



*Raising standards for consumers*

POSITION PAPER

# ANEC position on the revision of New Legislative Framework (NLF)



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## EXECUTIVE SUMMARY:

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ANEC supports revising the New Legislative Framework (NLF) to better address digitalisation, e-commerce, circular economy objectives, and enforcement realities, while stressing that reforms must strengthen consumer protection and product compliance, not weaken them.

We detail below key principles for the revision of the NLF with consumer protection at the core.

### 1 | Digital product compliance information & Digital Product Passports (DPP)

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ANEC supports the introduction of digital product compliance tools, potentially based on the Digital Product Passport, but we insist they must complement and not replace essential paper-based consumer information.

Safety warnings and instructions critical to safe use must always be provided in paper, alongside any digital version.

Digital tools must be open, interoperable, accessible, and usable offline, recognising that not all consumers have digital access or skills. Clear separation is needed between consumer-facing information (safety, instructions, compliance status) and authority-facing technical documentation.

Digital compliance information could improve access throughout the product lifecycle, including second-hand and refurbished products. Compliance data should also remain available for the entire expected lifetime of the product, including second-hand and refurbished use, irrespective of changes in manufacturer status or commercial availability.

Enforcement actions such as recalls or withdrawals, should also be immediately visible to consumers through the digital tool. Authorities should be able to upload such information directly into the digital system for consumers to receive real-time information.

Digital product compliance information can bring value to consumers but it must complement, not replace essential paper-based consumer information.

## 2 | Digital compliance information and market surveillance (including e-commerce)

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The NLF should be better adapted to tackle the challenges posed by complex and global supplies chains to protect consumers from unsafe products. Each day, a multitude of non-compliant or dangerous products sold online reach European consumers, overflowing the market surveillance and customs authorities within the Single Market.

The role of online marketplaces in the supply chain must be acknowledged: their status and obligations must be those of importers to make sure they can be ultimately held liable for product safety violations.

Market surveillance and customs authorities should have full access to digital compliance information for products to facilitate their assessment, particularly for products sold online.

Publicly accessible compliance data would also make testing by consumer organisations more efficient and improve cooperation with authorities.

Digital compliance data should be:

- Digitally signed
- Linked to official declarations of conformity
- Automatically updated in cases of non-compliance or revocation

The NLF must address the overflow of non-compliant products entering the Single Market through e-commerce. Market surveillance and customs authorities must have full access to comprehensive and robust digital compliance information for these products.

## 3 | Digital compliance information and the CE mark

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ANEC supports moving the CE mark to a digital-only format, rather than displaying it physically on products or packaging as consumers frequently misunderstand the CE mark as a quality or safety label, when it is rather a self-declaration by the manufacturer. Any change to the display of the CE mark shall be accompanied by clear information campaigns to raise consumer awareness of this transition.

Market surveillance must always verify that CE-marked products genuinely comply with legal requirements.

CE marking shall be displayed through digital product compliance information and no longer physically on products or packaging. CE marking is meant for compliance authorities rather than for consumers.

## 4 | Circular economy, refurbished and second-hand products

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ANEC highlights significant gaps in the NLF regarding refurbished, repaired, reused, and remanufactured products as it lacks clear, harmonised definitions for refurbishers, repairers, and sellers of pre-owned products, creating legal uncertainty.

These operators should be explicitly integrated into the NLF with clearly defined responsibilities. Used goods sold by a professional seller must comply with the same rules as new products.

Conformity assessment for refurbished products should follow a risk-based approach, depending on the risks posed after refurbishment.

The NLF must adapt to the circular economy with appropriate definitions and provisions for conformity assessment.

## 5 | Notified bodies: oversight, accountability, and competence

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ANEC calls for stronger oversight, accountability, and competence of notified bodies across the EU.

Current rules for notified bodies are not robust enough. Competence assessments vary across Member States and accreditation remains optional. Therefore, we call for mandatory accreditation as well as strengthening the competences of staff across the EU as well as to adapt procedures to the use of digital tools as well as current challenges such as connected or circular products modified throughout their lifetime.



EU-level oversight would help ensure uniform quality, reducing gaps and differences that can affect consumers. It would ensure higher consistency and coherence across borders in line with a resilient Single Market and high level of consumer protection.

In addition, there should be obligations for the manufacturer to clearly document subsequent product changes and inform notified bodies to ask for updated certificate or product check.

More robust rules are needed for notified bodies, including mandatory accreditation. It is essential to strengthen the competences as well as establish mechanisms for further accountability.

## 6 | Clear and objective requirements

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For to the importance of NLF coherence, the European Commission, upon proposing relevant NLF legislation, should commit to conducting an ‘NLF Check’ to demonstrate that it is the correct tool to use to achieve the intended goal. The EC Regulatory Scrutiny Board could be invited to assist in verifying this is the case.

With the NLF being used to regulate new sectors, it is essential that the definition and wording of the essential requirements to be covered by standards are clear and objective to allow standards to provide the technical means to meet the requirements and not result in legal interpretations.

Given the importance of coherence within the NLF, the European Commission should commit to conducting an “NLF check” when proposing relevant legislation and ensure that essential requirements are clearly and objectively defined so that standards can effectively provide technical solutions without creating legal uncertainty.

ENDS.



ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and the use of standards, as well as related legislation and public policies.

ANEC was established in 1995 as an international non-profit association under Belgian law and is open to the representation of national consumer organisations in 34 countries.

ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind. Its Secretariat is based in Brussels.

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