



Questions and Answers

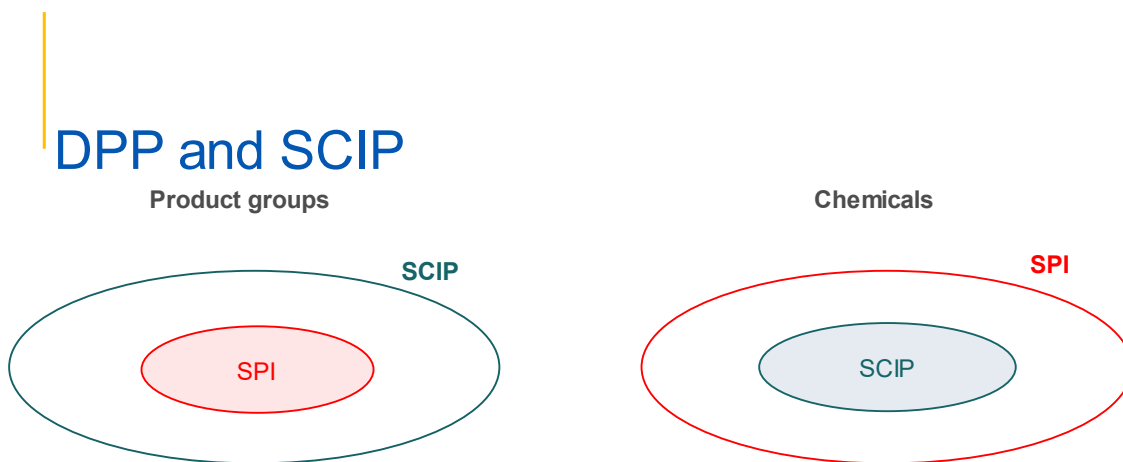
Question 1 - from the representative of Orgalim to the representative of the European Commission:

What are the plans from the Commission to make sure that companies will not duplicate efforts and will enter the data only once? (ECHA SCIP database, EPREL database, CPR database, DPP central registry, etc). And is the long-term plan of the Commission to merge existing databases (in particular EPREL and SCIP) and future environmental regulatory data requirements into the Digital Product Passport (DPP)?

Response from the representative of the European Commission:

It is the intention of the European Commission to not increase the administrative burden for companies. But at the same time, there are practical difficulties. Here are a few examples.

Regarding the **links between the Digital Product Passport and the ECHA SCIP database**, the database for information on Substances of Concern In articles as such or in complex objects (Products):



Moreover:

Data in SCIP are collected at **batch** level. Data in DPP may be requested at **model, batch, or item** level

The SCIP database has been introduced as part of the Waste Framework Directive. The DPP cannot replace the SCIP database from day one, because there are several differences:

- Product groups: SCIP database applies to all products, while the ESPR applies only to a subset of products.
- Scope (chemicals): SCIP is about Substances of Very High Concerns (SVHC) and ESPR is about a wider spectrum of substances eg. Substances of Concern.
- The granularity of the information: Data in SCIP are collected at batch level. Data in DPP may be requested at model, batch or item level.

Because of all these differences, it is not possible to switch from one system to another one, from day one. Therefore, the intention is, for the data where there is an overlap, that companies will not be required to introduce them twice. The European Commission will take care of making the links between the DPP and the SCIP database. From the IT perspective, it is possible to make the link because the SCIP database has been designed in that way.

Regarding the **links between DPP and the European Product Registry for Energy Labelling (EPREL)**:

Comparison with EPREL (1)

DPP

- information required by the applicable delegated acts based on Article 7 (e.g. recycled content, chemical content, etc);
- relevant commodity codes, such as a TARIC code as defined in Council Regulation (EEC) No 2658/87;
- existing compliance documentation and information required by other EU legislation applicable to the product, such as the declaration of conformity, technical documentation or conformity certificates;
- information related to the manufacturer and, when relevant, to the supply chain.

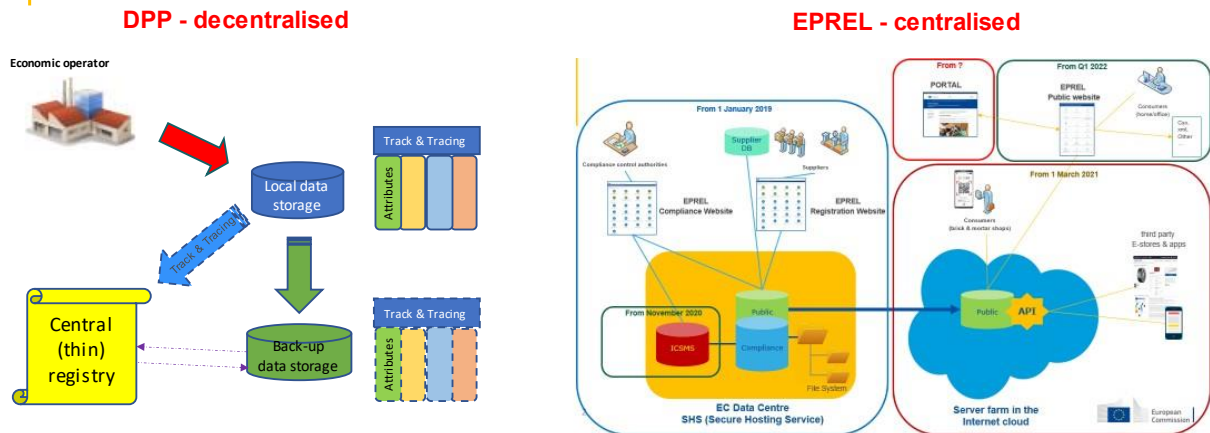
EPREL

(example of electronic displays)

