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COMMISSION IMPLEMENTING DECISION

of 31.7.2024

on a standardisation request to the European Committee for Standardisation, the European Committee for Electrotechnical Standardisation, and the European Telecommunications Standards Institute as regards digital product passports in support of Union policy on ecodesign requirements for sustainable products and on batteries and waste batteries

(Only the English, French and German texts are authentic)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council,¹ and in particular Article 10(1) thereof,

Whereas:

- (1) As part of a Union policy on ecodesign requirements for sustainable products, the Commission adopted, in March 2022, a proposal for a Regulation of the European Parliament and of the Council establishing a framework for setting ecodesign requirements for sustainable products² laying down rules to improve the environmental sustainability of products and to ensure free movement in the internal market by setting ecodesign requirements that products are to fulfil to be placed on the market or put into service. The proposal introduces a requirement that products may only be placed on the market or put into service if a digital product passport ('product passport') is available in accordance with certain requirements and specifies the requirements for the product passport.
- (2) In the framework on the policy on batteries and waste batteries, Regulation (EU) 2023/1542 of the European Parliament and of the Council³ was adopted on 12 July 2023. That Regulation establishes requirements on sustainability, safety, labelling, marking and information for the placing on the market or putting into service of batteries, as well as requirements for the collection, treatment, and recycling of waste batteries. Article 77 of that Regulation provides that certain categories of batteries may

¹ OJ L 316, 14.11.2012, p. 12, ELI: <http://data.europa.eu/eli/reg/2012/1025/oj>.

² COM(2022) 142 final.

³ Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ L 191, 28.7.2023, p. 1, ELI: <http://data.europa.eu/eli/reg/2023/1542/oj>).

only be placed on the market or put into service if they have a product passport (electronic battery passport). Article 78 of Regulation (EU) 2023/1542 specifies the essential requirements for the technical design and operation of that product passport.

- (3) A product passport is a tool to foster the sustainability of products and the transition to sustainable business models by making information available to actors along the entire value chain. The availability of a product passport significantly enhances end-to-end traceability of a product throughout its value chain, helps consumers make informed choices by providing access to product information relevant to them, allows economic operators and other value chain actors such as repairers or recyclers to access relevant information, and enables competent national authorities to perform their duties. Product passports should be as uniform as possible across products, industry sectors and relevant Union legislations, and they should be used as consistently as possible to avoid confusion and misunderstandings when organisations or industries use different semantic or technical standards. To promote such uniformity, the product passport should also allow the inclusion of information concerning integrated product components, where relevant.
- (4) The product passports should be easily shared and used across different systems and platforms to enable information exchange between various stakeholders, such as manufacturers, suppliers, customers, and regulators.
- (5) The implementation of product passports should rely on standards which provide clear and consistent voluntary requirements. This should facilitate interoperability between different product passports reducing the time and resources required to implement and maintain them, as well as stimulate innovation and competition of market players offering services related to the product passports (services).
- (6) The product passport should be designed and implemented to allow differentiated access to its information depending on the type of information and the type of stakeholders.
- (7) To avoid costs to companies and to the public that are disproportionate compared to its benefits, the product passport should be defined at the level of item, batch or product model, depending on specific needs and complexity of the value chain, the size, nature or impacts of the products considered.
- (8) Unique identification of products is a fundamental element to enable traceability across the entire supply chain. Therefore, the product passport should be linked to a unique product identifier. In addition, where appropriate, the passport should allow for the tracing of the economic operators and facilities involved in the entire supply chain.
- (9) The unique identifier and the corresponding identification system of the product passport are to allow interoperability with existing legacy identification systems, as far as possible. The product passport system is to allow a suitable assignment of data carriers to the product which should be accessible without the need for the download of additional software. Moreover, all identifiers are to be portable and transferable through an open interoperable data exchange network without vendor lock-in, including their portability across resolver services or systems.
- (10) The creation of the data carriers and the unique identifiers should ensure that the information contained in the product passport can be accessed, recorded, and transmitted by all economic operators depending on their access rights, as well as guarantee the compatibility of the data carriers and unique identifiers with external components such as scanning devices.

