

AmCham Romania feedback on the Draft Commission Implementing Regulation on the Digital Product Passport Registry

The Digital Product Passport (DPP) is a central element of the EU's new policies on transparency and digitalisation. From our perspective, the registry represents a critical component of the system, as the way it is designed will directly influence the administrative burden, the management of updates, and industry's ability to implement DPP obligations in a coherent and scalable manner for large product portfolios. We welcome the opportunity to provide comments on the draft implementing act and set out below the industry's priorities and recommendations.

The comments below are made in light of Regulation (EU) 2024/1781, in particular the provisions on the Digital Product Passport, the registry and customs controls. We understand that the draft implementing regulation is intended to lay down implementation arrangements for the registry under Article 13 of Regulation (EU) 2024/1781, and not to reopen the substantive DPP framework established by the parent Regulation. Our comments therefore focus on operational clarity, proportionality, technical implementation and practical issues for companies and value chains.

1. Scope and data stored in the registry

Relevant provisions: recitals, Articles 1, 3, 8, 10, 11, 12, 18 and 21.

The draft is not sufficiently clear as to what data will actually be stored in the registry. The preamble refers to the decentralised nature of the DPP system and indicates that the registry stores at least unique identifiers. However, Article 8 refers to mandatory data being uploaded in the registry and to automatic verification of semantic conformity.

This distinction is fundamental for companies. If the registry stores only identifiers and registration metadata, the burden is more limited. If it stores substantive DPP data, the legal, technical, confidentiality and cybersecurity implications are much more significant.

The Commission should clarify the exact categories of data stored in the registry, the categories of data merely verified by the registry, and the categories of data remaining in decentralised DPP systems. It should also clarify which data are accessible to the public, to authorities, to other value-chain actors, and only to the registering operator.

In our opinion, the registry should support the decentralised nature of the DPP system and avoid becoming a data repository. The industry underlines that the DPP architecture is built on a decentralised model, where passport content is not centrally stored in the registry. We believe that the data required under sectoral legislation should remain within the decentralised DPP, while the registry should exclusively fulfil registration and verification functions.

2. Legal effect of verified economic operator status

Relevant provisions: recitals, Articles 4 and 5.

The draft introduces the status of "verified economic operator". This could be misunderstood as a form of trusted-vendor status. In reality, the verification process appears to confirm identity for access to the registry, not the commercial reliability of the operator or the legality of its products.

This is important because a legal or natural person may be correctly verified but may still place non-compliant, counterfeit or otherwise unlawful products on the market.

The Commission should clarify that verified status means only that the operator has completed the identity verification process for registry access. It should not mean that the operator is trustworthy, that its products are compliant, that the goods are authentic, or that the operator is authorised by an IP right-holder.

3. Legal effect of DPP registration and proof of registration

Regulation (EU) 2024/1781 already provides that communication of the unique registration identifier by the registry is not proof of compliance with that Regulation or other Union law. It also provides that release for free circulation is not proof of compliance with Regulation (EU) 2024/1781 or other Union law.

The draft implementing regulation should reflect the same principle in relation to proof of registration under Article 9 from the draft proposal. Proof of registration should evidence only that the DPP registration obligation has been fulfilled. It should not be treated as a certificate of product compliance, authenticity, originality, lawful origin, authorisation by an intellectual property right-holder, or absence of infringement of third-party rights.

This is relevant for customs, distributors, online marketplaces and customers. A bad-faith operator should not be able to rely on DPP registration as a legitimacy shield.

4. Risk of misuse by shell, front companies or bad-faith operators

Relevant provisions: Articles 4, 5, 8, 14, 17, 19, 20 and 22.

The draft contains Article 17 on inappropriate or fraudulent use of the registry, but the provision is quite general. It does not clearly explain what happens if an operator submits false or misleading data, misuses identifiers, repeatedly registers problematic products, or uses the registry to create an appearance of legitimacy.

This is a real concern. A bad-faith entity could complete identity verification, register DPPs, obtain proof of registration, and then use that registration to facilitate the placing on the market of non-compliant or infringing goods.

