

CHAPTER III - DIGITAL PRODUCT PASSPORT

Article 8 *Product passport*

1. The information requirements referred to in Article 7(1) shall provide that products can only be placed on the market or put into service if a product passport is available in accordance with the applicable delegated act adopted pursuant to Article 4 and Articles 9 and 10.
2. The requirements related to the product passport laid down in the delegated acts adopted pursuant to Article 4 shall, as appropriate for the product groups covered, specify the following:
 - (a) the information to be included in the product passport pursuant to Annex III;
 - (b) the types of data carrier to be used;
 - (c) the layout in which the data carrier shall be presented and its positioning;
 - (d) whether the product passport is to correspond to the model, batch, or item level;
 - (e) the manner in which the product passport shall be made accessible to customers before they are bound by a sales contract, including in case of distance selling;
 - (f) the actors that shall have access to information in the product passport and to what information they shall have access, including customers, end-users, manufacturers, importers and distributors, dealers, repairers, remanufacturers, recyclers, competent national authorities, public interest organisations and the Commission, or any organisation acting on their behalf;
 - (g) the actors that may introduce or update the information in the product passport, including where needed the creation of a new product passport, and what information they may introduce or update, including manufacturers, repairers, maintenance professionals, remanufacturers, recyclers, competent national authorities, and the Commission, or any organisation acting on their behalf;
 - (h) the period for which the product passport shall remain available.
3. The requirements referred to in paragraph 2 shall:
 - (a) ensure that actors along the value chain, in particular consumers, economic operators and competent national authorities, can access product information relevant to them;
 - (b) facilitate the verification of product compliance by competent national authorities; and
 - (c) improve traceability of products along the value chain.
4. When establishing the requirements related to the product passport, the Commission may exempt product groups from the requirement set out in paragraph 1 of this Article where:
 - (a) technical specifications are not available in relation to the essential requirements included in Article 10; or

- (b) other Union law includes a system for the digital provision of information related to a product group for which the Commission considers that it achieves the objectives referred to in paragraph 3, points (a) and (b).

Article 9

General requirements for the product passport

1. A product passport shall meet the following conditions:
 - (a) it shall be connected through a data carrier to a unique product identifier;
 - (b) the data carrier shall be physically present on the product, its packaging or on documentation accompanying the product, as specified in the applicable delegated act adopted pursuant to Article 4;
 - (c) the data carrier and the unique product identifier shall comply with standard ('ISO/IEC') 15459:2015;
 - (d) all information included in the product passport shall be based on open, standards, developed with an inter-operable format and shall be machine-readable, structured, and searchable, in accordance with the essential requirements set out in Article 10;
 - (e) the information included in the product passport shall refer to the product model, batch, or item as specified in the delegated act adopted pursuant to Article 4;
 - (f) the access to information included in the product passport shall be regulated in accordance with the essential requirements set out in Article 10 and the specific access rights at product group level shall be identified in the applicable delegated act adopted pursuant to Article 4.

The Commission is empowered to adopt delegated acts in accordance with Article 66 to amend the first subparagraph, point (c), of this Article in light of technical and scientific progress by replacing the standard referred to in that point or adding other European or international standards with which the data carrier and the unique identifiers shall comply for the purposes of meeting the conditions set out in this Article.

2. Where other Union legislation requires or allows the inclusion of specific information in the product passport, that information may be added to the information to be included in the product passport pursuant to the applicable delegated act adopted pursuant to Article 4.
3. The economic operator placing the product on the market shall provide dealers with a digital copy of the data carrier to allow the dealer to make it accessible to customers where they cannot physically access the product. The economic operator shall provide that digital copy free of charge and within 5 working days of the dealer's request.

Article 10

Technical design and operation of the product passport

The technical design and operation of the product passport shall comply with the following essential requirements:

- (a) product passports shall be fully interoperable with other product passports required by delegated acts adopted pursuant to Article 4 in relation to the technical, semantic and organisational aspects of end-to-end communication and data transfer;
- (b) consumers, economic operators and other relevant actors shall have free access to the product passport based on their respective access rights set out in the applicable delegated act adopted pursuant to Article 4;
- (c) the data included in the product passport shall be stored the economic operator responsible for its creation or by operators authorised to act on their behalf;
- (d) if the data included in the product passport is stored or otherwise processed by operators authorised to act on their behalf, those operators shall not be allowed to sell, re-use or process such data, in whole or in part, beyond what is necessary for the provision of the relevant storing or processing services;
- (e) the product passport shall remain available for the period specified in delegated acts adopted pursuant to Article 4, including after an insolvency, a liquidation or a cessation of activity in the Union of the economic operator that created the product passport;
- (f) the rights to access and to introduce, modify or update information in product passport shall be restricted based on the access rights specified in delegated acts adopted pursuant to Article 4;
- (g) data authentication, reliability and integrity shall be ensured;
- (h) product passports shall be designed and operated so that a high level of security and privacy is ensured and fraud is avoided.

