

Basis for Sweden's position ahead of EU Negotiations – review of the New Legislative Framework for Products (NLF)

The Implementation Council's contribution to the Swedish position is as follows:

- Keep the negotiations on all legislative acts in the review aligned. Do not negotiate the standardisation component without a holistic perspective.
- Safeguard what already works well, especially the fundamental principles of the NLF. Ensure that any changes are preceded by a thorough needs and impact assessment.
- Ensure that harmonised standards continue to be the primary tool for identifying technical solutions to demonstrate regulatory compliance. Common specifications should only be used as an exceptional instrument.
- Strive for coherence between adjacent legislations.
- Promote digitalization and digital product passports but proceed cautiously.
- Work towards effective interplay between NLF and the upcoming Circular Economy Act. Key terms such as "reused", "refurbished" and "substantially modified product" need to be defined in a clear but pragmatic way. EU waste legislation should be reviewed and further harmonised to facilitate trade in secondary materials, by-products and recycled materials.
- Promote better and more coordinated market surveillance of products, particularly those from third countries and ensure that responsibilities in relation to e-commerce from third countries are clearly defined.

1. Task of the Implementation Council

The Implementation Council is tasked with assisting the Government in its efforts to strengthen the competitiveness of Swedish companies by avoiding implementation above the minimum level and counteracting unjustified regulatory burdens, as well as reducing administrative costs and other compliance costs in relation to the implementation of EU regulations in Swedish law. The Implementation Council's work must be based on a business perspective.

The Implementation Council is to submit documentation and recommendations to the Government, partly as a contribution to Swedish positions in negotiations and partly on how EU legal acts can be implemented in Swedish law in a way that is not more far-reaching from a business perspective than what the legal acts require.

The Implementation Council's work is based on problem descriptions that have been communicated to the Council, mainly from industry organisations and their member companies. During the work on the documentation, contacts are also made with others who are familiar with the respective subject area, such as government agencies. In the light of the information gathered, the Council makes a weighted and independent assessment of how the business perspective can be effectively addressed in each individual case.

In preparation of this opinion, the Council has mainly made use of information and documentation received in contacts with the Confederation of Swedish Enterprise, the Technology Industries of Sweden, Swedish Commerce, the Swedish Federation of Wood and Furniture Industry, the Association of Swedish Beauty Brands (ASBB), the Swedish Association of Road Transport Companies and the Swedish Flooring Trade Association.

2. Relevant proposals for EU legal acts

The review includes:

- Decision (EC) 768/2008 on a common framework for the marketing of products

- Regulation (EC) 765/2008 on setting out the requirements for accreditation and market surveillance relating to the marketing of products (these two legal acts are also referred to as the "new legislative framework" in English)

- Regulation (EU) 2019/1020 on market surveillance and compliance of products

There are some indications that the Commission may present the review as one legislative proposal, the European Product Act (EPA), which may merge all or some of the legal acts presented above.

Regulation (EU) 1025/2012 on European standardisation is also subject to revision, possibly with a different timeframe, but there are indications that this revision may also be presented in the framework of the EPA.

3. Objectives of the proposal according to the Commission

According to the Commission, the new legislative framework needs to be updated due to market developments, circularity and digital changes. The initiative aims to address shortcomings in the New Legislative Framework that affect businesses and the authorities of Member States by creating unnecessary regulatory burdens, as well as market failures or regulatory shortcomings, such as:

- (i) lack of timely information on product compliance,
- (ii) untapped potential for circularity, and
- (iii) lack of consumer awareness of the meaning of CE marking and misleading marketing.

The Commission indicates that legislative changes may aim at:

- (i) increasing digital integration through the mandatory Digital Product Passport (DPP),
- (ii) reviewing the conformity assessment process,
- (iii) aligning definitions with those established in recent EU legislation, such as Regulation (EU) 2019/1020 on market surveillance,
- (iv) increasing the clarity and efficiency in how notified bodies operate and strengthening the supervision of them, and
- (v) ensuring swift and consistent action against faulty and dangerous products in Member States.