The Commission should strengthen the anti-misuse mechanism at registry level. The draft should clarify what operational measures may be taken in cases of fraudulent, misleading or inappropriate registry use, such as suspension or restriction of access, renewed verification, flagging or suspension of affected registrations, notification to competent authorities and preservation of logs. This should operate without prejudice to enforcement action and penalties under the applicable Union and national rules.

5. Customs authority interface and timely checks

Regulation (EU) 2024/1781 already provides that, for products covered by a delegated act and intended to be placed under the customs procedure of release for free circulation, the unique registration identifier must be provided or made available to customs authorities. It also provides that customs authorities may release the product for free circulation only after verifying, as a minimum, that the unique registration identifier and commodity code correspond to the data stored in the registry, and

that this verification is to take place electronically and automatically through the interconnection with EU CSW-CERTEX.

Against that background, the draft implementing regulation should clarify the practical operation of the customs functionality within the registry. In particular, it should clarify whether customs authorities will be able to verify, in real time or near real time, the registration status, unique registration identifier, commodity code, model, batch or item identifiers, operator status, and any flags, suspensions or “under review” statuses attached to the registration.

The objective should not be to turn the DPP registry into a general IP enforcement platform. However, the registry should support customs authorities in detecting suspicious patterns relevant to customs and market surveillance, such as duplicated identifiers, mismatched commodity codes, suspended registrations, flagged operators or registrations under review.

6. Registry-level consequences for mismanagement or misuse

The draft states that Member States are responsible for withdrawing access rights in case of unauthorised or incorrect access, and Article 17 refers to inappropriate or fraudulent activity. However, the registry-level consequences of misusing or mismanaging the registry are not sufficiently developed.

The Commission should clarify what practical registry-management measures may apply where an operator or user misuses the registry. This may include cases of false data, misleading registrations, misuse of identifiers, unauthorised access, abuse of delegated access, massive downloading, or repeated non-compliant submissions.

The draft should also clarify how the Commission and Member States coordinate where access is suspended or revoked. If one Member State identifies serious misuse, the Commission and other relevant authorities should be informed where necessary, especially if the operator places products on the market in several Member States.

7. Registry statuses

Relevant provisions: Articles 4, 8, 10 and 17.

The draft refers to statuses and validity status, but does not define them clearly. This may create uncertainty for companies and authorities.

The Commission should clarify all possible statuses for operators, users and registrations, and the legal effect of each status. For example, it should be clear what is meant by registered, pending, rejected, under review, suspended, withdrawn, deleted, expired, verification expired or flagged for authority review.

This matters because the consequences may be significant. A particular status could affect whether a company may register new DPPs, modify existing registrations, generate proof of registration, or whether customs and market-surveillance authorities treat the registration as requiring further attention.

8. Expiry of verification should not automatically affect existing DPPs

Article 4 provides that verified status lasts until the electronic identification means expire, but no longer than three years, and that the validity status of the DPP in the registry shall be updated accordingly. This wording is unclear and potentially problematic.

An existing DPP should not become invalid merely because the operator must renew its identity verification. Otherwise, products already lawfully placed on the market could be affected by an administrative lapse unrelated to the product itself.

The Commission should clarify that expiry of operator verification prevents new registrations or modifications until renewal, but does not by itself invalidate existing DPP registrations, unless there is a separate legal basis for suspension, withdrawal or correction of the registration.

9. Registration timing

Relevant provisions: Articles 1 and 8.

Regulation (EU) 2024/1781 already provides that products covered by a delegated act may be placed on the market or put into service only if a DPP is available in accordance with the applicable requirements. However, the draft implementing regulation should clarify how the registry-registration step fits into that timing requirement.

Companies need to understand when, operationally, registration in the registry must be completed in relation to placing on the market, putting into service, customs release, online listing, batch release or item-level serialisation.

This is especially relevant for importers, online sellers, distributors and companies operating through complex logistics chains.

The Commission should clarify the practical registration trigger for EU-manufactured products, imported products, online sales, batch-level products and item-level products, without prejudice to the timing rules set in product-specific delegated acts.

