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From: To:	General Secretariat of the Council Antici Group (Simplification)
N° prev. doc.:	ST 12523/25, ST 12524/25
Subject:	Omnibus IV - Digitalisation and common specifications

Following the three interinstitutional technical meetings (ITMs) held with the European Parliament on 17, 19 and 23 March 2026 in the context of the Omnibus IV proposals for a Regulation and a Directive on digitalisation and common specifications, this Presidency discussion note is intended to support delegations' preparation for the discussion at the AGS on 30 March 2026.

It sets out the main outstanding issues and identifies elements that could be further considered. Delegations are invited to reflect on these elements and to indicate which approaches could be pursued, with a view to preparing the upcoming negotiations which will take place after the trilogue of 15 April 2026.

ANNEX

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1) Article 7 – Council mandate

Extending the deadline of the transitional period of Regulation (EU) 2024/1781

Council mandate considers a one-off extension of the deadline of art. 79(1)(a)(i) of Regulation (EU) 2024/1781 by two years – to 31 December 2028 (article 7 – paragraph 6b). Such an extension is **not retained by the EP amendments**

Paragraph 6b of Article 2 – Transitional Period

EP expressed concerns as to delays that such extension might have on the roll-out of DPP for products that would remain covered under the old Eco-design Directive 2009/125/EC.

Clarifications on the interlinkage between the ESPR and the DPP and how ESPR transitional period may be implemented will be provided with the help of Commission in the upcoming discussions with the EP. Presidency will not seek revision of the mandate on this issue.

2) Article 1 – Council mandate

Deletion from Council and inclusion from the EP of the cross-sectoral Accreditation Regulation (EU) 765/2008

In the exchanges, the Presidency highlighted that this provision **does not concern a sectoral legislation** as it has a much broader horizontal nature. As such, it cannot be included in the scope of simplification, as the Omnibus acts are precisely **targeted to specific sectoral product legislation.** The EP appears to be aligned with Commission's view that this empowerment for common specifications could serve as a useful fall-back to address potential future issues related to the accreditation of conformity assessment bodies.

At this stage, this does not appear to be a point of convergence between the co-legislators and is therefore likely to be addressed in the political trilogue. Presidency will not seek revision of the mandate on this issue.

3)	**Article 2 – Council mandate**
Providing instructions/safety information to end-user in paper format Regulation – Article 11, Paragraph 7(5) Regulation (EU) 2016/424	

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EP introduced a distinction between professionals and consumers when it comes to the request of instructions of use and safety information in paper format:

- **when the end-user is a consumer** (not a professional), the period for **requesting** instructions is extended by EP to **24 months** after the purchase of the product instead of **6 months** as the Council position;
- **For all end-users**, the manufacturers **response** deadline is reduced by EP from **1 month** (Council position) to **15 days** upon receiving the request.

The PCY stressed that having the two different deadlines for consumers and professional end-users **would create legal uncertainty and unnecessary additional complexity**. It was pointed out that this contradicts the overall objective of the Omnibus-process to reduce administrative burden and ensure simplification.

As a possible compromise the Presidency suggests the following:

- No distinction between professional and end users in the articles, only the definition of *users* as introduced by the Council in the recital.
- Retaining the one-month deadline for the reply by the manufacturer, as per the Council mandate.
- Introducing a 24-month time period for requests in all cases. It is understood that the European provision for legal guarantee (24 months) underpins the proposed compromise for a harmonized deadline.

The same EP amendments also introduce an obligation on manufacturers to **proactively inform end-users** of the right to request instructions or safety information in paper format; this element could be considered to be included in the text.

Would this be acceptable to delegations?

4)	**Recital 8 Council mandate**
Amendment 36 EP mandate: (Regulation 2016/425) *Article 3, paragraph 1, point 2, point d* | ***European Accessibility Act***	

EP might be open to the following compromise text:

- replacing "*… including persons with disabilities*" with **"… in accordance with the European Accessibility Act",** with a view to avoiding the imposition of additional specific obligations on businesses.

