

Basic information	
2000/0073(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Protection of consumers: general product safety (rev. Directive 92/59 /EEC) Repealed by 2021/0170(COD) See also 2010/2085(INI)	
Subject 4.60.08 Safety of products and services, product liability	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	DELE EP Delegation to Conciliation Committee	GONZÁLEZ ÁLVAREZ Laura (GUE/NGL)	30/05/2001
	Former committee responsible	Former rapporteur	Appointed
	ENVI Environment, Public Health, Consumer Policy	GONZÁLEZ ÁLVAREZ Laura (GUE/NGL)	23/05/2000
	ENVI Environment, Public Health, Consumer Policy	GONZÁLEZ ÁLVAREZ Laura (GUE/NGL)	23/05/2000
	Former committee for opinion	Former rapporteur for opinion	Appointed
	BUDG Budgets	The committee decided not to give an opinion.	
	JURI Legal Affairs and Internal Market	LEHNE Klaus-Heiner (PPE-DE)	21/06/2000
	ITRE Industry, External Trade, Research, Energy	RÜBIG Paul (PPE-DE)	06/06/2000
	Council configuration	Meetings	Date
Council of the European Union	Economic and Financial Affairs ECOFIN	2329	2001-02-12
	Competitiveness (Internal Market, Industry, Research and Space)	2351	2001-05-30
	Competitiveness (Internal Market, Industry, Research and Space)	2371	2001-09-27

Key events			
Date	Event	Reference	Summary
29/03/2000	Legislative proposal published	COM(2000)0139 	Summary
19/05/2000	Committee referral announced in Parliament, 1st reading		
17/10/2000	Vote in committee, 1st reading		Summary
17/10/2000	Committee report tabled for plenary, 1st reading	A5-0309/2000	
15/11/2000	Decision by Parliament, 1st reading	T5-0504/2000	Summary
15/11/2000	Debate in Parliament		
02/02/2001	Modified legislative proposal published	COM(2001)0063 	Summary
12/02/2001	Council position published	14614/1/2000	Summary
14/02/2001	Committee referral announced in Parliament, 2nd reading		
25/04/2001	Vote in committee, 2nd reading		Summary
25/04/2001	Committee recommendation tabled for plenary, 2nd reading	A5-0133/2001	
15/05/2001	Debate in Parliament		
16/05/2001	Decision by Parliament, 2nd reading	T5-0259/2001	Summary
30/05/2001	Parliament's amendments rejected by Council		
21/06/2001	Report tabled for plenary, 3rd reading	A5-0313/2001	
25/06/2001	Formal meeting of Conciliation Committee		
25/06/2001	Final decision by Conciliation Committee		Summary
14/08/2001	Joint text approved by Conciliation Committee co-chairs	3644/2001	
27/09/2001	Decision by Council, 3rd reading		
04/10/2001	Decision by Parliament, 3rd reading	T5-0503/2001	Summary
04/10/2001	Debate in Parliament		
03/12/2001	Final act signed		
03/12/2001	End of procedure in Parliament		
15/01/2002	Final act published in Official Journal		

Technical information	
Procedure reference	2000/0073(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive

Amendments and repeals	Repealed by 2021/0170(COD) See also 2010/2085(INI)
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/14765

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0309/2000 OJ C 223 08.08.2001, p. 0005	17/10/2000	
Text adopted by Parliament, 1st reading/single reading		T5-0504/2000 OJ C 223 08.08.2001, p. 0102-0154	15/11/2000	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0133/2001	25/04/2001	
Text adopted by Parliament, 2nd reading		T5-0259/2001 OJ C 034 07.02.2002, p. 0165-0214 E	16/05/2001	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0313/2001	21/06/2001	
Text adopted by Parliament, 3rd reading		T5-0503/2001 OJ C 087 11.04.2002, p. 0155-0215 E	04/10/2001	Summary
Council of the EU				
Document type		Reference	Date	Summary
Council position		14614/1/2000 OJ C 093 23.03.2001, p. 0024	12/02/2001	Summary
Document attached to the procedure		15023/2003 OJ C 299 10.12.2003, p. 0001-0002	01/12/2003	
European Commission				
Document type		Reference	Date	Summary
Legislative proposal		COM(2000)0139  OJ C 337 28.11.2000, p. 0109 E	29/03/2000	Summary
Modified legislative proposal		COM(2001)0063  OJ C 154 29.05.2001, p. 0265 E	02/02/2001	Summary
Commission communication on Council's position		SEC(2001)0244 	14/02/2001	Summary
Commission opinion on Parliament's position at 2nd reading		COM(2001)0376 	28/06/2001	Summary

