

Omnibus IV – Trilogue Recommendations

Our Proposals

1. **Handling paper instructions should not burden distributors:** Whereas we welcome digital transition, it is imperative that it does not increase the administrative burden for other operators. It is imperative that **distributors are not requested to print or store instructions in the place of manufacturers**. Where instructions are provided digitally, it should be solely the manufacturer's responsibility provide a direct, reliable mechanism for consumers to obtain paper instructions free of charge. Our recommendations are detailed below.
2. **Missed opportunities for digitalisation under the Batteries Regulation 2023/1542**
 - a. Information which is not essential for safety should be moved from the physical product to the digital label (e.g. place of manufacture, critical raw materials).
 - b. Alignment should be achieved with CS3D.Our recommendations are detailed below.
3. **Proportionate obligations for distributors:** distributors should only be expected to provide the information that has been explicitly made available to them by previous operators.
4. **Common specifications:** **We support the Council position on common specifications.** Common specifications should be introduced in exceptional cases and under specific conditions. Priority should be given to the adoption of harmonised standards. Our detailed position can be found [here](#).

Our Observations

- **Further crowding of physical labels:** marks on the product, its packaging or in an accompanying document, on how to access instructions and how to request them in paper format, can pose impediments to real simplification.
- **Definition of Safety/Essential Information:** the current proposal missed out on the opportunity to define which type of information is essential/safety information which should stay on the product, and which can be moved to the digital label. This is an exercise that should happen product-by-product. A good example is the Batteries Regulation above. Also, there is an **unsolved contradiction with GPSR**, where instructions are considered essentials/safety information that should not be provided only digitally.

1. Handling paper instructions should not burden distributors

It is imperative that distributors are not requested to print or store instructions in the place of manufacturers. The provisions must make it explicit: manufacturers must provide a direct, reliable mechanism for consumers to obtain paper instructions free of charge, while distributors should never be forced into a role they cannot fulfil without massive inefficiencies and legal risk.

Distributors, among them SMEs, handle thousands of products across multiple categories and channels, making it operationally impossible to store, print, or manage paper instructions on demand. This is also the case for e-commerce, where it is inconceivable ensuring physical documentation accompanies every shipment upon consumer request, unless instructions are already accompanied by the product. Transferring this duty to distributors would not only create disproportionate costs and logistical chaos but also undermine legal certainty by blurring the clear allocation of responsibilities under EU product law. Manufacturers are the only actors with full technical knowledge of their products and the safety measures required for proper use. They are therefore uniquely positioned to ensure accuracy and compliance. Any system that shifts this burden downstream risks errors, consumer confusion, and enforcement disputes. Digital transition and simplification cannot be achieved by shifting burdens that fairly belong to manufacturers to other economic operators.

Commission proposal	EuroCommerce proposal
Recital 8 ... Where manufacturers choose to provide instructions in digital format, in order to still protect the safety of consumers, the safety information, including instructions having impact on product safety, should be provided in paper format or marked on the product. Moreover, end-users should be able to obtain a paper copy of the instructions for use or safety information, upon request – at the time of the purchase and for a certain period of time after their purchase.	Recital 8 Where manufacturers choose to provide instructions in digital format, in order to still protect the safety of consumers, the safety information, including instructions having impact on product safety, should be provided in paper format or marked on the product. Moreover, manufacturers should also provide alternative means for dispatching the paper instructions directly to the end-user free of charge <u>without burdening the distributor.</u> <u>Distributors shall not be required to print or store instructions, unless they wish to do so voluntarily.</u>
Articles regarding paper instructions¹ ... However, the end-user may, at time of the purchase of the appliance or fitting, or up to six months after that purchase, request the instructions or safety information in paper format. Where the end-user requests those instructions or safety information, the manufacturer shall provide them to the end-user, free of charge, within one month of receiving the request.’	EuroCommerce proposal on those articles ... However, the end-user and distributor may, at time of the purchase of the appliance or fitting, or up to six months after that purchase, request the instructions or safety information in paper format, a request that should be fulfilled by the manufacturer. Where the end-user requests those instructions or safety information, the manufacturer shall provide them to the end-user, free of charge, within one month of receiving the request.’

