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TECHNICAL AFFAIRS AND STANDARDISATION |
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POSITION PAPER

For the EPA a simplified DPP system should be the tool of choice

We suggest a solution and call it **Digital Product Record**

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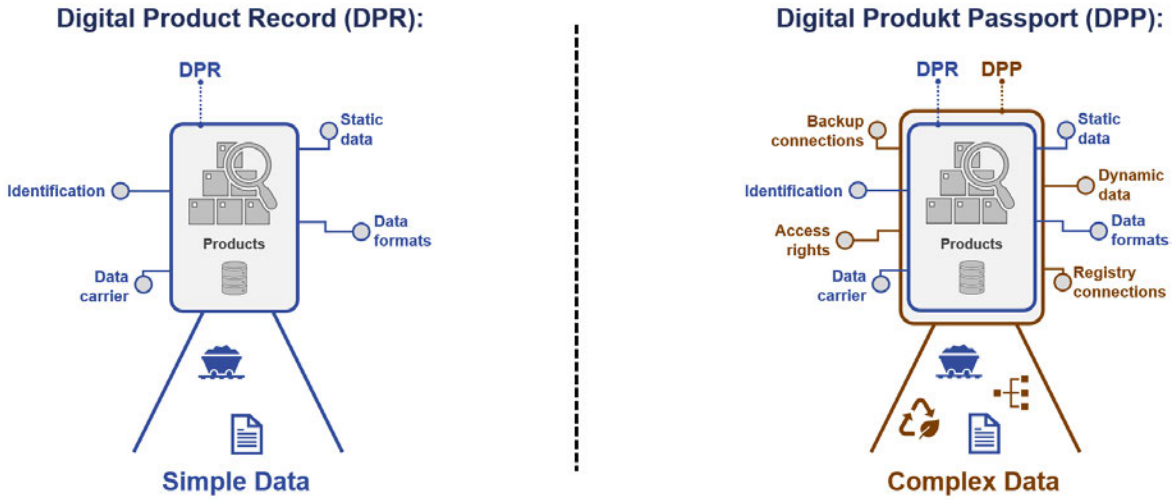
1 Key Demands of the Machinery Industry



The Digital Product Passport (DPP), with its complex systemic architecture and untested governance model, cannot be the appropriate instrument for digital documentation under the European Product Act (EPA). No sector currently has practical experience with the full DPP-system in operation.

We propose as an alternative the Digital Product Record (DPR), a system based on the changes suggested by Omnibus IV into several of the New Legislative Framework (NLF) regulations. **Importantly, the DPR has to remain structurally compatible with the DPP architecture and parallel systems have to be avoided. By using the same data carrier logic and unique identifier concept**, it would allow for future integration into a fully operational DPP system once such a system is mature, field-tested, a product is being regulated under the ESPR and/or a company chooses to opt in to the DPP.

The DPR would consist of:

1. The DPP's data carrier, which links the physical product to the data set of the manufacturer specific to the product.
2. In the data set specific to the product the following documents will be found:
    a. Validated data on the EU representative and their mandate
    b. Manufacturer information for clear identification
    c. Product information
    d. Declaration of Conformity
    e. Operating instructions, if not supplied in paper form

The EPA has to be drafted in such a way that the lawmaker, the executive and the European manufacturers are not overwhelmed by it, while the tools accessible to the market surveillance authorities are potent enough to improve on the current state and ensure a level playing field.

2 What future law making in the EU should be

Lean laws will need to be the foundation on which Europe can build its economic future. Therefore, all future regulatory provisions will have to be checked for their “regulatory efficiency”. We define regulatory efficiency as the balance between achieving the intended regulatory objective and preserving the administrative and operational capacities of both legislators and regulated entities. Ultimately, it is about the effective enforceability of the regulations.

Market surveillance requires fast and easy access to reliable and verifiable compliance documentation at the time of placing a product on the market. It does not require a dynamic lifecycle management system, continuous data updating, or a complex multi-actor IT governance architecture. Regulatory design must match the instrument to the objective.

3 The challenge of the DPP-system

The Ecodesign for Sustainable Product Regulation (ESPR) and in particular the introduction of the Digital Product Passport DPP system is a complex system, designed to match the far-reaching ESPR-objectives. Transferring the DPP to other purposes might fall into the category of regulatory inefficiency as it many of the structural requirements are going beyond what is needed e.g. for market surveillance. Furthermore, the use in a horizontally and non-staged approach will relatively quickly put almost all machinery companies in scope – as opposed to the roadmap-driven-approach of the ESPR.

This is exacerbated by the fact that the DPP is far from being ready and tested yet.
The Commission has not been able to finalise or even start crucial delegated acts, such as on the DPP service provider, the DPP registry and particular product acts which are supposed to be first regulated under the ESPR. At the same time the standardisation work in JTC 24 has not finished. Regardless of these delays, e.g. battery manufacturers subject to the Battery Regulation (2023/1542) will have to fully comply with the full scope of the DPP by the 18th of February 2027. Extending the implementation to the entire manufacturing sector under the EPA would entail significant systemic risks, especially for SMEs.

