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Policy paper on Omnibus IV (Paper vs. Digital documentation & Common Specifications)

Paper vs. Digital documentation

APPLiA believes that the possibility to share respective documents in the digital format only (and not mandatorily in paper) is a step in the right direction. It should simplify the process and make it cheaper for all interested parties. Additionally, it would allow for faster update of the documents in case of any changes. We appreciate the Commission's progress in enabling digital user manuals and declarations of conformity. This isn't just about convenience; it's about significant benefits.

Allowing digital safety manuals could lead to substantial cost savings, estimated between €43,187,400 and €170,500,000. Secondly, considering the environmental impact, moving away from millions of wasted paper pages is crucial..

Digital manuals offer several advantages, including barrier-free access, the ability to incorporate videos, and links to additional resources. We believe consumers should retain the option to request physical copies of accompanying information if they specifically choose to do so.

1. Main messages

- The digitalisation of accompanying information can help make a substantial contribution to sustainability.
- The possibility to provide user manuals and Declaration of Conformity in digital format only is definitely a step in the right direction.
- A reasonable approach would be to limit the consumer's request for paper versions of the aforementioned documents to a maximum of six months from the product's purchase date.
- We believe that providing safety instructions in digital form could offer additional benefits. However, this should only be considered if there is clear evidence that omitting printed safety instructions and relying solely on warnings on the packaging or the appliance itself does not compromise consumer safety. To ensure this, the Commission could initiate a dedicated study to assess the impact and provide clarity.

2. Additional elements

- General Product Safety Regulation should be amended with the same text as well
- Energy Label to be provided in digital form only brings high potency for changes and should be explored as well

Common Specification

The European Union's framework for product compliance has always relied on a rigorous system to ensure high standards. Traditionally, **essential requirements** for products were met through **harmonised standards**, developed by European standardisation bodies.

After already having introduced respective language in some regulations, the recent **Omnibus IV** legislative package fundamentally alters this approach by introducing **Common Specifications for nearly all product regulations and directives**. This mechanism empowers the European Commission to directly adopt technical specifications, thereby **bypassing the standardisation bodies and processes**.It is claimed by the Commission that this process is only the mast resort in case standardisation fails

We believe this approach is only acceptable if the legal texts clearly define these exceptional conditions. For legal coherence, it would be beneficial to introduce the same legal text into an omnibus regulation.

Unfortunately, the current proposal fails on these two conditions: it is inconsistent with the machinery regulation which is closely connected to Low Voltage Directive and Radio Equipment Directive and it allows under vague circumstances to use this procedure. We also would like to point out that it is unclear how Common specification are more quickly as a process

We propose the following text as a solution that aligns with the Commission's objectives. We firmly believe that this omnibus regulation must, for reasons of democratic integrity, ensure that common specifications adhere to the same stringent requirements as traditional standard development: reliability, expertise, openness, transparency, and consensus. These principles are essential for the credibility and efficacy of technical regulation within the EU.

3. Main messages

- The introduction of common specifications represents a departure from the usual standardisation approach under the New Legislative Framework (NLF), which relies on harmonised standards developed through collaborative, consensus-based processes involving stakeholders. Unlike harmonised standards prepared by recognised European standardisation organisations, common specifications are adopted directly by the European Commission, typically without the same level of stakeholder consultation. While intended to serve as a fallback mechanism, this shift

may undermine the principles of transparency and inclusiveness that are central to the NLF, potentially affecting stakeholder confidence and flexibility in implementation.

- The European Commission must adhere to the WTO Agreement on Technical Barriers to Trade (TBT) when utilising common specifications. This agreement is based on key principles including non-discrimination, avoiding unnecessary obstacles to trade, transparency, harmonisation and equivalence.
- Stronger safeguards are needed to ensure that common specifications are used as a last resort,.
- Common specifications should only be introduced if standardisation had demonstrably failed within a defined timeframe, such as two years.
- We recommend using the text from Article 20 of the Machinery Regulation as a foundation, as it was already approved through the ordinary legislative procedure. The legislator should now build upon this by incorporating additional amendments to enhance transparency, aligning with WTO recommendations for sound standardization practices.

4. Concrete amendments (generic approach)

- "{ADD}: (a-bis) the Commission has justified the reasons for not publishing in the Official Journal of the European Union harmonised standards, when developed by the Standardisation Organisations, vis-à-vis the Committee of Standards referred to in Article 22 of Regulation (EU) No 1025/2012 and that Committee has endorsed the justification applying Article 5 of Regulation (EU) No 182/2011.

  (b)....caused by the standardisation organisations directly,....without sound and objective reasons for that rejection. "
- "{ADD}: (New recital x)

  The reference to harmonised standards covering the relevant essential health and safety requirements published in the Official Journal of the European Union in accordance with Regulation (EU) No 1025/2012 is of benefit for the functioning of the Union Internal Market. Therefore, all relevant stakeholders in requesting, developing and listing such standards, namely the European Standardisation Organisations and the Commission Services, have to jointly and constructively engage so that standards referenced in the Official Journal are sufficient to cover the essential requirements.

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