

General Product Safety Regulation

2021/0170(COD) - 24/06/2022 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Internal Market and Consumer Protection adopted the report by Dita CHARANZOVÁ (Renew Europe, CZ) on the proposal for a regulation of the European Parliament and of the Council on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council, and repealing Council Directive 87/357/EEC and Directive 2001/95/EC of the European Parliament and of the Council.

As a reminder, the proposed Regulation aims to revise Directive 2001/95/EC on general product safety to ensure that only safe products are placed on the internal market and to guarantee a high level of safety and consumer protection.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Subject matter

Members stipulated that the objective of this Regulation is to improve the functioning of the internal market and maintain a high level of health, safety and consumer protection by laying down essential rules to ensure the safety of consumer products made available on the Union market.

Clarification of definitions

The report clarifies key definitions such as those on ‘product’, ‘safe product’, ‘distance contract’ and ‘antiques’, to give greater certainty to authorities and economic operators.

Obligations of manufacturers

Members proposed to delete certain obligations for manufacturers such as on the provisions for manufacturers on technical documentation as well as the obligation to investigate complaints received concerning products they made available on the market. Members suggested that manufacturers should ensure that the technical documentation is up to date. They should keep it for a period of ten years after the product has been placed on the market at the disposal of the market surveillance authorities, upon request.

Information to economic operators

The amended text proposed that the Commission should adopt specific guidelines for economic operators, particularly those that qualify as SMEs, including micro-enterprises, on how to fulfil the obligations laid down in this Regulation. In particular they should aim to simplify and limit the administrative burden for smaller businesses while ensuring the effective and consistent application in accordance with the general objective of ensuring product safety and consumer protection.

Obligations of economic operators in case of accidents related to safety of products

Manufacturers should ensure that, through the Safety Business Gateway, an accident directly caused by a product made available on the market is notified immediately after it knows about the accident or about the results of the investigation, to the competent authorities of the Member State where the accident has occurred.

Information requirements in electronic format

Economic operators should additionally make information available in a **digital format** by means of electronic solutions, such as a non-removable QR or matrix code.

Specific obligations of online marketplaces related to product safety

The amended text proposed an updated and targeted set of rules for online marketplaces to increase safety, better protect consumers and help in reaching a level playing field between the online and offline sectors while preserving the competitiveness of our economic operators, especially the smaller ones.

In particular, Members suggested that online marketplaces should easily register with the **Safety Gate portal** and indicate on the portal the information concerning their single contact point. They should make use of the single point of contact to enable consumers to communicate directly and swiftly with them. They should inform economic operators about the information communicated by consumers on accidents or safety issues with regard to the product offered for sale online by those economic operators through their services.

Online marketplaces should inform, where possible, the relevant economic operator of the decision to **remove or disable access** to the illegal content.

Customers information should be strengthened especially on actions taken with regard of dangerous products and on possible remedies. In addition, the exchange of information between platforms, traders and market surveillance authorities has been strengthened.

The report also encouraged additional and voluntary commitments to be taken by online marketplaces in the form of '**memoranda of understanding**' to setting up further concrete actions to strengthen the safety of products. These will include measures preventing the reappearance of dangerous products online, exploiting the potential use of new technologies for an improved market surveillance, and investment in training for online traders.

Market surveillance

According to Members, market surveillance authorities should, on a regular basis, conduct **inspections on samples of products**, categories or groups of products acquired under a cover identity. Where market surveillance authorities in other Member States reach a different conclusion in terms of identification or level of the risk on the basis of their own investigation and risk assessment, the Commission should start an **arbitration** process.

Consumer safety network and international cooperation

Members consider it crucial to strengthen the existing cooperation between national authorities and the Commission; this is why the proposed article on 'Consumer Safety Network' has been further developed to add new areas of cooperation and to clarify the objectives.

Similarly, the article on international cooperation with third countries' regulatory authorities has been further specified, focusing in particular on preventing the circulation of dangerous products, on the use of new technologies and the exchange on regulatory matters to guarantee a level playing field.

Entry into force

The report suggested that the new Regulation should enter into force as soon as possible in order to increase the overall safety in the European Union. However, the required time foreseen for the application

of new provisions is too short in light of the significant changes foreseen by the proposal. Therefore, it is proposed to extend the date of application of the Regulation from 6 to **12 months** after its entry into force.