



An obligation to indicate product identification numbers online is impractical and unduly burdens economic operators

23.05.2022

The undersigning associations call to remove the obligation to indicate the batch numbers, serial number or any other product identification for distance sales. Such an obligation is unworkable for economic operators due to the way the supply chain works and could mislead consumers. The separation between online and offline commerce is gradually disappearing as retail is increasingly becoming omnichannel. Whether on- or offline, neither channel should be unduly burdened.

- 1. Unjustified burdens for online/distance sales should be avoided:** The obligations in Art. 18 c) and d) go beyond what is required in brick-and-mortar stores and will unduly lead to higher burdens for certain channels. For instance, offline retailers are not obliged to indicate the batch or serial number of the product in store. Consumers have access to such identification numbers only at the moment they purchase/collect the product they bought, i.e. at the pick-up point of the store. There is no reason why this should be different for online sales.
- 2. The way supply chains are organized makes the indication of specific batch numbers very difficult:** Online retailers have limited stocks. Many products on offer online are actually not in the warehouses/shops of the retailers. Online retailers therefore cannot know the batch or other identification numbers of the products before receiving the products. It is unlikely that product manufacturers would be in the position to provide in advance the precise batch/serial number of a product at the moment it is ordered by the retailer. Like with offline sales, in case of a recall, retailers will verify the identification numbers of the products they sold and act accordingly.
- 3. Batch or serial number do not work for all products:** Unique, custom or handmade, as well as crafted products do not carry unique identifiers. For second-hand products, unique identifiers might not be transferred when the owner changes or they become illegible through wear and tear. It should be ensured that these types of products are exempted. Moreover, some products may have components with individual batch/serial numbers. For example, building toys may have individually marked components, but there is no overall serial/batch number for the whole product. Indicating the numbers of all components will be confusing for consumers.
- 4. The indication of batch or serial numbers is technically burdensome:** For online stores, indicating the batch or other identification number would require a new offer to be placed online every time a new batch or series is sold, requiring a separate pop-up window for every single consumer browsing online. Moreover, it cannot be determined before shipping the sale from which batch or series the product bought by the consumer originates. Distance sales catalogues would need to cite all available serial numbers of every individual product, which would lead to extremely extensive and confusing brochures. The cost entailed would be disproportionately high for SME retailers. **Moreover, such an obligation will be impossible to implement for groups of independent retailers,** as every single member retailer of the group is an independent entrepreneur and hence manages his/her own inventory.

5. **An obligation to indicate the batch number will create barriers to innovation**, preventing new market entrants or smaller players from launching new retail systems. In the light of new and future developments in the retail sector, like drop-shipping, the provision to provide the batch number is already obsolete. In the case of drop-shipping, the product is directly shipped by the manufacturer to the consumer. Hence, the retailer does not have access to the batch or other identification number. This will shorten and simplify supply chains and facilitate the market entry of start-ups and SMEs who do not have to provide costly warehousing solutions.

For those reasons, we believe that an obligation to indicate an identification number when selling a product online is not appropriate and overly burdensome for economic operators. Without any doubt, a product identification such as a batch or serial number is important to identify products that must be recalled. However, the consumer has already purchased the product and can therefore access the number, in the same way as if it was bought in-store. Indicating the batch or serial number at the moment of the offer online brings no benefits to consumers. This requirement therefore creates/ has an unnecessary and disproportionate impact on supply chains and online and omnichannel retailers.

About EuroCommerce

[EuroCommerce](#) is the principal European organisation representing the retail and wholesale sector. It embraces national associations in 28 countries and 5 million companies, both leading global players such as Carrefour, Ikea, Metro and Tesco, and many small businesses. Over a billion times a day, retailers and wholesalers distribute goods and provide an essential service to millions of business and individual customers. The sector generates 1 in 7 jobs, offering a varied career to 26 million Europeans, many of them young people. It also supports millions of further jobs throughout the supply chain, from small local suppliers to international businesses. EuroCommerce is the recognised European social partner for the retail and wholesale sector. Find more information on our [website](#), on [Twitter](#), and on [LinkedIn](#).

About Ecommerce Europe

[Ecommerce Europe](#) is the sole voice of the European Digital Commerce sector. As a result of joining forces with EMOTA, Ecommerce Europe now represents, via its national associations, more than 150,000 companies selling goods and services online to consumers in Europe. Ecommerce Europe acts at European level to help legislators create a better framework for online merchants, so that their sales can grow further. Find more information on our [website](#), on [Twitter](#) and on [LinkedIn](#).

About Independent Retail Europe

[Independent Retail Europe](#) is the European association that acts as an umbrella organisation for groups of independent retailers in the food and non-food sectors. Our members are groups of independent retailers, associations representing them as well as wider service organizations built to support independent retailers. Independent Retail Europe represents 23 groups and their 403.900 independent retailers, who manage more than 759.000 sales outlets, with a combined retail turnover of more than 1,314 billion euros and generating a combined wholesale turnover of 484 billion euros. This represents a total employment of more than 6.620.000 persons. Find more information on our [website](#), on [Twitter](#), and on [LinkedIn](#).

About SMEunited

[SMEunited](#), formerly known as UEAPME, is the association of crafts and SMEs in Europe with around 70 member organisations from over 30 European countries. SMEunited is a recognised employers' organisation and European Social Partner and acts on behalf of crafts and SMEs in the European Social Dialogue and in discussions with the EU institutions. We represent national cross-sectoral Craft and SME federations, European SME branch organisations and associate members. We speak on behalf of the 22,5 million SMEs in Europe which employ almost 82,4 million people. We are a non-profit seeking and non-partisan organisation. For more information, please visit our [website](#) and our [Twitter](#) and [LinkedIn](#) accounts.