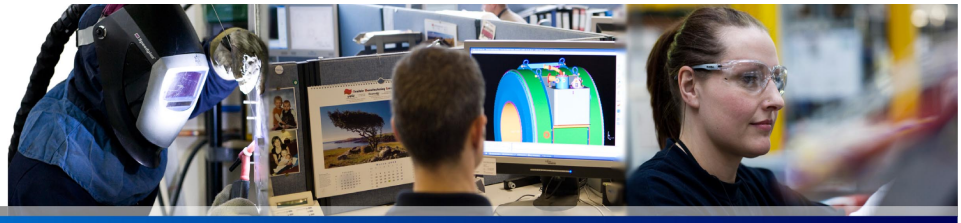
EUROPEAN FORUM for MANUFACTURING



EUROPEAN PRODUCT ACT

Tuesday 4 November 2026

18h00 Cocktail – 18h30 Dinner & Debate
Members' Salon, European Parliament

Organised in partnership with Lighting Europe













INTRODUCTION BY THE PARLIAMENTARY HOST



João COTRIM DE FIGUEIREDO MEP (RENEW, Portugal,) ITRE Committee

Ladies and Gentlemen, dear colleagues, as Parliamentary Host this evening, I would like to welcome you all to the European Parliament and this European Forum for Manufacturing on the European Product Act

My first thanks must, of course, go to the European Forum for Manufacturing for organising this event in partnership with Lighting Europe.

It is a particular pleasure to have two lead representatives from the European Commission, colleague Members of the European Parliament, European Manufacturers and Civil Society present for this debate.

Before welcoming the first Commission speaker, I would like to make a few introductory comments about the European Product Act.

- Why The European Product Act Matters For The Single Market
  Let me explain why I believe this discussion is particularly important. We speak a great deal about the Single Market, its achievements and the challenges it faces.

  But I would argue that there is perhaps no issue that better represents the essence of the Single Market than the free and seamless circulation of products across Europe. That is, after all, one of the fundamental principles on which the Single Market was built.

  Yet the world in which our product rules were developed is very different from the world we live in today. When the existing framework was last substantially revised, we were still in the early days of the mobile phone. Online shopping was nowhere near as widespread as it is today, and we certainly were not routinely buying products that could be updated remotely through software.

  The world has changed dramatically. Eighteen years have passed. That is the age of majority, and I think we can safely say that this new market deserves to be treated as an adult, with rules that reflect today's realities.

  The world of products has evolved enormously, but our regulatory framework has not kept pace.

- Modernising The Rules Without Abandoning What Works
  I am not one of those who believes that rules are necessarily bad simply because they are old. On the contrary, I think many of the principles and requirements we already have in place remain perfectly valid.

  The issue is not simply about replacing existing legislation. It is about making sure that our rules are appropriate for today's market and, crucially, that they are properly enforced. This reform, as currently proposed, is something that concerns only specialists, lawyers or technical experts.

  However, this is a much broader political and economic question. It is about what kind of Single Market we want to have. It is about whether there is a genuine level playing field for businesses. It is about whether European manufacturers can compete fairly. And it is about whether European consumers can trust the products they buy, wherever and however they purchase them.

These are fundamental questions for the future of the European economy.

- Postponement of the European Product Act
  The Commission has indicated that it wants more time to present the general product rules alongside the relevant sector-specific changes. If this additional time allows for greater coherence between the different pieces of legislation, then I believe it will be time well spent. But if the delay ultimately results in weaker rules or softer consequences for those who fail to comply with them, then that would be a very different matter.

  We need a coherent and effective framework that supports the Single Market while ensuring that the rules are respected.

For my part, I will leave it there.

I am now pleased to invite our first European Commission speaker Felicia Stoica, who is Head of Unit for Market Surveillance in DG Grow. She will explain the heart of the proposal and give us a clearer picture of what we can expect.

EUROPEAN COMMISSION KEYNOTE SPEECH

Felicia STOICA, European Commission, DG Grow, Head of Unit for Market Surveillance



European Product Act, Digital Product Passport and Market Surveillance

<u>Introduction</u>
As the legislative text has not yet been published, I cannot go into too much detail. However, I can explain what the European Commission aims to achieve through the European Product Act: a level playing field and a high level of safety for consumers and individuals.

In preparing my intervention, I have consulted with colleagues to better understand the issues of particular interest to you. I have therefore tailored my remarks accordingly.
I would like to address three main topics:

- The Digital Product Passport [DPP], particularly where we currently stand with its implementation.
- The reasons behind the delay in presenting the European Product Act, a question I have been asked frequently in recent weeks.
- The challenges associated with online sales, particularly the existing regulatory loopholes and the lack of a level playing field, and how the Commission intends to address them.

<u>Digital Product Passport: Moving from Concept to Reality</u>
Starting with the Digital Product Passport, our objective is to move from concept to practical implementation.
In July, we launched the rollout of the DPP Registry, a European platform designed to provide access to essential product information for consumers, users, market operators, investors and other stakeholders.

The Registry is currently in its testing phase. Its deployment will be gradual, particularly across the sectors covered by delegated acts under the Ecodesign for Sustainable Products Regulation [ESPR] and other standalone acts providing for the DPP. This process is expected to take place between 2027 and 2030.

One of our primary objectives under the European Product Act is to prevent fragmentation of the Digital Product Passport framework. The DPP was originally introduced as an excellent concept under the ESPR. However, because of its potential, the concept was subsequently taken up by several other sectors. As a result, different approaches to the DPP began to emerge, creating a risk of fragmentation. This is precisely what we want to avoid.

Through the European Product Act, we aim to bring these different approaches together within a single, coherent European framework.

- The objective is to establish one common DPP system, rather than separate systems for different products or sectors.

For example, a connected toy may be subject to several pieces of EU legislation, including the Toy Safety Regulation and requirements relating to radio equipment. Our intention is to ensure that such a product can be covered by a single Digital Product Passport, accessible through one QR code, rather than having to comply with multiple, potentially overlapping DPP systems. To achieve this, we intend to integrate the DPP framework into the New Legislative Framework, covering areas such as radio equipment, machinery or electromagnetic compatibility.

A further objective is to ensure that the European Product Act becomes the common legislative reference for any additional sectors wishing to introduce Digital Product Passport requirements in the future. For example, if requirements relating to REACH were to incorporate a Digital Product Passport at some point, they would rely on the common framework established under the EPA rather than develop a separate system.

Naturally, the specific information to be included in each passport would continue to be determined at sectoral level, reflecting the particular characteristics and regulatory requirements of the products concerned.

This is the broader direction we are pursuing with the Digital Product Passport.

<u>The European Product Act: Reasons For The Delay And The Opportunity For Simplification</u>

Turning to the second point, why has the European Product Act been delayed?

The Commission wanted to take advantage of this legislative initiative not only to strengthen consumer safety and ensure a level playing field, but also to improve the overall coherence of the EU's product legislation.

In particular, we decided to address the alignment of sectoral legislation under the New Legislative Framework at the same time as the preparation of the European Product Act. Initially, this alignment exercise was expected to take place at a later stage. However, we recognised that there was a valuable opportunity to undertake this work from the outset.

Our ambition is therefore to achieve a much more substantial simplification of the regulatory product framework. This represents a necessary departure from the approach adopted when the New Legislative Framework was established almost twenty years ago. At that time, a set of common rules was developed and subsequently reproduced in individual pieces of sectoral product legislation.

Today, there are thirty–one legislative acts covered by the New Legislative Framework. Over time, however, some of these sectoral acts have diverged from the original common provisions. This has created inconsistencies between different pieces of legislation.

For European manufacturers whose products fall within the scope of several legislative acts, this may mean having to comply with different definitions, requirements or regulatory approaches, even where the underlying principles should be the same. These inconsistencies already exist in certain areas of sectoral legislation, and we want to prevent them from becoming more widespread. As you can imagine, this is an extremely complex exercise. Almost twenty years after the introduction of the New Legislative Framework, the process of reviewing the legal texts has made these divergences increasingly apparent.

What we are undertaking is therefore a major, generational effort to simplify and harmonise European product legislation.

- The central objective is to consolidate the common rules within a single legislative act: the European Product Act.

Individual sectoral acts would then retain only those provisions that are genuinely specific to their respective sectors. These would include essential product requirements and other provisions directly linked to the particular characteristics of the products concerned. In this way, we aim to create a more coherent, consistent and manageable regulatory framework for European manufacturers.

Online Marketplaces, Market Surveillance and Fair Competition

My third point concerns enforcement, particularly in the context of online sales.

When developing legislation, we aim to ensure that the rules are coherent, simple and clear. However, even the best-designed rules are of limited value if they cannot be effectively enforced. One of the greatest challenges we currently face relates to the online environment, particularly the emergence and rapid expansion of new business models operated by online marketplaces.

These marketplaces have fundamentally changed the way products enter the European market. Last year alone, approximately six billion low-value parcels entered the European Union.