4. Status of the proposal in the EU legislative process

The European Commission concluded a public consultation on the review on 4 February 2026, and the proposal is expected to be presented in the third quarter of 2026. The proposal for a revised European Standardisation regulation is scheduled for the second quarter of 2026, and the public consultation on this regulation was concluded on 17 December 2025.

5. Responsible ministry

Ministry for Foreign Affairs.

6. Situation analysis from a Swedish business perspective

The fact that the internal market is one of the EU's most strategic assets is something that the Swedish business community often emphasizes. A well-functioning internal market enables companies to create jobs, invest in innovation and generate growth. The concept represented by the EU legislative framework for products is a particularly important part of the realisation of the internal market and the free movement of goods.

The evaluation conducted by the Commission in 2022¹ shows that the EU regulatory framework for products is highly valued by its stakeholders. Major strategic advantages highlighted are that NLF contributes to increasing the global relevance of EU regulations, promotes the free movement of goods within the internal market, and strengthens the EU's industrial competitiveness.

Against this background, it is important to recognise that the current European regulatory framework for products functions well in many respects. Given businesses' need for a stable and predictable level playing field, any changes should be preceded by a thorough needs assessment. What already works well should be safeguarded.

A very high priority for the business community is to reduce the overall regulatory burden and the cumulative costs for companies associated with regulatory compliance. Business representatives describe a situation in which the regulatory burden in Europe has become so high that companies are increasingly considering relocating production outside the EU. In

¹ [Evaluation of the New Legislative Framework, SWD \(2022\) 364](#)

addition, some companies are shutting down operations because they feel that they cannot continue to run their business profitably. A recently published report from the Confederation of Swedish Enterprise² shows that regulatory burdens and bureaucracy are perceived as the second biggest obstacle to growth in Sweden, after difficulties in finding staff with relevant skills. The Board of Swedish Industry and Commerce for Better Regulation (NNR) Regulatory Barometer 2025 reinforces this picture, showing that nearly every second company (45 percent) experiences that expansion has been made more difficult or hindered by the design or implementation of regulations, and a majority (54 percent) fears a continued increase in the regulatory burden.³ An analysis conducted by the International Monetary Fund (IMF) in 2024 shows that the costs of trade within Europe in 2020 corresponded to a tariff surcharge of 44 percent of the value of the goods for the average goods market, compared to 15 percent for trade between US states.⁴

Reuse, remanufacturing and recovery of secondary materials are examples of areas that must not be hampered by overly complicated regulations if society is to increase resource efficiency and for the internal market to be developed and suitable for secondary materials, by-products and recycled materials.

At the same time, there is a need for technical adjustments and updates to the EU product legislation framework, both to address new challenges and to overcome differences that have emerged over time through the various sectoral legislations that has been established under the framework.

7. The Implementation Council's contribution to Sweden's position ahead of upcoming EU negotiations

A deeper understanding of the need for updates and technical adjustments largely lies with the business organisations. The Council has noted that the Government Offices, through the Ministry for Foreign Affairs, has already initiated a dialogue with these organisations regarding the forthcoming review, which is very positive. The Council therefore limits its opinion to submissions of a horizontal or procedural nature, as well as to highlighting

² Confederation of Swedish Enterprise, [Regional Development of Enterprises 2026](#)

³ [The Swedish Business Regulatory Board, Regelbarometern 2025](#)

⁴ [IMF October 2024 Regional Economic Outlook: Europe Note 1](#)

recommendations previously made by the Council that are also relevant to the revision of the legislative framework for products.

The Council's previously submitted opinions on issues of harmonisation and the functioning of the internal market are mainly the Council's [opinion of 7 August 2025 on the proposal for Omnibus IV on digitalisation and common specifications](#) and the Council's [opinion of 20 January 2026 on the upcoming Circular Economy Act](#).

