Protection of consumers: general product safety (rev. Directive 92/59/EEC)

2000/0073(COD) - 12/02/2001 - Council position

The Council common position takes account of the fundamental points of the amended proposal adopted by the Commission in light of the opinion expressed by the European Parliament at first reading. The Council adopted in full or in part, or in their substance, 21 of the 30 amendments proposed by the European Parliament. The amendments adopted in part or in substance relate in particular to : - the need for the Commission to present regular reports on the application of the Directive; - clarification of the Directive's scope in relation to sectoral directives; - taking installation and maintenance into account in the definition of "safe product"; - clarification of the provisions concerning recall of products, with no reference to compensation of consumers; - consultation of the competent committee by the Commission when establishing the standardisation mandate objectives. A regulatory procedure is introduced for this aspect, whereas the advisory procedure is maintained for establishing the mandates; - improving the methods of traceability for consumer products; - the introduction of more specific requirements, including the language to be used, in order to ensure that warnings of the risks which certain products may present are clearly worded and readily comprehensible; - cooperation between the authorities and producers and distributors in taking action to withdraw and recall dangerous products; - the provision of information to national authorities on the voluntary measures taken by producers and distributors; - the opening-up of the RAPEX system to the applicant countries, third countries and international organisations under the conditions laid down in agreements between the Community and those countries and organisations; - reference to the principle of transparency from the point of view of access information. Moreover, the Council has introduced some very important innovations such as : - the amending of the definition of "product" and "safe products" and "serious risk" and "withdrawal" in order to better clarify the scope of the Directive. With regard to European standards, a three stage procedure is defined for the drawing up of European standards for the purposes of the Directive, in accordance with the Regulatory Committee procedure; - a more active role for producers and distributors; - a clearer link between the measures to be taken by national authorities and the nature/level of risks presented by the product; - clarifying the scope of the notifications which must be made by Member States to the Commission of restriction measures taken for reasons other than those of serious risks requiring rapid intervention, particularly those involving purely local events; - introduce the obligation of the Member States to notify the Commission, in case of serious risks, also of measures taken on a voluntary basis by producers and distributors; - the consultation process prior to which the Commission can require Member States to take restrictive measures for products posing serious risks is reinforced; - the export ban for products for which the Member States have been required to take restriction measures is maintained in principle, but a different decision can be taken case by case.