The sheer volume of these imports has placed enormous pressure on market surveillance and customs authorities, which are increasingly overwhelmed by the scale of this transformation.

However, the challenge goes beyond the volume of goods entering the market. There is also a significant loophole in the current regulatory framework, particularly concerning the role and responsibilities of authorised representatives established in the European Union.

This situation puts responsible European businesses, which invest in complying with EU legislation, at a competitive disadvantage. Indeed, the current system can effectively favour businesses that do not fully respect European regulatory requirements.

Addressing this imbalance was therefore one of our priorities when we began work on the European Product Act. Our objective is to establish a more robust framework for identifying and holding accountable economic operators responsible for products entering the EU from third countries.

How Do We Intend To Achieve This?

- First, the Commission plans to establish a European Registry of Authorised Representatives.
    - This Registry will be closely linked to the Digital Product Passport system, although the technical arrangements are a separate matter.
    - The intention is that products entering the European Union and falling within the scope of EU market surveillance legislation, which currently encompasses almost 80 legislative acts, must have an economic operator established within the EU.
    - The first requirement is to ensure that this economic operator is a genuine, identifiable company.
    - The Registry would therefore incorporate mechanisms to verify the existence and identity of authorised representatives.
    - This is particularly important because experience has shown that, under the current system, authorities sometimes encounter difficulties even establishing whether a designated authorised representative actually exists.

- The second requirement concerns the relationship between the authorised representative and the manufacturer.
    - We need to ensure that authorised representatives are fully aware of which manufacturers they represent and which products fall within their responsibility
    - In some cases, market surveillance authorities have managed to identify an existing authorised representative, only to discover that the company was unaware that it had been designated as responsible for a particular product.
    - This is clearly an unacceptable situation.
    - We therefore intend to ensure that authorised representatives hold a valid mandate from the third-country manufacturer and that this mandate can be verified through the registry.

However, these two conditions alone are not sufficient. In principle, even a very small business could meet the requirements of being legally established and holding a formal mandate.

What matters is whether that business has the actual capacity to fulfil its responsibilities.

- Therefore, a third requirement that authorised representatives must have sufficient resources, including financial resources, to comply with enforcement decisions.
    - They must be capable of taking the necessary corrective measures when products are found not to comply with EU requirements.
    - This includes organising product recalls, withdrawing non-compliant products from the market and, where necessary, arranging for their destruction.
    - In other words, authorised representatives must not exist merely on paper. They must have the practical and financial capacity to fulfil their obligations under EU law.

These measures are intended to strengthen enforcement, close existing loopholes and ensure fairer competition between European manufacturers and economic operators placing products on the EU market from third countries.

Closing Remarks
These are the main points I wanted to highlight today, to provide some context on the thinking behind the European Product Act and the objectives we are seeking to achieve.
Of course, the scope of the EPA extends well beyond the issues I have discussed.
However, based on the discussions with colleagues ahead of this meeting, I understood that these were the topics of greatest interest to you.

INDUSTRY OPENING REMARKS
Elena Scaroni, LIGHTINGEUROPE, Secretary General



Let us imagine that I am lighting manufacturer – a lighting manufacturer that decides to design a new product.

Before any designer draws a single line, there is a checklist to run:

- Is it a light source or a luminaire?
- Will it be sold to consumers? Then the General Product Safety Regulation applies – on top of everything else.
- Is it a lighting column for a road? Then the Construction Products Regulation comes in.
- The Low Voltage Directive. The EMC Directive.
- A radio module? The Radio Equipment Directive.
- RoHS and REACH for substances.
- Connected? The Cyber Resilience Act.
- A battery inside – for an emergency light, or a solar light? The Batteries Regulation.
- Ecodesign. Energy labelling. For light sources, both.
- WEEE at end of life. The new Packaging Regulation. And consumer guarantees.

That is more than a dozen frameworks. Each with its own obligations: design requirements, substance restrictions, labels, conformity assessment, printed leaflets, producer responsibility. And each with its own cost.

None of this disappears with the European Product Act. And rightly so. These rules protect people and the environment. A luminaire in 2030 will still be a luminaire.

So, the question tonight is not whether the Act changes what we make. It is whether it changes what it costs to prove that what we make is compliant. As data points, keep in mind that product development can take between nine months and one year, material costs will include testing, participation in standardisation committees and all compliance considerations mentioned above.

This brings the cost of compliance between 20% and 25% of the final product.
I see three places where the EPA can make a difference:

- Digital product information
- Faster, clearer standards
- Circular products with a clear owner.

- Digital Product Information Option
  - By Default And Entered Once
    We should always have the possibility to provide product information digitally. Not only for instructions of use and for declarations of conformity but for safety information too. Picture it: a code on the product. Scan it, and the information opens in your language, at the font size you need, and it can be updated at any time. Paper can do none of that.

The Omnibus IV package has already laid the groundwork. It brings 'digital by default' to twenty product laws, including the Low Voltage, EMC and Radio Equipment Directives. Digital declarations of conformity. Digital instructions. But safety information stays on paper.

The European Product Act should take that last step. And to be clear: the markings on the product stay exactly as they are. We are talking about the paperwork in the box, not the mark on the product.

- Second point on digital: use what already works.
  For light sources, Europe already has a digital compliance tool. It is called EPREL. Public data for consumers. Technical documentation for market surveillance authorities. And since October 2024, every supplier registering a model must pass digital identity verification.

  In June, the Omnibus on Energy Labelling proposed a once-only principle for EPREL, and fully electronic product information sheets. Let's apply the same logic to the Product Act. Whatever digital framework the Act creates must build on EPREL, not next to it. A manufacturer should enter the same data once. Not once for EPREL, once for a product passport, and once more for a registry.

  This matters most for the smallest companies. A decentralised passport is built and maintained by each manufacturer, and most of our sector is small and medium-sized companies. Every duplicate system is a cost they carry alone.

One more thing. Digital information is only worth something if someone checks it.
Where a seller has no responsible economic operator in the EU, the online marketplace must be the operator of last resort. Otherwise, digitalisation becomes a cost for the companies that comply – and a free ride for those that do not.

- Standardisation – Fix The Assessment, Not Only The Clock
  Back to our manufacturer. If they work in standardisation, they know the Commission's own figure: around six years, on average, to deliver a harmonised standard.

  Roughly a year and a half waiting for the standardisation request. Three years drafting. More than a year for assessment and citation in the Official Journal.

  For our sector, this is not abstract. The light source regulations were adopted in 2019. The draft standardisation request came four years later. In the meantime, the international standard moves on, and the European edition falls behind. So, our members test twice. Once against the cited edition, for presumption of conformity. And once against the latest edition because that is what customers ask for.

  The proposal aims to bring six years down to four, with binding deadlines at key steps. We asked for exactly that. We welcome it.

  But a deadline does not fix a conversation that is not happening. Between 2018 and 2022, Harmonised Standards (HAS) consultants assessed 2,793 draft harmonised standards.

  69% received a negative assessment. 69%!

  That is not only a verdict on technical committees. It is a verdict on a system where the people who write a standard and the person who assesses it work in separate rooms. By design, HAS consultants do not take part in drafting. Independence matters – harmonised standards are

part of EU law. But independence cannot mean that a committee learns what the assessor expected only after years of work. And when HAS consultants comment on an IEC draft, there is no formal route for that comment to reach IEC. Our own committee, CLC/TC 34, had to invent a workaround.

So, our asks are concrete. Three of them:

- a transparent mandate. Published criteria for every assessment, limited to the standardisation request and the essential requirements. By our count, almost a third of rejections were for formal reasons alone.

- a structured link. The HAS consultant known from the start of the work item. Engaging with the committee at fixed points during drafting. Giving written reasons the committee can answer.

- a route into international work. So that Europe's comments shape the IEC standard instead of producing a European deviation from it. And underneath all three: write the assessment step into the Regulation, with its own deadline and its own performance indicators. Like every other step.

- Circularity Needs Names, Not Slogans

  Our members design products to be upgraded, repaired and refurbished. We want that market to grow.

  But today, the New Legislative Framework does not define a refurbisher. Or a remanufacturer. Or a substantial modification. And a market without definitions is a market without responsibility.

  So, we need clear definitions, aligned with Ecodesign: repair, refurbishment, remanufacturing, substantial modification. And clear responsibilities to go with them.

  A refurbisher is responsible for what it changes – and for any effect those changes have on the safety of the whole product.

  A remanufacturer is a manufacturer. Its own name on the product. Its own conformity assessment. Its own declaration.

  In all cases, safety shall be unconditionally guaranteed and the responsibility of anyone making modifications to a product. And we need a clear system for intellectual property. When can a refurbished product carry the original brand? On what terms are documentation and firmware licensed to a refurbisher?

