#), which are key tools for harmonising EU product legislation. Decision No 768/2008/EC lays down a common framework for the placing on the market of products, which includes reference provisions which can be in turn incorporated in sectorial-specific product harmonisation legislation. On the other hand, Regulation (EC) No 765/2008 sets out the requirements for accreditation and CE mark of products.

This initiative concerns a possible revision of the NLF to ensure its fitness for future and alignment with the objectives of the circular economy and digitalisation. The [2022 NLF evaluation](#) identified several shortcomings that have emerged over the past 17 years. These include overly complex product documentation, ambiguity regarding refurbished and substantially modified products, inconsistent and sometimes misleading practices by notified bodies, lack of clarity in conformity assessment modules, and inconsistent practices in trade agreements. These issues risk jeopardising public interest objectives, such as consumer safety, public health, or the protection of the environment and the proper functioning of the Single Market.

We are consulting stakeholders to gather their experiences and views, to guide the development of the initiative. This public consultation offers the opportunity to comment on the proposed solutions and highlight other factors to consider when advancing this initiative.

The public consultation is open to all stakeholders. We welcome contributions from Member State authorities (e.g. those responsible for market surveillance, notifications, accreditation and customs authorities), companies of all sizes (e.g. manufacturers, distributors, importers and other economic operators), industry associations, notified bodies, citizens/consumers and consumer organisations, NGOs, academic institutions and professional users with relevant expertise.

## About you

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### \* Language of my contribution

- Bulgarian
- Croatian
- Czech

- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

\* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority

- Trade union
- Other

\* First name

\* Surname

\* Email (this won't be published)

\* Organisation name

*255 character(s) maximum*

\* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

\* Country of origin

Please add your country of origin, or that of your organisation.

*This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.*

- Afghanistan
- Djibouti
- Libya
- Saint Martin
- Åland Islands
- Dominica
- Liechtenstein
- Saint Pierre and Miquelon

- Albania
- Algeria
- American Samoa
- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Lithuania
- Luxembourg
- Macau
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Saint Vincent and the Grenadines
- Samoa
- San Marino
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden

- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Türkiye
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom

- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena  
Ascension and  
Tristan da Cunha
- Saint Kitts and  
Nevis
- Saint Lucia
- United States
- United States  
Minor Outlying  
Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and  
Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

### \* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

**Anonymous**

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

**Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)

## Participant Profile

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\* I am providing my contribution as

- Economic operator – Individual companies, including SMEs, which manufacture products falling within the scope of the NLF-aligned legislation
- Economic operator - Distributors, importers, authorised representatives, fulfilment service providers established in the EU according to Article 4 of Regulation (EU) 2019/1020
- Economic operator - Refurbishers /reprocessors and companies engaged in product circularity
- Business association
- Professional end-users, who use products in their professional, commercial or industrial activities and who have an expertise relevant for the use of the product
- Individual citizen
- Consumer organisation
- Public authority - Market surveillance authority
- Public authority - Customs authorities

- Public authority - Accreditation body
- Public authority - Notifying authority
- Public authority, other than market surveillance authorities, customs authorities, notifying authorities or accreditation bodies
- Conformity assessment bodies and notified bodies
- Non-governmental organisation (NGO), civil society
- Academic/ public research institution
- Trade union
- Other

\*What is your level of knowledge of the NLF?

For this consultation, there are a set of **'general'** questions for respondents with **no** or **little knowledge** of the NLF, and an additional set of **'expert'** questions for respondents with **good** or **excellent knowledge** of the Framework. Please select which set you want to respond to:

- General
- Expert

Do you agree to the possibility of being contacted for further clarification on your responses if necessary?

Please indicate your consent by selecting the appropriate option below. Without your consent, we will not use your contacts for this purpose.

- Yes, on the following email address
- No

Email

j.rempala@businessseurope.eu

## Simplification of product information obligations through digitalisation

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### a) Digital product compliance information

The [2022 NLF evaluation](#) highlighted that for 83% of economic operators, providing printed product information, such as compliance and safety documentation and instruction manuals, was burdensome. It suggested that digitalisation of the declaration of conformity and conformity assessment procedures could simplify processes and reduce administrative burdens for economic operators.

