

Response to the Public Consultation on the Digital Product Passport (DPP) – Rules for Service Providers

The European Tyre and Rubber Manufacturers' Association (ETRMA) welcomes this call on DPP - service providers requirements. Tyre manufacturers will issue DPPs for the tyres they place on the European market. As such, they will have to entrust the copies of the issued DPPs to a DPP service provider. In addition, the Tyre industry has created in 2022 a data space, the GDSO¹, to whom ETRMA is Associated, to allow tyre lifecycle events traceability and data exchange across the tyre circular economy. GDSO could play the role of DPP SP for the tyre industry. In this context, we recommend:

1. DPP Service Provider operations & roles

Beyond their activities related to DPP management and storage, DPP service providers could offer additional services for the governance of data exchanges in the circular economy. Like the GDSO, they can manage centralised resolvers or update sectoral ontologies. As dataspace relying on IDSA standards, they could govern in a transparent manner data exchanges between key stakeholders of the circular economy.

To guarantee their non-monitoring of the business of economic operators, some Data Governance Act requirements should apply to them regarding their data intermediation services: they shall not use, resell, commercialise, and process DPP data received, nor use the metadata associated with data exchange to any other purpose than the management of authorised DPP data access.

2. Conformity to CEN/CENELEC DPP Standards

To guarantee compliance of economic operators with ESPR, DPP service providers must conform to CEN/CENELEC DPP standards for the management and storage of DPPs. Self-certification to modules 4 (Interoperability), 5 (Data format and exchange protocols), 6 (Data storage and archiving) and 8 (API) standards shall be required.

3. Cybersecurity ex-ante certification

Given the sensitivity of the DPP data for products identified at the item level, which includes performance and lifecycle information, the DPP service providers, as well as future EU DPP public registry, must adopt robust cybersecurity measures to guarantee the integrity and confidentiality of information. It is therefore recommended that the delegated act mandates third-party cybersecurity certification of DPP service providers while aligning and harmonising existing frameworks such as the NIS 2 Directive, future ENISA's EUCS (EU Cybersecurity Scheme), CIS, and ISO 27000 series standards. Moreover, access to DPP systems must be governed by strict authorisation protocols, thus minimising the risks of unauthorised data breaches.

¹ GDSO AISBL stands for Global Data Service Organisation for Tyres and Automotive Components, an International Non Profit Organisation based in Belgium – www.gdso.org

4. Sustainable financing mechanisms for DPP Services

The financing of the global DPP system should be fairly distributed among all its beneficiaries, from economic operators of the circular economy to consumers. Sustainable financing mechanisms for DPP service providers should be established to avoid imposing prohibitive costs, which could hinder the participation of SMEs, key actors of the circular economy like retreaters and end-of-life tyre collectors, or unreasonable financial burdens for consumers.

5. Clear and reliable roadmap for implementation

DPP system full implementation will require several building blocks to be timely in place: identifier issuing agencies, Commission central registry, notified bodies, DPP service providers, etc. Although the Tyre Industry is getting already organised, full compliance will require an EC clear roadmap of the system implementation. Complexity of the system broad ecosystem involved, and remaining open questions deserve a reasonable timeframe for alignment and clarification to avoid legal uncertainty.

CONCLUSIONS & RECOMMENDATIONS

ETRMA supports the Commission's efforts to create a harmonised, fair, and secure framework for DPP service providers, recommending to:

1. Consider existing initiatives like the tyre industry data space, GDSO, in the definition of DPP SP roles, as well as Data Governance Act requirements for trustable data intermediation services,
2. Require self-conformity assessment to CEN/CENELEC DPP standards for the management of DPP by DPP SP,
3. Require ex-ante cybersecurity certification of DPP SP to manage the business sensitivity of DPP backup copies at the right level, especially for serialised product identification,
4. Guarantee a fair, transparent and affordable financing mechanism of DPP services that is inclusive and future-proof over the products lifetime,
5. Provide a clear roadmap with sufficient time for implementation to cope with the complexity of the system and the number of remaining open questions.

We remain at your disposal for further discussions and would be pleased to contribute to the upcoming consultations.