10. Failed or rejected registrations

Article 8 provides for automatic verification of submitted data, but it does not explain sufficiently what happens when registration fails.

The Commission should clarify the procedure for rejected registrations, including whether companies will receive error codes, reasons for rejection, technical guidance, a correction route, a resubmission possibility and access to helpdesk escalation.

This is important because a rejection may be caused by semantic ambiguity, technical malfunction, API issues, commodity-code mismatch, signature validation problems or unclear product classification, not necessarily by substantive non-compliance.

The draft should also clarify whether a failed registration has any temporary status in the registry and whether such status is visible to the submitting operator, customs authorities or competent national authorities.

11. Versioning and persistence

Clarity is needed to avoid duplicate registrations and support compliance. Industry notes the draft provisions regarding versioning and the linking of new passport versions to an original registration identifier and underlines the importance of allowing multiple versions to be managed under a single persistent identifier, without duplicate registrations. This is essential for operational scalability and long-term auditability. Industry welcomes the Commission's intention to provide clear operational guidance regarding when an update requires interaction with the registry, how timestamps should be generated/used, and how links between versions should be managed in practice.

12. Registry downtime and safe harbour

Article 15 allows the Commission to suspend the registry due to maintenance, malfunction, cyberattack or urgent security needs. However, the draft does not clearly protect companies if they cannot register or update a DPP because the system is unavailable.

This is a major practical issue. Companies should not be penalised where compliance is impossible due to registry unavailability, API failure or Commission-side technical malfunction.

The Commission should include a safe-harbour mechanism for operators who are prevented from registering, updating, verifying data or generating proof of registration due to registry unavailability, API failure or Commission-side technical malfunction, provided they complete the relevant action within a reasonable period after the system is restored.

13. API readiness, sandbox testing and bulk functionality

Relevant provisions: Articles 3, 8, 11, 12, 13 and 15.

The draft refers to an API, but it does not sufficiently address technical readiness. For many companies, especially those with large product portfolios or item-level obligations, manual registration will not be realistic.

The Commission should clarify that full API documentation, a testing environment, validation tools, sample payloads, error codes, release notes, versioning rules and technical support will be available sufficiently in advance.

The registry should remain minimal in terms of required data and user interactions, while being technically robust enough to support large-scale implementation.

The registry should also support bulk registration, bulk updates, bulk status checks and bulk proof-of-registration generation. Without this, the administrative burden may be disproportionate.

A minimal registry is essential to reduce unnecessary administrative burden. Industry supports a minimally designed registry, with simplified user interactions, so that the system remains workable for sectors with large volumes of consumer products. Industry supports a lean and predictable registry, strictly focused on the elements necessary for registration and traceability, with reduced registration steps and no repetitive or unnecessary actions. At the same time, given the reference to API-based interaction in the draft, the Commission should ensure that the system is technically ready for operators

managing large product portfolios or item-level obligations, for whom manual registration would not be realistic. This requires full API documentation, a testing environment, validation tools, sample payloads, error codes, release notes, clear versioning rules and technical support to be made available sufficiently in advance. The registry should also support bulk registration, bulk updates, bulk status checks and bulk proof-of-registration generation. Without these functionalities, even a formally minimal registry could create a disproportionate administrative burden in practice.

13. Semantic repository governance

Relevant provisions: Articles 11 and 12.

The semantic repository is central to the functioning of the system. It will define data models, semantic definitions, vocabularies and multilingual labels. This is useful, but changes to these elements may require significant IT and supplier-data updates.

The Commission should clarify how changes to data models and semantic specifications will be governed. Material changes should be subject to prior notice, transparent versioning, transition periods and stakeholder consultation where they materially affect implementation.

Companies also need validation tools to test semantic conformity before submitting data.

Data models and Article 11: industry readiness to contribute specific proposals for detergents
Industry takes note of the provisions concerning common data models and semantic definitions, including the requirement that data models be versioned and aligned with the semantic repository. Early involvement in defining data models is essential to ensure feasibility and avoid late-stage system redesigns.

14. Change management

Registry updates should only be required when registry data changes. The industry considers it essential that the implementing act (and subsequent Commission guidance) clearly distinguish between:

- updates to DPP content (within the decentralized DPP), and
- updates to registry data (the data actually stored/managed in the registry).