The Ecodesign for Sustainable Products Regulation (ESPR) was the first Union legal framework to introduce the mechanism of the Digital Product Passport (DPP) for data linked to a given product, providing key information about a product’s environmental sustainability. The DPP is required for demonstrating product compliance not only with Ecodesign, but also with the [Batteries Regulation](#), the Construction Product Regulation, in the politically agreed and soon-to-be published [Toys Safety Regulation](#) and [Detergents Regulation](#).

If a digital compliance tool is to be set up as part of the revision of the NLF (which may be based on the DPP), in your opinion, which of the following information should be included in that digital compliance tool?

	Strongly agree	Partly agree	Neutral	Partly disagree	Strongly disagree	I don't know
* Compliance information: the type of information included now in the declaration of conformity or declaration of performance, such as the name and address of the manufacturer, the references to the relevant harmonised standards, information related to the conformity assessment etc.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Compliance information: notification added by market surveillance and/or customs authority about product’s non-compliance	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Instructions for use	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Safety information (e.g. safety warnings, instructions relevant for product safety)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Refurbishment/repair history information (e.g. replaced components, previous use cycles)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Certificates of conformity of third-party conformity assessment bodies, where relevant for products in the scope of sectorial legislation aligned to the NLF (with possibility to limit the access only to the relevant authorities)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* Technical documentation (with possibility to limit the access only to the relevant actors)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If a digital compliance tool is to be set up as part of the revision of the NLF (which may be based on the DPP), in your opinion, which of the following information should be included in that digital compliance tool? **Expected benefits for me/my organisation (e.g. cost saving, time savings, process automation etc.)**

	Very high	High	Moderate	Low	Very low	I don't know
* Compliance information: the type of information included now in the declaration of conformity or declaration of performance, such as the name and address of the manufacturer, the references to the relevant harmonised standards, information related to the conformity assessment etc.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Compliance information: notification added by market surveillance and/or customs authority about product's non-compliance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Instructions for use	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Safety information (e.g. safety warnings, instructions relevant for product safety)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Refurbishment/repair history information (e.g. replaced components, previous use cycles)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Certificates of conformity of third-party conformity assessment bodies, where relevant for products in the scope of sectorial legislation aligned to the NLF (with possibility to limit the access only to the relevant authorities)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Technical documentation (with possibility to limit the access only to the relevant actors)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Could you provide additional quantitative data on expected benefits?

If a digital compliance tool is to be set up as part of the revision of the NLF (which may be based on the DPP), in your opinion, which of the following information should be included in that digital compliance tool? **Expected costs for me/my**

**organisation**

	Very high	High	Moderate	Low	Very low	I don't know
* Compliance information: the type of information included now in the declaration of conformity or declaration of performance, such as the name and address of the manufacturer, the references to the relevant harmonised standards, information related to the conformity assessment etc.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Compliance information: notification added by market surveillance and/or customs authority about product's non-compliance	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Instructions for use	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Safety information (e.g. safety warnings, instructions relevant for product safety)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Refurbishment/repair history information (e.g. replaced components, previous use cycles)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Certificates of conformity of third-party conformity assessment bodies, where relevant for products in the scope of sectorial legislation aligned to the NLF (with possibility to limit the access only to the relevant authorities)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Technical documentation (with possibility to limit the access only to the relevant actors)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Could you provide additional quantitative data on expected costs?

Costs may vary depending if single tool is used and how well it is integrated in with existing tools that MSAs have at their disposal. For example products already requiring a DPP under the ESPR may have a lower cost but for products that do not yet have a DPP the cost would be higher as the architecture must be developed for them.

\* In your view, how **Instructions for use** (instructions other than those relevant for product safety) should be provided with a product to the end-user. Digital access in this context should be ensured without the need for providing any personal data, downloading additional applications specific to the economic operator or the obligation to register solely to access the instructions and safety information.

- Digitally and in paper, with the product
- Digitally with the product, in paper only on request addressed to the manufacturer, at the time of purchase or up to six months after that purchase
- Digitally only
- Paper only
- Other

\* In your view, how **safety information** (e.g. safety warnings, instructions relevant for product safety) should be provided with a product. Digital access in this context should be ensured without the need for providing any personal data, downloading additional applications specific to the economic operator or the obligation to register solely to access the instructions and safety information.