- (11) To ensure that the product passport is flexible, agile and market-driven and evolving in line with business models, markets and innovation, it should be based on a decentralised data system, set up and maintained by economic operators. However, for enforcement and monitoring purposes, it may be necessary that competent national authorities and the Commission have direct access to all decentralised data systems and thus to all data carriers and unique identifiers linked to products placed on the market or put in service.
- (12) The product passport system should allow an interoperable extendibility of product passports based on regulatory requirements. The technical solution should enable that extendibility in case of need at a later stage. The extendibility of the product passports should cover at least: (1) additional type of data/properties/attributes and (2) additional records.
- (13) European standards are important instruments to support the implementation of Union policies and legislation and to ensure a high level of protection of safety and fundamental rights for all persons in the Union. European standards can also support the establishment of equal conditions of competition and a level playing field for the development of product passports, in particular for small and medium-sized enterprises developing product passport and related services.
- (14) To advance technical harmonisation in the field of product passports and to prepare the necessary technical environment for the implementation of the Union policy on ecodesign requirements for sustainable products and of Regulation (EU) 2023/1542, it is necessary to start the work on European standards.
- (15) European standards should be technology neutral and performance-based. They contribute to ensuring equal conditions of competition among relevant economic operators, in particular small and medium-sized enterprises. Indirectly those standards also contribute to lower production costs benefitting consumers, to increase the sustainability, to limit the energy consumption of the product passport system and to ensure technical interoperability.
- (16) The European Committee for Standardization (CEN) and the European Committee for Electrotechnical Standardization (CENELEC) and the European Telecommunications Standards Institute (ETSI) have indicated that the work covered by the standardisation request falls within their area of competence.
- (17) It is therefore appropriate to request that CEN, CENELEC and ETSI draft new European standards in support of Union policy on ecodesign requirements for sustainable products and on batteries and waste batteries.
- (18) In accordance with Article 5 of Regulation (EU) 1025/2012, the European Standardisation Organisations (ESOs) are expected to take all steps to ensure the involvement of small and medium enterprises and civil society organisations in the Union, including consumer organisations, in the standardisation processes and in the consensus-building exercise, both at the national and Union level. CEN, CENELEC and ETSI should thus include in the work programme the actions to be undertaken to ensure appropriate involvement of small and medium enterprises and civil society organisations in the Union and shall provide the necessary evidence of those actions in the context of interim and final reports provided on the execution of the standardisation request.
- (19) Requested standards should be coherent with the principles laid down in the Union legislation relating to processing of personal data, protection of privacy, security of

network and information systems, cybersecurity or protection from fraud and with the technical mechanisms established in support hereof. The Commission and CEN, CENELEC and ETSI should cooperate in view of finding solutions in cases where the need to ensure such coherence might raise practical issues for the development of the European standards under this standardisation request.

- (20) European standards should include detailed technical specifications of the essential requirements. They should also clearly indicate the correspondence between those technical specifications and the essential requirements they aim to cover. In addition, they should reflect the generally acknowledged state of the art. As cybersecurity threats evolve at a fast pace, CEN, CENELEC and ETSI should monitor constantly the generally acknowledged state of the art and report to the Commission promptly where an evolution has been observed and provide the Commission with a plan to adapt existing standards.
- (21) The requested standards should be adopted by CEN, CENELEC and ETSI by the deadlines set out in this Decision. Given the short timeline for the implementation of the European policies requiring the use of the product passport, it may not be possible to extend those deadlines.
- (22) The standards to be drafted should build mainly on existing standards and best industry practice at international level, avoiding the lock-in of proprietary solutions. Therefore, existing ISO and IEC standards should be considered first and, if necessary, reviewed and complemented with specifications from existing European standards, national standards, and fora standards (in this order). To ensure semantic and technical interoperability, the standardisation process should consider the European Interoperability Framework⁴ and related assets, like core vocabularies, base registries, application profiles or CAMSS (Common Assessment Method for Standards and Specifications).
- (23) As all relevant interested parties, including the Member States and the European stakeholder organisations receiving Union financing in accordance with Regulation (EU) No 1025/2012, may identify needs to develop additional standards, it may be necessary to consider adding new items to the list of standards set out in Annex I to this Decision. It may therefore be necessary to adjust the scope of this request accordingly.
- (24) The ESOs have agreed to follow the Guidelines for the execution of standardisation requests⁵.
- (25) In order to ensure transparency and facilitate the execution of the requested standardisation activities CEN, CENELEC and ETSI should prepare a work programme and submit it to the Commission.
- (26) In order to enable the Commission to better monitor the requested standardisation work, CEN, CENELEC and ETSI should provide the Commission with access to an overall project plan containing detailed information on the execution of the standardisation request.
- (27) In accordance with Article 10(3) of Regulation (EU) No 1025/2012, each standardisation request is subject to acceptance by the relevant ESOs. It is therefore

