

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

G/TBT/N/EU/1145

**(PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
AMENDING DIRECTIVES 2000/14/EC, 2011/65/EU, 2013/53/EU, 2014/29/EU,
2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU,
2014/53/EU, 2014/68/EU AND 2014/90/EU OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL AS REGARDS DIGITALISATION AND COMMON SPECIFICATIONS)**

The European Union (EU) would like to thank China for its comments on the draft *"Proposal for a Directive of the European Parliament and of the Council amending Directives 2000/14/EC, 2011/65/EU, 2013/53/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU, 2014/68/EU and 2014/90/EU of the European Parliament and of the Council 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 has tried to remain technologically neutral in the proposal and has drafted a definition as follows "means 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.

Regarding the postal address, while digitalisation is important, persons that might not have digital skills still need to be taken into account. It is therefore important to keep the postal address. Moreover, depending the applicable EU legislation such postal address can also be on the packaging of certain products as prescribed, for example, in Article 10(6) of Directive 2014/53/EU on radio equipment.

As concerns the format of the safety information for consumers, the aim of this proposal is to promote digitalisation while still preserving the safety of consumers. It is therefore important to keep such safety information in paper for products that are designed for consumers or that can foreseeably used by consumers. Such safety information does not have to be lengthy and will depend on the product itself.

On the means to access the digital instructions, we believe that the access information should not be lengthy as a link, for example, should be sufficient.

As regards common specifications, the current wording in the proposal reflects established precedents in EU law, ensuring consistency with the regulatory framework. As such, we do not consider further amendments to be necessary at this stage.

As regards relationship between harmonised standards and common specifications, while harmonised standards remain the primary reference for compliance in the EU,

the current EU legislative framework nor the proposal mandate their exclusive use. 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.

As regards the role of common specifications as a fallback option, 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 they remain a reliable but secondary option.

As regards the DPP, the aim of this provision is to avoid additional burden on manufacturers when a product is covered by a legislation mandating the use of the DPP as well as other legislations which do not prescribe its use. The goal is to have all the information on the same data carrier, notably the Declaration of Conformity which – under the NLF – should be a single document gathering the information relating to all the legislations applicable to a product.

We hope that this reply addresses your concerns. Please note that the proposal is currently on-going negotiations between co-legislator (the Council and European Parliament).

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.