- Supplier and model information
- Energy efficiency class and power consumption for SDR and HDR (if available) modes
- Power consumption of low power modes (standby, off mode and networked standby)
- Information on screen size, resolution and size ratio
- Information on technical characteristics
 - Panel technology, availability of Automatic Brightness Control, availability of voice recognition and room presence sensor, image refresh frequency rate (Hz)
- Minimum guaranteed availability of spare parts and software/firmware updates
- Minimum guaranteed product support
- Minimum duration of guarantee
- Information on External Power Supply (including on standardised compatible external power supply)
- existing compliance documentation (i.e. technical documentation), link to ICSMS



Comparison with EPREL (2)



EPREL database covers all products with an energy label and has been recently launched. EPREL cannot be replaced by the DPP (even though there are similarities regarding information requirements) because they have been designed in a completely different way. On the one hand, the EPREL database is a classical centralized system that has been structured in order to make information available in a certain way to the stakeholders, to either the authorities or to the consumers. On the other hand, the DPP is a fully decentralized system. In the short/medium term, the European Commission does not plan to replace EPREL because it is working well for what it has been designed to work for. The European Commission will continue using EPREL for energy related products. For other products, the European Commission will probably use more the DPP. It does not mean that, in the medium/long term, the two systems may not converge. But it is not something that the European Commission intends to do in the short-term.

Question 2 - from the representative of ECOS to the representative of the European Commission: You mentioned that the DPP will only apply to these products for which there is a delegated act. What will be the criteria for excluding product groups from the DPP, and do you already have some product groups in mind?

Response from the representative of the European Commission:

Whether the products will have a delegated act or not, will depend on what will be part of the ESPR Working Plan. The Commission is currently working with the Joint Research Centre (JRC) in order to look into all the different product groups that might be of interest. They will identify what will be included in the priority list. Due to limited resources, the European Commission needs to focus on what they can really deliver. The JRC will prepare this drafting working plan, which should be ready by the end of this year. The European Commission will then start consulting all stakeholders; Member States, associations, industry, NGOs, etc. and that will define the priority list.

The ESPR states that if there is an information requirement, the DPP becomes mandatory. However, there are two main exceptions to the rule “one product, one DPP”:

- If for whatever reasons the DPP cannot be operational by the time the European Commission adopts the delegated act, there is a risk of loopholes (because if there is no DPP, then it is not possible to have the delegated acts with the information requirements). In order to avoid that situation, it is possible to not have a DPP for those product groups. This is the reason why it is possible to have a delegated act without having the corresponding DPP.
- The second possibility is, if there is already an existing system, at EU level, to provide similar or equivalent information (e.g. EPREL). So, most probably, at least in the short/medium term, for products that fall into EPREL (i.e. energy related products), the European Commission will probably not have a DPP but will use EPREL.

Moreover, it is not always relevant to have the full disclosure of materials and chemicals, or even the assembly plan, to achieve the circularity objectives. The European Commission will look into what is relevant and will require only the relevant information because there are issues related to IP and confidentiality. The European Commission does not want to create damages to companies.

Furthermore, information should be reliable. Therefore, it is not possible to rely only on self-declaration. There is a need for a wise mix of self-declaration with third party verification regarding certain information.

Question 3 - from the representative of Technology Industries of Finland to the representative of the European Commission: how will the different actors have access to information in the DPP and what level of information shall they have access to? Granularity of the info for the different actors?

Response from the representative of the European Commission:

The decision has been made to not already decide now in the ESPR framework who will have access to what information. There is a necessity to take decision looking at the broad product group, because the reality is different from one product to another. When delegated acts will be adopted, the European Commission will evaluate case by case, what is the situation for that specific product group. For example, for a smartphone, the consumer might want to know information about the technical performance, the durability of the product, reparability, the carbon footprint, etc. Maybe the recyclers need to know if a specific chemical is included in this specific part of the plastic in order to improve the recycling, but the consumer does not need to have access to that information. Therefore, the European Commission will have a discussion with the stakeholders when developing the delegated acts regarding which information and who has access to it. The discussion on IT issues is a separate conversation.

