



EGMF draft recommendations on Market Surveillance Regulation and New Legislative Framework (NLF)

Executive summary

- The NLF revision should clarify conformity assessment, especially where horizontal and sectoral legislation overlap.
 - The DPP should remain practical and focused on basic compliance information.
 - DPP obligations should minimise additional administrative burdens for manufacturers and avoid duplication of existing compliance documentation.
 - Technical documentation should remain outside the DPP.
 - Market surveillance should focus on stronger enforcement, border checks, resources and coordination rather than new obligations.
 - DPP obligations should be introduced gradually and avoid disproportionate costs. Further clarification is needed regarding obligations related to refurbishment, remanufacturing and substantial modification.
- **Digital Product Passport (DPP)**

The introduction of the Digital Product Passport based on the Toys Safety Regulation model, establishing the general regulatory framework for the DPP and defining mandatory data requirements, is preferred.

The DPP should only serve to provide basic compliance information to market surveillance authorities and specific guidance for consumers to support a better understanding of CE marking and access certain documentation. However, it should not result in the duplication of information already contained in existing compliance information.

EGMF supports a proportionate and practical approach to the DPP. The DPP should primarily serve as a digital access point for compliance information, while avoiding unnecessary administrative burdens and protecting confidential business information.

- **What should be included in the DPP?**

EGMF supports including the EU Declaration of Conformity in the DPP, as well as references to harmonised standards, which are already reflected through the DoC where applicable. Third-party certificates may also be made available through the DPP, but on a voluntary basis.

EGMF - European Garden Machinery Federation

Arts 56, Avenue des Arts 56, 1000 Brussels, Belgium

✉ secretariat@egmf.org 🌐 www.egmf.org



This work is licensed by EGMF under cc BY-NC-SA 4.0. For more information read our [Terms of Use](#).



At this stage, EGMF considers it premature to define extensive mandatory DPP content. Apart from essential compliance information, additional data should generally remain voluntary until more practical experience with DPP implementation is available. The CE marking should remain separate and continue to be affixed as under the current system.

EGMF strongly supports keeping technical documentation outside the DPP. Technical files contain confidential and intellectual property-sensitive information and should continue to be provided only upon a reasoned request from market surveillance authorities.

Finally, EGMF does not support a general obligation to include detailed component data within the DPP of the final product. Where appropriate, separate DPPs should instead be capable of being linked or combined.

- **DPP architecture and access**

EGMF supports a technology-neutral and interoperable approach to the DPP. Rather than prescribing a single EU-wide platform, the framework should allow for decentralised and open solutions, provided interoperability is ensured across the EU. This would avoid unnecessary technological constraints and enable innovation while ensuring that relevant actors can access the required information.

To maintain technology neutrality and avoid lock-in to specific IT solutions, the NLF should establish only the general principles and requirements of the DPP. The detailed technical specifications should be developed through European standardisation, allowing solutions to evolve over time without requiring legislative amendments.

The DPP should be made accessible to market surveillance authorities, customs authorities, professional users, consumers and other relevant stakeholders, provided that confidential information and technical documentation remain outside the DPP. The objective should be to facilitate access to compliance information while protecting sensitive business data.

The DPP should be accessible, for example through a QR code or web link, in line with the approach proposed for other digital compliance information under recent EU legislation.

- **Market Surveillance: enforcement first**

The main priority should be to strengthen the enforcement of existing rules rather than introduce additional obligations for compliant manufacturers. This requires more checks at the EU border, increased funding for market surveillance authorities, stronger coordination between authorities and more consistent interpretation of EU legislation across Member States.

- **The DPP is not a substitute for technical enforcement**

While the DPP may facilitate access to basic compliance information and support administrative checks, market surveillance effectiveness will continue to depend primarily on adequate resources, technical expertise and effective enforcement activities.



Many non-compliance issues require technical expertise and in-depth assessments that cannot be resolved solely through easier access to digital compliance information. Similarly, the DPP is unlikely to substantially improve the enforcement of rules against non-compliant products sold online or imported from third countries.

Providing customs authorities with digital access to DPP information may facilitate access to basic compliance documentation. However, meaningful compliance assessments often require access to technical documentation, which should remain outside the DPP due to confidentiality concerns. Therefore, expectations regarding the DPP's contribution to import controls should remain realistic.

- **DPP: A staged and cost-proportionate implementation**

EGMF supports a staged introduction of any DPP-related obligations under the NLF to allow industry and authorities sufficient time to gain practical experience and adapt their processes and infrastructure.

Implementation should avoid disproportionate costs, particularly for SMEs and small economic operators. Given the limited experience with DPP systems, EGMF favours keeping as many elements as possible voluntary during the initial stages of implementation.

Where digital information is accepted, manufacturers should retain the flexibility to provide information in paper to avoid unnecessary duplication.

- **Circularity, Refurbishment and Product Lifecycle Responsibilities**

An alignment of the NLF definitions of repair, refurbishment, remanufacturing and reuse with those established under the ESPR is appreciated. Consistent terminology across EU legislation would improve legal certainty for both economic operators and enforcement authorities.

At the same time, further clarification is still needed regarding the distinction between refurbishment, remanufacturing and substantial modification.

EGMF considers that the allocation of responsibilities in refurbishment scenarios should be clarified. Where a product is substantially modified or refurbished using components or modifications not controlled by the original manufacturer, responsibility should shift to the refurbisher rather than remain with the original manufacturer.

Original manufacturers should not be required to provide information or support specifically for refurbishment activities. Refurbishers should possess the necessary expertise and capabilities to carry out their activities independently.

EGMF supports the introduction of specific labelling or marking requirements for refurbished products. Refurbished products should be clearly distinguishable from new products in order to



improve transparency, traceability and legal certainty for both users and market surveillance authorities.



EGMF - European Garden Machinery Federation

Arts 56, Avenue des Arts 56, 1000 Brussels, Belgium

✉ secretariat@egmf.org 🌐 www.egmf.org



This work is licensed by EGMF under cc BY-NC-SA 4.0. For more information read our [Terms of Use](#).