  The Right to Repair Directive already says intellectual property can justify limits on repair but only on legitimate and objective grounds. We are asking for rules just as clear for refurbishment. Rules that let it scale without putting a brand on a product its owner can no longer stand behind.

- Enforcement

  Of course, there is a fourth key element: enforcement. The European Product Act will, of course, revise the Market Surveillance Regulation.

  And rules have no value if they are not properly enforced. When they are not, consumers are put at risk, and the companies that comply are put at a competitive disadvantage. Nowhere is this more true than in online sales.

Closing Remarks
We will test the upcoming EPA on four questions:

- Does a manufacturer enter the same data once?
- Do harmonised standards arrive on time – assessed against criteria everyone can see?
- And does every modified product carry the name of someone responsible for it?
- Are there mechanisms in place so that rules can be properly enforced and always a liable operator in the EU for product compliance?

If the answer is yes to all four, Europe will have simplified product law, not just rewritten it. LightingEurope is ready to work on all four.

REVOLUTIONISING PRODUCT LEGISLATION AT THE TIME OF DIGITALISATION AND CIRCULARITY

INDUSTRY AND CIVIL SOCIETY VIEWS

Federica Boledi, ORGALIM – Europe's Technology Industries, Senior Manager Internal Market



Let me start with something very concrete: an engine – very big engine. The kind you find in a ship or a power station. From the outside, you see one product. But inside, you can have tens of thousands of individual components, sourced through complex global supply chains.

Why do I start with an engine? Because it illustrates very well both the opportunities of digitalisation, and why we need to get the details right.

At Orgalim, our starting point is clear: digitalisation is an opportunity. Digital product information and compliance can be easier to access and update. It can help manufacturers, users and market surveillance authorities, reduce paper and support maintenance and circularity.

But digitalisation must also be proportionate.

Imagine that our engine now has to carry information from Digital Product Passports for the materials and components inside it. Take something as simple as a screw. 500 identical screws might come from supplier A and another 500 from supplier B. Those 1,000 screws might then be used across 10 engines.

After assembly, the manufacturer does not necessarily know which particular screw ended up in which engine, because industrial production was never designed to trace products in that way. Now multiply that problem across tens of thousands of components. Suddenly, one engine could potentially require links to thousands of upstream DPPs.

So, we need to ask ourselves: are we creating useful information, or are we simply creating more data? Because more data does not automatically mean more transparency or better compliance.

Our message is simple: let us digitalise compliance, not bureaucracy.

And this brings me to the broader question of what we need from the European Product Act.

Orgalim represents Europe's technology industries, some 770,000 companies, the majority being SMEs, manufacturing everything from industrial machinery and robots to electrical equipment, electronics and consumer products.

So, we look at European product legislation from a very broad, horizontal perspective. And from that perspective, I think it is important to be clear about what the European Product Act is really about.

It is not just about B2C products. It is not just about e-commerce. And it is not just about market surveillance either, even though all these elements are there and are important. Fundamentally, it is about Europe's framework for ensuring that products placed on our market, including industrial products, are safe and compliant.

That framework has to work for a huge variety of products, from a simple electrical appliance to the engine I have just described. And from that perspective, I would highlight four recommendations to policymakers to get the EPA right:

- Do Not Change What Works Well.
  The principles underpinning the New Legislative Framework have supported the Single Market successfully for many years. The objective should be to modernise and improve that system, not to reopen fundamental principles that continue to serve us well.

- Future-Proof The Framework.
  The EPA should create an 'EPA check' mechanism for future product legislation, to avoid unnecessary deviations from horizontal principles. It should also set realistic implementation timelines that reflect the time needed to develop standards, adapt products and demonstrate compliance.

- Rules Are Only As Credible As Their Enforcement.
  Enforcement is as important for consumer products and low-value parcels as it is for industrial products. European manufacturers of B2B products also compete against non-compliant products. Companies that invest in meeting Europe's rules should not be put at a disadvantage against those that simply ignore them.

- Safeguard Coherence Across The Framework.
  We understand the EPA will come with amendments to several sector-specific laws. We ask the Commission that amendments are presented in the same act as the horizontal framework as this is an opportunity to remove overlaps and inconsistencies. And we ask Parliament to ensure coherence throughout the negotiations.

So let me finish where I started, with that engine. One product. Tens of thousands of components. Hundreds of suppliers. Multiple regulatory requirements.

If we can design a European Product Act that works for that reality, while keeping products safe and compliant and companies competitive, then I think we will have designed a very good framework.

And that should be our ambition.



Paolo Falcioni, APPLiA – Home Appliance Europe , Director General

It is a great pleasure to be here today on behalf of APPLiA, representing Europe's home appliance manufacturers. In the coming months, the European Commission is expected to present the European Product Act.

For our industry, this is not simply another regulatory revision. It is an opportunity to decide what kind of Single Market Europe wants for the next decade.

Because the market has changed dramatically. Products are increasingly connected. Consumers buy directly from sellers located thousands of kilometres outside Europe. Circular business models are growing. Product information is becoming digital.

Yet much of the architecture governing products in Europe was designed for a very different world. And Europe certainly does not suffer from a shortage of rules.

The real question is whether those rules are clear, enforceable and applied equally to everyone placing products on the European market. For European manufacturers, that distinction matters enormously.

Companies manufacturing here invest significant resources to comply with European safety, environmental and product requirements. That system can only work if the same expectations apply to every product reaching a European consumer, regardless of whether it arrives through a traditional retailer or through an online platform.

This is why stronger market surveillance must be at the centre of the European Product Act. Online marketplaces can no longer be treated simply as neutral intermediaries when they are an essential gateway through which products enter European homes. There must always be a legally reachable and accountable economic operator in Europe. Responsibilities must be clear, enforceable and backed by effective cooperation between national authorities.

We also believe Europe needs stronger coordination at EU level.

Non-compliance increasingly crosses borders. Enforcement should be able to do the same. A European market surveillance structure, equipped with modern digital tools, could help authorities identify non-compliant products and listings much more effectively. But enforcement is only one part of the equation. The Product Act is also an opportunity to finally bring product compliance into the digital age.

Today, manufacturers face a growing number of labels, databases, documentation requirements and data carriers.

Digitalisation should simplify that system, not reproduce the same complexity on a screen. We therefore support moving towards one EU QR code, providing a single digital access point to the information required under European product legislation. Because replacing five labels with five QR codes would certainly be digitalisation. I am less convinced it would be simplification.

The same principle should guide the Digital Product Passport. Before introducing mandatory requirements, we need a clear product-by-product assessment of what information is actually useful and what system can realistically deliver it.

Circularity also requires clearer rules.

When a product is refurbished or remanufactured by a third party, responsibility for its safety and compliance must follow the operator carrying out that activity. Consumers must know who has modified the product and who is accountable for it. Otherwise, we risk building consumer trust in circularity on very unclear foundations.

Finally, we must protect one of the greatest strengths of the European product framework: standardisation.

European legislation should define clear essential requirements. Technical experts should determine how those requirements can best be met. Standards must remain voluntary, market-driven and based on technical consensus. And when the European standardisation process works, we should allow it to work.

Common Specifications may have a role in exceptional circumstances, but they should remain exactly that: exceptional.

The European Product Act therefore has the potential to achieve something very important:
- A Single Market that is more digital, but also simpler.
- More circular, but also safe.
- More open, but also fair.

And above all, a market where compliance is not determined by where a company is established or through which channel a product is sold.

European manufacturers are ready to play their part. What we need now is a framework that ensures everybody else does so too.

Sylvia Maurer, BEUC – European Consumer Organisation, Director for Advocacy



- Introduction: Does Europe Really Need A Revolution In Product Safety?

  Thank you very much for the opportunity to contribute a consumer perspective to this very important discussion.

  The title of this panel is “Revolutionising Product Safety in Times of Digitalisation and Circularity.” When I consider what the European Product Act needs to deliver, I do not necessarily think we need a revolution. To a large extent, the definition of what constitutes a safe product in the context of digitalisation and circularity has already been established through the General Product Safety Regulation.

  When assessing whether a product is safe, we already need to consider aspects such as cybersecurity, the product's predictive functionalities and relevant circular economy considerations. For example, we need to assess whether a product remains safe after refurbishment and whether it can be used within closed material cycles. Because these are horizontal principles, they are also relevant to sector-specific product legislation.

  The challenge is therefore not necessarily to reinvent the fundamental principles of product safety. What we need is to address the serious shortcomings in the way existing rules are implemented and enforced.

- The Market Surveillance Regulation Is Not Fit For Today's E-Commerce Market
  The 2019 Market Surveillance Regulation was already inadequate when it was adopted, particularly when it came to addressing the challenges posed by e-commerce. And those challenges have only become more serious. We all know that the state of product safety today is deeply concerning.

  Consumers are receiving far too many dangerous products through e-commerce channels originating in third countries. These include toys, textiles and electronic devices.

