

**REPLY FROM THE EUROPEAN UNION TO THE COMMENTS RECEIVED FROM P. R. OF CHINA
REGARDING NOTIFICATION**

G/TBT/N/EU/1144

**(PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
AMENDING REGULATIONS (EU) No 765/2008, (EU) 2016/424, (EU) 2016/425, (EU)
2016/426, (EU) 2023/1230, (EU) 2023/1542 AND (EU) 2024/1781 AS REGARDS
DIGITALISATION AND COMMON SPECIFICATIONS)**

The European Union (EU) would like to thank China for its comments on the draft *"Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) No 765/2008, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426, (EU) 2023/1230, (EU) 2023/1542 and (EU) 2024/1781 as regards digitalisation and common specifications"*.

The EU would like to provide the following reply to these comments.

As regards the definition of digital contact, the Commission's proposal has remained technologically neutral. The definition has been drafted as follows: "any up-to-date and accessible online communication channel through which economic operators can be reached or engaged without the need to register or to download an application". This allows manufacturers to choose the technology they prefer, as long as this choice remains within the scope of the definition.

As regards common specifications, the current wording in the proposal reflects established precedents in EU law, ensuring consistency with the regulatory framework.

As regards the relationship between harmonised standards and common specifications, while harmonised standards remain the primary reference for compliance in the EU, neither the current EU legislative framework nor the proposal mandate the mandatory use of such harmonised standards. Manufacturers may choose to comply with common specifications once they are available. This flexibility is intentional, as common specifications serve as a fall-back tool when harmonised standards are not available.

Common specifications are designed to address gaps in harmonised standards and will be developed through transparent, expert-led processes. Their role is strictly limited to cases where harmonised standards are not available, ensuring that the common specifications remain a reliable but secondary option. Also, when harmonised standards based on international standards are absent, common specifications can be developed without creating unnecessary complexity in the European market.

With respect to the transition period, we take note of your concerns in this regard. Concerning the interaction between the Digital Product Passport (DPP) and the possibility for consumers to request the instructions in paper, the intention of the proposal is that the introduction of the DPP is without prejudice to the consumers'

right to still be able to request the instructions in paper. The two obligations are not linked.

Regarding the security safeguard for the electronic exchange of product information, it is for the economic operators and for the market surveillance authorities to ensure that such information will be safely transmitted and stored.

The Omnibus proposal does not introduce an obligation to submit electronic documents to the regulatory authorities through the EU digital Ecosystem.

We hope that this reply addresses your concerns. Please note that the proposal is currently on-going negotiation between the EU co-legislators (the Council of EU and the European Parliament) and it is therefore within the power of the co-legislators to introduce changes to the proposal.

The EU would like to thank the Chinese authorities once again for providing comments on the notified draft and hopes that the responses conveyed sufficiently clarify the issues raised.

