

# **ETSI's Response to the European Commission's Call for Evidence for the Revision of the New Legislative Framework**

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# ETSI's Response to the European Commission's Call for Evidence for the Revision of the New Legislative Framework<sup>1</sup>

## 1. Executive Summary

On 14 July 2025, the European Commission launched a call for evidence on revising the New Legislative Framework (NLF). ETSI, a leader in digital standardisation at European and international levels, provides insights on strengthening the NLF and underscores that harmonised standards constitute a key element of its success in supporting the EU's Single Market and EU policy objectives. ETSI welcomes efforts to enhance efficiency, transparency, and enforcement, while emphasising the need of adequate safeguards for market surveillance authorities. ETSI reiterates that the CE marking remains a trusted indication of compliance and invites for a thorough assessment of the Digital Product Passport's benefits and sectoral impacts. ETSI reaffirms that its direct-participation and consensus-driven model can be better leveraged to support the digital and sustainable transitions.

## 2. ETSI response

ETSI thanks the European Commission for the opportunity to provide feedback on the planned revision of the New Legislative Framework (NLF). The initiative is intended to simplify the EU product legislation framework, combined with the revision of the European standardisation<sup>2</sup> and the market surveillance<sup>3</sup> regulations, to reduce bureaucracy and to create greater synergies and simplification.

As indicated in the Commission's Single Market Strategy, to which ETSI responded with a statement<sup>4</sup>, the policy pillars cited above contribute to establishing "a level playing field with robust competition which prepares the ground for long-term European competitiveness"<sup>5</sup>.

In its 2022 evaluation, the Commission highlights the importance of the NLF in reinforcing the New Approach, which restricted the content of legislation to essential requirements leaving the technical details to European harmonised standards<sup>6</sup>. While the evaluation confirms that over eighty percent of all stakeholder groups consulted consider that standards constitute effective voluntary tools to achieve compliance, it notes that the NLF's performance depends on other factors, such as:

- the availability of standards by the time of entry into application of the related legislation;

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<sup>1</sup> <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14715-Product-legislation-ensuring-futureproof-rules-revision-of-the-New-Legislative-Framework-NLF- en>

<sup>2</sup> <https://eur-lex.europa.eu/eli/reg/2012/1025/oj/eng>

<sup>3</sup> <https://eur-lex.europa.eu/eli/reg/2019/1020/oj/eng>

<sup>4</sup> <https://www.etsi.org/images/files/ETSIPositionPapers/ETSI-Statement-Paper-No1.pdf>

<sup>5</sup> <https://single-market-economy.ec.europa.eu/publications/single-market-our-european-home-market-uncertain-world en>

<sup>6</sup> [https://ec.europa.eu/transparency/documents-register/detail?ref=SWD\(2022\)364&lang=en](https://ec.europa.eu/transparency/documents-register/detail?ref=SWD(2022)364&lang=en)

- the speed of the citation process in the OJEU to deliver presumption of conformity quickly;
- the efficiency of work of market surveillance to ensure timely enforcement of product laws.

These aspects help to foster innovation and competitiveness within the Single Market and ensure a level-playing field for all European businesses, including small and medium-sized enterprises (SMEs).

ETSI welcomes the Commission's initiative to tackle the above challenges and to streamline the overall product legislation framework and its primary objectives: alleviate regulatory burdens and restore the balance between maintaining regulatory integrity and fostering innovation.

Moving forward would require enhancing the transparency, accountability and effectiveness of the standards-based Single Market by revising Regulation (EU) No 1025/2012, notably through a series of solutions proposed by ETSI<sup>7</sup>. Today more than ever before, ETSI is well placed to leverage its expertise and tools to further assist the Commission in defining a revised framework compatible with the challenges of the green and digital agendas which may potentially require adding new operators such as remanufacturers, refurbishes and recyclers that are not presently mentioned in the NLF.

As a brief reminder, ETSI develops standards in strategic areas for the EU in ICT, IoT, and digital technologies in general such as Connectivity (5G/6G), Data, Cybersecurity, AI and Quantum<sup>8</sup>. With over thirty years of standards development, ETSI is a trusted partner of the Commission in world-leading digital standards, adhering to the WTO TBT Agreement on Technical Barriers to Trade's principles of transparency, openness, impartiality, consensus, efficiency, relevance and consistency. ETSI's extensive expertise, combined with its global membership and partnerships, offers a flexible process to address newly regulated areas. ETSI already founded new Technical Committees on Securing Artificial Intelligence (TC SAI) and on Data (TC DATA); established a new working group for addressing work in support of the Cyber Resilience Act (TC CYBER EUSR Working Group) and included work on the Digital Product Passport within its Technical Committee for Energy Efficiency (TC EE).

