

Objective of this document

This document is intended as a brief summary of the DPP-related content of the ESPR proposal. The primary focus is on the technical aspects of the DPP system.

Pointers to help navigating within the official documents are given in the end.

The Digital Product Passport as defined in the Proposal for Eco-design for Sustainable Product Regulation (ESPR)

(The ESPR Proposal was published on March 30, 2022)

Quick overview of ESPR

ESPR's objectives are to reduce negative life cycle impacts of products and improve the functioning of the internal market. It also contributes to EU industrial policy objectives to foster sustainable production, promote supply and demand for sustainable products, and ensure a level playing field for products sold on the internal market. ESPR lays down a framework for setting ecodesign performance and information requirements based on product sustainability and circularity for a broad range of products. It creates the Digital Product Passport as a tool for managing the information requirements. ESPR also prohibits the destruction of unsold consumer products. Under the scope of ESPR, only a few sectors are exempted.

ESPR takes into consideration other regulations to ensure it is consistent with existing policy provisions and other Union policies (e.g., the European Green Deal, Industrial Strategy for Europe, CEAP, EU strategy for sustainable and circular textiles, Green Claims, Corporate Sustainable Due Diligence, Market Surveillance Regulation, Union legislation on waste, chemical and food safety). It also provides information on delegated act developments, regulation exemption rules, obligations of actors along the supply chains / value chains, regulation enforcement and compliance, policy, and standard harmonization among state members and with national policies, and SME implications.

The product passport concept (purpose, data included, system) is presented on item (26) to (39) (page 25-27 of the Proposal). ESPR *“also includes the creation of a digital product passport to electronically register, process and share product-related information amongst supply chain businesses, authorities, and consumers. This is expected to increase transparency, both for supply chain businesses and for the general public and increase efficiencies in terms of information transfer. In particular, it is likely to help facilitate and streamline the monitoring and enforcement of the regulation carried out by EU and Member State authorities. It is also likely to provide a market-intelligence tool that may be used for revising and refining obligations in the future.”* (pg.9)

Technical requirements for the DPP system

The ESPR contains information on technical aspects of the DPP that should apply to all product groups. The DPP will not replace but complement non-digital forms of transmitting information such as information in the product manual or on a label. DPP might also be used to carry sustainability-related information as defined in future EU legislation, beyond the ecodesign regulations.

The DPP should offer free access to data to actors along the entire value chain including customs authorities. This information must be based on open standards and inter-operable formats and be machine readable, searchable and structured. To balance accessibility and IP protection, DPP will allow differentiated access depending on the type of information and typology of stakeholders. It is expected that actors may introduce or update information in the DPP, including, where needed, the creation of a new DPP. This, as well as the period for which the DPP shall remain available, will be defined in the delegated acts.

While DPP implementation is expected to be supported by and produce positive impact on SMEs, the cost may be relatively heavier. As a result, ESPR proposes a number of measures to help SMEs mitigate risks and costs related to DPP implementation. In particular, to support SME's in filling the digital divide gap, the authors of this summary expect that DPP-as-a-Service operators (intermediaries) will offer low-cost DPP data storage and access facilities. According to Art 10. they will not be allowed to sell, re-use or process data beyond what is necessary.

A DPP will be specific to the item, batch or product model, depending on the complexity of the value chain, the size and nature or impacts of the product considered. A DPP can be assigned to intermediate goods or materials. When applicable, the DPP should be easily accessible by scanning a data carrier, such as a watermark or a QR code. The data carrier should be on the product itself to ensure the information remains accessible throughout its life cycle. However, the ESPR also states that the data carrier shall be physically present on the product, its packaging, or on documentation accompanying the product. To ensure interoperability, some features of a 'DPP System' that will be common to all product categories will need to be standardised, such as the types of permitted data carriers, the unique product, operator and facility identifiers, access right management, data storage and processing, data authentication, reliability, integrity, security and privacy, to guarantee compatibility with external components such as scanning devices.

The Commission will set up and maintain a product passport registry to, at minimum, store a record of all unique identifiers linked to products placed on the market or put in service. This registry will be interconnected with the EU Customs Single Window Certificates Exchange. However, the DPP itself should be based on a decentralized data system set up and maintained by economic actors.