- Digitally and in paper, with the product
- Digitally with the product, in paper only on request addressed to the manufacturer, at the time of purchase or up to six months after that purchase
- Digitally only
- Paper only
- Other

Comments/examples about possible advantages, shortcomings, risks and best practices related to the possible provision of compliance information by digital means:

The DPP must first and foremost follow a 'data minimization principle' that is limit the data requested to data which can actually be collected based on existing NLF requirements. The DPP must avoid increasing demands for mandatory information, policy makers must keep in mind that every request for new data points brings additional costs. This is especially relevant for SMEs and companies that are not yet fully digitalized or do not have large compliance teams. Thus switching to a DPP should only be a change of format of the information currently being provided, not an expansion of scope for data collection, especially technical files which contain sensitive and detailed information. Companies that wish to add information on a voluntary basis however should be given the opportunity.

A workable DPP will also require that the definitions and information obligations across all pieces of NLF legislation are aligned, such as the AI Act, GPSR, ESPR and CRA while ensuring consistency with other 'NLF-adjacent' files such as the DSA or PLD.

Regarding the safety information, while we do see that currently there can be a need for this to be in a physical format we would like to see a gradual shift to providing this information in digital format only. In doing so it will be essential that alignment between European and national regulations regarding consumer rights and information access occurs, in order to prevent conflicts or inconsistencies.

In your opinion, which **data carrier** would be most suitable to reach the digitalised product information, contained, for instance, in the DPP?

	Very suitable	Suitable	Neutral	Not very suitable	Not suitable at all	I don't know
* QR code	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Other barcodes	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Contactless technologies such as NFC (Near Field Communication) or RFID (Radio Frequency Identification) tags . Contactless technologies like NFC and RFID use radio signals to exchange data wirelessly between a tag and a reader without physical contact. They are commonly used for payments, access cards, product tracking, and smart packaging.	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Other	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

\* Please specify

All of these methods are suitable however, RFIDs are more expensive and complex to establish as they require an extra production step. Importantly the choice of data carrier should be technology neutral while the systems for the Digital Product Passport (DPP) and the NLF framework should be harmonized to avoid fragmentation and ensure interoperability. Additionally the data carrier must take into account cybersecurity considerations as well.

To what extent do you agree that digitalisation of product compliance information through, for instance, the DPP would facilitate market surveillance checks?

	Strongly agree	Partly agree	Neutral	Partly disagree	Strongly disagree	I don't know
* Compliance information in digital format would facilitate market surveillance	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Compliance information in digital format would facilitate market surveillance especially for e-commerce	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

To what extent do you agree that digitalisation of product compliance information through, for instance, the DPP would facilitate market surveillance checks?

**Expected benefits for me/my organisation (e.g. cost saving, time savings, process automation etc.)**

	Very high	High	Moderate	Low	Very low	I don't know
* Compliance information in digital format would facilitate market surveillance	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Compliance information in digital format would facilitate market surveillance especially for e-commerce	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Could you provide additional quantitative data on expected benefits?

While digitalization can be an immense benefit and ease the burden on strained MSA resourcing, it will ultimately only be effective in facilitating compliance if MSAs have the capacity to conduct enforcement.

To what extent do you agree that digitalisation of product compliance information through, for instance, the DPP would facilitate market surveillance checks? **Expected costs for me/my organisation**

	Very high	High	Moderate	Low	Very low	I don't know
* Compliance information in digital format would facilitate market surveillance	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Compliance information in digital format would facilitate market surveillance especially for e-commerce	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Could you provide additional quantitative data on expected costs?

The costs can depend on the amount of data that is being requested. If the 'compliance information' is that which is already being provided then the cost is relatively low however if under the DPP new data points are being mandated to assist MSAs then this cost will be higher. As mentioned previously an additional consideration is that costs will also vary depending if a single tool is used and how well it is integrated in with existing tools that MSAs have at their disposal.