Follow-up document	COM(2003)0313 	06/06/2003	Summary
Follow-up document	COM(2008)0905 	14/01/2009	Summary
Follow-up document	COM(2021)0342 	30/06/2021	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1008/2000 OJ C 367 20.12.2000, p. 0034	20/09/2000	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3644/2001	14/08/2001	
EU	Implementing legislative act	32004D0905 OJ L 381 28.12.2004, p. 0063-0077	14/12/2004	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2001/0095 OJ L 011 15.01.2002, p. 0004-0017	Summary
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Protection of consumers: general product safety (rev. Directive 92/59/EEC)

2000/0073(COD) - 14/01/2009 - Follow-up document

Directive 2001/95/EC on general product safety was adopted on 3 December 2001. It entered into force on 15 January 2002 and the deadline for its transposition by the Member States was 15 January 2004. The purpose of the Directive is to ensure that only safe consumer products are placed on the Community market. The Directive applies to non-food consumer products but safety of services falls outside of its scope.

The Commission makes the following conclusions in relation to the implementation of the Directive:

- **General:** the Directive has proven to be a powerful tool for ensuring a high level of consumer protection. It has helped to track down and eliminate a vast number of unsafe products from the European market. The RAPEX system, set up by the Directive, has complemented the existing regulatory framework applying to some key consumers' products (such as toys, cosmetics, electrical appliances and luminaries, personal protective equipments, vehicles with a dedicated rapid exchange and alert system);
- **Transposition:** while transposition of the Directive by the Member States is overall adequate, there are still certain inconsistencies. The Commission services are cooperating with the Member States to ascertain whether further measures by certain Member States are needed, but the Commission reserves the right to initiate infringement proceedings, where necessary. This concerns in particular the observation of time limits for the enforcement of measures under Article 13 of the Directive;
- **Functioning of Market Surveillance:** the major increase in RAPEX notifications over the last four years is a clear indication that market surveillance under the Directive has been successful. Nevertheless, in an increasingly global market with more and more products coming to the EU from third countries, there is a need for further co-ordination of market surveillance activities between the Member States, including cooperation with customs authorities. Such coordination would benefit from the implementation of commonly-agreed best practices (such as those resulting from the EMARS project), increased exchange of information between Member States authorities within the existing IT tools,

proper implementation of the framework set out in the New Legislative Framework and a stronger role for the Commission in joint priority setting for market surveillance;

- **Functioning of RAPEX:** many countries regard the Directive, and the RAPEX system in particular, as a benchmark, and several national, regional and international organisations have expressed an interest in participating in the system or in receiving assistance to set up similar systems. While the increase in the number of notifications has placed the system under some strain, it is nevertheless a clear indicator of improved consumer protection at European level. The increase in reported measures adopted directly by economic operators to contain the risks posed by consumer products also shows that responsible businesses take product safety seriously and respect the obligations placed on them by the Directive;
- **Traceability of Products:** the identification of the producer on the product or its packaging is an important element for ensuring traceability. However, this requirement is not mandatory in all Member States' legislations and this leads to unsatisfactory results. If the market surveillance authority cannot trace the manufacturer or importer of a product that is found to be dangerous, it is not in a position to take fully effective measures. Further improvements could be achieved if the mandatory nature of this identification requirement were clarified and if all products carried this information about the economic operator responsible for the product's safety. This would also bring it more closely in line with the provisions of the New Legislative Framework Decision which makes it obligatory for the name, registered trade name or registered trademark of the manufacturer or importer as well as their address to be indicated on the product;
- **Community Measures based on Article 13 of the Directive:** while temporary measures are indeed necessary in certain circumstances, the Directive contains no specific provisions explicitly permitting a permanent ban on non-harmonised products, once they have been unambiguously proved to be dangerous;
- **Standardisation:** the standardisation provisions should be simplified to allow greater flexibility. It should be possible to lay down safety requirements for a specific category of products (e.g. childcare articles, furniture, clothing, etc.) and, on the basis of those, issue "framework" or "standing" mandates to the European standardisation organisations (ESOs). This would streamline the lengthy procedure for issuing the safety requirements for each individual product. Moreover, technological improvements and new risks could be addressed swiftly. The Commission should also be able to publish the reference of a standard adopted by an ESO without a corresponding mandate, if the product covered by the standard falls within pre-identified categories of products for which the Commission has set relevant safety requirements, and provided that such standard satisfies them. In this way, the resulting presumption of conformity with the general safety requirement would encourage business compliance and lead to better protection of consumers.

