

SBS comments on Call for Evidence for the revision of the New Legislative Framework (NLF)

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SBS welcomes the opportunity to provide feedback to the call for evidence for the revision of the New Legislative Framework (NLF).

The NLF has played a central role in the achievement of the Single Market, providing a flexible framework that allows to cope with technological developments and bring lasting and tangible benefits to European SMEs. The crucial role of the NLF as a pillar of an inclusive and stakeholder-driven European standardisation system has to be reiterated and maintained.

SBS believes that overall the NLF has been effective in supporting the free movement of goods by ensuring on the one hand an approach that can provide presumption of conformity by using harmonised standards and a harmonised approach to accreditation. Therefore, it is our opinion that a revision process of the NLF should maintain its overarching principles and proceed towards a “moderate revision”.

First off, it is crucial to bear in mind that any revision of the NLF has to pursue proportionality and simplification, primarily considering the needs and specificities of European SMEs, who represent 99.8% of all European enterprises, providing over 65% of European jobs and more than 50% of all European economic added value.

In particular, the “Think Small First” and proportionality principles should be embedded in all NLF implementation processes, explicitly adjusting obligations based on the size and capacity of economic operators. Similarly, systematic use of SME-specific impact assessments (e.g. through reinforced SME tests) should be mandated under NLF-related legislation, in line with the “Simpler and Faster Europe” agenda.

Regarding some of the improvements needed to the NLF in its current form and the areas for possible action in this sense already listed in the Call for Evidence, SBS highlights the following:

- **Alignment of relevant definitions**

It is necessary to clarify and integrate certain definitions that are either absent or not fully clear and harmonised in the current NLF framework, along with clarifying the obligations and responsibilities of operators carrying out these activities. These definitions include, but are not limited to “refurbishment”, “repair” and “substantial modification”. In particular, “substantial modification” should be clearly distinguished from routine repair or maintenance operations, ensuring that the original manufacturer does not obtain a de-facto monopoly on the modification of products and avoiding to impose disproportionate administrative burdens, particularly on SMEs, that may discourage the refurbishment, upgrade or remanufacturing of products.

- **CE marking**

SBS believes that the provisions related to the CE marking are still appropriate. While acknowledging that there are cases where there can be confusion among consumers about the nature and scope of the CE marking, this does not seem to be a sufficient reason to eliminate a well-known, well-established system that is still serving its purpose.

- **Increasing digital integration through the Digital Product Passport**

SBS supports a progressive and well-designed rollout and widespread adoption of the Digital Product Passport (DPP) as a requirement for products made available in the Single Market. This has the potential to support the transition to more sustainable business models, enable the development of services such as repair, reuse and refurbishment, where SMEs are strongly present. It can also enhance the sustainability of SME-manufactured products and facilitate informed consumer choices.

It is essential that the DPP is manageable for small businesses, including those that manufacture unique items and small series, and takes into account capacity and sector-specific readiness. This applies to both one-off and ongoing expenses and costs. SMEs have to be provided with guidance and clear compliance tools to make the DPP a success for EU citizens and all economic operators.

Another crucial element to be considered for the digital integration of the Single Market is interoperability. Across many sectors, large manufacturers often de-facto impose bundled proprietary solutions. This limits consumer choice and economic opportunities for SMEs along supply chains and throughout the product lifecycle, particularly in updating, repair and maintenance. A horizontal and interoperable Single Market would boost SMEs’ role in maintenance, repair, refurbishment and reuse, and help extend product lifecycles, in line with EU policy priorities.

- **Strengthening the harmonisation and consistency of rules within the Single Market**

Industry is still facing a patchwork of diverging national rules and interpretations. Some examples include national differences in lists of authorised material for food or water contact, sorting label requirements and claim regulations. Such fragmentation creates barriers to the Single Market and disproportionately affects SMEs, often preventing them from expanding into new markets. In addition, to ensure the Single Market is consistent and efficient, legislative overlaps and reporting and requirements duplications across different pieces of EU legislation should also be avoided.

- **Ensuring timely and consistent responses to non-compliant and dangerous products**

Fraudulent products pose serious safety risks to consumers and harm European businesses. Items sold via online marketplaces can enter the EU without complying with EU regulations or meeting quality and safety standards. EU's consumer protection rules are among the strongest worldwide, but enforcement remains key to ensuring fair competition and consumer safety. Member State authorities and customs, supported by the EU Commission, should coordinate efforts to ensure consistent interpretation of the rules and to enhance enforcement actions aimed at removing non-compliant products from the market and implementing effective and dissuasive corrective measures.

Small Business Standards (SBS) is the European association representing and supporting small and medium-sized companies (SMEs) in the standardisation process, both at European and international levels.

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