

Procedure file

Basic information			
INI - Own-initiative procedure	2010/2085(INI)	Procedure completed	
Revision of the General Product Safety Directive and market surveillance			
See also Directive 2001/95/EC 2000/0073(COD)			
Subject 2.80 Cooperation between administrations 4.60.08 Safety of products and services, product liability 6.20.02 Export/import control, trade defence, trade barriers			

Key players			
European Parliament	Committee responsible IMCO Internal Market and Consumer Protection	Rapporteur S&D SCHALDEMOSE Christel Shadow rapporteur PPE KORHOLA Eija-Riitta ALDE CREUTZMANN Jürgen Verts/ALE RÜHLE Heide ECR FOX Ashley EFD SALVINI Matteo	Appointed 27/04/2010
	Committee for opinion INTA International Trade	Rapporteur for opinion PPE HANDZLIK Małgorzata	Appointed 23/06/2010
	ITRE Industry, Research and Energy		23/06/2010
		PPE COMI Lara	
European Commission	Commission DG Financial Stability, Financial Services and Capital Markets Union	Commissioner DALLI John	

Key events			
17/06/2010	Committee referral announced in Parliament		
01/02/2011	Vote in committee		Summary
24/02/2011	Committee report tabled for plenary	A7-0033/2011	
07/03/2011	Debate in Parliament		
08/03/2011	Results of vote in Parliament		

08/03/2011	Decision by Parliament	T7-0076/2011	Summary
08/03/2011	End of procedure in Parliament		

Technical information

Procedure reference	2010/2085(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
	See also Directive 2001/95/EC 2000/0073(COD)
Legal basis	Rules of Procedure EP 54
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	IMCO/7/03134

Documentation gateway

Committee draft report		PE452.795	12/11/2010	EP	
Committee opinion	INTA	PE450.700	09/12/2010	EP	
Committee opinion	ITRE	PE450.905	09/12/2010	EP	
Amendments tabled in committee		PE454.674	14/12/2010	EP	
Committee report tabled for plenary, single reading		A7-0033/2011	24/02/2011	EP	
Text adopted by Parliament, single reading		T7-0076/2011	08/03/2011	EP	Summary
Commission response to text adopted in plenary		SP(2011)5426/2	12/09/2011	EC	

Revision of the General Product Safety Directive and market surveillance

The Committee on the Internal Market and Consumer Protection adopted an own-initiative report by Christel SCHALDEMOSE (S&D, DK) on the revision of the General Product Safety Directive and market surveillance.

The legislative framework regarding product safety and market surveillance consists of three layers of legal acts, i.e. [Directive 2001/95/EC](#) concerning General Product Safety (GPSD), [Regulation \(EC\) No 765/2008](#) regarding market surveillance adopted in July 2008 (new legislative framework) and the sectoral harmonisation directives.

Members believe that the current legislative framework for market surveillance does not provide enough coherence and should therefore be reviewed and further coordinated. They propose that the Commission establish a common European framework for market surveillance, concerning all products on the internal market or entering the EU market.

The Commission is invited:

- to play a more active role in coordinating the activities of the European market surveillance authorities, the customs authorities and the competent authorities of the Member States;
- with the participation of market surveillance authorities and of the customs authorities, to co-fund further joint market surveillance actions;
- to establish a public Consumer Product Safety Information Database, including a platform for complaints, if possible based on already existing regional and national systems in the Member States;
- to intensify international cooperation in the international Consumer Product Safety Caucus so as to exchange tried and tested practices and jointly to prevent the production in third countries of dangerous substances intended for export to the European single market.

The report calls on Member States to introduce in a coordinated manner penalties, including heavy fines, for economic operators who deliberately introduce dangerous or non-compliant products into the single market. It proposes that product bans should be made public as often as possible in order to increase the visibility of border controls and market surveillance and to deter criminal market operators.

It also suggests establishing offices for education on product safety e.g. in the framework of the Product Contact Points, that can facilitate

training and transfer information across industries.

A new General Product Safety and Market Surveillance Regulation: Members consider that having one single regulation is the only way to have one single market surveillance system for all products. They therefore urge the Commission to establish a single market surveillance system for all products, based on one legislative act covering both the GPSD and Regulation 765/2009/EC.

They call for alignment between traceability requirements in the GPSD and the new legislative framework so as to guarantee a coherent traceability system avoiding the creation of new red tape.

Additional specific changes to the GPSD: Members regard it as problematic that products operated by service providers are not covered by the current GPSD and stress the need to rectify this legal loophole. In order to ensure the safety of the widest range of particularly vulnerable consumers, they call for the introduction of a reference to people with disabilities (along with the references to children and elderly people that are already present) and invite the Commission to include an obligation for manufacturers to carry out a risk analysis in their design phase.

The report stresses the need for a more effective regulatory framework, allowing rapid emergency Community measures to be taken. It underlines the importance of ensuring reliable traceability throughout all stages of the life of a product. It stresses, however, that no single technical solution should be imposed as the official traceability system/method within the EU market and calls for overall proportionality.

