Addressing product safety in the Single Market

2019/2190(INI) - 25/11/2020 - Text adopted by Parliament, single reading

The European Parliament adopted by 688 votes to 8, with 1 abstention, a resolution on addressing product safety in the single market.

The resolution stressed that the COVID-19 crisis has shown that it is of paramount importance for the protection of people in the EU that the safety of all products needed to tackle this emergency and all the crises that might challenge the EU in the future is the highest, especially for medical and protective equipment, products sold online and offline, and products from outside the EU.

Safety of all products

While Regulation (EU) 2019/1020 on market surveillance only applies to products subject to EU harmonisation legislation, Parliament called on the Commission to define harmonised market surveillance rules for both harmonised and non-harmonised products placed on the offline or online market and to adapt them to the digital age to ensure a level playing field and improve product safety.

The Commission has been invited to address the challenges posed by emerging technologies such as Artificial Intelligence (AI), the Internet of Things, robotics, 3D printing and other technologies in its review of the General Product Safety Directive. This review should redefine the terms "product" and "safe product" and give priority to consumer rights and legal certainty.

Artificial Intelligence (AI)

Members believe that AI systems, whether stand-alone or embedded in a product, offer many opportunities and that they should use high-quality, unbiased data sets in order to be trustworthy and enhance consumer protection.

The Commission should therefore: (i) review existing AI standards and consult relevant stakeholders to determine what new standards are needed; (ii) regularly evaluate the EU regulatory framework to ensure product safety and consumer and data protection; (iii) take action in areas where there is a need to promote legal certainty and ensure harmonisation of rules within the EU.

Compliance with product safety rules

Parliament stressed the need to ensure a coherent approach to the application of product safety legislation. It invited the Commission to examine the feasibility of risk-based assessment systems, adapting their application to products presenting a high level of risk, as well as conformity assessment mechanisms, in order to ensure safety by default or from the design stage of products with embedded emerging technologies.

Members called for mandatory human oversight to be the default option for high-risk AI products and for effective checks on high-risk AI products to be carried out throughout the supply chain using reliable and impartial procedures. Product safety should be guaranteed as well as the right of consumers to demand to speak to a human being and not to automated systems.

The resolution also called for:

- a guarantee that connectivity infrastructures, including new communication technologies such as 5G, incorporate security and privacy by design and by default in order to improve the safety of connected products;

- an assessment of the need for legislation on mandatory cybersecurity requirements and appropriate market surveillance mechanisms.

Effective market surveillance

Parliament encouraged the Commission and the Member States to: (i) increase the resources and expertise of their market surveillance authorities; (ii) strengthen cooperation between them; and (iii) develop joint actions, including cross-border and online market actions; (iv) improve the effectiveness of controls and (v) provide market surveillance authorities, including customs authorities, with sufficient staff to be able to identify dangerous products, in particular those from third countries, and prevent them from circulating in the internal market.

The Commission is invited to:

- get a clearer picture of the phenomenon of counterfeiting and the role that market surveillance authorities and online marketplaces could play to better protect the health and safety of consumers;

- set minimum sampling rates; market surveillance authorities should carry out sector-specific mystery shopping, including in online marketplaces, on a regular basis or on sweep days;

- cooperate with third country regulators, exchange information on dangerous products related to market surveillance and include market surveillance provisions in all EU free trade agreements.

Safe products on online marketplaces

Members called on the Commission to: (i) encourage new online marketplaces to provide consumers with clear information on their rights; (ii) assess the role that online marketplaces could play in limiting the circulation of unsafe products and (iii) propose binding rules on the obligations and responsibilities of marketplaces established inside and outside the EU under digital services legislation.

Parliament insisted on the need for a level playing field between European and third country platforms in terms of compliance with EU product safety rules.

Commission's 2020 standardisation programme and traceability

Parliament welcomed the fact that the EU standardisation programme for 2020 addresses the emerging challenges in the digital single market. It asked the Commission to assess how distributed ledger technology, such as the block chain, could enhance product safety by improving the traceability of products throughout the supply chain, including through product standardisation.

Product recalls

Parliament called on retailers, online marketplaces and consumer associations to play a greater role in recalls of unsafe products purchased online or offline by providing adequate and reliable information to consumers. It called for online marketplaces to be required to put in place effective mechanisms to ensure that they can inform their users, buyers and sellers as quickly as possible when product recalls are necessary.