

Position Paper

2025 May

Bitkom's position on the IMCO Draft report on the NLF

Introduction

Bitkom received and read with great interest the European Parliament, Committee of Internal Market and Consumer Protection (IMCO), draft report "on a new legislative framework for products that is fit for the digital and sustainable transition" (2024/2119(INI)). Bitkom welcomes that the IMCO looks at the New Legislative Framework (NLF) and would like to provide perspective on a few critical clauses of the draft.

Bitkom strongly supports the successful and well-established approach of having legal requirements and safety objectives laid down in legal acts and delegating the development of harmonised European standards as one option for fulfilling these requirements to the private sector. Presumption of conformity has proven to be a very effective but also cost-effective way for demonstrating compliance with the law and working with market surveillance authorities. **Bitkom strongly recommends that this approach be kept and further refined.**

Bitkom supports adaptations to the NLF for allowing the full integration of new regulated domains into the NLF. Bitkom believes that a **close consultation of and dialogue with the industry** will be of high value for any further development of possible adaptations of well-established processes under the NLF.

Comments on the draft report

Retain CE mark as a well-established system for all stakeholders

Bitkom does not see a need for removing the CE mark, as it serves as an enabler for direct and effective communication between industry and market surveillance. Its property of self-declaration is an integral part of the NLF, and the mark is well-established globally and in the EU, as it is, for example, a requirement for the whole value-chain for products under the Cyber-Resilience-Act (CRA). Additionally, small and mediums enterprises (SMEs) will struggle to quickly switch to the Digital product Passport (DPP). We hence recommend **removing clause 8**, which includes the proposal for a replacement of the CE mark, instead focusing on strengthening the market surveillance to stop misuse by extending clause 6.:

6. Stresses that a horizontal DPP would significantly enhance the work of market surveillance and customs authorities, as it would enable the efficient screening of essential product compliance information for conformity checks; **and allow a tighter control of the use of the CE marking;**

Include perspectives of industry needs, competitiveness, and innovation

Bitkom strongly recommends adding key perspectives on the benefits of the current system by an additional reference

- ***having regard to the Commission communication of 29 January 2025 on A Competitiveness Compass for the EU (COM(2025)0030),***

and expanding clause A with:

A. whereas the NLF has improved the consistency and efficiency of product legislation in the single market through harmonised conformity assessments, market surveillance and notified body accreditation; ***plays an important role for competitiveness of European industry; brings safe and state-of-the art technologies to the EU single market fast, with appropriate cost, and with a low level of bureaucratic burden;***

Solve issues of the NLF at the implementation level

Bitkom notes that while the NLF is a fundamentally effective instrument, issues in implementing the NLF have hindered its effectiveness. Bitkom thus recommends an additional clause:

- ***Calls on the Commission to publish EU standardisation requests for the development of harmonised European standards early and in discussion with the European Standardisation Organisations (ESOs); reduce critical bottlenecks in the standardisation process by reforming the HAS-consultant system;***

Highlight the international link and the open, transparent and inclusive processes of the European standardisation system

The European standardisation system and its effectiveness are of key importance for a proper functioning of the NLF. Bitkom, whose members are very active and make high investment in providing subject matter expertise for the development of harmonised European standards, therefore suggests that the report stress the need for strengthening the current system and keeping up effective processes for the standards development:

20. Believes that harmonised standards constitute a pivotal element of the single market in supporting public interest objectives set out in EU law; **highlights that a close link to international standardisation benefits the European industry and global competitiveness; points out the leading role that the longstanding public-private partnership with industry and ESOs has in providing high-quality standards and transparency to the benefit of industry and consumers;**
21. Stresses that the revision of the NLF should enhance the transparency, accountability and effectiveness of the standardisation process, which includes the allocation of EU funds to European standardisation organisations and **making it fit for purpose for newly regulated areas in the world of IT and software; highlights the need to align the NLF revision with the revision of Regulation 1025/2012;**

Avoid confusion of the NLF with the DPP

Bitkom supports that a discussion be held about possible modernisation of the processes of and around the NLF. However, Bitkom recommends that the NLF should provide a flexible environment that allows for continued modernisation, and refrain from mandating certain technology located at the level of implementation. In particular, modernisation of the NLF should not be mixed with the Digital Product Passport (DPP) and we ask that the mandatory use of the DPP in **clause 7 continues to be discussed** with industry.

Bitkom is concerned that the strong focus on the DPP may be understood as if the DPP were able to replace major parts of the NLF, while we stress that the NLF (and its digitization) extends beyond that. Upon a formal standardisation request by the commission, a concept for the DPP is now under development in CEN-CENELEC JTC 22 with broad involvement of stakeholders that will foreseeably include the intended functionality as covered in clause 4., 5., 6., and 9. Bitkom hence recommends that clauses 4 to 9 of the draft report be reviewed accordingly and may be **subsumed under a few clauses** that highlight the DPP, while not overestimating its benefits.

Differentiate between the NLF and other policy and regulatory initiatives

The prime objective of the NLF is to provide a legal framework for market access. It is important for the competitiveness of industry that the clarity of this regulatory framework be preserved. Bitkom believes that the draft report contains several topics that go beyond

the NLF. We ask the committee to consider **addressing these topics in the context of better fitted policy or regulatory initiatives**. In particular:

- Clause 2: Bitkom recommends analysing to what extent the clause is part of the Product Liability Directive already.
- Clauses 12 and 13 on durability, long-lasting products and forbidding advertising for fast fashion: Bitkom recommends and supports addressing these important issues in a separate, targeted report.
- Clauses 14 to 19 on enabling refurbishment, reuse, reselling and repair: Bitkom supports that these important topics for promoting and enabling better reuse and reducing waste have partly been addressed with the Ecodesign for Sustainable Products Regulation (ESPR) under the NLF. Bitkom asks that these topics are integrated with clear regulation.
- Clause 17 on availability of information: Bitkom would like to stress that Declarations of Conformity (DoC) are typically publicly available or shipped with a product, but they are not for providing and don't include detailed product information. Making such information available is partly addressed in the EU Data Act and the topic should be addressed in this specific context.

Bitkom hopes that these inputs provide useful information and impulse for the further discussion and progressing of the initiative report on the NLF. Bitkom is available anytime for clarifications and for providing further details.

Bitkom represents more than 2,200 companies from the digital economy. They generate an annual turnover of 200 billion euros in Germany and employ more than 2 million people. Among the members are 1,000 small and medium-sized businesses, over 500 start-ups and almost all global players. These companies provide services in software, IT, telecommunications or the internet, produce hardware and consumer electronics, work in digital media, create content, operate platforms or are in other ways affiliated with the digital economy. 82 percent of the members' headquarters are in Germany, 8 percent in the rest of the EU and 7 percent in the US. 3 percent are from other regions of the world. Bitkom promotes and drives the digital transformation of the German economy and advocates for citizens to participate in and benefit from digitalisation. At the heart of Bitkom's concerns are ensuring a strong European digital policy and a fully integrated digital single market, as well as making Germany a key driver of digital change in Europe and the world.

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Bitkom 2025

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