The primary challenge lies in the implementation of the systemic architecture of the DPP. The DPP-system constitutes a complex interdependence of delegated acts, technical standards, IT infrastructure requirements, and governance mechanisms (Figure 1).

None of these elements has been fully finalised, operationalised, or field-tested. As a result, neither economic operators nor authorities have practical implementation experience. Moreover, the DPP architecture under the ESPR is designed as a lifecycle sustainability instrument. It is intended to accompany a product throughout its entire value chain, enabling dynamic data exchange, updates, and differentiated access rights over time. This objective fundamentally differs from the purpose of the EPA, which is to ensure compliant placing on the market and effective enforcement.

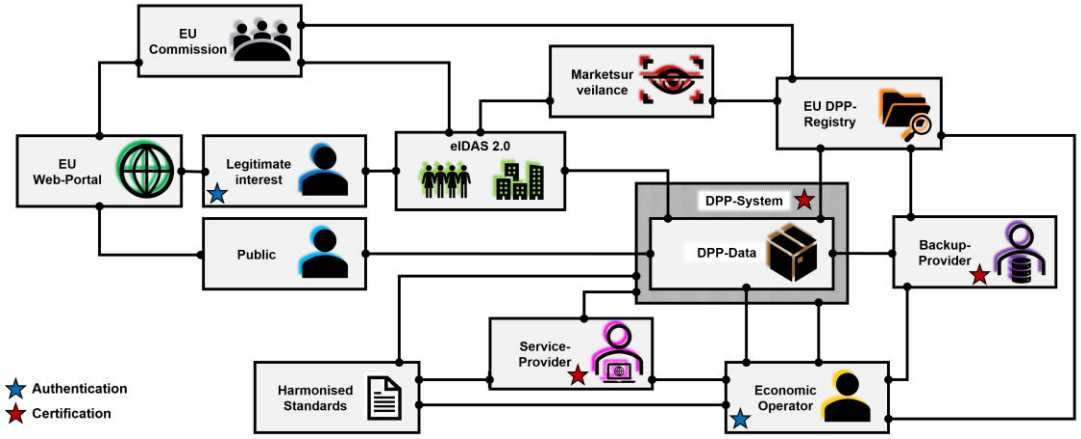


Figure 1 – The interplay of the components of the DPP-system, which will be required under the ESPR.

For market surveillance under the EPA, authorities require access to static compliance relevant documentation linked to a specific product at a specific point in time. They do not require:

- A central or federated DPP registry infrastructure,
- Interoperable multi-platform ecosystems,
- Role-based access rights management systems,
- A regulated ecosystem of DPP service providers,
- Mandatory backup service providers for long-term data hosting,
- Integration into eIDAS system,
- Continuous lifecycle data updating obligations.

These elements are intrinsic to the DPP's systemic architecture but are not necessary to achieve the enforcement objectives of the EPA. Introducing them would create disproportionate administrative, technical and financial burdens without corresponding added value for market surveillance.

At the same time, the European lawmaker has already started to consider the DPP in the revision of the NLF to the EPA as the future tool for access to the European product market. In

contrast to the sectoral introduction of the DPP, which is and will continue to be challenging for manufacturers of a narrow set of products, the use of the full DPP system in the EPA, will mean that essentially all products and all manufacturers will have to introduce the complex DPP-system.

4 Matching ambition with success – the Digital Product Record

We fully support the Commission in their ambition to digitalise documentation obligations to strengthen market surveillance, with the goal to create a level playing field for companies on the EU single market. As such, we suggest the Digital Product Record (DPR) as an alternative approach to the DPP.

We envisage it to be based on the changes introduced by Omnibus IV COM(2025) 504 page 4: *"To avoid inconsistencies and an additional burden on manufacturers and to create an overall coherence between harmonised product laws under the NLF, it is necessary to introduce a provision that allows for the use of the DPP's data carrier when such DPP is made mandatory by another piece of legislation that covers the same product."*

This was operationalised e.g. for the Machinery Regulation in Art. 5 Omnibus IV COM(2025) 504 with changes to Art. 3 of the Machinery Regulation (2023/1230), by adding the definition of "digital contact" and to Art. 10 paragraph 2 by making the EU Declaration of Conformity (DoC) digital by default and paragraph 8 by making the DoC accessible through an "internet address or machine-readable code".

By simply expanding the list of required documents by:

a. The validated data on the EU representative and their mandate
b. Manufacturer information for clear identification
c. Product information
d. Operating instructions, if not supplied in paper form

the DPR would constitute a coherent and easily digital product record (Figure 2).

All the data should be static, except for the validated data on the EU representative and their mandate, as it is usually not possible to determine all economic operators at the moment of production of the product and the provision and maybe occasional updates will be needed. This is, however, far from the inherent dynamics of ESPR-requirements.

