

EuroCommerce Feedback on the DPP Registry

EXECUTIVE SUMMARY

We welcome the consultation for the creation of the DPP registry under the ESPR. Our main recommendation is that the implementing act is designed with the upcoming European Product Act in mind, and particularly the Market Surveillance Regulation, and its potential recommendations to tackle direct non-compliant product imports from non-EU manufacturers. We also recommend that the DPP registry is designed to be interconnected with other databases, and we urge for flexibility so that the DPP registry is adjusted to the upcoming European Product Act. A key priority is to ensure the overall coherence, enforceability, and technical feasibility of the DPP in line with both ESPR and the future European Product Act.

KEY RECOMMENDATIONS

Links. The DPP registry should include a link to the DPP itself. This will assist with direct access to the DPP.

DPP automated checks. The automated checks by the Commission provided for in the implementing act should remain limited to the existence and semantic completeness of mandatory data, the applicable granularity level and the validity of required identifiers. Such checks should not evolve into substantive compliance verification, systematic validation of supporting documentation or broader market surveillance controls. The DPP Registry should remain an interoperability and registration infrastructure, rather than evolving into a broader compliance assessment or ex-ante market access control mechanism. Furthermore, economic operators creating or managing DPPs should not be subject to additional administrative obligations requiring duplication of information already available through other systems or documentation.

Proportionate and risk-based compliance mechanisms. Any future compliance verification mechanisms linked to the DPP Registry should remain proportionate, risk-based and operationally feasible for economic operators. Compliance with product legislation in the EU is generally enforced through targeted inspections, sampling activities and requests from competent authorities, rather than through systematic ex-ante verification of supporting documentation for all products placed on the market. In this context, automated checks linked to the DPP Registry should primarily focus on the existence and formal completeness of the required information, rather than on systematic verification of underlying technical documentation or test reports. Extending systematic compliance checks to all DPP-related information could generate significant operational bottlenecks, delays in customs and logistics processes, disproportionate administrative burdens and increased compliance costs, particularly for companies managing large product portfolios and international supply chains, but also for SMEs. Enforcement mechanisms should therefore remain aligned with existing EU market surveillance principles based on proportionality, risk analysis and selective controls.

Alignment with Market Surveillance Regulation Revision. In view of the impact assessment options considered under the Market Surveillance Regulation (MSR) revision, it is worth designing the implementing act for the DPP registry in a way that in the future it can accommodate (automatic) verification of Authorised Representatives (ARs) and their mandates for the specific product listed in an online marketplace. This is both relevant for products which do and do not have DPPs, as per the policy options in the impact assessment for the MSR.

DPP registry interconnection with other platforms. We understand that the objective under the upcoming European Product Act will be to introduce horizontal DPP requirements and also enable the interconnection of different database to increase compliance. The implementing act could benefit from reference to interconnections with other databases such as the Safety Gate, ICSMS and other.

90-day validity of proof of registration. We would like to point out that the validity period of the proof of registration might be too short for products imported outside the EU. However, considering that DPPs might become invalid, we understand that prolonging this period might create compliance issues. Therefore, we recommend that a real-time verification mechanism is considered as an additional option for such cases.

Registry usability and SME accessibility. We would support business-friendly registration processes, taking stock of the EPREL experience, and the feedback from business users. We support a registration which can be automated to the greatest extent possible, allowing direct integration with companies' existing product data systems, ERP and PIM systems, and e-commerce platforms. Particular attention should be paid to avoiding a situation where the DPP registry becomes a similarly burdensome and poorly implemented obligation as has been experienced with certain chemical product databases.

Enforcement & level playing field. Without effective and uniform enforcement, compliant EU operators risk being placed at a competitive disadvantage relative to non-EU operators who do not face the same scrutiny as operators based in the EU. The registry's design and its integration with customs and market surveillance workflows should therefore support enforcement, without introducing disproportionate obligations to economic operators (see above).

Practicability. It is the importance for the Commission to set clear requirements as early as possible, together with sufficiently long implementation periods. This is critical to allow companies adequate time to build the necessary system solutions to comply and for supply chains to adjust accordingly.

QUESTIONS

- What exactly will be required at the time of import? Specifically, will a DPP reference number need to be stated in the import declaration?
- Will customs systems (e.g., ICS2, EU Single Window) be interconnected with the DPP Registry for automated clearance checks? If yes, at what stage of the customs process - pre-arrival, at declaration, post-clearance?
- The registry validates commodity codes for "customs purposes" -will a mismatch between the HS code declared in the customs entry and the commodity code registered in the DPP Registry trigger a customs hold or rejection? And who is responsible for ensuring alignment?
- If customs authorities flag a product for missing/invalid DPP registration, who bears liability?
- Considering that customs have specific processes in terms of granularity levels, how will customs handle products where the DPP granularity level (model vs. batch vs. item) doesn't align with the customs declaration level (which is typically at HS code/consignment level)?
- If a DPP is updated post-import (versioning), can this retrospectively trigger a customs compliance issue for goods already cleared and in the marketplace?

- Given the potentially lengthy application and verification timelines, a validity period of only three years appears quite short. Has the Commission assessed whether this duration is proportionate, especially in light of the associated administrative burden and processing times?
- Validity of verified economic operator status: Given the potentially lengthy application and verification timelines, a validity period of only three years appears quite short. Has the Commission assessed whether this duration is proportionate, especially in light of the associated administrative burden and processing times?
- Where a DPP is created at item level, Article 8(3) requires linkage to batch identifiers "where batch and model design exist in production." What criteria will be used to determine whether batch design "exists in production," and will this be clarified in the product-specific delegated acts or elsewhere?
- For operators who manage batch as a process attribute rather than a standalone identifier, how is compliance with the batch linkage requirement expected to work in practice?
 - Background: batch structures are not consistently implemented as distinct identifiers and are often managed as process attributes rather than standalone identification layers. This also means the logic of the identifier can vary significantly between companies, with some using combinations of letters and numbers, while others rely exclusively on numerical structures.
- Will the harmonised standards developed by CEN/CENELEC, and/or the semantic repository under Article 12, define the required format and structure for batch identifiers submitted to the registry? If so, at what stage will this standardisation be available relative to the first DPP obligations entering into force?

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Contact:

Evi Moutsipai | Product Policy & Sustainability Advisor, moutsipai@eurocommerce.eu

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