ETSI reiterates that harmonised standards are a key element in the NLF, playing an instrumental role in strengthening the Single Market and in supporting the public interest objectives set out in EU legislation and policies. According to the Commission's evaluation, Regulation (EU) No 1025/2012 remains coherent and fundamental for the implementation of the NLF<sup>9</sup>. The NLF has demonstrated its ability to ensure rapid inclusion of innovations by involving industry stakeholders in order to meet objectives defined in EU legislation. Despite this enviable record, improvements are still expected in the process, in particular the development of Standardisation Requests (SReqs) and the conferment of the presumption of conformity to re-establish a coherent and predictable system that supports innovation and investment. Moreover, several major new European legal acts have been brought forward which do not fully leverage the NLF, such as the Artificial Intelligence Act (AI Act), the Data Act, the Cyber Resilience Act (CRA) and the Ecodesign for Sustainable Products Regulation (ESPR).

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<sup>7</sup> [https://www.etsi.org/images/files/ETSIPositionPapers/ETSI\\_Position-Paper-No3.pdf](https://www.etsi.org/images/files/ETSIPositionPapers/ETSI_Position-Paper-No3.pdf)

<sup>8</sup> ETSI's Global Expertise in Quantum, Instrumental in Making Europe the "Quantum Continent": <https://www.etsi.org/newsroom/press-releases/2558-etsi-s-global-expertise-in-quantum-instrumental-in-making-europe-the-quantum-continent>

<sup>9</sup> <https://op.europa.eu/en/publication-detail/-/publication/57cb8a80-4fe4-11f0-a9d0-01aa75ed71a1/language-en>

Remembering that the NLF framework is highly valuable and of paramount importance for the global competitiveness of European businesses, the speed in the standard development process constitutes a major challenge, especially in the context of strategic digital areas subject to rapid technological evolution. Under the NLF, standards still have the potential to be developed quickly, and unnecessary regulatory burden can be minimised. In this respect, ETSI has tabled concrete proposals to contribute to the EU legislative work on the both the NLF<sup>10</sup> and the European Standardisation System (ESS)<sup>11</sup>.

While further improvements could be made to the speed of developing European standards into the NLF, greater focus should be put on other aspects of the ESS such as the drafting and adoption of Standardisation Requests and the ex-post assessment of harmonised standards before permitting presumption of conformity. This is essential to restoring the strength of a coherent and predictable framework that boosts the global competitiveness of EU businesses, in particular innovative SMEs.

To ensure the continued success of the NLF framework, ETSI reaffirms that industry-led, consensus-based harmonised standards must always be considered the preferred choice to meet EU regulatory objectives. The European standardisation system rests on two key principles: first, that private bodies develop standards in full independence from special interests, whether public or private, commercial or political; and second, that there is a public interest in ensuring the system remains effective and financially viable. Harmonised standards have the strength of representing a consensus of interests from various stakeholders including societal stakeholders, the open-source community, governments and businesses, which encourages their voluntary use by a wide community in Europe and globally.

It is important to remember that the scope of the ESS goes beyond harmonised standards and covers other European standardisation deliverables being adopted by European Standardisation Organisations, to be considered in the absence and/or late availability of harmonised standards. ETSI develops other types of deliverables, such as ETSI Technical Specifications (TSs) and ETSI Technical Reports (TRs), that should be considered to meet the objectives of EU legislation in a timely manner. As an example, ETSI's Technical Report "Securing Artificial Intelligence – AI Act mapping and gap analysis to ETSI workplan" (ETSI TR 104 065)<sup>12</sup> provides an indicative list of deliverables supporting certain requirements of the AI Act. This has informed the development of the baseline security requirements for AI in ETSI's Technical Specification "Baseline Cyber Security Requirements for AI Models and Systems" (ETSI TS 104 223)<sup>13</sup>, which is being further developed into a European standard to ensure that ETSI can effectively support the timely achievement of the EU legislation's objectives.