5) Telephone as a means of contact

The EP has argued for the inclusion of a telephone facility as a means of communication in particular for the category of consumers with low digital literacy. One argument put forward by the EP refers to the provision of the Consumers Rights Directive, which provides for such an obligation Telephone as one of the communication channels is also mentioned in the new Toy Safety Regulation (Art.7.12) and in the GPSR (Art.9.11).

Presidency therefore suggests clarifying in the text that the provision of telephone facility could be optional and on a voluntary basis.

Would this be acceptable to delegations?

6) Right of information of MS/EP (during the drafting process of implementing act)

EP proposes to lay down new provisions regarding EP's information during the drafting process of the implementing acts establishing common standards: the Commission shall provide the European Parliament, in a timely manner, with all relevant information concerning the implementing acts, including, in particular, details on the drafting process of the implementing act, details on the composition of the expert group supporting the process and details on the timeline. Regulations (EU) 2016/424 (Amendment 27 - article 17a 1c), (EU) 2016/425 (Amendment 44 - article 14a 1c) and (EU) 2016/2026 (Amendment 64 - 13a 1c).

An Omnibus text is not meant to introduce provisions to a horizontal procedure such as the preparation and adoption of implementing acts.

At this stage, they do not appear to be a point of convergence between the co-legislators and are therefore likely to be taken at the political trilogue.

7) "Formal Objection" to common specifications

Another series of amendments introduce the possibility for the EP (instead of the Council, as it is considered in the Council's position) to inform the Commission when it considers that a common specification does not entirely satisfy the essential requirements set out by the given regulations. Regulations (EU) 2016/424 (Amendment 32 - article 17a 2d), (EU) 2016/425 (Amendment 49 - article 14a 2d) and (EU) 2016/2026 (Amendment 69 - 13a 2d).

The Presidency suggests a preliminary compromise to include both co-legislators, the Council and the EP, in this procedure, given the fact that this right has been already granted both to Council and Parliament in other Regulations (2023/1542, 2023/1230), along with the Toy Safety Regulation (2025/2509).

Would this be acceptable to delegations?

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8) Common Specifications

Both the Council and EP mandates proposed the same approach of setting up common specifications as a fall-back solution. Aside from this approach, and in addition to the provisions from the agreed CS template, the EP has proposed a temporary measure enabling the adoption of Common Specifications for specific cases until the revision of the NLF.

In Presidency's understanding the reference to IMERA was introduced by the EP in order to narrow the Commission's empowerment to adopt Common Specifications, to be activated merely in cases of serious crises, as IMERA provides for (war, pandemic, severe disruption). In this context, prominent role given to the Council from the outset to pre-authorize such initiative by the COM.

Presidency's assessment of current situation in standardisation is two-fold;

1) standards must remain the main route and a first-choice solution;
2) there is a critical lack of standards in specific industries due to lack of delivery of ISO standards that needs to be addressed without delay.

This is exactly where the notion of last resort applies when the COM adopts Common Specification as a fallback option.

Against this background, PCY would welcome delegations' views on the possibility of redrafting, with the EP, a compromise text on paragraph (c) as a last-resort condition. This exceptional empowerment of the COM would be subject to strong safeguards, namely the following conditions:

1) Prior authorisation of the Council agreeing that there is a justified need for the COM to activate and adopt common specifications.
2) Any decision taken by the COM to adopt common specifications, under those circumstances, will be limited in time, namely until the revision of the NLF.

Would such an approach be acceptable to delegations?

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9)	***Extension of proposal scope to cover Regulation (EU) 2025/2509 (Toy safety)***
EP amendments *82 and 83* insert respectively new articles *7a. and 7b*.	

Providing a **right to individual Member States or the European Parliament to request information** from the Commission when doubts arise regarding whether proposed standards comply with health and safety requirements (amendment 82 – article 7a).

As referred above; cf. point (7) "*formal objection to common specifications*".

Introducing the obligation of the Commission to **monitor the effectiveness** of the regulation and publish a report within 3 years of the regulation's entry into force (amendment 83 – article 7b).

(EP every 3 years, compared to 5 years by the COM)

These amendments will be discussed at a more advanced stage of negotiations. At this stage, they do not appear to be a point of convergence between the co-legislators and are therefore likely to be taken at the political trilogue.

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