Parliament's committee acknowledges that RAPEX is a useful and efficient tool for disseminating information among the Member States about the measures taken with regard to dangerous products, but believes that this tool can be further improved. It calls on the Commission to allow product safety professionals, producers, trade and consumer organisations and national authorities to have access to all relevant information while ensuring the necessary confidentiality.

The report also stresses the need to continue improving and strengthening the RAPEX information exchange system on dangerous products originating in third countries (such as China and India).

With a view to increasing consumers' confidence in e-commerce, the Commission is invited to step up and standardise customs checks on products bought on the internet and to carry out market surveillance, paying special attention to products which can cause direct harm to consumers, such as pharmaceutical and food products.

Lastly, Members stress the need for the market surveillance authorities to systematically participate in the process of security-relevant standard development. They urge that the currently applicable Commission procedures for establishing mandates for the development of European standards be improved so as to guarantee timely reaction to new or emerging risks in a more efficient manner.

Revision of the General Product Safety Directive and market surveillance

The European Parliament adopted by 628 votes to 11, with 7 abstentions, a resolution on the revision of the General Product Safety Directive and market surveillance.

The resolution notes that the legislative framework regarding product safety and market surveillance consists of three layers of legal acts, i.e. [Directive 2001/95/EC](#) concerning General Product Safety (GPSD), [Regulation \(EC\) No 765/2008](#) regarding market surveillance adopted in July 2008 (new legislative framework) and the sectoral harmonisation directives. The level of market surveillance differs considerably among Member States and a number of them fail to designate necessary resources for efficient market surveillance and interpret 'products posing serious risk' differently, which can create barriers to the free movement of goods, disturb competition and jeopardise consumers' safety within the internal market.

(1) European framework for market surveillance: Parliament believes that the current legislative framework for market surveillance does not provide enough coherence and should therefore be reviewed and further coordinated. It proposes that the Commission establish a common European framework for market surveillance, concerning all products on the internal market or entering the EU market.

The Commission is invited:

- to play a more active role in coordinating the activities of the European market surveillance authorities, the customs authorities and the competent authorities of the Member States;
- with the participation of market surveillance authorities and of the customs authorities, to co-fund further joint market surveillance actions;
- to establish a public Consumer Product Safety Information Database, including a platform for complaints, if possible based on already existing regional and national systems in the Member States;
- to intensify international cooperation in the international Consumer Product Safety Caucus so as to exchange tried and tested practices and jointly to prevent the production in third countries of dangerous substances intended for export to the European single market.

The resolution calls on Member States to introduce in a coordinated manner penalties, including heavy fines, for economic operators who deliberately introduce dangerous or non-compliant products into the single market. It proposes that product bans should be made public as often as possible in order to increase the visibility of border controls and market surveillance and to deter criminal market operators.

It also suggests establishing offices for education on product safety e.g. in the framework of the Product Contact Points, that can facilitate training and transfer information across industries.

(2) A new General Product Safety and Market Surveillance Regulation: Parliament supports the revision of the GPSD and of Regulation (EC) No 765/2008 with regard to definitions and obligations for economic operators, while avoiding the creation of unnecessary administrative burdens, especially for SMEs. Members consider that having one single regulation is the only way to have one single market surveillance system for all products. They therefore urge the Commission to establish a single market surveillance system for all products, based on one legislative act covering both the GPSD and Regulation 765/2009/EC.

They call for alignment between traceability requirements in the GPSD and the new legislative framework so as to guarantee a coherent traceability system avoiding the creation of new red tape.

(3) Additional specific changes to the GPSD: Members regard it as problematic that products operated by service providers are not covered by

the current GPSD and stress the need to rectify this legal loophole. In order to ensure the safety of the widest range of particularly vulnerable consumers, they call for the introduction of a reference to people with disabilities (along with the references to children and elderly people that are already present) and invite the Commission to include an obligation for manufacturers to carry out a risk analysis in their design phase.

The resolution stresses the need for a more effective regulatory framework, allowing rapid emergency Community measures to be taken. It underlines the importance of ensuring reliable traceability throughout all stages of the life of a product. It stresses, however, that no single technical solution should be imposed as the official traceability system/method within the EU market and calls for overall proportionality.

Parliament acknowledges that RAPEX is a useful and efficient tool for disseminating information among the Member States about the measures taken with regard to dangerous products, but believes that this tool can be further improved. It calls on the Commission to allow product safety professionals, producers, trade and consumer organisations and national authorities to have access to all relevant information while ensuring the necessary confidentiality.

The resolution also stresses the need to continue improving and strengthening the RAPEX information exchange system on dangerous products originating in third countries (such as China and India). It calls on the Commission to consider the usefulness of setting up a system similar to RAPEX ? CHINA for other trading partners, in particular those whose products have been notified in the RAPEX system.

With a view to increasing consumers? confidence in e-commerce, the Commission is invited to step up and standardise customs checks on products bought on the internet and to carry out market surveillance, paying special attention to products which can cause direct harm to consumers, such as pharmaceutical and food products.

Lastly, Members stress the need for the market surveillance authorities to systematically participate in the process of security-relevant standard development. They urge that the currently applicable Commission procedures for establishing mandates for the development of European standards be improved so as to guarantee timely reaction to new or emerging risks in a more efficient manner.