\* Products may still be available to consumers after the market surveillance authorities find them non-compliant or dangerous. The information about this is not necessarily available to the end users. With this in mind, to what extent do you agree that market surveillance authorities should be able to upload comments or notes regarding the measures they have taken in the digital compliance tool, to ensure that such information is available to the end users immediately when they scan the data carrier leading, for instance, to the DPP?

- Strongly agree
- Partly agree
- Neutral
- Partly disagree
- Strongly disagree
- I don't know

**b) Digital product compliance information and e-commerce**

The European Commission is considering expanding the use of digital compliance tools, for instance the DPP, as part of the revision of the NLF, thus laying down a general principle on the digital provision of compliance information which is to be further complemented and adjusted in the sector-specific product legislations.

Today many non-compliant or dangerous products reach the Single Market through online purchases or distance sales. Many of those products are imported from third countries.

The DPP has been identified as one of the key enablers for the supervision of the e-commerce landscape in the recently published [EU Toolbox for Safe and Sustainable E-Commerce](#), which aims to tackle the large number of non-compliant goods sold via e-commerce.

\* To what extent do you agree that market surveillance and customs authorities should have access to digital product compliance information, for instance through the DPP, for the products offered online, so that they can carry out product checks assessing the compliance with the applicable legal requirements (e.g. e.g. confirming that the product was subject to the relevant third-party conformity assessment)?

- Strongly agree
- Partly agree
- Neutral
- Partly disagree
- Strongly disagree
- I don't know

\* Please explain your answer

Information obligations should remain the same regardless of if the product is offered online or offline on the European market. Furthermore IP must be protected.

To what extent do you agree that mandatory inclusion of digital product compliance information, such as warning or safety information, in an online offer would:

	Very high	High	Neutral	Low	Very low	I don't know
* Allow equal access to the same product compliance information for online and brick-and-mortar stores	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Allow end users (consumers/ professionals) to make more informed product choices	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Lead to a decrease in offer/supply of products available to consumers	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* Allow market surveillance authorities to check more products offered online	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Reduce the number of non-compliant products entering the EU from third countries through online sales	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Decrease the costs of product inspections by the market surveillance authorities	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Increase product prices for consumers to cover the costs of including this information in the online offer	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

\* To what extent do you agree that each product listed for online sales must be accompanied by compliance information in digital form, for instance, by the DPP?

- Strongly agree
- Partly agree
- Neutral
- Partly disagree
- Strongly disagree
- I don't know

Comments/examples:

When a DPP is legally required for a product it should be displayed at the point of sale regardless if this is online or offline. Regarding online, only the products that are being directed at the European market should comply with the legal responsibilities of the DPP. It must also be reiterated that the responsibility for compliance must be allocated to the economic operators according to the NLF framework.

While the DPP maybe a good tool for combatting the current e-commerce situation, It must be repeated that resourcing is required for empowered MSAs. The DPP for this situation will only be as effective as the enforcement capabilities of MSAs.

### c) Digital product compliance information and CE mark

The CE mark is a self-declaration by the manufacturer that a product complies with European Union legal requirements regarding safety, health, and other essential requirements or essential characteristics. It is mandatory for certain categories of products sold within the European Economic Area (EEA). The [2022 NLF evaluation](#) found that the CE mark holds significant value and functions well but also highlighted some challenges. Consumer associations remain concerned that consumers misunderstand the CE mark as a quality or certification mark, rather than a compliance mark.

The European Commission is considering revising the approach to the CE mark as a conformity self-declaration.

\* To what extent do you agree that the CE mark should be displayed only digitally, by including it, for instance, in the DPP?

- Strongly agree
- Partly agree
- Neutral
- Partly disagree
- Strongly disagree
- I don't know

Comments/examples:

In general as the world continues to digitalize we should gradually shift towards providing not just a fully digital CE mark but also other physical labels such as addresses.

\* To what extent do you agree that the requirement to physically affix the CE mark should remain and be complemented by a digital display, to be included, for instance, in the DPP?

- Strongly agree
- Partly agree
- Neutral
- Partly disagree
- Strongly disagree
- I don't know

Comments/examples:

Gradually we do see it very likely that digital labelling will replace physical labels, especially as digital-only offerings of products are increasing, these would therefore require a digital CE marking. When a DPP is mandatory it should contain a digital CE mark to ensure that the product fulfills the same requirements as a product sold physically.