  Our member organisations regularly test products sold through online platforms, and their findings are extremely worrying.
  At present, they tell us that there is not a single product category on some of these platforms that they can confidently recommend to consumers without reservations.
  We started by examining toys. Then we looked at textiles. Then we examined electronic devices.

  And each time, we reached essentially the same conclusion: we are facing a systemic problem that needs to be addressed. This is not simply a matter of isolated cases of non-compliance. It is a structural challenge affecting the functioning of the European market.

- Ensuring That Someone In The EU Is Legally Responsible For Product Safety
  From a consumer perspective, one of the fundamental requirements is that there must always be someone within the European Union who can be held legally responsible for a product.

  Consumers need to know who is accountable when a product is unsafe. There must be an economic operator who can organise product recalls when dangerous products have already reached consumers. There must also be someone who can provide compensation when consumers suffer harm, in accordance with their rights under European law.

  Without a clearly identifiable and accountable operator in the EU, these rights risk becoming ineffective in practice. This is why we believe the European Product Act should strengthen the framework for accountability and enforcement.

- Stronger EU-Level Enforcement Powers And Effective Penalties
  I also believe we need to introduce new enforcement powers at European Union level. In particular, there should be a possibility for coordinated EU-level enforcement action in a limited number of cases where there is a clear common European interest.

  This would be an important innovation in the field of product safety. It is something we do not currently have in a sufficiently effective form, and it could be introduced through the European Product Act.

  We also need to reconsider the penalty regime under the existing market surveillance framework. At present, the penalties are simply not strong enough to deter rogue traders from placing unsafe or non-compliant products on the European market. If dishonest operators can continue selling products without facing meaningful consequences, the system will not work.

  And if European manufacturers are the only ones bearing the costs of compliance, we will find ourselves in an impossible situation. We will not make real progress.

  Effective enforcement and genuinely deterrent penalties are essential both for consumer protection and for fair competition.

- Addressing The Wider E-Commerce Ecosystem And Misleading Commercial Practices

  If we want enforcement to be effective, we also need to look beyond individual products and consider the wider e-commerce ecosystem. Consumers are not only exposed to unsafe products. They are also victims of scams and misleading commercial practices. They are sometimes subjected to manipulative or coercive techniques designed to push them towards purchasing particular products.

  This is why we very much hope that the European Commission will come forward with a Digital Fairness Act. Such an initiative could complement the existing legislation on unfair commercial practices.

  We are also seeing unsafe products being promoted to consumers through influencer marketing. In some cases, the sales channels through which those products are distributed are not properly controlled. Addressing these practices would therefore also make an important contribution to product safety.

  We cannot look at product safety in isolation from the commercial environment in which products are advertised, promoted and sold.

- Digitalisation: Neither Inherently A Burden Nor Automatically A Solution

  Digitalisation is neither exclusively a burden nor automatically an opportunity. Its impact depends on how we design and implement the regulatory framework. We need to create the right conditions, building on the fundamental principles that already exist within the European Union.

  Consumers have a right to a high level of protection. And both consumers and businesses should be able to trust that competition within the European Single Market is fair. These are the principles that should guide our approach.

  The debate is therefore not simply about whether we should digitalise. It is about how digitalisation can contribute to a market that is safer, fairer and more trustworthy. That is the fundamental challenge we need to address, and it will require careful work in the years ahead.

- Rebuilding Trust And Restoring Compliance In The Single Market

  These issues are complex, and finding the right solutions will be challenging for everyone involved. But despite our different perspectives, I believe we share an overarching objective: Restoring compliance within the European Internal Market.

  When the Single Market was created, it represented a promise not only to businesses, but also to consumers. It was a promise that consumers would benefit from access to products across Europe while enjoying a high level of protection and confidence in the safety of what they purchased. We need to return to that promise.

  We need to restore effective compliance, ensure fair competition and rebuild consumer trust in the European market.

MEP VIEWS



Jeannette BALJEU MEP, (RENEW, Netherlands) IMCO
(Points noted from the presentation)

- The Importance of The Single Market and Genuine Simplification

Many speakers have already referred to the Single Market. As has been mentioned, our Political Group considers it extremely important that we finally make real progress in strengthening the Single Market. I believe other political groups would broadly share that ambition. We really need to push forward with the Single Market.

However, I was particularly struck by something the previous speaker said about the objectives and the means used to achieve them. Sometimes, we introduce measures that make sense and genuinely deliver improvements. But at other times, I wonder whether the measures we propose will actually achieve what we intend.

We are in a legislative mandate where simplification is a major priority. But the question remains: will what we are proposing really bring simplification? This question came to mind repeatedly as I listened to the examples presented today.

It is an issue I still want to examine in greater depth, and I am very interested in seeing how it develops. Of course, we are still waiting for the Commission's proposal.

But ultimately, I think we must always keep in mind the relationship between the objectives we want to achieve and the means we choose to achieve them. That is something I will certainly remember when examining the Commission's proposal.

- A Common Digital Approach Across All 27 Member States

I am very much in favour of moving towards a digital approach. However, it is essential that this approach is the same across all twenty–seven Member States. We cannot have a situation where each Member State decides that it needs additional information or introduces its own specific requirements. If we end up with twenty–seven different approaches, that would undermine the entire system.

The objective should be to create a genuinely harmonised digital framework that works across the European Union. This is one of the key issues we will need to examine carefully.

- Avoiding Duplication With Existing Legislation, Particularly Customs' Rules

Another important point concerns the differences between products and the markets in which they are sold.

I agree with those who have pointed out that there are significant differences between products sold through e-commerce, business-to-business transactions and highly specialised products. These are completely different situations, and our regulatory approach needs to recognise that.

I was involved in negotiating the Customs legislation, which specifically addressed how to control and respond to the growing volume of e-commerce imports.

We should be very careful not to introduce additional requirements that simply duplicate obligations already covered by customs legislation. There may be a need for some additional measures, but we should not reproduce existing rules in a new Product Act and make the overall framework even more complicated. That would be the wrong approach.

We do need to look carefully at where obligations overlap and where we risk creating unnecessary duplication. If our objective is simplification, we should not end up adding another layer of complexity.

- Learning From Previous Legislation: The Packaging Regulation

  There is another risk that I think we, as legislators, need to be particularly aware of.

  We sometimes adopt legislation that is so complex that, a few years later, we have to return to it and introduce exemptions or corrections because it does not work as intended. We have seen this with the Packaging Regulation. We are now having to consider exemptions for micro-enterprises and SMEs because some of the requirements are simply too difficult for these businesses to manage. We should learn from these examples. We need to ask ourselves what we are requiring, from whom, and whether those requirements are realistic.

  The examples presented today have reinforced my concerns in this respect. We are already seeing situations where legislation needs to be reconsidered because it does not work properly, or because it is not appropriate for certain types of businesses or products. We should avoid repeating those mistakes.

- The Responsibilities of Importers: The Example Of Specialised Medical Devices

  I would also like to raise another example, although it may be slightly outside the immediate scope of our discussion. I am not entirely familiar with how all these product registration requirements would work in practice.

  However, I recently heard from an importer of highly specialised medical devices used in hospitals. These are very specific products, imported from the United States in this particular case.

  Of course, such products must be safe. There is absolutely no question about that. But the importer raised an important concern. He explained that he is an importer, not a medical expert. He has contractual relationships with the manufacturers and suppliers who provide these devices, but he needs legal certainty about what his responsibilities would be under the new regulatory framework.

  For example, if something goes wrong with a medical device and a patient experiences a medical problem in a hospital, to what extent would the importer be held responsible? Would this small importer be considered the responsible economic operator, even though he is not the manufacturer and does not have the medical expertise required to assess every technical aspect of the device?

  Perhaps there will be exemptions for situations like this. I certainly hope that such cases will be properly considered. I fully agree that there must be accountability and that someone must be legally responsible when a product is defective or unsafe. But there are different ways of organising that responsibility.

We need to think carefully about how liability is allocated across the supply chain, particularly when dealing with small importers and highly specialised products.
I do not have the solution at this stage, but I believe this is an important issue that deserves further examination.

- Digital Twins: Useful For Complex Systems, But Not Necessarily Every Product

  I am familiar with the concept of digital twins from my experience at local level.

  For example, in a municipality, we may want to know exactly what infrastructure exists underground, where cables are located and how they are connected. When someone needs to carry out excavation work, it is extremely useful to have a digital representation of that infrastructure. These are complex systems involving many different elements that need to work together. In such situations, digital twins can be extremely valuable.

  However, I agree that a digital twin may not necessarily be appropriate for every type of product. For example, I am not convinced that the same approach would make sense for relatively simple products such as lighting equipment.

  We need to distinguish between complex systems, where a digital twin provides clear added value, and other products where such a requirement might be disproportionate.

- Digital Product Information, Sustainability and The EU's 2050 Objectives

  This brings me to another question: what information should we actually require for products, and what information should we make available to consumers?

