

EuroCommerce Position on the DPP under the European Product Act

A. EXECUTIVE SUMMARY

EuroCommerce welcomes the upcoming European Product Act (EPA) and definition therein of a horizontal framework for rules concerning Digital Product Passports (DPPs). We support the upcoming reforms' potential to strengthen digitalisation, circularity, and product compliance, and help address the challenge of non-compliant product shipments from third countries. Simultaneously, we stress that **DPP implementation must be gradual, and guided by the principles of proportionality, practicality and legal certainty.**

We caution against the DPP evolving into a documentation repository system, instead of a product information tool. Information requirements should be limited to what is necessary under relevant product legislation, avoiding excessive data collection, item or batch level serialisation by default, third-party verifications and the inclusion of sensitive technical files, which would create significant costs, cybersecurity risks and administrative burdens, particularly for SMEs, without additional benefits for product compliance.

At the same time, we see value in allowing businesses to use the DPP as a single access point for a broader range of product-related information, beyond what is strictly required under product legislation. **Enabling such flexibility would help companies maximise the benefits of their investments in DPP systems and further reduce fragmentation of product information across multiple channels.**

We advocate for a **phased DPP introduction** with sufficiently long transition periods, clear technical standards, data requirements and operational infrastructure in place before obligations apply. We also call for **proportionate allocation of responsibilities across the supply chain**, ensuring distributors are not held responsible for the accuracy of DPP data and circular-economy operators are subject to realistic and role-appropriate obligations. Finally, we call for a **digital-first approach** to product information, except for essential/safety information which should remain with the physical product, while this term could benefit from a definition. Lastly, we emphasize the need for coherence across EU legislation and further guidance potentially under the Blue Guide.

B. DPP PRIORITIES

Our priorities on the DPP and digital can be found in detail in our [Position Paper](#). More information on the DPP can also be found in our [dedicated webpage](#). Moreover, in [our position for Omnibus IV](#) we have laid out our views on the digitalisation of instructions, coherence with other legislation and need to define what safety/essential product information is. Below our key priorities under the EPA:

1. Proportionality and use of the DPP for compliance

We support the use of the DPP as a compliance tool. This should also facilitate the targeting of inspections upstream, to the operators with technical control of the products placed on the market. Crucially, it should be used to address the challenge of non-compliant direct shipments from outside the EU and contribute to the identification of the EU responsible operator. This is in conjunction with our [position on the revision of the Market Surveillance Regulation](#), where we lay out our recommendation to tackle non-compliance product shipments from third countries, by the creation of fully accountable certified Authorised Representatives.

All DPP requirements should be assessed against the principles of necessity and proportionality. We recommend a phased approach in the DPP introduction and implementation.

While digitalisation offers clear benefits, it also generates substantial costs related to data collection, storage, system maintenance, interoperability, cybersecurity, access management and long-term data availability. The level of obligations imposed on businesses will depend heavily on implementation choices such as serialisation requirements, access rights and the volume of information requested. The depth of information requirements should be proportionate to the objective, verifiable and related to its purpose. **As a result, the DPP should:**

- a) Begin with a **limited scope** before gradually applying to more products.
- b) Consider **less complex solutions** (e.g. digital labels) for low-impact items in terms of circularity with less use-phase or end-of-life interest.
- c) Start with a **restricted set of essential compliance information**, such as Declarations of Conformity, rather than extensive documentation requirements (e.g. technical files/documentation).
- d) Start with **model level** DPPs as a default, while allowing operators to serialise further if they wish.
- e) Ensure non-compliance warnings are conditioned to formal, finalised and substantiated decisions by authorities to avoid unwarranted market withdrawals.
- f) Allow operators to **display non-mandatory information**.
- g) **Avoid DPP backups hosting obligations**, which are costly and redundant, considering that DPP data is already hosted in companies' systems.
- h) **Avoid redundant statements** around data carriers.
- i) **One data carrier** to host a product's data points from different legislation.
- j) Allow operators to **adjust the language** of the information in the DPP based on location.

The DPP must include only information required by the relevant product legislation, not broad technical documentation or technical files, which would significantly increase complexity and cost without added value.