Under this approach, a registry update should only be required when the registered data changes, whereas changes to DPP content should not trigger interactions with the registry if the registry data itself remains unchanged. This is particularly important for consumer goods sectors, where updates may occur frequently and at large scale. Industry also supports the use of reference/versioning mechanisms instead of re-registration, in order to avoid unnecessary duplication and repetitive administrative steps.

14. Confidential business information and trade secrets

Relevant provisions: Articles 3, 8, 14, 17, 18, 21 and 22.

Regulation (EU) 2024/1781 already recognises the need for differentiated access to DPP data and for protection of confidential business information and intellectual property interests. However, the draft implementing regulation should clarify how those safeguards apply specifically to registry data, registry metadata, logs, proof-of-registration documents and authority access.

Registry data and metadata may reveal commercially sensitive information, including product launch timing, production batches, commodity codes, supplier relationships, DPP service providers, registration volumes, corrections and data-exchange patterns.

The Commission should include explicit safeguards for confidential business information and trade secrets. Access should be role-based, purpose-limited and protected against unauthorised access, scraping, mass downloading, onward disclosure and use for unrelated purposes.

15. Liability of economic operators

Relevant provisions: Articles 6, 8, 19 and 20.

Article 19 places responsibility on verified economic operators for the accuracy, completeness and updating of the information they submit to the registry. It also requires them to implement appropriate technical and organisational security measures for their own IT systems and credentials. In addition, where an economic operator authorises a third party to perform registration actions on its behalf, the economic operator remains fully responsible for compliance with the Regulation.

This allocation of responsibility is understandable. However, further clarification would be useful in situations where companies rely on suppliers, DPP service providers, IT vendors, authorised representatives or other value-chain actors for data or technical implementation.

The draft should clarify how economic operators can demonstrate compliance with their responsibilities where incorrect or incomplete information results from data supplied by upstream actors, or where technical issues arise from third-party systems used for DPP management.

The Commission should clarify that economic operators remain responsible for information submitted by them or on their behalf, but that the required standard is one of reasonable and proportionate measures to ensure accuracy, completeness and updating, taking into account the operator's role, the nature of the product, the available information and the involvement of other value-chain actors.

This would avoid an overly strict interpretation of Article 19, while also preserving the principle that the registering economic operator remains responsible for the DPP registration process.

16. DPP service providers

Relevant provisions: recitals, Articles 3, 8, 17, 19 and 20.

The draft refers to DPP service providers and backup links, but it does not sufficiently explain the obligations of such providers.

This is important because many companies will rely on external service providers. If a provider becomes insolvent, loses functionality, suffers a cyber incident or prevents data migration, the economic operator may face compliance disruption.

Regulation (EU) 2024/1781 already recognises the role of DPP service providers, including for backup copies and storage or processing of DPP data. It also provides that DPP service providers must not sell, reuse or process DPP data beyond what is necessary for the service, unless specifically agreed with the relevant economic operator.

The draft implementing regulation should clarify the registry implications of reliance on DPP service providers. In particular, it should clarify how service-provider references, backup links, changes of provider, service unavailability, provider insolvency or security incidents are handled in the registry.

17. SMEs, non-EU operators and corporate groups

Relevant provisions: Articles 4, 5 and 6.

Articles 4 and 5 set out the verification requirements for economic operators and other value-chain actors. The draft relies on qualified electronic signatures, qualified electronic seals, high-assurance electronic identification means and electronic attestations of attributes. This approach is understandable, as the registry must ensure reliable identification of the persons and entities accessing it.

However, the draft would benefit from additional practical clarification on how verification will work in more complex business structures and cross-border scenarios.

