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Summary of CEFACD response on the revision of the New Legislative Framework (NLF)

The revision of the NLF should maintain stability and certainty

The revision of the New Legislative Framework should be aimed at ensuring the long-term stability, internal coherence and legal predictability of existing European product legislation. The NLF has proven to be a reliable framework for conformity assessment, CE marking and the clear allocation of responsibilities among economic operators. Changes to this regulatory framework inevitably affect a large number of sectors and any changes should be a natural development and evolution of what has worked previously. The need for change should be led by evidence and be proportionate.

We do not consider a fundamental departure from the existing system of CE marking and conformity assessment to be either necessary or justified. Likewise, the established and clearly defined division of roles between economic operators – in particular between manufacturers, importers and distributors – should be fully preserved. Reforms that blur, redistribute or otherwise weaken this structure would undermine legal certainty and create new and difficult-to-manage liability risks although the growing dominance of online marketplaces could bear some attention.

Maintain product specific regulations wherever possible

The NLF should continue to function as a framework instrument and should not be overloaded with substantive requirements that are more appropriately addressed in sector-specific legislation. In addition, it must be ensured that new horizontal Regulation does not unduly increase the administrative burden on manufacturers due to “effective” double regulation in practice. In particular, new or expanded requirements for technical documentation, evidence or information formats must be subject to critical and impact-based assessment, as even limited horizontal adjustments can have far-reaching practical and legal consequences due to their cross-sectoral impact

Realistic transition periods and increased engagement

Any new or adapted horizontal requirements introduced under the NLF must be accompanied by realistic, sufficiently long and legally certain transition periods, as their implementation typically requires complex technical, organisational and legal adjustments for industry. Furthermore we would

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encourage more engagement with industry during the legislative process during the legislative process such that realistic requirements can be decided in partnership with industry experts.

Recognition of the importance of standardisation as a cornerstone of the NLF

A well-functioning European standardisation system remains a central pillar of the New Legislative Framework. Harmonised standards are a key instrument for ensuring the practical applicability of European product legislation and for providing legal certainty to economic operators and authorities alike.

The importance of harmonised standards, together with progressive regulation and clear transitions (and avoiding multiple regulatory updates at the same time) is essential if industry is to continue to invest in research and development rather than divert critical resources into complying with multiple legislative requirements.

The timely availability of harmonised standards depends not only on the work of the European standardisation organisations, but also to a significant extent on efficient, transparent and predictable procedures within the European Commission with irregular industry engagement essential. In order to ensure legal certainty and planning reliability, the Commission should therefore also work towards more transparent, binding and time-efficient procedures for the evaluation and publication of harmonised standards.

Equally important are clear, stable and technically appropriate mandates for the European standardisation organisations CEN and CENELEC, as well as the availability of sufficient human and technical resources within the standardisation committees. Only under these conditions can it be ensured that standards are technically sound, practically applicable and developed within reasonable timeframes.

The content of technical standards must remain free from political influence. Standards can only fulfil their function within the NLF if they are based on technical due diligence and serve as a neutral and reliable reference for the implementation of legal requirements.

Sustainability objectives and the NLF

We acknowledge and support the European Unions objectives in the areas of sustainability and circularity. Given the different technical, economic and market variables faced by different industries we advocate that these requirements should be through product and sector specific legislation.

We would also advocate that the NLF encourages a more holistic evaluation of proposed legislation and that all potential impacts of the legislation on achieving the European Unions wider strategic goals be considered early in the process.

Digitalisation for administrative simplification

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Digitalisation can contribute to helping existing procedures under the New Legislative Framework be more efficient and reduce the administrative burden for industry considerably. By using digital tools to reduce printed materials great savings can be made. Digital tools should be used strictly in a supporting and enabling role within the NLF and must not give rise to new substantive requirements further increasing administrative burdens on industry.

Industry supports the use of digital declarations of conformity and the digital provision of technical documentation and product-related information. Digital solutions should replace paper-based obligations where this makes technical sense, without creating additional parallel requirements.

Digital instruments, including the digital product passport, must fully reflect the established allocation of roles and responsibilities between manufacturers, importers and distributors and indeed should facilitate this.

Digital documentation requirements must serve exclusively to provide existing information more efficiently. They must not create new material requirements or lead to an expansion of reporting or data submission requirements. Redundant reporting channels and parallel data requests from different authorities should be avoided, for example through the establishment of a single, clearly governed point of access for official enquiries.

When digitising technical documentation, the protection of trade secrets and intellectual property rights must be ensured at all times. Market surveillance authorities' access to digital information must be clearly purpose-specific, secure and proportionate. Digital solutions must not compromise the confidentiality of sensitive company information or go beyond what is necessary for the performance of official tasks.

Concluding remark

The New Legislative Framework has proven to be a successful regulatory framework for European product legislation. Any revision should therefore focus on consolidating existing structures and simplifying wherever possible to reduce the burden of compliance without compromising on the legislative objectives. From an industry perspective, neither structural changes to the system nor an extension of horizontal obligations are required. The industry stands ready to engage constructively in the further revision process and to contribute its technical expertise to ensure the continued effectiveness and credibility of the NLF.

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