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<sup>10</sup> [https://www.etsi.org/images/files/ETSIPositionPapers/ETSI\\_Position-Paper-No1.pdf](https://www.etsi.org/images/files/ETSIPositionPapers/ETSI_Position-Paper-No1.pdf)

<sup>11</sup> [https://www.etsi.org/images/files/ETSIPositionPapers/ETSI\\_Position-Paper-No3.pdf](https://www.etsi.org/images/files/ETSIPositionPapers/ETSI_Position-Paper-No3.pdf)

<sup>12</sup> [ETSI TR 104 065 V1.1.1 \(2025-05\) - Securing Artificial Intelligence \(SAI\); AI Act mapping and gap analysis to ETSI workplan](#)

<sup>13</sup> [ETSI TS 104 223v1.1.1 \(2025-04\) - Securing Artificial Intelligence \(SAI\); Baseline Cyber Security Requirements for AI Models and Systems](#)

## Market Surveillance

The NLF framework includes the processes for the development, consultation and final adoption Standardisation Requests, as well as the citation process of harmonised standards in the OJEU. ETSI recognises that adequate safeguards need to be in place to allow market surveillance authorities to act against non-compliant products that create a threat, while emphasising that these safeguards should not cause disproportionate delays and burden to innovation and technological deployment. A review of these procedures is necessary to speed up the delivery of standards without compromising quality, keep pace with market dynamics and promote competitiveness and consumer protection<sup>14</sup>.

ETSI supports improving the efficiency of the NLF, particularly the conduct of conformity assessments or improved availability of information for market surveillance authorities. With the expertise of over 900 members, ETSI is ready to produce standards in support of evolving regulatory developments.

## Digital Product Passport

One of the legislative options explored by the Commission in the context of the revision of the NLF is an increasing digital integration through the mandatory Digital Product Passport (DPP).

ETSI welcomes and already contributes to the DPP for specific product sectors with the development of new European standards in support of the EU's policy on ecodesign requirements for sustainable products and on batteries and waste batteries<sup>15</sup>. ETSI provides input in the expectation that this mechanism might be generalised to other products under the NLF in the medium- to long- term. ETSI welcomes the coherence and reduced compliance costs promised by the DPP, while stressing that:

- The quantitative information circulated via this new mechanism needs to be trustworthy and based on standardised, unambiguous, objective and repeatable measurement methods. Such an assurance will permit the data provided by different product manufacturers to be reliable and comparable, allowing the recipients to assess products and make firm and fair comparisons. This level of trust and comparability can only be achieved through a harmonised measurement standard, such as those developed by ETSI.
- "Module A" of the conformity assessment procedures as defined in Annex II of Decision No 768/2008/EC of the European Parliament and Council<sup>16</sup> ("Internal Production Control") and the corresponding presumption of conformity based on harmonised standards are an essential part of the NLF, which are efficient and cost-effective; this mechanism needs to be preserved.

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<sup>14</sup> [https://www.etsi.org/images/files/ETSIPositionPapers/ETSI\\_Position-Paper-No3.pdf](https://www.etsi.org/images/files/ETSIPositionPapers/ETSI_Position-Paper-No3.pdf)

<sup>15</sup> [https://ec.europa.eu/growth/tools-databases/enorm/mandate/604\\_en](https://ec.europa.eu/growth/tools-databases/enorm/mandate/604_en)

<sup>16</sup> <https://eur-lex.europa.eu/eli/dec/2008/768/oj>

- The internationally-recognised value of the CE mark remains an indication that a product meets the high standards that are set in the EU's Single Market. The CE marking provides a quality benchmark for the rest of the world. ETSI invites the Commission to evaluate options judiciously before considering whether to replace and/or remove it<sup>17</sup>. ETSI also recommends carefully evaluating the benefits and shortcomings of the DPP, as well as assessing its impact on specific sectors before introducing it as a mandatory mechanism for all products. The rights of access to commercially sensitive information should also be approached cautiously.

ETSI's direct-representation model and industry-led process enhance its responsiveness to strategic innovation driving green and digital transitions. For example, ETSI's Technical Committee on Energy Efficiency (TC EE) has developed European standards while driving global efforts in partnership with the United Nations in support of the Sustainable Development Goals (SDGs), enhancing the global impact of European innovation and competitiveness. Since its 2023 Sustainability Summit, ETSI has continued to lead in the area and remains firmly committed to supporting a sustainable future<sup>18</sup>.

In conclusion, ETSI welcomes the Commission's initiative and supports further improvement of the NLF to achieve a more coherent and predictable product legislation framework. ETSI recommends leveraging its direct-participation and consensus-driven model to help evolve the NLF, while preserving the core principles that have made this model successful. As the Single Market Strategy puts it: "Standards are the embodiment of innovation and are at the core of a resilient, green and digital Single Market".

ETSI would be pleased to provide any further information necessary.

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<sup>17</sup> [https://www.etsi.org/images/files/ETSIPositionPapers/ETSI\\_Position-Paper-No1.pdf](https://www.etsi.org/images/files/ETSIPositionPapers/ETSI_Position-Paper-No1.pdf)

<sup>18</sup> ETSI Summit on Sustainability - ICT Standards for a Greener World: <https://www.etsi.org/committee/ee?id=2213>