

Market surveillance of products

2013/0048(COD) - 30/05/2013 - Document attached to the procedure

Opinion of the European Data Protection Supervisor (EDPS).

The EDPS appreciates that the regulation of the European Parliament and of the Council on market surveillance of products takes into account data protection issues to a certain extent. However, he gives **some recommendations on how the Proposal could be further improved:**

The EDPD particularly recommends:

- including a substantive provision to clarify that the Proposal is not meant to provide for general derogations from data protection principles and that relevant personal data processing legislation remain fully applicable in the market surveillance context;
- to amend the proposal so as to ensure that only personal information which is strictly necessary is processed for market surveillance purposes in the Rapid Information System (RAPEX) and the Information and Communication System on Market Surveillance (ICSMS), respectively;
- providing for fixed retention periods for the personal data processed in RAPEX and ICSMS;
- maintaining the approach whereby the public is informed about unsafe products (via the RAPEX website) without making public personal information on economic operator(s) responsible for those products;
- explicit substantive provisions that would at least specify what kind of personal data may be made public and for what purpose(s), if it is the intention of the legislator to provide for the publication of personal information on economic operators;
- supplementing the provisions on participation of applicant countries, third countries or international organisations in RAPEX, as well as on international exchange of confidential information with explicit references to specific provisions about personal data protection corresponding to those applicable in the Union.