

# General Product Safety Regulation

2021/0170(COD) - 30/03/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 569 votes to 13, a legislative resolution 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.

The revised regulation aims to improve the functioning of the internal market, while ensuring a high level of consumer protection. It lays down essential rules on the safety of consumer products placed or made available on the market.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

## *Better assessment of the safety of products*

Economic operators should place or make available on the market only safe products. When assessing whether a product is a safe product, the following aspects in particular should be taken into account:

- the characteristics of the product, including its design, technical features, composition, packaging, instructions for assembly and, where applicable, for installation, use and maintenance;
- the categories of consumers using the product, in particular by assessing the risk for vulnerable consumers such as **children, older people and persons with disabilities**, as well as the impact of gender differences on health and safety;
- the appearance of the product where it is likely to lead consumers to use the product in a way different to what it was designed for;
- the appropriate cybersecurity features necessary to protect the product against external influences, including malicious third parties, where such an influence might have an impact on the safety of the product, including the possible loss of interconnection;

## *Obligations of economic operators*

The new regulation strengthens the obligations of economic operators (manufacturers, importers and distributors).

Before placing their products on the market, manufacturers should carry out an internal risk analysis and draw up technical documentation containing at least a general description of the product and its essential characteristics relevant for assessing its safety.

Where a manufacturer considers or has reason to believe, on the basis of the information in that manufacturer's possession, that a product which it has placed on the market is a dangerous product, the manufacturer should immediately inform consumers thereof and inform, through the Safety Business Gateway, the market surveillance authorities of the Member States in which the product has been made available on the market thereof.

Manufacturers should make publicly available communication channels such as a telephone number, electronic address or dedicated section of their website, taking into account accessibility needs for persons with **disabilities**, enabling consumers to submit complaints and to inform manufacturers of any accident or safety issue they have experienced with a product.

### *Providers of online marketplaces*

The new regulation introduces clear obligations for online marketplace providers.

Providers of online marketplaces should:

- designate a single contact point for direct electronic communication with Member States' market surveillance authorities on product safety issues;
- register on the Safety Gate portal and provide information about their single point of contact;
- designate a single contact point to enable consumers to communicate directly and quickly with them on product safety issues.

Market surveillance authorities should have the power, in relation to specific content referring to an unsafe product offering, to issue an injunction requiring online marketplace providers to remove such content from their online interface, to disable access to it or to display an explicit warning. Providers of online marketplaces should act without undue delay, and in any event within two working days of receiving the order.

In particular, providers of online marketplaces should:

- **directly notify all affected consumers** who bought through their interfaces the relevant product in the event of a product safety recall of which they have actual knowledge;
- publish information on product safety recalls on their online interfaces;
- inform the relevant economic operator of the decision to remove or disable access to the content referring to an offer of a dangerous product;
- **cooperate with market surveillance authorities** and with relevant economic operators to ensure effective product recalls.

### *Safety gate portal*

The Commission will operate a Safety Gate portal that will provide the general public with free and open access to certain notified information. The Safety Gate Portal should have an interface which is intuitive for users and the information provided on that portal shall be **easily accessible by the public**, including by persons with disabilities.

### *Remedies in the event of a product safety recall*

The revised legislation improves the product safety recall. In the case of a product safety recall initiated by an economic operator or ordered by a national competent authority, the economic operator responsible for the product safety recall should offer the consumer an **effective, cost-free and timely remedy**.

The economic operator should offer the consumer the choice between **at least two of the following remedies**:

- (a) the repair of the recalled product;
- (b) a replacement of the recalled product with a safe one of the same type and at least the same value and quality; or
- (c) an adequate refund of the value of the recalled product, provided that the amount of the refund shall be at least equal to the price paid by the consumer.

The consumer should always be entitled to a refund of the product when the economic operator responsible for the product safety recall has not completed the repair or replacement within a reasonable time and without significant inconvenience to the consumer.

Consumers will also have the right to bring **representative actions** for infringements by economic operators and providers of online marketplaces of provisions of this Regulation that harm, or may harm, the collective interests of consumers.