EUROLAB Special Briefing

Evaluation of the New Legislative Framework (NLF)

for industrial products in the EU

Adopted in 2008, the New Legislative Framework (NLF) for EU product legislation consists of Decision No 768/2008/EC1 and Regulation (EC) No 765/2008 aiming to improve the Internal Market for goods and strengthen the conditions for placing a wide range of products on the EU market. It is a package of measures that aim to improve market surveillance and boost the quality of conformity assessments. It also clarifies the use of CE marking and creates a toolbox of measures for use in product legislation.

Decision No 768/2008/EC contains a template for future Union product legislation. This Decision lays down common principles and reference provisions intended to apply across sectoral legislation in order to provide a coherent basis for legislation revisions or recasts3. Currently, there are 23 pieces of legislation and one delegated act aligned to the NLF.

Regulation (EC) No 765/2008 established an overall framework of rules and principles related to accreditation, market surveillance, conformity assessment and the CE marking. The market surveillance provisions of this Regulation were replaced by Regulation 2019/10205, which started to apply on 16 July 2021.

In November 2022, the European Commission published the evaluation of the NLF for industrial products in the EU. Since the adoption of the New Legislative Framework in 2008, industry and products have transformed radically, in particular due to the ongoing digital and green transitions. The main purpose of the evaluation is to look into the performance of the New Legislative Framework, to assess its effectiveness, efficiency and relevance, as well as its coherence with similar initiatives.

Almost 200 stakeholders replied to the Commission's targeted consultation and 125 stakeholders participated in the public consultation. Based on all these replies and additional research, the evaluation concludes that the New Legislative Framework has been effective and efficient in achieving its objectives by ensuring coherence among different pieces of product legislation. The EU added value of the New Legislative Framework is also highly appreciated by stakeholders. The evaluation also found that the regulatory toolbox set out in the New Legislative Framework, has reduced divergences in EU product legislation and helped stakeholders be familiar with the rules.

Conversely, the evaluation identified the relevance of certain elements of the New Legislative Framework as its main weakness. It concludes that, for the New Legislative Framework to respond to the current and future needs of product legislation and preserve its relevance, it would be useful for the Commission to explore if an update is needed to: (i) uphold its role as a general framework, taking into account the challenges of digitalisation and complex value chains, (ii) facilitate remanufacturing and high-quality recycling of products, (iii) introduce a digital product passport, and (iv) introduce digital CE marking.

Focus on the EU Digital Product Passport

Over-consumption of products ranging from smartphones to textiles is heaping pressure on natural resources and needs to be reined in, according to the European Commission. The [proposal for a Regulation on Ecodesign for Sustainable Products](#) addresses product design, which determines up to 80% of a product's lifecycle environmental impact. It sets new requirements to make products more durable, reliable, reusable, upgradable, reparable, easier to maintain, refurbish and recycle, and energy and resource efficient. In addition, product-specific information requirements will ensure consumers know the environmental impacts of their purchases.

All regulated products will have Digital Product Passports. This will make it easier to repair or recycle products and facilitate tracking substances of concern along the supply chain. Labelling can be introduced as well. The proposal also contains measures to end the destruction of unsold consumer goods, as well as expand green public procurement and provide incentives for sustainable products. The idea is to make consumer products longer-lasting as well as easier to repair and recycle. And to achieve this, the Digital Product Passports serve the purpose of tracking the origin of components and raw materials used in all kinds of consumer goods.

More: [EURACTIV](#)

Source: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12654-Evaluation-of-the-New-Legislative-Framework-for-EU-legislation-on-industrial-products_en

Should you have any further comments or questions, please do not hesitate to contact the EUROLAB Secretariat at laura.martin@eurolab.org, or martina.razzaboni@eurolab.org.