In particular, clarification would be useful on the following points:

- Which entity must complete the verification where products are manufactured by a non-EU manufacturer but placed on the EU market by an importer, authorised representative, distributor or EU subsidiary?
- How should multinational groups manage verification where several subsidiaries place products on the market, but product data and regulatory compliance are managed centrally?
- Can a parent company, shared service centre or authorised representative manage registry access on behalf of several group entities, and if so, how is responsibility allocated?
- Where a legal person uses a qualified electronic seal, what evidence is required to show that the natural person managing the registry account is authorised to act for that legal person?
- How will changes in legal representatives, mergers, restructurings, branch arrangements or changes of importer be handled in the registry?
- What process applies where a non-EU operator does not have easy access to EU-qualified electronic identification tools but must interact with the registry through an EU importer or representative?
- What are the expected timelines for verification, renewal and correction of verification data, especially where products are due to be placed on the market or cleared through customs?

The issue is therefore not that EU verification should be weakened. On the contrary, reliable verification is important to prevent misuse of the registry by shell companies or bad-faith operators. The issue is that companies need clear, practical guidance on how the verification process operates in real commercial structures.

The Commission should clarify the verification and access-management process for SMEs, non-EU operators, importers, authorised representatives and corporate groups, including acceptable evidence of identity, authority to act, renewal procedures, changes of legal representative and allocation of responsibility where one entity or user acts on behalf of another.

This clarification should not reduce EU scrutiny or verification standards, but it should ensure that legitimate operators can comply efficiently in real commercial situations and structures.

18. Access rights of other value-chain actors

Relevant provisions: Articles 5, 6, 8, 19 and 20.

The draft allows other value-chain actors to obtain verified status and access the registry, but it does not sufficiently clarify what they may do.

The Commission should clarify how the registry will technically implement the access rights specified in the applicable Union legislation and product-specific delegated acts, including for repairers, refurbishers, remanufacturers, recyclers and other actors.

Any modification made by such actors should be logged and, where appropriate, visible to the economic operator responsible for the relevant DPP, unless visibility is lawfully restricted for investigation, confidentiality or security reasons.

19. Helpdesk service

Relevant provisions: Article 13.

The helpdesk is important, but the draft provides limited operational detail. Companies may need urgent support for customs clearance, large-scale registration failures, API errors, cybersecurity incidents or technical launch issues.

The Commission should clarify helpdesk service standards, response times, escalation channels, treatment of urgent cases and technical ticketing.

20. Logs and operator visibility

Article 14 requires the Commission to establish, maintain and run a log system creating a complete, accurate and reliable audit trail. The log system records access and authentication entries, data modifications, administrative actions and data exchange logs. Relevant logs are made available to competent national authorities and customs authorities in cases of suspected incidents, audits and random security checks.

This approach is understandable from a security and enforcement perspective. However, the draft does not clarify whether verified economic operators and other verified value-chain actors will have any practical visibility over actions performed within their own registry account or by users acting on their behalf.

This is relevant because Article 6 allows verified economic operators and other verified value-chain actors to delegate access rights to users acting on their behalf, and Article 19 provides that economic operators remain responsible where they authorise third parties to perform registration actions on their behalf.

Companies therefore need a practical way to monitor and manage their own registry activity. This does not necessarily require access to the full official Commission log system. However, the Commission should clarify whether the registry will provide account-level activity information to the relevant operator(s), such as information on:

- users acting on behalf of the operator;
- registrations submitted by those users;
- modifications made to registrations;
- changes to access rights;
- proof-of-registration generation;
- failed registration attempts;
- unusual or suspicious account activity.

This should not amount to unrestricted access by operators to the Commission’s official audit trail.

21. Onward transmission of registry data

Article 21 allows data obtained by the Commission from the registry to be transmitted to Commission services or competent national authorities for market surveillance, consumer protection and customs compliance. This is understandable, however, given the potential commercial sensitivity of registry data and metadata, the provision should include clearer safeguards.

The Commission should clarify that onward transmission of registry data must be necessary, proportionate, logged, purpose-limited and subject to safeguards for personal data, confidential business information and trade secrets.

22. Automatic deletion and retention periods

Article 10 of the draft provides for automatic deletion of DPP registration data after ten years where Union law does not specify a duration. This should be clarified in light of Article 9(2)(i) of Regulation (EU) 2024/1781, which provides that the applicable delegated acts must specify the period during which the DPP is to remain available, and that this period must correspond at least to the expected lifetime of the specific product.

