



A New Legislative Framework fit for circular economy and the digital transition

ECOS response to the call for evidence

August 2025

ECOS welcomes the European Commission's intention to improve the EU product legislation to address market developments, circularity and digital needs. The revision of the New legislative Framework (NLF) which underpins mandatory product requirements through harmonised standards (hENs), should aim at improving the overall EU product framework adapting it to the current environmental and market challenges of new products and businesses, thereby supporting the implementation of environmental legislation.

While ECOS acknowledges that a full-scale overhaul of the NLF could undermine trust among market players and create instability of the Single Market, the NLF should evolve and promote sustainable business models and responsible consumption patterns. Addressing emerging digital elements and circularity principles is necessary to ensure a consistent future proof EU product legislation system aligned with EU's climate and environmental objectives.

It is key for us that the NLF:

- Secures inclusive and timely hENs for a trusted European product legislation, and
- Adapts for a circular and innovative Europe.

Securing inclusive and timely hENs for a trusted European product legislation

ECOS supports the main principle of the NLF: the definition of mandatory essential requirements in legislation underpinned by harmonised standards that provide the technical details to meet those requirements and provide presumption of conformity when cited in the EU Official Journal (OJEU).

As an Annex III organisation under the Standardisation Regulation (EU) No 1025/2012, ECOS represents environmental interests in European standardisation activities and thus, acknowledges the growing use of standards in EU legislation and their role within the NLF. In this sense, we believe that it is necessary to ensure that standards, developed to support EU policy and legislation under the NLF and beyond, serve the ambition of environmental protection and that its development should be transparent, inclusive and carefully triggered and monitored by legislators.

Ensuring the participation of societal stakeholders and SMEs in standardisation. As standards can have an impact on public policy, people, workers and the environment, it is critical to preserve the inclusive and multi-stakeholder approach to the drafting of hENs that brings important checks and balances to standards-making.

Need for timely availability of harmonised standards (hENs). hENs play a crucial role in enabling manufacturers to demonstrate that their products comply with the essential requirements set out in the applicable sectoral legislation. However, **for hENs to effectively serve their purpose, they must be available in time for the entering into force of the legal requirements they underpin.**

The timely availability requires to address the current challengesⁱ associated with both the development and the use of hENs, as well as the functioning of the European Standardisation System (ESS). For instance, for the European Standardisation Organisations (ESOs) to enable a more pragmatic approach towards Standardisation Requests (SRs) in order to avoid rejections and also to deliver the hENs on time, and for the Commission to move quickly once the assessment of the candidate harmonised standard is positive.

Furthermore, **in cases when the traditional standardisation route is hindering or considerably causing delays on methodologies that are vital for policy implementation**, e.g. where ESOs would block or reject a SR, delay the development and publication of mandated standards, or in cases where existing hENs do not fully or partially cover the necessary requirements, we believe that the **EC could consider alternative technical solutions** such as common specifications for the essential health and safety or other requirements. However, these solutions should be used as an exceptional fall-back solution to facilitate the manufacturer's obligation to comply with those health and safety or other requirements avoiding delays in the enforcement of the regulation.

Risk of standards subverting legislative requirements: The NLF should preserve the fundamental concept that the technical specifications for meeting products' essential requirements set out in legislation are laid down in hENs. Therefore, the terminology used in standards, including definitions of terms, shall be consistent with the relevant EU legislation they underpin. Moreover, the technical content of the document shall not: contain requirements that contradict relevant EU legislation, nor repeat legal requirements as part of its normative requirements.

For example, on the EEEPS-DEN/EE-EEPS47-3 [EN 303 800-3 V1.1.1:2025] standards addressing material efficiency of servers developed in response to M/573, an Annex A has been proposed that comments on the requirements in the corresponding [Regulation](#) and in the SR which should be avoided.

Need to reinforce the technical nature of standards and remove any commercial aspects: It would be beneficial for the legislative framework to clearly specify that standards are developed from a technology neutral perspective and should not include references to specific commercial practices, business models, etc. Moreover, there can be a significant lack of clarity on some commercial aspects referenced in existing legislation which should be better clarified by the Commission centrally to avoid such clarifications being made in the standards inconsistently.

Adapting the New Legislative Framework for a circular and innovative Europe

Aligning the EU product legislation with European environmental sustainability objectives is timely and of utmost importance. This will ensure coherence and consistency with other EU environmental legislations and ensure product circularity objectives.

ⁱ [European standards: Inclusive, fit for purpose, & environmentally ambitious](#). ECOS, 2025.

Harmonised Definitions of New Economic Operators and Circular Processes

One of the key strengths of the NLF lies in the clear definition of roles and responsibilities among different economic operators, including manufacturers, importers, distributors, and conformity assessment bodies. However, recent legislation such as the Ecodesign for Sustainable Products Regulation (ESPR), has introduced critical circular economy roles and responsibilities such as refurbishers, remanufacturers, independent operators or professional repairers that are not reflected in the NLF.

Similarly, recent legislations such as ESPR, the Batteries Regulation, the Right to Repair Directive, and other laws have introduced necessary requirements linked to material efficiency (e.g. “reasonable prices” for spare partsⁱⁱ “service life” obligations, bans on part pairing) without providing clear definitions. This has led to situations where key concepts have been defined within the remit of technical standardisation. For example, standards such as EN 45560:2024 have attempted to define key terms but remain too vague (e.g. “useful life” vs. “service life”) to ensure enforceability.