In light of the situation described above, the Implementation Council wishes to emphasise the following points as particularly relevant for the Government to either communicate to the Commission during the preparation of the proposals and/or raise during the negotiations on the proposals:

Keep the negotiations coherent

The review of the Standardisation Regulation appears to follow a different timetable than the review of the rest of the product framework. The Implementation Council would like to stress the importance of keeping these two processes as closely aligned as possible, as well-functioning standardisation and the use of standards are essential components of the product framework. If the various proposals are dealt with in different Council working groups and with different schedules, the need for careful coordination increases accordingly.

Safeguard what already works well, particularly the core principles of the NLF

Businesses' need for stability and predictability means that only changes that bring about necessary improvements should be prioritised, based on a thorough needs and impact assessment. A constantly changing regulatory framework adds burdens and costs for companies. Uncertainties associated with future regulatory changes also have a negative impact on companies' willingness to invest, which in turn weakens Sweden's competitiveness. Regulatory simplification and the principles of better regulation should therefore guide the process.

A core principle that should be safeguarded is the fundamental idea behind the NLF, that overarching essential requirements are set out in EU legislation, while companies can use harmonised standards, which in turn align with global standards, to demonstrate compliance with the legislation.

This gives companies the freedom to determine *how* requirements should be met, thereby allowing room for innovation and optimization of their own production processes.

Another core principle of the NLF that should be safeguarded is that mandatory third-party certification should be used only in cases where it is particularly necessary, e.g. from a safety aspect. Establishing new certification schemes takes time and costs money, costs that will ultimately be passed on to customers, and undergoing third-party certifications is both expensive and administratively burdensome, particularly for smaller companies. The product requirements imposed must be proportionate to the risks they are intended to address.

Standardization as a primary tool

As the Council pointed out in its previous opinion on Omnibus IV on digitalisation and common specifications, the Council considers that the Government should safeguard the fundamental order in which EU legislation states that harmonised standards (hEN) are the primary tool for identifying technical solutions to demonstrate regulatory compliance. Common specifications developed by the Commission should therefore be used only as an exceptional instrument when there is no hEN. It is particularly important that consistency with international ISO/IEC standards is always sought, including in any common specifications. Further details can be found in the Council's previous opinion.

One aspect that could accelerate the development of harmonised standards would be to allow standardisation work to begin in parallel with the drafting or revision of legislation. In addition, it must be ensured that the tasks assigned to the standardisation organisations focuses on technical solutions for how the requirements can be met, and that standardisation requests are designed in a way that enables the organisations to carry out their work.

Strive for coherence between adjacent regulatory frameworks

Harmonising definitions, etc., so that they are consistent within the product framework is something the Council views positively. In addition, the legislator must consider how the definitions within the NLF, including the

Ecodesign Regulation (ESPR)⁵, interact with other adjacent regulations, not least the EU's General Product Safety Regulation⁶. Since one of the aims of the review is to contribute to increased circularity, it will also be important to review how the NLF interacts with EU legislation in the areas of environment and sustainability, including the upcoming EU Circular Economy Act.

Promote digitalization and the DPP, but proceed cautiously

The stakeholders with whom the Council has held discussions are positive towards increased digitalisation and the use of digital product information, including digital product passports (DPP). However, a strong recommendation is to proceed with caution and initially only include such information in the DPP that companies already have access to and communicate outside the company. Supplying data requires time and financial resources and requires adaptations in both the companies' working methods and IT systems. A transition from paper to digital format as an information carrier must not in itself entail requirements for additional or new information. New mandatory data points should only be added to the DPP after an SME check and cost-benefit analysis. Companies should, however, be allowed to voluntarily include additional data points that they consider to be beneficial to their own business.

Traceability of the information to be included in the DPP will become an important issue that needs to be addressed, as well as cybersecurity concerns, for example, who has access to the DPP and who is authorised to modify it. Responsibility for traceability and how far it extends in the value chain also needs to be taken into account and made reasonable. Standardization will be needed to manage the transfer of information throughout the entire supply chain. Product information required for sustainability reporting under the Corporate Sustainability Reporting Directive (CSRD)⁷ etc., must be manageable via the DPP, and the system

⁵ Regulation (EU) 2024/1781 of 13 June 2024 establishing a framework for setting ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC.

