



## **Joint Retail Statement on the Digital Product Passport: Considerations to take into account when selling products online**

May 2023

The undersigning associations would like to draw attention to the possible unintended side effects that the Digital Product Passport might have on online sales channels. In certain cases, the DPP could include batch specific information and would need to be displayed online. As laid down in the [sector statement from September 2022](#), displaying batch specific information on an online offer is technically unpractical in most cases. The proposed eco-design Regulation, should be aligned with the General Product Safety Regulation (GPSR) and should therefore not mandate directly or indirectly to communicate batch specific information with the online offer.

Article 30 of the proposed Eco-design Regulation lays down the information obligation of the economic operators when selling a product online. It requires the operator to display where available, the batch or serial number on the offer (Art. 30.1.c). A similar provision proposed in the GPSR was discarded during the legislative process. We highly welcome that the reference to the batch number has been deleted in the most recent compromise of the Swedish Presidency (March 2023) and invite the European Parliament to adopt a similar approach to align the proposed Eco-design Regulation with the GPSR.

### **Displaying the batch number online is highly burdensome for the following reasons:**

1. IT systems and scanning devices at warehouses currently work with bar codes (GS1 standards) and not with the DPP. Displaying the available batch in the warehouse via the DPP on a distinct online offer (pop-up window) to a specific consumer in real time is therefore impossible.
2. Retailers would need to completely overhaul of IT systems in warehouses and web shops to allow for data transmission in real time between the warehouse and the web shop. This will imply considerable costs. SMEs who depend on their online sales channel to compete with large operators will not be able to afford such a complex IT-system.
3. The publication of all available batches gives valuable insights into the available stocks of a retailer and raises concerns regarding competition.
4. Not all products have batches.
5. The publication of the batch number would not facilitate market surveillance and will not have added value for consumers. On the contrary, it will facilitate fraud. Rogue traders would have access to valid batch numbers.

**Furthermore, the undersigning associations are concerned that certain provisions on the Digital Product Passport will lead to an indirect obligation for retailers to display batch specific information when offering a product online.**

The EU Commission will adopt delegated acts that will determine the granularity of the information included in the DPP (Art. 9.1). It is possible that the EU Commission will adopt delegated acts that will foresee to include information on batch level (Art.8.2.d.). The proposal also requires the manufacturer to provide the dealer with a data carrier to display the data carrier where the consumer cannot directly access the product

(Art. 9.3). This is relevant for distance and online sales. Article 25 requires dealers to make the product passport accessible to consumers (via the data carrier laid out in Art. 9.3) also in the case of online sales.

In case the delegated acts (adopted according to Article 4) determine that for a certain product, the DPP is required to include information on batch level, Article 25 would lead to a *de facto* obligation to display batch specific information online.

Note that Article 17.2 of the proposed regulation on detergents will provoke similar challenges for all distance sales channels. If the DPP includes batch specific information, there will be as many DPPs as batches. Displaying batch specific information on an online offer will be challenging for the above-cited reasons.

**We would like to propose two possible solutions:**

1. **The reference to the batch/item specific information is deleted from article 8.2.d of the eco-design regulation, meaning that the Commission would not mandate batch specific information in the DPP** (as the individual DPP must be displayed in the online offer as per article 25).
2. **OR: An additional generic data carrier could be included in Article 9.3 of the eco-design regulation/ 17.2 of the detergents regulation enabling traders to display the DPP online. This generic data carrier should comprise all information of the DPP but without batch /item specific information** in case the EU Commission's delegated act stipulated that certain product passports of certain product groups should include batch specific information. This generic passport could then be displayed to consumers where they cannot physically access the product; or