⁴ COM(2017) 134 final of 23 March 2017

⁵ SWD(2015) 205 final of 27 October 2015.

necessary to provide for the rules on validity of this request if it is not accepted by CEN, CENELEC and ETSI.

- (28) To ensure legal certainty as to the validity of the request after its execution, it is appropriate to provide for a date of expiry of this Decision.
- (29) The ESOs, the European stakeholders' organisations receiving Union financing, the Ecodesign Forum, and the Telecommunication Conformity Assessment and Market Surveillance Committee established by Article 45 of Directive 2014/53/EU of the European Parliament and of the Council⁶ have been consulted.
- (30) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 22 of Regulation (EU) No 1025/2012,

HAS ADOPTED THIS DECISION:

Article 1

Requested standardisation activities

1. The European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (CENELEC) and the European Telecommunications Standards Institute (ETSI) are requested to draft the European standards listed in Annex I in support of Union policy on ecodesign requirements for sustainable products and on batteries and waste batteries by 31 December 2025.
2. The European standards referred to in paragraph 1 shall meet the requirements set out in Annex II.
3. CEN, CENELEC and ETSI shall provide the Commission with the titles of the requested European standards in all the official languages of the Union.

Article 2

Work programme

1. CEN, CENELEC and ETSI shall prepare a joint work programme indicating all the standards listed in Annex I, the responsible technical bodies and a timetable for the execution of the requested standardisation activities in line with the deadlines set out in Annex I.
2. CEN, CENELEC and ETSI shall submit the draft work programme to the Commission by [2 months after notification -exact date to be inserted in final Decision] and provide it with access to an overall project plan.
3. CEN, CENELEC and ETSI shall inform the Commission of any amendments to the work programme.

⁶ Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153 22.5.2014, p. 62, ELI: <http://data.europa.eu/eli/dir/2014/53/2023-10-01>)

Article 3
Reporting

1. CEN, CENELEC and ETSI shall report annually to the Commission on the execution of the request referred to in Article 1, indicating the progress made in implementation of the work programme referred to in Article 2 and providing information on any new standards that need to be prepared or any existing standards that need to be reviewed to meet the requirements referred to in Article 1, paragraph 2.
2. CEN, CENELEC and ETSI shall submit the first joint annual report to the Commission by 31 December 2024 and the final report by 31 December 2025.
3. Without prejudice to the reporting obligations set out in paragraphs 1 and 2, CEN, CENELEC and ETSI shall promptly report to the Commission any major concerns relating to the scope of the request referred to in Article 1 and the deadlines set out in Annex I.

Article 4
Validity of the standardisation request

1. If CEN, CENELEC and ETSI do not accept the request referred to in Article 1 within a month of receiving it, the request may not constitute a basis for the standardisation activities referred to in that Article.
2. This Decision shall expire on 30 June 2026.

Article 5
Addressee

This Decision is addressed to the European Committee for Standardisation, the European Committee for Electrotechnical Standardisation and the European Telecommunications Standards Institute.

Done at Brussels, 31.7.2024

For the Commission
Thierry BRETON
Member of the Commission