⁶ Regulation (EU) 2023/988 of 10 May 2023 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and of the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC.

⁷ Directive (EU) 2022/2464 of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU as regards corporate sustainability reporting.

must be compatible with requirements for electronic shipping information under the eFTI Regulation⁸, which is due to apply in July 2027.

Considerations on circularity

Given the Commission's ambition to promote increased circularity and the announced Circular Economy Act, it will be essential that the revised framework for EU product legislation, including the ESPR, interacts effectively with the upcoming Circular Economy Act.

Within product legislation, it will likely be necessary to regulate the responsibilities of those who reuse, refurbish or remanufacture a product and subsequently place it back on the market, as well as how they should demonstrate compliance. For reused and refurbished products—where the objective is that the item, when resold, should fulfil the same function as originally intended by the manufacturer—there should be no requirement for updated product documentation. For substantially modified products, however, updated documentation will be necessary, as those making substantial modifications should be responsible for the product's safety.

The boundary for what constitutes a substantial modification currently varies across different sectoral legislations, which can make it difficult for a re-user of a product to determine whether the producer responsibility is transferred or if it remains with the original manufacturer. It is therefore essential that key concepts such as "reused", "refurbished", "remanufactured" and "significantly changed product" are defined in a clear but pragmatic way to enable future circular business models. At the same time, it must be considered that goods unsuitable for reuse should not be reintroduced to the market.

In connection with the upcoming circular economy act, existing EU waste legislation must also be reviewed and further harmonised so that it does not create unnecessary barriers to scaling up business models related to reuse and the processing of secondary materials. See the Council's opinion on the CEA for further details.

See also the section above on DPP and circularity.

⁸ Regulation (EU) 2020/1056 of 15 July 2020 on electronic freight transport information.

Improved and more coordinated market surveillance, and clarified responsibilities for e-commerce imports from third countries

The Council's stakeholders see a significant need for better market surveillance, in particular of products from third countries, and especially low-priced products from online marketplaces. In addition, the responsibility of these actors to ensure that products comply with EU product regulations must be clarified. Some stakeholders emphasise that this is a matter of survival for certain sectors in the EU, in addition to the core objective of preventing dangerous products and substances from entering the EU internal market. The current market surveillance system is not dimensioned to handle the large number of products entering from third countries. Cooperation with customs authorities and more coordinated enforcement efforts at EU level are also necessary.

The Council would also like to highlight the fact that the need for market surveillance of products from third countries is not limited to consumer products alone. Similar imports into the EU are also made of, for example, machinery and components intended for professional use.

Companies, especially small and medium-sized ones, also need to have a real opportunity to easily obtain general information and guidance on the product requirements that apply.

See also the Council's opinion on the upcoming Circular Economy Act, which highlights the need for better supervision.

Summary of key recommendations

In summary, the Implementation Council believes that the Government should work for the following before and/or during future negotiations on the revision of the EU framework for product legislation:

- Keep the negotiations on all legislative acts in the review aligned. Do not negotiate the standardisation component without a holistic perspective.
- Safeguard what already works well, especially the fundamental principles of the NLF. Ensure that any changes are preceded by a thorough needs and impact assessment.
- Ensure that harmonised standards continue to be the primary tool for identifying technical solutions to demonstrate regulatory compliance. Common specifications should only be used as an exceptional instrument.
- Strive for coherence between adjacent legislations.
- Promote digitalization and digital product passports but proceed cautiously.
- Work towards effective interplay between NLF and the upcoming Circular Economy Act. Key terms such as "reused", "refurbished" and "substantially modified product" need to be defined in a clear but pragmatic way. EU waste legislation should be reviewed and further harmonised to facilitate trade in secondary materials, by-products and recycled materials.
- Promote better and more coordinated market surveillance of products, particularly those from third countries and ensure that responsibilities in relation to e-commerce from third countries are clearly defined.

Contact persons in this case are Committee Secretary Karin Broms and Deputy Secretary Vilma Bjurström (förnamn.efternamn@regeringskansliet.se).

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