  I am particularly interested in information about the environmental performance of products. For example:
  - how does a product contribute to reducing CO_2 emissions?
  - How does it support circularity?
  - And how does it contribute to the objectives we have set for 2050?

  These are important questions.

  I would be interested in understanding how this information could be communicated through digital tools. I am not a technical expert, and I do not necessarily need to know every technical detail of a product. But I would like to have access to meaningful information that helps me understand whether a product contributes to our broader environmental objectives.

  I also recognise that the necessary digital applications and systems may not yet be fully available in every sector.

  There are still practical questions about how such information should be collected, presented and communicated. We therefore need to think carefully about what is useful and what is proportionate.

Ultimately, we should return to the fundamental question of objectives and means. We want products to be safe. We want them to comply with our standards. And we want to understand whether they contribute to the environmental and sustainability objectives we have established for 2050. The challenge is to find the right balance between providing useful information and avoiding unnecessary regulatory burdens.

Tomislav SOKOL MEP, (EPP Croatia), EPP Shadow Rapporteur Industrial Accelerator Act, IMCO
(Points noted from the presentation)



- The Need to Rethink European Legislation
  During the previous mandate, we introduced substantial legislation, particularly under the Green Deal, adding requirements to an already complex framework. Now, through the Omnibus initiatives, we are trying to correct these problems with more legislation. This is not an ideal way to legislate. Our priority must be to restore European industry's competitiveness in the face of increasingly intense global competition.

- The European Product Act Must Deliver Genuine Simplification
  The Product Act could be useful if it genuinely simplifies and harmonises the existing framework, removes duplication and makes compliance easier without compromising product safety. For consumers, the essential questions are whether a product is safe and whether it performs as intended. Safety and functionality should come first.

- Standardisation as the Foundation of the Single Market
  Standardisation helped create the Single Market through a bottom-up approach that brought stakeholders together around common standards. It is extraordinary that adopting new standards can now take six years. We need a faster, more efficient system that allows Europe to help shape international standards rather than fall behind them. Reducing the process from six years to three would be a major improvement.

- Digitalisation Must Simplify Processes, Not Add Bureaucracy
  I support digitalisation, but it must not simply add digital obligations on top of existing procedures. We should rethink processes and remove unnecessary steps. If five steps can become two, we should not retain all five and add a sixth digital requirement. Digitalisation must deliver genuine simplification, not just move bureaucracy from paper to a screen.

- Market Surveillance and Avoiding Additional Regulatory Layers
  The different pieces of legislation must work together. We should avoid overlapping obligations and yet another regulatory layer. If the Product Act creates more procedures, it will have failed; if it makes the system simpler and more coherent while protecting product safety, it can make a meaningful contribution.

- The Industrial Accelerator Act and Industry's Loss of Trust
  In discussions with industry about the Industrial Accelerator Act and Made in Europe, I have encountered considerable concern about new EU initiatives. Businesses fear that promising proposals will become complicated obligations in practice. European institutions have lost some credibility with industry. We need to rebuild trust by ensuring that new legislation makes things easier, faster and simpler.

- Product Safety, Competitiveness and Consultation
  Consumer protection and product safety must remain essential. Other requirements should be assessed for necessity, proportionality and practical impact. We must listen to the businesses that will implement these rules and take their concerns seriously. Global competition is brutal, and Europe has a limited window to respond. The Product Act can help preserve our industrial base, provided we get it right.

João COTRIM DE FIGUEIREDO MEP, (RENEW Portugal) ITRE
(Points noted from the presentation)



Four priorities for the EU Product Act

You have probably heard enough from me tonight, but I would not want to leave without sharing what I have taken away from this discussion.There are four main issues to which we will be particularly attentive as we examine the forthcoming legislation.

- The first is enforcement.

  Rules that are not enforced penalise compliant businesses. Enforcement is absolutely essential, not only when it comes to the rules that already exist, but also for any new obligations that may be introduced through the EU Product Act.

  We need to be very conscious of one fundamental principle: Rules that are not enforced, and that some market operators simply ignore, effectively become a tax on those who comply with them.

  Whenever we introduce new obligations, we must be absolutely certain that we can enforce them, particularly against those who are most likely to disregard the rules. Otherwise, we are effectively penalising the businesses that behave responsibly and comply with European legislation.

  We are placing additional costs and obligations on legitimate operators while allowing those who ignore the rules to continue benefiting from unfair competition. That is precisely what we must avoid.

- Proportionality: Do not make honest businesses pay for dishonest operators

  The second point is closely related to the first. I think there is an expression in English: 'Don't make the just pay for the sinner'. Or perhaps more simply: 'Don't make the honest pay for the dishonest'.

  Beyond ensuring effective enforcement, we must also make sure that new rules do not unnecessarily burden companies that already have a strong record of compliance. I believe Orgalim has put forward an interesting proposal concerning the new registry, suggesting that its introduction should be risk-based, at least initially.

  The idea would be to begin with the sectors where non-compliance is most prevalent and where the risks are greatest. I think that is a sensible approach. Before establishing an additional layer of regulatory requirements, we should first ask whether those requirements are genuinely necessary and whether they will create unnecessary burdens for companies that already comply with the rules.

  We should target the problems rather than impose the same additional obligations indiscriminately on everyone.

- Digitalisation: Going Digital Must Mean Going Minimal
  My third point concerns digitalisation.

I would put it this way: Going digital must mean going minimal. I have just made that expression up, but I think it captures the principle rather well.

From what I have heard this evening, I am not entirely reassured that the Digital Product Passport will avoid creating a substantial amount of additional work for businesses. In particular, I do not think my earlier question about whether every individual Stock-Keeping Unit, [SKU] would require its own Digital Product Passport was sufficiently answered. That is an important practical question.

If every time a supplier wants to modify something about a product, or introduce a variation in order to sell it, the Digital Product Passport has to be changed or updated, we could end up with a very complicated system.

That would not be compatible with the simpler and more efficient Single Market we are trying to build. Digitalisation should reduce complexity, not create new administrative obligations. We need to be very careful that the Digital Product Passport does not become another burdensome compliance exercise for European manufacturers.

- Standardisation: Six Years Is Unacceptable

Several speakers have already mentioned that taking six years to develop and adopt standards is simply unacceptable. There are probably good reasons why the process currently takes so long.

But standards are, in many ways, like the plumbing that allows the Single Market to function. They provide the technical infrastructure through which products can circulate freely across Europe. And if it takes too long to put that plumbing in place, it is almost as though we had no plumbing at all.

I understand that the objective being discussed is to reduce the standardisation process from six years to four. I do not know whether you have resisted that ambition, but if you have not, you may want to start resisting now, because I am going to ask for two years.

I want standards to be developed within a maximum of two years.

Given the speed at which technology and products are evolving, we simply cannot afford to wait six years. If we want a genuine Single Market that can keep pace with innovation, we need a much faster and more responsive standardisation system.

The ultimate test: Will the Single Market work better by 2030?

These are the four issues to which I will be paying particular attention. And at the end of our discussions, certainly before the final vote, I intend to ask myself two very simple questions.

By 2030, when this new framework should be more or less fully operational:

- First, will companies be spending more or less time dealing with compliance requirements? Will the new legislation actually make their lives easier, or will it create additional administrative work?
- Second, will companies that deliberately break the rules find it significantly more difficult to reach European consumers? Will we have created a system that effectively prevents non-compliant operators from accessing the Single Market, or will the situation remain largely unchanged?

These two questions will be my benchmark for judging the success of the reform.

If compliant companies spend less time dealing with bureaucracy, and those who cheat find it much harder to access the market, then Parliament and the European institutions will have done a good job. But if we fail on either of those objectives, then we will not have achieved what we set out to do. That is how I intend to assess this legislation.



Saskia BRICMONT MEP, (GREENS Belgium) Shadow Rapporteur on the EPA, IMCO

I hope that the European Commission will take the opportunity of the postponement to ensure the maximum coherence with the Circularity Economy Act that will be published next week. This is something we emphasised in the Own Initiative Report on the New Legislative Framework that the European Parliament adopted one year ago.

In that Report, we called on the Commission to evaluate the possible use of harmonised methodologies in the Digital Passport Product for environmental, durability and performance measurements, with a view to supporting the possible establishment of EU-wide sustainability indicators adapted to each product's characteristics, integrating relevant metrics, such as traceability, recyclability and performance in terms of circularity.

Therefore, the mainstreaming of the DPP as we saw in the leaked proposal is incomplete in this regard because while the DPP is instrumental in terms of compliance enforcement, this circularity information is missing. The minimum content of the DPP revolves around the identification of the product, the access rights to it (Art.65)

We also have to ensure that new products comply with the Ecodesign for Sustainable Products Regulation and even the Waste Directive, notably the Extended Producer Responsibility where it applies. The EPA has to support circular business models and avoid unfair competition stemming from online market platforms; therefore, the issue with them is not only with their liability which is another important topic that falls beyond the remit of this panel.