## Enhanced circularity in the NLF

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The [2022 NLF evaluation](#) shows that there is a potential need for introducing, updating and clarifying certain definitions within the context of the NLF, as well as clarifying responsibilities based on the type of product modification.

Market surveillance authorities face difficulties distinguishing between substantially modified (new), reused and refurbished products, partly because the NLF does not define key terms like refurbisher, refurbishment, repairer, reuse or repair.

The [Ecodesign for Sustainable Products Regulation](#) (ESPR) defines 'refurbishment' as *"actions carried out to prepare, clean, test, service and, where necessary, repair a product or a discarded product in order to restore its performance or functionality within the intended use and range of performance originally conceived at the design stage at the time of the placing of the product on the market"*. On the other hand, the concept of 'repair' is defined as *"one or more actions carried out to return a defective product or waste to a condition where it fulfils its intended purpose"*. Finally, the concept of 'remanufacturing' is defined as *"actions through which a new product is produced from objects that are waste, products or components and through which at least one change is made that substantially affects the safety, performance, purpose or type of the product"*.

While some of these concepts may have been defined in certain sectorial legal frameworks aligned to the NLF, the NLF itself currently does not lay down a comprehensive and exhaustive list of definitions, which capture the modifications that a product may sustain after it has been placed on the market. The [Machinery Regulation](#), for example, defines 'substantial modification' as a modification of a machinery product, by physical or digital means after that machinery product has been placed on the market or put into service, which is not planned by the manufacturer. As a result, the compliance of the machinery product with the relevant essential health and safety requirements may be affected. In contrast, refurbishment does not affect the risks and performance of the product.

The Construction Products Regulation defines 'used product' which is placed on the market again or 'remanufactured product' which has been subject to a transformative process going beyond checking, cleaning and repairing recovery operations and then placed on the market again. The Medical Devices Regulation defines 'reprocessing' as a "process carried out on a used device in order to allow its safe reuse including cleaning, disinfection, sterilisation and related procedures, as well as testing and restoring the technical and functional safety of the used device".

With increasing policy focus on circular economy objectives, and in the absence of a clear legal framework, market surveillance authorities may face difficulties in assessing the compliance of such products, and economic operators may lack clarity on their obligations. Hence, the question, whether the NLF should extend its focus towards any modifications that may be brought to products after they are placed on the market, which is also related to product circularity.

To what extent do you consider the requirements below as necessary to ensure the safety of refurbished products? Please choose all that apply:

	Absolutely necessary	Very necessary	Moderately necessary	Slightly necessary	Not necessary at all	I don't know
* Clear distinction of refurbished/ remanufactured products from new ones, e.g. through labelling or marking	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Mandatory safety checks for refurbished products by a third party (e.g. a notified body)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Mandatory safety checks for refurbished products by the refurbishers themselves (e.g. performance of internal risk analysis)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Obligation for the refurbisher to provide information on the spare parts replaced in the product	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Obligation for the manufacturer to provide the product information necessary for safe refurbishment	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Responsibility for the refurbisher for product compliance and safety limited to the refurbished parts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Responsibility of the refurbisher for the whole product following the refurbishment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Comments/Examples regarding the possible impact of these such changes (if known):

Regarding the obligation to provide information on spare parts it is unclear to us how in-depth the information required would be, this may require a dedicated document, although the depth and granularity of the information should be proportionate and clarified further to avoid excessive administrative burden.

Since it is very difficult to produce long series of identical refurbished products, individual DPPs per product should be avoided as much as possible. Instead, an internal risk analysis should be carried out at company level. However, for high-risk or high-value products, additional information requirements may be justified, potentially including more detailed, product-level DPP information.

Finally, it should be assessed whether refurbishment constitutes a substantial modification. If so, refurbishers may qualify as a manufacturer under the New Legislative Framework (NLF) Thus It is important to clearly distinguish between used, refurbished, and substantially modified products. These definitions should be consistent with other legislation, such as the Machinery Regulation and the ESPR, and reflected in the NLF.

\* Do you support the idea of a separate conformity assessment module for substantially modified products?