Companies dealing with durable goods, construction products, batteries, spare parts or long-warranty products may need longer retention periods.

The Commission should clarify how the default ten-year deletion rule interacts with product-specific DPP availability periods, expected product lifetimes, warranty periods, repair obligations, market-surveillance requirements and national retention obligations. Companies should receive advance notice before automatic deletion where technically possible.

23. Avoiding national fragmentation

Relevant provisions: Articles 1, 7 and 22.

The draft creates a single EU-level registry, but Member States also have access-management roles and may create interconnections.

The Commission should clarify that Member State interconnections must not result in duplicative national registration requirements or divergent national data requirements for the same DPP registration data.

This is especially important for companies operating across several Member States.

24. Interoperability across legislation must be built in from the outset.

Industry supports the principle that the registry should be interoperable and aligned across sectoral legislation, in order to avoid fragmentation and inconsistent approaches between product categories. This is important for companies operating across multiple legislative frameworks and to support coherent implementation by Member States and market surveillance authorities.

A coherent horizontal approach is necessary to avoid divergent technical requirements that would otherwise require unnecessary IT redesigns or duplicative compliance processes.

24. Drafting and cross-reference issues

Article 8 should be reviewed carefully before adoption. It contains several apparent drafting and cross-reference issues.

First, Article 8(1) refers to delegated acts adopted pursuant to Article 4 of Regulation (EU) 2024/1789. This appears to be incorrect. The intended reference seems to be Regulation (EU) 2024/1781, which is the basic act referred to throughout the draft.

Second, Article 8(3) and Article 8(4) refer only to paragraph 1. However, Article 8(1) covers products referred to in Article 1(1), point (a), while Article 8(2) covers products referred to in Article 1(1), points (b) to (f). If the linkage rules for model, batch and item identifiers are intended to apply to all covered products, paragraphs 3 and 4 should refer to both paragraphs 1 and 2, or more generally to digital product passports created at item or batch level under the applicable Union legislation.

Third, Article 8(7) states: "Following a successful verification in accordance with paragraph 4...". This appears incorrect. The automatic verification process is set out in paragraph 6, not paragraph 4. The reference should therefore be reviewed.

Fourth, Article 8(9) refers to the "relevant actor as referred to in paragraph 1". This contains a typo, but also a substantive cross-reference issue. Paragraph 1 refers to the economic operator for products under Article 1(1)(a), while paragraph 2 refers to the relevant actor for products under Article 1(1)(b) to (f). If Article 8(9) is intended to apply to all registrations, it should not refer only to paragraph 1.

Fifth, Article 8(9) states that the unique registration identifier is generated in accordance with paragraph 5. However, paragraph 5 concerns registration through the secure user interface or API. The generation of the unique registration identifier is addressed in paragraph 7. This cross-reference should be corrected.

Sixth, Article 8(9) says that the Commission shall communicate the identifier "to that economic operator". This may be too narrow because Article 8(2) refers to registration by the "relevant actor" under other Union law. The text should be aligned so that the identifier is communicated to the actor who submitted the registration, whether that actor is an economic operator or another relevant actor under applicable Union legislation.

Seventh, Article 8(1) says "shall be registered by economic operator placing the product on the market or putting it into service". This should be corrected grammatically, for example by referring to "the economic operator" or "an economic operator", depending on the intended meaning.

Eighth, Article 8(6)(a) refers to “mandatory data to be uploaded in the registry”. This should also be clarified because the draft elsewhere suggests a decentralised DPP model. The provision should make clear whether the mandatory data are actually stored in the registry, merely submitted for verification, or stored in the DPP and technically checked by the registry.

Ninth, Article 8(8)(d) is unclear where it refers to “registrant information, including date and time of the registration and the integrity of the digital product passport as part of the evidence of the registration event.” The text should clarify what exactly is stored: registrant identity, date and time, timestamp, hash, integrity evidence, or other metadata.

Tenth, Article 9 and Article 10 cross-references should be reviewed after any renumbering of Article 8, because the proof-of-registration and registration-data-management provisions depend on the registration process set out in Article 8.