We understand that refurbishers were taken into account but as far as I understood this when we had the Hearing of the Internal Market Committee last month, the way they are addressed could actually be counterproductive. The addition of new definitions and specific provisions should be a step in the good direction but their framing fails to take into account the reality of the sector. To start with, refurbishers cannot but import used devices from the US and Japan because of an insufficient supply of used devices available for refurbishment within the EU.

According to the leaked EPA, when a product enters the EU market, it would have to comply with EU rules but this is not realistic when it was placed on the non-EU market for the first time two or three years ago, that is before the entry into force of several new legislation. Refurbishers should be able to prove that when the device was sold the first time outside the EU, it was compliant with the applicable rules of the EU at that time. Then there is a problem with the access to technical documentation.

Let me echo once again the Own Initiative Report of last year: we stressed the need to establish harmonised definitions of 'remanufacturers' 'refurbishers', 'repairers', and, where appropriate, other emerging social, economic and circular economy actors to avoid them being erroneously classified as manufacturers or importers and thereby exposing them to sanctions. A standardised assessment procedure for determining the substantial nature of a modification would enhance legal certainty and support second-hand economic operators.

I will host a technical workshop in the EP on 17 November to dive deep into these issues.

Digitalisation is a must so as to cope with the steadily growing number of items shipped to the EU, especially with so many non-compliant items that can be dangerous for consumers and children in particular.

Digitalisation can bring substantial benefits by slashing redundant administrative obligations or facilitating access to information for the consumers and of course the customs and markets surveillance authorities. Especially with the recent entry into force of the new Union Customs Code, the interoperability of IT systems used by the so many authorities concerned will be crucial.

I would like to raise two comments here.

- We have to make sure that everything will fly in due time and we should not underestimate the workload it represents. We remember the problems we encountered with the IT infrastructure supporting the EUDR and we should avoid such a situation to happen again.
- Then, let us draw the lesson of what went wrong with the cross–border cooperation and enforcement of the Consumer Empowerment Directive. It happened in several cases that the adoption of structural measures was prevented by the too wide room for manoeuvre to Member States when they had to enforce the rules and apply sanctions.

The DPP is a great innovation that can be at the heart of a revamped and modernised internal market. It will help keep track of the products and when the authorities will find non-compliance of a product, its DPP will become invalid, provided that the problems I have just mentioned do not arise.

The DPP will require producers to put in data and for part of them, they will have to request their suppliers to provide data so as to comply with the requirements. But I wonder and let me share my question with you: what happens if a non-EU supplier refuses or does not submit reliable data?

Also, we are hearing that China is designing its own DPP and we do not have much information on it. Considering how intertwined are our supply chains with China, what happens if they are not interoperable, or if they conflict with each other? Could it have the unwanted consequence that a European company cannot work anymore with this Chinese supplier even though it could be detrimental to its business because this supplier produces items for which there are few or no substitute products?

ENFORCING RULES

EUROPEAN COMMISSION'S PERSPECTIVE ON THE STANDARDISATION ASPECTS

Guillaume ROTY, EUROPEAN COMMISSION, DG GROW, Head of Unit for Standards Policy



<u>The Six-Year Standardisation Process</u>

There are quite a few things to say in response to the interesting questions and suggestions raised, which makes it difficult to know where to start.

I will begin with the six-year timeframe, as this was one of the first points commented upon. Six years is an average. Like any average, it probably represents only a small proportion of actual cases. Some standards take longer to develop, while many take less time.

This six-year figure is also somewhat misleading because the process starts quite early. It begins when the Commission identifies a potential need for a standard to support legislation and ensure that companies can benefit from the presumption of conformity.

This means that some of the standardisation work takes place before the Regulation or Directive becomes applicable, and before the standard is actually needed. We therefore have a certain amount of time available.

Nevertheless, it remains a very long process.
The process is essentially divided into three stages:

- The first stage is the policy phase, which is managed by the European Commission and takes, on average, around one and a half years. During this phase, we draft the standardisation request in cooperation with the European Standardisation Organisations.

- The second stage is the development of the standard itself.
  We delegate this work to the European Standardisation Organisations because drafting standards is their area of expertise. The Commission is not directly involved in that technical drafting work.

  The organisations bring together experts, organise discussions and develop the standards. Sometimes this happens relatively quickly. In other cases, it takes considerably longer because standards are based on consensus, and reaching consensus can be time-consuming. On average, this phase takes approximately three years.

- The third and final stage is the assessment of the standard by the Commission.
  I understand that this is probably the most frustrating stage for industry and market operators, and I can see why.

  At this point, the standard already exists. It has been adopted by the European Standardisation Organisation, but the Commission must assess whether it meets the requirements of the original standardisation request and whether it can be granted the legal effect associated with the presumption of conformity.

  This is extremely important.

  It is the point at which the European Union recognises that compliance with a harmonised standard provides a presumption of conformity with the relevant legal requirements. This cannot be done automatically. It requires time, technical expertise and a legal decision. That is why we work with consultants who support the assessment process.

  This final stage currently takes around one and a half years, which is far too long.

<u>Reducing The Process From Six Years To Four</u>

What we are trying to achieve through the new Standardisation Regulation is to reduce the time required at each stage of the process. Our ambition is to bring the average timeframe down from six years to approximately four years.

I do not believe that reducing the entire process to two years would be realistic across all sectors. Of course, in certain areas, particularly the digital sector, we need to move much faster than we currently do. However, we believe that an average of four years could accommodate most sectors and use cases. We are not simply announcing an ambition to move from six years to four years. We have concrete proposals and ideas about how to achieve it.

Starting Standardisation Work Earlier

The first proposal may sound obvious, and one might wonder why it is not already standard practice. We simply need to start earlier.

Whenever we are developing legislation and already know that standards will be needed to support its implementation, we should begin the standardisation work in parallel with the legislative process. We are improving in this respect, but this approach is not yet fully embedded in the way legislation is developed.

Better coordination between legislative work and standardisation would make a significant difference.

Greater Transparency And Accountability

The second element we want to introduce is greater transparency and accountability throughout the process.

When we examined the six-year average, it was extremely difficult to establish exactly where the time was being spent. There is currently insufficient visibility over who is doing what, and at which stage of the standardisation process delays occur.

If there is one thing I believe the new Standardisation Regulation absolutely needs to deliver, it is accountability. We need to know whether a delay is caused by the Commission taking two or three years to assess a standard, by a European Standardisation Organisation taking too long to deliver it, or by a standardisation request that should have been adopted years earlier. Whatever the reason, we need to know.

We strongly believe that greater accountability will improve our collective performance. This applies both to the Commission and to the European Standardisation Organisations.

Making The Development Of Standards Faster And More Efficient

How can we accelerate the standardisation process itself? We have a number of ideas, but I will highlight three:

- Digitalisation
  You should know that standardisation still largely takes place through physical meetings, with experts gathering in rooms, commenting on documents, drafting texts and negotiating different positions. Some of these face-to-face discussions are necessary. There is value in bringing experts together to reach agreement.

  However, many parts of the process could be moved online and managed much more efficiently through digital tools. Making better use of existing expertise.

- Making Better Use of Existing Expertise
  The second idea concerns the way we use expertise and work that already exists outside the European standardisation system.

  In areas such as artificial intelligence and cyber resilience, there are other organisations, forums and consortia where experts are already working together. In some cases, these

groups are much closer to the technological state of the art than the European Standardisation Organisations.

What we are saying is that, collectively, the European Union should become better at connecting with these organisations and making use of the work they are already doing.

Rather than starting everything from scratch, we should build on existing technical developments. The main way we intend to achieve this is by encouraging European Standardisation Organisations to engage directly with these other bodies and use their work.

That could mean that a substantial part of the technical work has already been completed, allowing European standards to be developed more quickly. Greater flexibility in choosing standardisation organisations

- Greater Flexibility In Choosing Standardisation Organisations
  The third proposal is to allow greater flexibility in specific circumstances.

  Where European Standardisation Organisations are unable to deliver, or do not have the necessary expertise, we propose that the European Union should be able to request standards directly from other standardisation organisations.

  This would, of course, be subject to appropriate safeguards and conditions. The objective is to ensure that we can act more quickly when the traditional process is not the most effective solution.

Accelerating The Commission's Assessment Of Standards

The final question is how to speed up the assessment stage.

First, we have done something regulators like to do: we have introduced deadlines. This means that there will be clear timelines and greater accountability for completing assessments within the required period. However, as was rightly mentioned, simply writing deadlines into legislation does not automatically solve the problem. That is why we are also proposing a more fundamental change to the way assessments are carried out.

One of the suggestions raised, including by LightingEurope, was to move towards a continuous assessment process. Today, the process is largely sequential. Industry develops a standard, submits it to the Commission, and the Commission then assesses it. If the Commission identifies problems, the standard may have to be revised. This can result in considerable delays.