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

2000/0073(COD) - 29/03/2000 - Legislative proposal

PURPOSE : Proposal for a new directive on general product safety replacing Council Directive 92/59/EEC on general product safety. **CONTENT :** The General Product Safety Directive was adopted in 1992 as part of the programme aimed at establishing the internal market by 31 December 1992. While the overall approach of the Directive has been fundamentally sound and does not need substantial revision, its objectives have not been fully achieved because of a lack of clarity, weakness or lacunae in certain of its provisions. The main provisions of the new proposals are : - a clarification of the products covered by the directive. The consumer health and safety protection rules of the directive will in future apply to all consumer products. - the obligations and powers of national surveillance authorities will be strengthened, thereby ensuring more effective market surveillance. - in cases of serious risk, the Rapid alert system (RAPEX) operated at Union level is being improved, and if necessary, emergency measures can be taken at EU level. The possibility of linking RAPEX which is monitored by the Commission to third countries is also envisaged. Emergency procedures to ban the marketing of certain products or to withdraw products from the market or to recall products have been simplified. Rapid market interventions can be taken by the Commission. Two types of measures are envisaged: measures of a permanent nature concerning individual products and measures for certain products posing a serious risk valid for one year, renewable on an annual basis. A Regulatory Consumer Product Safety Committee is established, which will assist the Commission in the adoption of rapid measures. The export to third countries of products prohibited or withdrawn from the market by emergency Community measures is also banned. -Producers and distributors are placed under an obligation to inform the authorities when they conclude that a product that they supply is dangerous. They must also collaborate with the authorities in taking action to avoid any risks posed by the products they supply. All information on dangerous products notified to public authorities may be exchanged freely between national enforcement authorities. The proposal establishes a European Product Safety Network to facilitate this. Consumers have the right to know which products are dangerous and what has been done. -The lack of "status" of European standards under the present directive has weakened its credibility as an effective instrument for ensuring harmonization. European standards do not confer a "presumption of conformity". The new proposal ensures that products in compliance with European standards established by European standardisation bodies under mandate from the Commission, whose references are published in the Official journal, be presumed in conformity with the safety requirements of the directive.

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

2000/0073(COD) - 02/02/2001 - Modified legislative proposal

The amended proposal presented by the Commission on general product safety incorporates the 30 amendments proposed by the European Parliament as follows. 10 amendments were accepted in full, relating to the following areas: the link between horizontal and specific legislation; the application of the Directive and the results obtained; the definition including services linked to products; distinction between certain areas and the health protection and safety aspects; creation of an advisory committee; traceability of consumer products; risks for the health and safety of consumers and access to the RAPEX system. 16 amendments were rejected relate to the following areas: the exemption of distributors from the obligation to provide information and documentation in the case of charity shops and non-profit organisations and also for the exclusion of second-hand goods sold by private parties; cooperation between producers, distributors and national authorities concerning information; cooperation between Member States, public and private institutions concerning the drafting of reports on market surveillance; the harmonisation of national market monitoring programmes; the safety of services; definition of producer; the precautionary principle; publication of European standards; creation of a network; submission of a report on the application of the Directive every two years and finally, external certification to prove a product's conformity with the safety requirements. The remaining amendments partially accepted by the Commission relate to: citation of certain articles in articles; more precise requirements for

warnings concerning the risks which certain consumer products may present; cooperation between producers and distributors and finally, the provision of information concerning product risk.