¹ Regulation 2016/424 – Article 11(7), Regulation 2016/425 – Article 8(7), Regulation 2016/426 – Article 7(6), Regulation 2023/1542 – Article 38(1), Directive 2013/53 – Article 7(7), Directive 2014/29 – Article 6(7), Directive 2014/30 – Article 7(7), Directive 2014/31 – Article 6(7), Directive 2014/32 – Article 8(7), Directive 2014/33 Articles 7(7) & 8(7), Directive 2014/34 – Article 6(8), Directive 2014/35 – Article 6(7), Directive 2014/53 – Article 10(8), Directive 2014/68 – Article 6(7), Directive 2014/90 – Article 12(8)

2. Missed opportunities for digitalisation: Batteries Regulation 2023/1542

Proposal 1: The information highlighted should stay on the product, while the rest should be allowed to only be provided digitally. The current proposal should address the extensive non-safety information mandated for physical labelling of batteries, especially since the same information must also be provided via a QR code (Article 13(6)). Only the information of Annex VI, Part A that is highlighted below, should be provided on the product, its packaging or accompanying information.

1. Manufacturer identification (name, contact details)
2. Battery model/batch/other identification
3. Place of manufacture
4. Date of manufacture (month and year)
5. Weight
6. Capacity
7. Chemistry
8. Hazardous substances present (other than mercury, cadmium, lead)
9. Usable extinguishing agent
10. Critical raw materials present (>0.1% by weight)

CE marking & Cross-Bin logo

Proposal 2: The due diligence procedure of Batteries Regulation should align with the procedure proposed under CS3D, rather than introducing a distinct one. Coexistence of sectorial (Batteries Regulation) and horizontal (Directive 2024/1760, “CSDDD”) due diligence obligations generates regulatory duplication, unnecessary administrative burdens and risk of legal uncertainty for economic operators. CSDDD provides a unified, risk-based framework with clear thresholds and prioritization mechanisms, which allows for the proper management of social and environmental risks in activity chains, including the battery sector. Maintaining both frameworks would imply that companies that fall under the threshold of the Batteries Regulation should apply different risk identification methodologies and undergo duplicate external verification. **The repeal of Articles 48-52 and Annex X avoids rework**, ensures legislative consistency and complies with the principle of better regulation and aligns with the Omnibus Proposal.

3. Proportionate Obligations for Distributors

Distributors cannot provide information they do not possess. **They should only be expected to provide the information that has been explicitly made available to them by previous operators.** Distributors do not have access to confidential technical documentation, such as full formulation details in the case of chemical mixtures which is often protected under intellectual property (IP) rights and retained by the manufacturer.

Commission proposal	EuroCommerce proposal
Articles concerning distributors² ...Distributors shall, further to a reasoned request from a competent national authority, provide it, in electronic form, with all the information and documentation necessary to demonstrate the conformity of [the product].	EuroCommerce on articles concerning distributors ...Distributors shall, further to a reasoned request from a competent national authority, provide it, in electronic form, with all the information and documentation made available to them by the manufacturer, importer or authorized representative , necessary to demonstrate the conformity of [the product].

² Reg 2016/424 Art. 14, Reg 2016/425 Art. 11(5), Reg 2016/426 Art. 10(5), Reg 2023/1542 Art. 15(6), Dir 2013/53 Art. 10(5), Dir 2014/29 Art. 9(5), Dir 2014/30 Art. 10(5), Dir 2014/31 Art. 9(5), Dir 2014/32 Art. 11(5), Dir 2014/33 Art. 11(5), Dir 2014/34 Art. 9(5), Dir 2014/35 Art. 9(5), Dir 2014/53 Art. 13(5), Dir 2014/68 Art. 9, Dir 2014/90 Art. 14.