Article 11

Unique operator identifier and unique facility identifier

1. The unique operator identifiers referred to in Annex III, points (g) and (h), and the unique facility identifiers referred to in Annex III, point (i), shall comply with the ISO/IEC standard 15459:2015.
2. Where a unique operator identifier referred to in Annex III, point (h), is not yet available, the economic operator creating the product passport shall request a unique operator identifier on behalf of the relevant actor.

Before issuing a request as referred to in the first subparagraph, the economic operator creating the product passport shall seek confirmation from the actor concerned that no unique operator identifier exists and shall provide the supply chain actor concerned with full details of the released unique operator identifier.
3. Where a unique facility identifier referred to in Annex III, point (i), is not yet available, the economic operator creating the product passport shall request a unique facility identifier on behalf of the actor responsible for the relevant location or building.

Before issuing a request as referred to in the first subparagraph, the economic operator creating the product passport shall seek confirmation from the responsible actor that no unique facility identifier exists and provide the responsible actor with the full details of the released unique facility identifier.
4. The Commission is empowered to adopt delegated acts in accordance with Article 66 to amend paragraph 1 of this Article in light of technical and scientific progress by

replacing the standard referred to in that paragraph or adding European or international standards with which unique operator identifiers referred to in Annex III, points (g) and (h), and unique facility identifiers referred to in Annex III, point (i), may comply for the purposes of meeting the conditions set out in this Article.

Article 12

Product passport registry

1. The Commission shall set up and maintain a registry storing information included in the product passports required by delegated acts adopted pursuant to Article 4.

The registry referred to in the first subparagraph shall at least include a list of the data carriers and unique product identifiers referred to in Article 9(1).

The Commission shall ensure that the information stored in the registry referred to in the first subparagraph is processed securely and in compliance with Union law, including applicable rules on the protection of personal data.

2. The Commission shall, in the delegated acts adopted pursuant to Article 4, specify the information which, in addition to being included in the product passport, shall be stored in the registry referred to in paragraph 1, taking into account at least the following criteria:

- (a) the need to allow for the verification of the authenticity of the product passport;
- (b) the relevance of information for improving the efficiency and effectiveness of market surveillance checks and customs controls in relation to products covered by delegated acts adopted pursuant to Article 4;
- (c) the need to avoid disproportionate administrative burden for economic operators.

3. In relation to its responsibility to establish and manage the registry referred to in paragraph 1 and the processing of any personal data that might result from that activity, the Commission shall be regarded as controller as defined in Article 3, point (8), of Regulation (EU) 2018/1725.

4. The economic operator placing the product on the market or putting it into service shall upload, in the registry referred to in paragraph 1, the information referred to in paragraph 2.

5. The Commission, competent national authorities and customs authorities shall have access to the registry referred to in this Article for carrying out their duties pursuant to Union legislation.

Article 13

Customs controls relating to the product passport

1. The Commission shall interconnect the registry referred to in Article 12(1) with the EU Customs Single Window Certificates Exchange (EU CSW-CERTEX), thus enabling the automated exchange of information with the national customs systems through the EU Single Window Environment for Customs established by Regulation (EU).../.....

The Commission shall adopt an implementing act specifying the details of the implementation arrangements of the interconnection referred to in the first subparagraph.

This implementing act shall be adopted in accordance with the examination procedure referred to in Article 67(3).

The interconnection referred to in the first subparagraph shall be in place within four years from the date of adoption of the implementing act referred to in the second subparagraph.

Paragraphs 3 to 6 of this Article shall apply as from the moment the interconnection is in place.

2. Declarants as defined in Article 5, point (15), of Regulation (EU) 952/2013 shall include the unique product identifier referred to in Article 9(1), point (a), in the customs declaration for release for free circulation of any product covered by a delegated act adopted pursuant to Article 4.

This paragraph shall apply from the moment the registry referred to in Article 12(1) is in place.

3. Before allowing the release for free circulation, customs authorities shall verify whether the unique product identifier indicated by the declarant in accordance with paragraph 2 matches a unique product identifier included in the registry referred to in Article 12(1).
4. Where information included in the product passport is also stored in the registry referred to in Article 12(1), the Commission may specify, in the delegated acts adopted pursuant to Article 4, that customs authorities shall, in addition to the verification referred to in paragraph 3 of this Article, verify the consistency between the information stored in the registry and the customs declaration before allowing the release for free circulation. In such case, the Commission shall take into account at least the following criteria:
 - (a) the need to improve compliance of products placed on the Union market with ecodesign requirements;
 - (b) the need to avoid disproportionate burden for customs authorities.

Where customs authorities establish further to the verification laid down in this paragraph that there are discrepancies between the information stored in the registry and the customs declaration, customs authorities shall refuse the release of that product for free circulation. Customs authorities may take any other actions they deem appropriate in accordance with customs legislation, and also registering the refusal in the registry referred to in Article 12(1) and notifying competent national authorities of the refusal.

The release for free circulation shall not be deemed to be proof of conformity with Union law.

5. The verification referred to in paragraphs 3 and 4 shall take place electronically and automatically via the EU Single Window Environment for Customs.
6. Customs authorities may retrieve and use the information included in the product passport and the registry referred to in Article 12(1) for carrying out their duties pursuant to Union legislation, including for risk management in accordance with Articles 46 and 47 of Regulation (EU) No 952/2013.