What we want is a more parallel process, in which assessments take place progressively while the standard is being developed. The objective is not for the Commission to interfere with technical drafting, but to identify potential problems earlier and ensure that the standardisation process is moving in the right direction. This approach is already being used to some extent.

It is true that many standards receive negative assessments from consultants. However, I want to clarify one important point about the role of those consultants. They work on behalf of the Commission and provide technical input to support our decisions. Ultimately, the responsibility remains with us. If there is an issue with a consultant's assessment, that is also an issue for the Commission, because we are responsible for the decisions taken on the basis of their work.

The new Regulation would reinforce this continuous involvement. We have already seen that when consultants are involved regularly throughout the development process, the approval rate

increases to approximately 85%. That is a significant improvement and demonstrates the value of a more continuous assessment approach.

The Digital Product Passport And Cooperation With China

The Digital Product Passport is one of the areas where Europe has not been late in developing standards. We started the standardisation work relatively early, and that work has already produced results. We now have standards supporting the Digital Product Passport, defining its technical architecture and helping ensure interoperability between its different components and layers.

This work was carried out at European level by the European Standardisation Organisations and is now being moved to the international level, through the International Organization for Standardization (ISO), with active participation of EU and international actors, notably China. This would help ensure interoperability, at least at the technical and IT level, across DPPs being set up internationally and in particular across European and Chinese Digital Product Passport systems.

Will Companies Spend Less On Compliance By 2030?

From my perspective, if we succeed in improving the standardisation system and significantly reducing the time needed to develop harmonised standards, I would be reasonably confident that compliance costs could decrease.

One of the main simplifications offered by harmonised standards is that they provide companies with a clear and straightforward way to demonstrate compliance with EU legislation. This is also a fair way of providing access to the European market. Whether a company is small or large, the same standards apply to everyone.

If we can ensure that companies have access to the standards they need at the moment they need them, ideally when the relevant legislation becomes applicable, then compliance becomes easier and more predictable. Companies can plan better, prepare earlier and avoid some of the uncertainty and additional costs associated with delays in standardisation.

That is why I believe improving the speed and effectiveness of the standardisation process could make a real difference to compliance costs.

Ensuring A Level Playing Field Between Compliant And Non-Compliant Companies

This also concerns our colleagues working on enforcement and market surveillance. Their role is essential in ensuring a level playing field between compliant and non-compliant operators. However, I believe harmonised standards can also make a significant contribution.

When a harmonised standard exists, it becomes much easier to verify whether a product complies with the relevant requirements. There is a clear technical reference against which compliance can be assessed. This makes it easier to identify operators that comply with the rules and those that do not.

I would say therefore that the relevant legislative measures will be important. But I also believe that the new Standardisation Regulation, if we succeed in improving the process as intended, can make a very significant difference.

Marion Ebel, LIGHTINGEUROPE, Director of Policy & Corporate Affairs



Compliance comes at a cost. A few years ago, we estimated that for our members it represents around 20% of total turnover. But here is the problem. While compliant companies invest heavily, others simply bypass the rules of the internal market.

Imagine I am a manufacturer based outside the EU, and I want to sell lighting products online to European consumers. On paper, I must comply with EU product legislation. In practice, today, I can choose not to. The result is a competitive disadvantage for compliant companies, and a real risk for consumers.

We know this because we measure it. Since 2020, LightingEurope has run an online mystery shopping exercise every year, and the results remain alarming.

Last year, we analysed 442 offers on online marketplaces for compliance with information requirements. 76% were non-compliant. We bought 84 of those products and inspected their packaging and markings. 80 out of 84 were non-compliant. That's 95%. We then sent 9 of them to an accredited laboratory to test them against the relevant safety standards. Every single one failed. Not most of them. All of them.

These are not isolated cases. This is a structural problem.

We have been raising it for years: during the Digital Services Act negotiations, and again during the General Product Safety Regulation negotiations. We said it then, and we say it now. At the heart of the problem is an accountability gap. Too often, when products originate from outside of the EU, there is no economic operator established in the EU who can be held responsible, either for product compliance.

Of course, we would welcome more market surveillance, more resources for the authorities in charge, and better cooperation and coordination between them. That alone will not be enough. The legislation itself needs to change.

That is why we welcome the Commission's ambition to act decisively through the forthcoming European Product Act to address the issue of non-compliant products flooding the EU market. We urge that this ambition extends to the role and responsibilities of online platforms.
Concretely, we are asking for three things:

- Every product placed on the EU market must have a clearly identified economic operator established in the EU, whatever the sales channel and whatever the country of origin. That operator must be legally responsible for compliance with product, packaging and EPR requirements. Without a responsible actor within EU jurisdiction, enforcement is ineffective, and EU rules effectively become optional for overseas sellers.

- Before a non-EU seller's product is listed for EU consumers, the platform must ensure that an EU-based economic operator has ensured its compliance. If the platform cannot demonstrate that such an operator exists, the platform itself becomes the responsible economic operator.

- Online marketplaces must be recognised as the responsible economic operator whenever no other liable operator is established in the EU, or when that operator cannot be identified or traced.

The principle is simple: no product on the EU market without a responsible operator in Europe. That is how we protect consumers. That is how we ensure fair competition on the EU Single Market.



Adèle Naudy-Chambaud, SCHNEIDER ELECTRIC,
Vice President EU Government Affairs, Head of EU Office

Schneider Electric is a European and global energy technology company, active across electrification, automation and digitalisation, for buildings, data centres, industry and energy infrastructures.

In Europe, Schneider Electric has a very substantial industrial footprint here in Europe: 45,000 employees and 62 factories and distribution centres. When we talk about European product legislation, this is therefore not an abstract regulatory discussion for us.
That is why the European Product Act matters.

Our starting point on the European Product Act is simple:

- Europe does not need a revolution in product regulation. It needs an evolution to make the system works better.

The foundations of our European system are already strong. We believe we need to get three things right:

- a robust New Legislative Framework
- an effective standardisation system
- a much stronger market surveillance.

- Standardisation.
  European standardisation is a cornerstone of the Single Market. Standards play a unique and indispensable role: they translate broad legal requirements into precise, testable, and widely accepted technical solutions. They allow manufacturers, authorities, and market actors to share a common technical language for compliance.

  The European Commission has now published its proposal for a new Standardisation Regulation. This is an important step. The proposal rightly recognises that standards are fundamental to the Single Market, and that the system needs to become faster and more responsive.

  We strongly agree with that objective. But we should be very careful not to weaken what makes the European system successful in the first place, rather strengthen it. This means:

  - Harmonised standards should remain the default route to demonstrate conformity.
    They give companies legal certainty through the presumption of conformity. They bring technical expertise into the regulatory system. And importantly for a global company like Schneider Electric, they connect Europe to international standards such as ISO and IEC. Europe should continue to lead globally through IEC and ISO standards, rather than create additional European-only technical solutions.

  - Speed is a challenge, but the reform must also preserve balanced governance and stakeholder-driven technical consensus.
    We need to fix the bottlenecks, and improvement should cover the full chain: the quality and timeliness of standardisation requests, standards development, assessment, citation in the Official Journal and the handling of formal objections.

- Common Specifications can have a role, but should remain exceptional – evidence-based and temporary, not become a parallel compliance system. Together with recourse to alternative standards bodies, they should be used only under clear, justified and transparent triggering conditions.

- Market Surveillance.
  Even the best product rules have little value if they are not effectively enforced. And when we look at the numbers, the scale of the challenge is quite striking:
  - In 2025, 5.9 billion low-value e-commerce parcels entered the EU, which represents 16.2 million a day.
  - However, customs authorities only checked 65 items per million in 2025.

  So, we clearly have an issue of scale, but also of consistency. Enforcement remains fragmented across Member States, while products and online sellers operate across borders. For us, this is not only a consumer-safety issue. It is also a competitiveness and level-playing-field issue.

  European manufacturers invest significantly in compliance, testing, certification and product safety. Those companies should not be put at a competitive disadvantage against operators that avoid those costs, particularly through online marketplaces and cross-border sales.

- We therefore need:
  - Stronger and much better coordinated market surveillance across Europe.
    Products cross borders. Sellers operate across borders. Enforcement cannot remain fragmented into 27 separate realities.

  - Create a trusted reporting channels and leverage information from the market
    In France, SignalConso is a well-functioning consumer-reporting platform to report non-compliant products. We therefore call for a similar EU trusted reporting channel to be created at European level also for B2B, so qualified actors can confidentially flag suspected non-compliant products.

  - Ensure better verification of the responsible economic operator, and significantly greater accountability for online marketplaces**.**
    Platforms cannot simply provide access to the European market without also taking responsibility when sellers are unidentifiable or when non-compliant products repeatedly reappear.

To conclude, our main message if the following: our goal should be simple: make it easier to comply, and harder not to comply. That means a strong standardisation system, clear and predictable rules, and reinforced market surveillance.

