



Building an EU Product Act fit for circular economy and digital transition

ECOS response to the proposed EU Product Act

Brussels, March 2026

Throughout the past three decades, the EU’s product policies have succeeded in transforming the way our products are designed, resulting in substantial reductions in GHG emissions and energy consumption.

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

- The New Legislative Framework (NLF) incl. Decision 768/2008/EC and Decision 765/2008/EC.
- The Market Surveillance Regulation 2019/1020.
- The Standardisation Regulation 1025/2012.

They are essential to reinforce fundamental elements that rule the Single Market, close loopholes, update important definitions, and to make it easier for companies and market authorities to ensure products comply with EU regulations.

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

The New Legislative Framework (NLF) should update the overall EU product framework to address the current environmental and market challenges of new products and businesses.

Circular economy processes and economic operators need harmonised definitions. The NLF should align with sectoral laws, such as the ESPR, to standardise definitions for new economic operators and circular economy processes and clarify rules that all operators must respect. It should require a mandatory Responsible Person requirement for sellers based outside the EU and online marketplaces. Moreover, used products, if CE marked, should maintain the presumption of conformity of the original product, and focus any needed assessments on the refurbishment process. Manufacturers must provide the product information necessary for safe refurbishment.

The revision of the NLF should integrate **Extended Producer Responsibility (EPR) as a general obligation**, ensuring consistency across all product groups and different types of operators to address their responsibility for the post-consumer phase of products.

The **Digital Product Passport (DPP) should be the legally recognised entry point to mandatory product information for conformity assessment and market surveillance.** The NLF must bring consistency across legislations introducing DPP requirements. Interoperability with existing EU databases (EPREL, SCIP, CLP) is key, and existing databases should be replaced by the DPP only when the information is effectively transferred to the DPP (e.g. via ESPR delegated act or new legislation). Information that can influence purchasing decisions should always be available physically at the point of sale.

The NLF should preserve the fundamental concept that EU legislation defines **mandatory essential requirements and that the technical specifications for meeting products' requirements are laid down in harmonised European standards (hENs)**. Therefore, the terminology used in standards, including definitions of terms, shall be consistent with the relevant EU legislation they underpin. Furthermore, as ruled by the EU standardisation Regulation 1025/2012 (section 3), harmonised European standards conferring presumption of conformity must be developed in an inclusive manner and their adequacy and effectiveness to support EU legislation should be duly assessed before being published in the OJEU.

- For more details, see: [A New Legislative Framework fit for circular economy and the digital transition](#)

Effective national market surveillance supported at the EU level

An ambitious and effective market surveillance framework is key to advancing the safeguards to deter non-compliance of products entering the EU market. While Regulation (EU) 2019/1020 on market surveillance and compliance of products has been key in securing the legal framework ruling the market surveillance activities that ensure that products on the EU market meet EU regulatory requirements, it is critical to reinforce checks, adequately resource surveillance authorities and discourage non-compliance also from economic operators such as online marketplaces. An ambitious and effective market surveillance framework is key to advancing the safeguards to deter non-compliance of products entering the EU market.

Effective market surveillance should be ensured through targeted measures:

- **Adequate human and material resources for MSAs across Member States.**
- **EU-level governance of market surveillance** to provide systematic coordination and guidance. **EUPCN should take an enhanced coordination role.**
- Full recognition of **online marketplaces as economic operators and full liability** of these marketplaces to prevent illegal practices and non-compliance.
- **Effective cooperation of MSAs with customs in all EU countries** to ensure a level playing, under the supervision of the EU-wide efforts on market surveillance.
- The adoption of effectively dissuasive measures such as consistent penalties to ensure a significant **deterrent to future noncompliance.**
- Determining **verification targets for MSAs** to secure sufficient checks.
- In addition, soft measures may include **fast screening methods** to detect products most likely not to comply, capacity building and information exchange on specific product groups, etc.

For more details, see: [Market surveillance and compliance of products](#)

Inclusive European standards for a future-proof Single Market

As acknowledged in the European Standardisation Strategy, “ambitions towards a climate neutral, resilient and circular economy cannot be delivered without European standards on testing methods, management systems or interoperability solutions.” European standardisation is a key enabler of the green and digital transitions, and it therefore plays a strategic role in achieving the EU’s climate, industrial, and environmental objectives.

Standards support EU legislation and therefore must balance both private and public interests, as the participation of societal stakeholders and SMEs during their drafting is indispensable. Environmental stakeholders provide the necessary environmental expertise to develop standards that support a circular, sustainable, resilient, and competitive European economy. Due to the fact that hENs are part of EU law, it is essential that the entire hEN process is overseen, managed, and closely monitored by the EC.

Adopted in 2012, the Standardisation Regulation R1025 has made progress towards a more inclusive, transparent, and effective European Standardisation System (ESS). Further improvements can strengthen the system’s ability to respond to fast-evolving geopolitical contexts and policy needs, whilst preserving and developing the core principles, such as inclusiveness, that have made the ESS.

The Regulation 1025/2012 is the safeguard of the system and must ensure:

- **Reinforced inclusiveness throughout the standardisation process, ensuring harmonised standards serve EU policy, market, and societal needs.**
- ESOs and NSBs foster inclusive collaboration and direct participation of civil society and ensure internal processes reflect all interests.
- Stable funding for meaningful civil society participation.
- Alternatives to traditional voting to counter-balance civil society’s limited representation
- Timely availability of hENs. The EC and ESOs should find ways to accelerate development and adoption without compromising quality and inclusiveness.

For more details, see: [European standards: Inclusive, fit for purpose, and environmentally ambitious](#)

‘Grouping’ instead of ‘merging’ under the EU Product Act

ECOS welcomes the European Commission’s intention to improve the EU product legislation to address market developments, circularity and digital needs.

We support grouping the three legal acts into a single legislative “package” to ensure coherence and consistency; but given their distinct specificities, we believe it is more appropriate to maintain separate legal acts.

While the three pillars are closely interlinked, the legal acts and requirements therein differ in scope, actors, and objectives. We believe that merging them into a single legal act risks creating an overly complex framework, with large and difficult to manage mechanisms.

At the same time, a full-scale overhaul could undermine trust among market players and create instability of the Single Market adding uncertainty to the current challenging context. **The existing tools should therefore be adapted through targeted amendments.** Where implementation-related shortcomings have been identified, the European Commission should directly address them through implementing (non-legislative) measures.