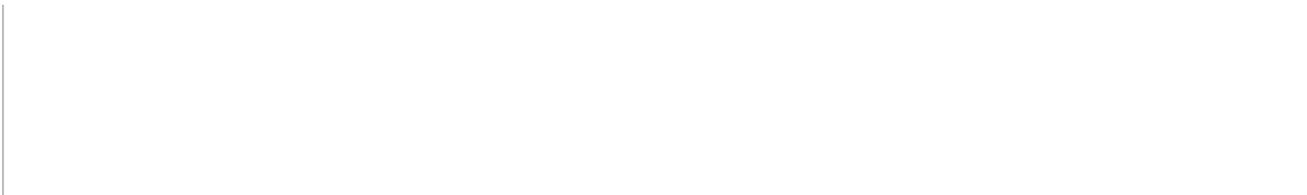
- Yes
- No
- Only in case of products subject to third-party conformity assessment
- Other
- I don't know / cannot answer

\* Do you support the idea of a separate conformity assessment module for used products?

- Yes
- No
- Only in case of products subject to third-party conformity assessment
- Other
- I don't know / cannot answer

## Comments/examples:

It is essential that there is a distinction between refurbishment or a substantially modified product.



## Enhanced responsibility of conformity assessment bodies

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### a) Strengthening oversight and accountability of notified bodies

**Notified bodies** are organisations designated by national authorities to assess the conformity of certain products before they are placed on the market.

**Notifying authorities** are the national entities responsible for designating and supervising these notified bodies.

The [2022 NLF evaluation](#) has identified shortcomings in the oversight of notified bodies, that may ultimately lead to safety risks

\* Should the general principle that the Commission shall have the authority to suspend, restrict or withdraw the notification of a notified body, when necessary to ensure compliance, be included in the NLF?

- Yes, but only when a notifying Member State authority fails to act despite clear non-compliance or misconduct of notified body
- Yes, but Commission should only be able to suspend temporarily the notification (if substantiated/urgent)
- Yes, including investigative powers over the notified bodies
- No
- Other
- I don't know/cannot answer

\* What mechanisms could strengthen the accountability of notified bodies?

We cannot answer at this time

\* Should there be mandatory timelines for notifying authorities to complete the periodic reassessment of notified bodies?

-

Yes, and if the timeline for the reassessment is not respected the notified body should be automatically removed from NANDO (New Approach Notified and Designated Organisations database)

- Yes, but with flexibility, the absence of timely reassessment should not result in automatic removal from NANDO
- No, current practices are appropriate
- No
- Other
- I don't know/cannot answer

### **b) Enhancing the monitoring of outsourcing the tasks of notified bodies**

According to the findings of the [2022 NLF evaluation](#), notified bodies are increasingly outsourcing tasks, often due to internal staff and facility shortages, or completely relying on subcontractors, without hiring own staff or having own equipment. They often delegate entire activities to subcontractors in third countries. This trend raises concerns about the reliability and oversight of subcontracted work. At the same time, maintaining independence and impartiality is particularly challenging when notified bodies also engage in related services like consultancy or testing.

\*What measures do you think could be effective to address the challenges related to subcontracting by notified bodies? Please choose up to **three options** you think would be most effective.

*between 1 and 3 choices*

- Stricter rules requiring that key certification decisions be made exclusively by permanent, in-house staff of the notified body
- The subcontractor should be notified or accredited together with the notified body
- Maintain the current rules regarding subcontracting
- Remove the possibility for subcontracting outside EU
- Introduce stricter rules for subcontracting outside EU
- Other
- I don't know/cannot answer

\*Which additional requirements should the NLF include to ensure the reliability of notified bodies? You may select multiple replies.

- The minimum number of permanent full-time staff
-

Stricter requirements for the expertise of the staff, with sufficient technical expertise

- Minimum tasks carried out by the notified body without subcontracting
- Minimum number of certifications delivered per year in the notified area
- Minimum technical equipment
- No new requirements
- Other
- I don't know/cannot answer

\* Which additional measures should be introduced to ensure the integrity and independence of notified bodies? You may select multiple replies.