Catherine Van Reeth, TOY INDUSTRIES OF EUROPE, Director General



Thank you for shining a light on this very important topic, on which Toy Industries of Europe [TIE] has been active for a long time already. On the European Product Act, it is our great hope that some important loopholes that have been created by the Digital Services Act and the General Product Safety Regulation will be mended by the EPA.

These loopholes cause a serious unfair playing field and our members are suffering from this. Moreover, they make it all too easy for unsafe toys to reach children in the EU. I will focus mainly on toy safety but we

are equally harmed by the non-compliance in terms of environment and intellectual property law. Coming back to toy safety: TIE has done several mystery shopping projects over the past years. In the latest one, we examined 70 products from 7 different online platforms and found 96% non-compliant and 86% with a safety risk. These projects were run with our national associations, including the Danish toy association.

Concerning these results, I would like to stress two things:

- We are talking of serious risks, not just 'potential problems'.
  Imagine what can happen if a child gets hold of a small button cell battery because it has not been properly secured in the toy, the swallowing of small magnets that have come loose from toys has led to children becoming extremely ill and in a few cases, this was fatal.

  Many of the toys had high levels of harmful chemicals when they were the types of toys children will put in their mouths. So this is not just a problem in theory, these are risks that need to be taken very seriously and preventing them should be a priority.

- It is not an issue of a handful of Asian platforms, it is much broader.
  Over several mystery shopping projects, we did not find that US-owned platforms scored better than Chinese-owned ones. Or that the Chinese ones did worse than the European-owned ones.

  With the current legal framework, the platform model (no matter what its nationality is) rewards non-compliance, I would even dare to say it invites it. This is not the fault of the platforms, but of the loopholes in the EU's legislation.

So why does the platform-model invite non-compliance with EU rules in my view?
This is something we saw very clearly in our shopping exercises: there is nobody who is responsible for the non-compliant toys. We saw this again and again:

- listings with no responsible person at all;
- addresses that lead to nowhere;
- companies that ceased trading – sometimes even two years ago;
- And so-called 'responsible persons' that claim they do not represent the product or the seller (in principle a seller can name anyone, also you and me, as a ‘responsible person).

The Commission's own survey this summer confirms what we saw. When authorities contacted the responsible persons named on the listings, only 22%: i) responded to the authorities' requests; ii) confirmed that they really were the responsible person, and iii) complied with their obligations under Article 16 of the General Product Safety Regulation.

So, a name on a listing is not a guarantee that anyone is indeed accountable. We have a situation where nobody is accountable. A situation where sellers and especially platforms nevertheless make a nice earning out of the sales.

We think we need 3 'fixes' to make the system work: i) for the toy manufacturer who plays by the rules; ii) for the child who will play with the toys and iii) for the authorities that have the huge task to uphold the rules:

- The responsible person must be responsible for ensuring safety and compliance before a product is offered for sale, in all circumstances.
- Platforms must check that the responsible person is genuine, and that there is a contract with the seller or manufacturer for the product for sale. Platforms already need to identify sellers under the DSA. This is the same logic.
- Where there is no verified responsible person and the platform nevertheless chooses to facilitate the sale, the platform should be deemed the responsible person. The word "chooses" matters. The platform actively decides to enable that sale. It is not a victim in this situation. It simply takes on the responsibility that comes with the sale.

Strong powers of enforcement and clear responsibility from the moment of listing belong together. With that responsibility at the moment of listing, should come a more careful approach of the platforms. This is prevention. We need strong prevention first and for those non-compliant products that still manage to slip through the net, we need strong enforcement.

My last point is about the Digital Product Passport. Everyone has high hopes for the DPP but a Passport alone will not do. A DPP is only as reliable as the data entered in it. Disposable responsible persons will appear and vanish again. And checking them continuously would fall on authorities, who are already stretched. At the moment, the burden is on an underfunded market surveillance. It is only fair to shift that burden – or at least a part of it – to those who are earning substantial commissions by facilitating the sale of unsafe products.

What is unsafe to be sold in a shop, should not be sold online. A strong European Product Act can make sure of that!

Eva Bille, EEB - European Environmental Bureau, Head of Circular Economy



The European Environmental Bureau is the largest network of environmental civil society organisations, with 196 members in 41 countries, together representing more than 30 million citizens. I would like to use this intervention time to paint a picture of what our current product landscape looks like from an environmental perspective, what we think the product act can and should do, and why we need a strong standardisation regulation.

It is no secret, as has been made clear from several other interventions, that enforcement of EU rules is not where we would like it to be, particularly in the context of online sales. The volume of direct-to-consumer online parcels has gone from 2.2 billion to 5.9 billion, a near tripling, in just four years. Our current systems were not built for this challenge.

The composition of waste, the lack of compliance with basic safety laws – and therefore also crucial environmental laws, such as a lack of extended producer responsibility fees and dubious chemical composition and transparency – points to a mounting environmental issue, overwhelmed authorities, with only public money available to pay the price of clean–up.

Our colleagues working on phasing out mercury continue to find that mercury-added skin lightning creams are still sold in the EU. Most recently we found many for sale on tiktok shop, sold from shops based in France, so managing to circumvent the dropshipping/direct-from-third-countries issue. However, some major international platforms are, from anecdotal evidence, getting better on this issue, which shows how platforms have the power to change if they take on the responsibility.

Throughout the past three decades, the EU's product policies have succeeded in transforming the way our products are designed and placed on the single market, resulting in safer products, reductions in GHG emissions and energy consumption.

The ongoing revisions of three key pillars of the Single Market, under the 'EU Product Act', present an opportunity to address emerging digital and circularity elements that will strengthen and future proof the Single Market:

- It is an opportunity to assign responsibility to online platforms and social media sites.

- Rules under EPA should not only target products being imported from third countries when placing an order (i.e. dropshipping), but also those already imported in bulk by EU-based operators who are reselling from there. This is the case for these mercury-added SLPs I mentioned: they were smuggled into the EU, and are distributed from there.

- Circular economy processes and economic operators need harmonised definitions and the New Legislative Framework [NLF] should align with sectoral laws, such as the Ecodesign for Sustainable Products Regulation [ESPR]. From a circularity perspective, we also believe that manufacturers should be required to share information for repair and refurbishment.

- The Digital Product Passport [DPP] should be the legally recognised entry point to mandatory product information for conformity assessment and market surveillance and we welcome its rollout to all products.

- An ambitious and effective market surveillance framework is key to advancing the safeguards to deter noncompliance of products entering the EU market and to ensure the benefits anticipated in EU legislation are delivered.

- All products should be covered by the article on the responsibility of online platforms. So far, it seems that some, including cosmetics and products under the energy labelling legislation, would not be.

- For cosmetics, one practical option could be for marketplaces to verify that they are correctly registered in the cosmetics notification portal, or for the Product Act to ensure an equivalent of the DPP for cosmetics.

Finally, with regard to the standardisation regulation, our member organisation, the Environmental Coalition on Standards [ECOS] is best placed for a detailed conversation, but I wanted to make a few key observations. ECOS has been active for twenty–five years, and they have the technical expertise and understanding to meaningfully contribute to standards-making across many areas.

Standardisation remains an important tool to support the green transition and the broader objectives on decarbonization, competitiveness and industrial resilience. It fosters technological developments and innovation; it acts as an enabler to facilitate market access of clean tech, and it can influence consumer decisions when used in labels and claims.

Reinforced inclusiveness throughout the standardisation process is key to ensure harmonised standards serve EU policy, market, and societal needs. However, the need to develop standards faster must not come at the expense of quality.

Broad stakeholder participation strengthens the quality, the legitimacy and the broader acceptance of standards. 67% of stakeholders during the public consultation pointed to administrative delays, not the process itself.

The consensus-based process therefore needs to be safeguarded, and European Stakeholder organisations are key to the system. The standardisation regulation recognized the importance of environmental stakeholders, and we hope it will continue supporting their participation within the European Standardisation System.

CONCLUDING REMARKS



Antony Fell, EUROPEAN FORUM FOR MANUFACTURING, Secretary General

This evening we have had a long and insightful debate about the European Product Act. This Act, when finalized, will be of great importance to Manufacturers across the European Union.

I would like to say how much we appreciated having two policy contributions from the European Commission: Felicia Stoica Head of Unit for Market Surveillance and Guillaume Roty, Head of Unit for Standards Policy.

The input this evening from MEPs from the different political groups: EPP, RenewEurope and Greens was a crucial part of the debate.

We also much appreciated the opportunity to work in partnership with LightingEurope and Elena Scaroni and Marion Ebel and thank them for their support. I would also like to voice my deep appreciation of our EFM Coordinator, Chloé Matagne's excellent organisation.

Finally thank you Joao Cotrim not only for your hosting this Forum on the Product Act but also for all the support you give to the European Forum for Manufacturing despite your own very busy work. schedule.

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