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

2000/0073(COD) - 03/12/2001 - Final act

PURPOSE : to establish rules on product safety. **COMMUNITY MEASURE** : Directive 2001/95/EC of the European Parliament and of the Council on general product safety. **CONTENT**: The directive aims to ensure that products placed on the market are safe, and places the obligation to place only safe products on the market on producers. The products covered are those intended for consumers or likely to be used by consumers, supplied in the course of a commercial activity or the provision of a service. The directive excludes from its scope antiques and products sold with a view to being reconditioned before use, provided that the supplier informs the consumer of this. It lays down criteria designed to ensure the general safety requirement, but this does not bar Member States from taking action to withdraw or recall the product if there is evidence that, despite conformity to the criteria, the product is dangerous. The directive lays down the procedure for drawing up European standards, reference to which forms part of the criteria for determining product safety. There are specific obligations placed on producers and distributors, including the obligation to cooperate with the competent authorities on action to avoid the risks posed by products which they supply. The procedures for such cooperation will be established by the competent authorities. Producers must warn consumers of the risks posed by those products already supplied to them, and if necessary, recall products to avoid risks. Distributors must collaborate in tracing the products they supply. There are also specific obligations and powers for Member States. These include appropriate means and procedures to ensure market surveillance. The Commission will take part in and promote a European network for product safety. There are specific provisions for exchanges of information and rapid intervention situations, in cases of serious risk. **DATE FOR TRANSPOSITION** : 15 January 2004. **ENTRY INTO FORCE** : 15 January 2002.

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

2000/0073(COD) - 28/06/2001 - Commission opinion on Parliament's position at 2nd reading

During its second reading of the proposed changes to Directive 92/59/EEC on general product safety, the European Parliament tabled seven amendments. The European Commission announced that it can accept, in full or in part, five of the seven amendments put forward. The amendment relating to the safety of services is accepted by the Commission with some changes to the actual wording. The Commission further accepts Parliamentary proposals to set up an "Advisory" rather than a "Regulatory" Committee which supervises the setting of safety objectives for standardisation mandates. In relation to the insertion of the precautionary principle, the Commission accepts that there may be a need for this principle but does propose a rewording of the actual amendment. The Commission can not however, accept amendments aimed at introducing a reference to independent certification as a means of proving compliance with the safety requirements of the Directive. Lastly, the Commission can not accept an amendment (Amendment 11), which, it claims, could effectively interfere in its right of initiative. The Commission is altering its proposal in light of the accepted amendments.

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

2000/0073(COD) - 04/10/2001 - Text adopted by Parliament, 3rd reading

The joint text by Mrs Laura GONZALEZ ALVAREZ (GUE/NGL, E) on product safety, approved by the conciliation committee, was adopted unanimously. (Please refer to the previous text).

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

2000/0073(COD) - 16/05/2001 - Text adopted by Parliament, 2nd reading

The European Parliament approved the resolution by Mrs Laura GONZALEZ ALVAREZ (EUL/NGL, E). The main points of the common position were maintained in view of the fact that there were insufficient votes for amendments seeking to change Council's position on the export of dangerous substances. Other amendments were however approved. These ask the Commission to submit proposals concerning the safety of service before 1 January 2003 and demands that the competent authorities be guided by the precautionary principle.

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.

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

2000/0073(COD) - 14/12/2004 - Implementing legislative act

ACT : Commission Decision 2004/905/EC laying down guidelines for the notification of dangerous consumer products to the competent authorities of the Member States by producers and distributors, in accordance with Article 5(3) of Directive 2001/95/EC of the European Parliament and of the Council.

CONTENT : in order to prevent a disproportionate burden on producers, distributors and the competent authorities and to facilitate the effective application of this obligation it is appropriate to establish, in addition to a standard form, operational guidelines concerning the most relevant notification criteria as well as practical aspects of notification, which are put forward in particular in order to assist producers and distributors in the implementation of the provisions laid down in Article 5(3) of Directive 2001/95/EC.

The objectives of these guidelines are therefore to:

- clarify from the operational point of view the scope of producers' and distributors' obligations in such a way that only the information relevant for risk management is notified and that any information overload is prevented;
- make reference to relevant criteria for applying the concept of 'dangerous products';
- provide criteria for identifying the 'isolated circumstances or products' for which notification is not relevant;
- define the content of notifications, in particular the information and data required, and the form to be used;
- identify to whom and how the notification should be submitted;
- define the follow-up action to be taken by the Member States receiving a notification and the information to be provided on such follow-up.

These are operational guidelines. These guidelines have been adopted by the Commission, after consultation of the Member States within the GPSD Committee acting in accordance with the advisory procedure. They therefore represent the reference document for the application of the provisions of the GPSD concerning notification of dangerous consumer products to the competent authorities of the Member States by producers and distributors.