Moreover, the European Commission does not exclude decentralized verifiable credentials. However, the European Commission needs to learn more on how they work in practice and to what extent they could complement or replace the third-party verification, for example. The European Commission will explore these possible alternatives. It is an ongoing discussion with the stakeholders. This is the reason why there is a standardization work and the European Commission is funding the Digital Europe Programme.

Question 4 - from the representative of ECOS to the representative of the European Commission: during a recent European Parliament IMCO Committee Hearing on the DPP, the representative from the Commission (Joaquim Nunes de Almeida, Director, DG GROW) mentioned that the DPP was conceived as modular enough to allow other EU legislations to make use of it. Which legislations do you have in mind and you think are likely to use the DPP? Would this for example cover the Construction Product Regulation?

Response from the representative of the European Commission:

The DPP is composed of two separate pillars:

- **The technical architecture:** all the IT standards, protocols and procedures that are required to make a DPP work because the European Commission is not imposing one DPP. The European Commission is just putting out the rules and standards in order for the market to develop its own DPP. DPP will fulfil the same rules and will be fully interoperable. Then it will be market operators developing their own tailored solution.
- **The information architecture:** the data that will be included in the DPP

The way the technical architecture is designed will be the same. Any policy, in principle, could use the same architecture for its own objectives, because what changes in the policy is the data (i.e. information architecture). Therefore, it is the information architecture that changes.

There are links between the DPP and new policies (e.g. revision of the Toys Directive, the Carbon Border Adjustment Mechanism (CBAM), etc.). Whenever there is a product policy that has specific requirements, then in principle, the DPP could be the vehicle to bring that information.

What remains to be understood is that, for the time being, the DPP has been included in the context of ESPR and the products that will be regulated through ESPR with delegated acts. Therefore, in order to use the system through a policy or product that is not the scope of the ESPR, it is required to recreate the same system in the other legislation (duplicating the system, keeping the same standard, keeping the same rules, but bringing it in the legal scope of another product).

Maybe in some years from now, it will make more sense to introduce a sub standing regulation called DPP, that would apply horizontally to all product groups. However, at this stage, the European Commission prefers to start small, only introducing it in the ESPR, and maybe in future, can expand on that.

Question 5 - from the representative of Orgalim to the representative of the European Commission: what are the links between ESPR / DPP and the Product Environmental Footprint (PEF) and what are your recommendations to industry? Does the industry for example need to already start working on PEF category rules (PEFCR) when they see that their products will be proposed to be included in the new Working Plan?

Response from the representative of the European Commission:

The old and new Ecodesign are rooted in life cycle thinking. The life cycle assessment has often been used to do the preparatory work (to identify what is really relevant for that product group). It will continue to be at the core of the work. Since the European Commission has adopted and renewed recently the recommendations suggesting Product Environmental Footprint (PEF) and Organisation Environmental Footprint (OEF) as the best available methods worldwide, the European Commission will continue using it for sure when doing the preparatory work.

However, ESPR is not only about footprint, but also about circularity, and it is about other characteristics of the product that are not captured through the proof footprint. There are other tools used by the European Commission regarding reparability, durability, and other issues, related to circularity. Therefore, PEF is not

the one fits all solution but the European Commission will continue using it for the preparatory studies. When it is possible and relevant, the European Commission may introduce information requirements or performance requirements that relate to the life cycle. And in that case, the European Commission will assess what is the right method to do that. It could be PEF but there may be specific cases where it is not needed to use the PEF.

The Batteries Regulation adopted by the European Commission is another piece of work on which the European Commission is now consulting stakeholders and also on photovoltaic panels. In both cases, there are requirements related to carbon footprint which have been built using the existing PEFCR. It means that, if in the future PEFCR exists, it might be used, at least partly, for the preparatory work. Therefore, it will be an important source of information, but it is not an essential need. It is the decision of the industry to decide if they develop a PEFCR or not. Feedback received from industry is that they found reasons to do it, beyond the political request.

The European Commission will continue working on the development of the best methods, because some categories are maybe not optimal, where more work needs to be done because science is evolving. Moreover, there is the discussion about the secondary data, availability of data, quality of data, for which the European Commission is investing, and they hope that with the green claims regulation, there will be some important advancement in that direction.

Question 3 - from the representative of Technology Industries of Finland to the representative of the European Commission: how does the Commission plan to take into account the key findings of existing or future pilot projects on DPP in the Member States or at EU level as well as existing or future industry solutions on DPP?

Response from the representative of the European Commission:

There is no structured way of evaluating the results but there is a structured way of keeping open channels for communication. For example, in the context of the ESPR, the European Commission will continue using the Ecodesign forum (which was called the Ecodesign Consultation forum), where stakeholders that have specific experience on certain issues, certain product groups, are consulted regularly by the European Commission in order to gather their experience and feedback. The European Commission will continue having dedicated workshops and stakeholder consultations to analyse certain elements (for example on DPP, market surveillance, green public procurement). All the information will be taken into consideration, as well as the feedback the European Commission receives from international partners. For instance, there is an open dialogue with the World Business Council for Sustainable Development, the United Nations Environmental program, WTO, etc.