Without central, harmonised definitions in the NLF framework itself, each piece of legislation or each standard risks “reinventing the wheel”, leading to fragmentation across the EU. That makes compliance harder for manufacturers, weakens enforcement, and undermines circularity goals.

In this regards, Decision 768/2008 should be updated to extend Article R1 (Definitions) to introduce harmonised definitions for new economic operators (e.g. refurbishers, remanufacturers, professional repairers, independent operators) and circular economy processes (e.g. refurbishment, remanufacturing, spare parts handling). These definitions should be aligned with the ESPR and sectoral regulations.

Increasing digital integration through the Digital Product Passport

Currently, information related to product conformity, chemical safety or ecodesign requirements is fragmented across databases (EPREL, SCIP, CLP), often paper-based, and inaccessible to consumers and surveillance authorities. This creates information failures, enforcement gaps, and generates higher compliance costs. And ultimately, policy objectives underpinning information requirements cannot be reached despite investments from companies in data collection and storage.

We support introducing Digital Product Passport (DPP) as the legally recognised entry point to mandatory product information. Regulation 765/2008 should introduce a new Chapter on the DPP, ensuring:

- The DPP is the mandatory information tool for conformity assessment and market surveillance.
- Interoperability with existing EU databases (EPREL, SCIP, CLP).
- Flexibility to add new information requirements over time without fragilising existing DPPs.
- Consistency across legislations introducing DPP requirements, to avoid contradictions or duplication.
- Environmental information is based on ambitious, harmonised requirements underpinned by hENs with robust test methods and technical specifications.
- A new Article should clarify the legal status of the DPP vis-à-vis the CE marking.

ⁱⁱ The obligation to provide spare parts at a reasonable price will be applicable from July 2026 onwards for products covered by repairability requirements under Ecodesign (by virtue of Directive (EU) 2024/1799 on common rules promoting the repair of goods) and from February 2027 onwards for products containing portable batteries (by virtue of Regulation (EU) 2023/1542 concerning batteries and waste batteries)

ECOS also recognises that certain sectors and industry groups will require time and resources to adapt and therefore recommends a transitional approach to the implementation of the DPP.

Online marketplaces

A significant and urgent concern is the proliferation of non-compliant products sold via online marketplaces, often originating from outside the EU. These products pose a dual risk: consumers may unknowingly purchase unsafe goods and then find themselves without legal recourse because a responsible economic operator within the Union is not identifiable or liable. This situation also undermines consumer safety and trust, distorts competition, and disadvantages EU-based businesses, particularly SMEs, while jeopardizing the Union's broader environmental and product safety objectives. While the Digital Services Act (DSA) sets rules for online platforms, its focus is on transparency, illegal content, and consumer protection obligations. It does not adequately address the specific issue of non-compliant products and liability gaps in the context of EU product legislation.

Therefore, the revised NLF should:

- Extend the definition of “economic operators” to explicitly include online marketplaces.
- Introduce a mandatory requirement that when a seller is based outside the EU, there must be an economic operator established in the EU with full legal and financial liability (Responsible Person).
- Where no such operator can be identified, the online marketplace itself (or equivalent intermediary business model) should be considered the Responsible Person, accountable for ensuring compliance with EU product rules.

Extended Producer Responsibility (EPR) as a General Obligation

The NLF sets out obligations for economic operators to ensure products are compliant and safe at the moment of placement on market. However, it does not address the responsibility of those operators for the post-consumer phase of products. This creates a gap between product legislation (focused on design, safety, conformity) and waste legislation (focused on collection, treatment, recycling). The absence of a unified obligation undermines the circular economy objectives of the EU, as producers can place products on the market without guaranteeing their proper end-of-life management.

Extended Producer Responsibility (EPR) is already a cornerstone in sector-specific laws (WEEE, Batteries, Packaging). Yet, the fragmented approach leads to inconsistencies across sectors, high compliance costs, and loopholes that undermine both environmental objectives and fair competition. The revision of the NLF should integrate EPR as a general obligation for economic operators placing products on the EU market, ensuring consistency across all product groups. This can be achieved by amending Decision 768/2008, introducing a new horizontal requirement under Chapter R2 for all the operators who place products on the market, or clarifying their respective obligations, considering that different types of operators can be considered as “producers” under EPR schemes. This new obligation should ensure that:

- Arrangements are in place to guarantee the environmentally sound management of products placed on the Union market throughout their entire life cycle, including at the post-consumer stage.
- EPR fees cover all costs, following the waste hierarchy, for targeted products: e.g., for collection, transport, sorting, preparing for re-use, repair, re-use, recycling and treatment of residual waste that cannot be prepared for re-use, as well as aspects like data gathering, communication to consumers, and administrative costs.
- A level-playing field is enforced among producers regardless of the mode of selling, to prevent free-riders. This is particularly important in the case of traders located outside of the EU, without an EU-based importer, that sell to European consumers. Online marketplaces and fulfilment service providers that host such traders must ensure that they comply with EPR obligations and contribute to the schemes as EU-based producers do.