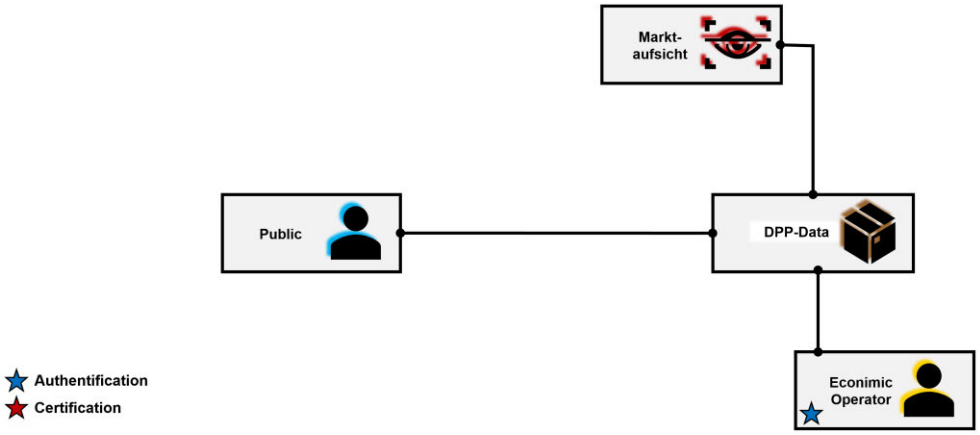


Figure 2 - The simple structure of the DPR.

The DPR would rely on a few simple and lean elements:

- A unique product identifier,
- A machine-readable data carrier (e.g. QR code),
- A manufacturer-hosted webpage containing compliance relevant documentation, including the information on the EU representative and their mandate

It would significantly and quickly strengthen market surveillance while remaining proportionate and readily implementable by companies of all sizes, including SMEs, as it builds upon existing documentation obligations rather than introducing a new systemic compliance infrastructure. **Importantly, the DPR has to remain structurally compatible with the DPP architecture and parallel systems have to be avoided. By using the same data carrier logic and unique identifier concept, it would allow for future integration into a fully operational DPP system** once such a system is mature, field-tested, a product is being regulated under the ESPR and/or a company chooses to opt in to the DPP. This avoids stranded investments, ensures regulatory coherence, and provides a gradual transition path.

5 Why the DPR does not require a registry

A mandatory registry should not be considered a necessary element of the DPR. While such a registry may be inherent to the broader systemic architecture of the DPP, it would not contribute meaningfully to the enforcement objective pursued under the EPA. There are two key arguments for this:

First, a DPR registry would in practice amount to a very large database containing an enormous number of products and related entries across sectors. Rather than creating practical transparency, such a structure risks becoming an unwieldy repository of information with limited operational value. The sheer volume of information would overwhelm any realistic supervisory capacity. For market surveillance authorities, the existence of such a registry would therefore not automatically translate into better enforceability. On the contrary, it risks creating an additional layer of complexity without operational value. It remains unclear how authorities would efficiently navigate, filter and identify relevant cases in such a registry. A large-scale registry would therefore constitute neither meaningful support nor a sound basis for market surveillance controls. It may generate volume, but not usability.

Second, market surveillance is most effective when authorities can focus their resources where the risks and indications of non-compliance actually arise. If the DPR is made mandatorily accessible alongside the product in the online environment, authorities would be able to monitor precisely those offers, platforms and operators that are relevant in practice. In other words, surveillance can take place where the product is marketed and where the compliance information must be available at the moment of placing on the market. This is a more targeted and operationally effective approach than searching through a separate registry infrastructure. The appropriate solution is therefore not to create an additional registry layer, but to ensure a direct digital link between the product and its DPR. The product offer in the digital space and the compliance documentation should be connected in a way that allows authorities to move immediately from the product listing to the relevant record. This ensures accessibility, traceability and enforceability without introducing a parallel database structure that would be burdensome to establish and difficult to use in practice.

Such an approach would also remain consistent with the lean design logic of the DPR. The purpose of the DPR is to provide straightforward access to compliance-relevant documentation, not to replicate the full governance and infrastructure model of the DPP. A registry would go beyond what is necessary for the EPA objective and would risk undermining the proportionality and rapid implementability that make the DPR the more suitable instrument.

Conclusion

The DPP under the Ecodesign for Sustainable Products Regulation is a lifecycle sustainability instrument built on a complex and still untested and unexperienced systemic architecture.

The EPA, however, is a market access and enforcement framework. Its digital tool must be proportionate to this objective.

Using the full DPP system for EPA purposes would extend an unproven and untested governance model to all products, impose significant systemic and financial burdens, and create regulatory risks without demonstrable added value for enforcement. It would also require a fast and sudden roll-out to almost all companies, as opposed to the so far staged-approach of the ESPR.

The Digital Product Record offers a lean, quickly appliable, enforceable, proportionate and future-compatible solution that strengthens market surveillance while preserving the competitiveness and operational capacity of the mechanical and manufacturing industry.

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