DPP data requirements

While the details of the DPP for specific product groups will be defined in specific delegated acts, the general information requirements are described in Article 7 and ANNEX III which specify that this information shall or may include:

- the unique product **identifier** at the level indicated in the applicable delegated act
- the **Global Trade Identification Number** as provided for in standard ISO/IEC 15459-6 or equivalent of products or their parts;
- relevant commodity codes, such as a **TARIC** code;

- **compliance** documentation, such as the declaration of conformity, technical documentation or conformity certificates;
- requirements related to **substances of concern**;
- **user manuals, instructions, warnings or safety** information;
- information related to the manufacturer;
- unique **operator** identifiers other than that of the manufacturer, in particular responsible for product certification tasks;
- unique **facility** identifiers;
- information related to the **importer**;
- voluntary EU **Ecolabels**;
- information on the **performance** of the product in relation to the product parameters;
- information for consumers and other end-users on how to **install, use, maintain and repair** the product in order to minimise its impact on the environment and to ensure optimum durability, as well as on how to **return or dispose** of the product at end-of-life;
- information for **treatment facilities** on disassembly, recycling, or disposal at end-of-life;
- other information that may influence the way the product is handled by parties other than the manufacturer;

Content of the delegated acts

The DPP-related content of a delegated act is described in Article 8 and Annex VI and will specify the following:

- a) the definition of the product groups covered;
- b) the information to be included in the product passport;
- c) the types of data carrier to be used;
- d) the layout in which the data carrier shall be presented and its positioning;
- e) whether the product passport is to correspond to the model, batch, or item level;
- f) the manner in which the product passport shall be made accessible to customers before they are bound by a sales contract, including in case of distance selling;
- g) the actors that shall have access to information in the product passport and to what information they shall have access, including customers, end-users, manufacturers, importers and distributors, dealers, repairers, remanufacturers, recyclers, competent national authorities, public interest organisations and the Commission, or any organisation acting on their behalf;
- h) the actors that may introduce or update the information in the product passport, including where needed the creation of a new product passport, and what information they may introduce or update, including manufacturers, repairers, maintenance professionals, remanufacturers, recyclers, competent national authorities, and the Commission, or any organisation acting on their behalf;
- i) the period for which the product passport shall remain available;
- j) specifications for tests, measurements or calculations needed to establish or verify compliance;
- k) requirements on information to be provided by manufacturers, including on the elements of the technical documentation to enable the verification of compliance of the product with the eco-design requirements.

Description of ESPR official documents

Link https://environment.ec.europa.eu/publications/proposal-ecodesign-sustainable-products-regulation_en The documents included are:

1. Proposal for a Regulation of the European Parliament and of the council (first download):

- Presenting the objectives, consistency with other Union policies, legal basis, summary of ex-post evaluations, stakeholder consultation and impact assessments, and budgetary implications of the proposal
- Describing 71 Articles in the proposal. Articles 1 to 18 are particularly relevant to the DPP
- Article 2 presents a list of definitions, among which *'product passport'* means a set of data specific to a product that includes the information specified in the applicable delegated act adopted pursuant to Article 4 and that is accessible via electronic means through a data carrier in accordance with Chapter III
- Articles 8 to 13 (pg. 54-58) are specifically on Digital Product Passports

2. Annexes (second download)

- Annex III (pg.6) are specific to Digital Product Passport
- Annex VI (pg. 9) explains Delegated Acts

3. Impact Assessments (last 5 downloads)

- Detailed explanations for the context, problems targeted, reasons and objectives of the proposal
- Descriptions and detailed analysis of each of 7 policy options. The analysis includes economic, environmental and social impacts, as well as stakeholder views
- DPP is part of Policy Option 4 (Sub-option 4a: European Digital Product Passport, Sub-option 4c: Generalised European Product Passport) (pg.31-33, pg. 45-47, pg.256-258, pg. 314-340)
- Preferred combination of policy options, impact evaluation and monitoring
- Questionnaires and methodology used to assess impacts
- Cost and budget implications