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

2000/0073(COD) - 15/11/2000 - Text adopted by Parliament, 1st reading/single reading

The Parliament has voted 330 to 187 with 11 abstentions in favour of the resolution drafted by Mrs Laura GONZALEZ ALVAREZ (EUL/NGL, E), welcoming a proposed directive designed to improve current legislation on EU-wide safety of consumer products, together with amendments. The amendments seeks to ensure that the legislation does not apply to flea markets, charity shops, car-boot sales and other bric-a-brac activities. (Refer to the decision of the Committee responsible for additional information). In addition, Parliament believes that a Community Rapid Information System (RAPEX) should be both streamlined and extended to non-EU countries. It also believes that a European Product Safety Network between the Member States' authorities competent for the market surveillance of consumer products should be established by 1 January 2004.

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

2000/0073(COD) - 14/02/2001 - Commission communication on Council's position

The Commission notes with satisfaction that the common position of the Council broadly reflects the substance and spirit of its proposal. It notes that the Council supports the central objective of the proposal, namely to enhance consumer safety through greater transparency, more active market surveillance, better cooperation between Member States, more clearly defined responsibilities of producers and distributors, tighter criteria for assessing the safety of products and more effective rules for the Community-wide withdrawal from the market of dangerous products presenting serious risks and for prohibiting the export of such products withdrawn from the market at Community level. The proposal also strengthens the Community rapid information system (RAPEX). The Commission considers that there is a solid basis for a final decision to be taken in 2001 and supports the text. It should also be noted that the Commission asked for statements concerning the publishing of a guide to facilitate the implementation of the Directive.

on general product safety, the devising of criteria for facilitating application of the definition of serious risk, identification of needs, possibilities and priorities for Community action in respect of the safety of services and the responsibility of service providers and the facilitating of the European networking of authorities responsible for product safety, to be inserted when the common position is adopted.

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

2000/0073(COD) - 06/06/2003 - Follow-up document

The Commission has presented its report in accordance with Article 20 of Directive 2001/95/EC (General Product Safety) to "identify the needs, possibilities and priorities for Community action on the safety of services". It has been prepared in the light of wide consultations with the Member States and stakeholders and is based on a preliminary identification and qualitative assessment of the most relevant policy options. In line with the outcome of the consultation the Commission is of the opinion that the aim of Community action on service safety could be: - to support the national policies and measures in order to contribute to their effectiveness and efficiency; - to ensure that consumers can rely upon a consistent, high level of safety protection throughout the EU; - to facilitate the information on the cross-border provision of services or the establishment of subsidiaries of service providers. A number of options for substantive action on safety of services have, therefore, been considered in order to assess the extent to which they might be justified in the light of these objectives. However, the inadequacy of the available data and the lack of evidence of specific internal market difficulties make it difficult to justify any specific option for substantive Community action at this stage. The importance of services in the EU economy, the cross-border relevance of safety aspects of services related to tourism and sports and leisure activities as well as the expectations often expressed by EU citizens for a high level of safety throughout the EU, lead to the conclusion that initiatives at Community level should be considered in order to support the policies and measures of the Member States. It therefore seems that the immediate priority should be to improve the present knowledge base and to monitor systematically the policies and measures of the Member States. In order to improve the knowledge base and to be in a position to set up, if necessary, European standards supporting national policies, a suitable framework should be put in place. Such a legislative framework would aim at monitoring and supporting national policies and measures by: - establishing a procedure for exchange of information on policy and regulatory developments and the results achieved and administrative co-operation between the authorities, taking into account the scope of relevant existing and forthcoming Community legislation on the provision of information in the field of technical standards and regulations related to services; - setting provisions for the systematic collection and assessment of data on risks of services and the establishment of an EU database; - aiming at the establishment of procedures for setting European standards, if and when the evidence indicates a need, to work in conjunction with broadly defined objectives related to the safety of services. The framework will be designed in the light of careful assessment of potential benefits and burdens, with particular focus on the situation of small and medium-sized enterprises, and in close co-operation with the Member States. The objective will be to define the optimal scope and methods for monitoring and datacollection, in order to ensure a genuine added value in a cost-effective manner. It would be appropriate to focus on the sectors most relevant for consumers in a cross-border perspective, for example mass-accommodation services like hotels, camping or other tourist facilities as well as related sports and leisure activities.