- More restrictive ownership rules
- More precise rules setting out prohibited practices
- Dedicated assessment of the professional integrity during the reassessment of notified bodies
- Breaching the rules related to professional integrity should be an explicit reason for the withdrawal of the notification
- Mandatory accreditation
- Other
- I don't know/cannot answer

\* If mandatory accreditation is introduced, should the NLF still keep the notifying authorities separately from the national accreditation bodies?

- Notifying authorities should still exist besides the national accreditation bodies
- Notifying authorities should be abolished – national accreditation bodies should take over their tasks
- Other
- I don't know/cannot answer

\* Do you think that accreditation could improve if there were an EU-level monitoring, investigative, and decision-making power in the area of accreditation?

- Strongly agree
- Partly agree

- Neutral
- Partly disagree
- Strongly disagree
- I don't know

Please elaborate on main reasons:

Please choose all that apply: To what extent do you agree that integrating third-party conformity assessment certificates into the digital compliance tool, for instance, the DPP, would....

	Strongly agree	Partly agree	Neutral	Partly disagree	Strongly disagree	I don't know
* ... enhance reliability of the certificate as it could not be falsified	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* ... facilitate the checks of the product by the market surveillance authorities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* ... would facilitate the monitoring of the notified bodies	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* ... not make a significant difference	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

### c) Levelling the competence of notified bodies

The NLF currently treats accreditation of notified bodies as voluntary, though most rely on it. Making accreditation mandatory could ensure consistent quality across the EU but concerns about cost and process length may impact smaller conformity assessment bodies and new entrants, particularly in small sectors where there are few notified bodies.

Accreditation has the potential to demonstrate the competence of notified bodies. According to the [2022 NLF evaluation](#), some stakeholders see mandatory accreditation as the only way to ensure the appropriate

and equal high level of competence of notified bodies, while others point to the significant amount of time and costs needed for accreditation comparing to its benefits.

\*What measures do you think could help ensure a more aligned level of competence among notified bodies? Please choose all that apply.

- Strengthening the supervision of notified bodies by Member States authorities
- Strengthening the Commission's oversight of notified bodies, including through investigative and decision-making powers
- Introducing mandatory accreditation for all notified bodies
- Improved peer reviews of the national accreditation bodies, ensuring coherent practices in all Member States
- Other
- I don't know/cannot answer

\*Should non-harmonised standards or other rules be allowed as a basis for accreditation of conformity assessment bodies?

- Yes
- No
- I don't know/No opinion

\*If so, what should be used as a basis for accreditation of conformity assessment bodies, as an alternative to harmonised standards? Please choose all that apply.

- Harmonised European standards only, without alternatives
- Harmonised European standards based on ISO standards, without alternatives
- Harmonised European standards + requirements of the specific legislation in question
- Specific requirements in the NLF related to the notified bodies + requirements of the specific legislation
- Other requirements in line with NLF and specific legislation (no presumption of conformity, hence the need to demonstrate)
- The non-harmonised area should be treated separately, with more flexibility, applying different rules

\*Would you agree that the current peer assessment system for national accreditation bodies ensures coherent practices?

- Strongly agree
- Partly agree
- Neutral
- Partly disagree
- Strongly disagree
- I don't know

Comments/examples:

What must be ensured is that the requirements for accreditation and how Member States interpret them are harmonized.

\*What measures would ensure a greater coherence of practices by national accreditation bodies?

- Clear and detailed schemes for sectoral legislation
- Strengthened EU level oversight of peer reviews
- Permanent team of peer evaluators
- A common pool of peer evaluators for different sectorial legislation
- Other
- No need for improvement

\*The revision of the NLF is carried out in parallel with the revision of the Market Surveillance Regulation and the Standardisation Regulation. Do you think the three legal acts should be merged into one **European Product Act** to ensure legislative coherence?

- Strongly agree
- Partly agree
-

Neutral

- Partly disagree
- Strongly disagree
- I don't know

\* Please elaborate on main reasons:

The most important aspect is that these initiatives are done in parallel and coherently. Potentially instead of one Act of all three, the NLF and MSR could be one and Standardisation would be the other. However by having separate acts this will create separate negotiation teams that can develop conflicting mandates, political contradictions between files, or unwillingness to cooperate amongst the co-legislators.

## Contact

[Contact Form](#)