- Inclusion of highly sensitive or overly broad information (e.g. complete technical documentation) risks duplication, higher storage costs, and data-quality or confidentiality issues. Requiring continuous access to extensive documentation would create substantial burdens

related to data retention, cybersecurity, version control and liability, while also raising questions about the capacity of authorities to process and assess large volumes of information effectively.

- During inspections, authorities typically need to interact with the operators and do not only rely on information in documentation.

2. Digital first principle

The European Product Act could benefit from a digital first principle, notably through **digitalising product information, except for essential/safety information** which should remain with the physical product.

Examples of information which can be digitalised

- a) Legal and commercial guarantees, usage/end-of-life instructions, instruction manuals, detailed quality information, supplementary labels or claims, detailed sustainability information;
- b) Language requirements in countries with multiple official languages;
- c) Specific national information requirements which create internal market barriers (e.g. Belgian reparability index or SAR value for mobile phones).

Additionally, the European Product Act should consider a **definition** for essential/safety information per product (under sectoral legislation or guidance). The opposite would lead to diverging interpretations across member states and by market surveillance authorities, creating uncertainty for businesses and undermining the benefits of digitalisation.

3. Sufficient transition periods

It is critical that technical and data requirements, necessary systems, standards, secondary legislation and guidance are already in place and operational before the implementation period starts. The Commission should provide sufficiently long implementation periods. The 18-month transition periods often foreseen are too short for DPP implementation. Sufficient time is critical for companies to build the necessary system solutions to comply and for supply chains to adjust. The DPP must follow a stepwise and proportionate introduction, aligned with timelines and feasibility assessments in sector-specific legislation.

4. Proportionate obligations for economic operators

It is critical to ensure obligations for economic operators, including new circular ones, are proportionate to their role in the supply chain. **A distributor cannot be made responsible for the accuracy of the information in a DPP.** Additionally, the European Product Act could benefit from:

- a) Introducing the clarification that distributors are only responsible for factual verifications.¹
- b) Ensuring that distributors are not called to print or store information which has been digitalised by manufacturers, nor to provide digital labels and their information when those do not work, nor to bear the administrative burdens of digitalisation.²

¹ Recital 32 of [GPSR](#).

² Currently an obligation under CLP Article 34a (2).

- c) Considering the readiness of non-EU suppliers. Without such foresight, EU economic operators relying on international supply chains would risk becoming the de facto coordinators of compliance for suppliers who may not yet understand their obligations.

5. Circularity

Considerations for circularity under the EPA:

- a) Proportionate obligations circular operators' actual role and capabilities (e.g. proportionate responsibility regarding modifications on products, obligations vis-à-vis the DPPs).
- b) Manufacturers must provide access to the documentation and compliance information necessary for circular activities.
- c) At the same time, the Commission should request a proportionate number of information associated with circular products. Not all information on used products is always available.
- d) Any conformity assessment for circular products must not hinder circular business models through excessive cost, complexity, or unrealistic administrative requirements. Additionally, the approach on conformity assessments for circular products should be product specific.

6. Coherence with other legislation

Ensure alignment with the GPSR (e.g. report on product safety and circularity), in particular the interaction between the conformity assessments for circular products assessed under the EPA/NLF and rules under the GPSR (in [particular the study on the safety of circular products](#)).

7. Consider guidance

It is worth considering guidance to clarify the obligations of new economic (circular) operators, as well as to clarify the obligations of all operators vis-à-vis the DPP. This could also happen under the Blue Guide. It would be particularly useful to introduce examples of different scenarios or actors interacting with the DPP and their responsibilities. This is particularly relevant for cases in which third country operators register DPPs in the DPP registry or create DPPs.

We recognise the rationale behind enabling non-EU actors to create DPPs, as the opposite would introduce a considerable burden on EU importers. In such cases, similar to where things currently stand in product legislation, importers would be responsible for product compliance and verifying certain actions have been fulfilled vis-à-vis the DPP. At the same time, we recognise certain limitations associated with the operational management of DPPs which might be beyond importers' control (e.g. in case non-EU DPP creators would have to give access rights to third actors, update DPP content etc). Guidance could offer clarity in such situations.

Concerning private label products, we would focus on the actor who ultimately assumes responsibility for the product, rather than asking which actor would be obliged to create/operate the DPP. A certain degree of flexibility should be foreseen for such arrangements, as a lot depends on contractual agreements between companies.

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