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Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2021/0170(COD) Awaiting Parliament's position in 1st reading
General Product Safety Regulation Repealing Directive 2001/95 2000/0073(COD) Amending Regulation 2012/1025 2011/0150(COD)	
Subject 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 4.60.08 Safety of products and services, product liability 6.20.02 Export/import control, trade defence, trade barriers	
Legislative priorities Joint Declaration 2022 Joint Declaration 2021	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Internal Market and Consumer Protection	 CHARANZOVÁ Dita	15/07/2021
		Shadow rapporteur	
		 WALSMANN Marion	
		 REPASI René	
		 VAN SPARRENTAK Kim	
		 BASSO Alessandra	
		 MAZUREK Beata	
		 PELLETIER Anne-Sophie	
		Rapporteur for opinion	Appointed
Committee for opinion			
 Environment, Public Health and Food Safety	The committee decided not to give an opinion.		
 Industry, Research and Energy	The committee decided not to give an opinion.		
 International Trade	The committee decided not to give an opinion.		
 Legal Affairs			02/02/2022
		 REPASI René	
Council of the European Union			

Key events

30/06/2021	Legislative proposal published	COM(2021)0346	Summary
13/09/2021	Committee referral announced in Parliament, 1st reading		
16/06/2022	Vote in committee, 1st reading		
16/06/2022	Committee decision to open interinstitutional negotiations with report adopted in committee		
24/06/2022	Committee report tabled for plenary, 1st reading	A9-0191/2022	Summary
04/07/2022	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
06/07/2022	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
23/01/2023	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE740.576 GEDA/A/(2023)000062	

Forecasts

29/03/2023	Debate in plenary scheduled
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Technical information

Procedure reference	2021/0170(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Directive 2001/95 2000/0073(COD) Amending Regulation 2012/1025 2011/0150(COD)
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Awaiting Parliament's position in 1st reading
Committee dossier	IMCO/9/06424

Documentation gateway

Legislative proposal	COM(2021)0346	30/06/2021	EC	Summary
Document attached to the procedure	SEC(2021)0280	01/07/2021	EC	
Document attached to the procedure	SWD(2021)0168	01/07/2021	EC	
Document attached to the procedure	SWD(2021)0169	01/07/2021	EC	

Economic and Social Committee: opinion, report		CES3583/2021	20/10/2021	ESC	
Committee draft report		PE702.956	10/12/2021	EP	
Amendments tabled in committee		PE703.262	19/01/2022	EP	
Amendments tabled in committee		PE704.597	19/01/2022	EP	
Committee opinion	JURI	PE699.339	18/03/2022	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0191/2022	24/06/2022	EP	Summary
Amendments tabled in committee		PE719.841	30/06/2022	EP	
Coreper letter confirming interinstitutional agreement		GEDA/A/(2023)000062	21/12/2022	CSL	
Text agreed during interinstitutional negotiations		PE740.576	21/12/2022	EP	

Additional information

Research document	Briefing	21/09/2021
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General Product Safety Regulation

PURPOSE: to revise existing legislation on general product safety (GPSD) to ensure that EU consumers are protected from dangerous products.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Directive 2001/95/EC on general product safety, in force since 2001, ensures that only safe products are sold on the EU single market. However, too many unsafe products still circulate on the EU market, creating an uneven playing field for businesses and an important cost for society and consumers.

The rules need to be updated to:

- ensure the EU legal framework provides for general safety rules for all consumer products and safety risks, including those linked to new technologies;
- address product safety challenges in the online sales channels;
- make product recalls more effective and efficient to keep unsafe products away from consumers;
- enhance market surveillance and ensure better alignment of rules for harmonised and non-harmonised consumer products and;
- address safety issues related to food imitating products.

IMPACT ASSESSMENT: the preferred option should: (i) decrease the estimated consumer detriment by approximately EUR 1 billion in the first year of implementation of the preferred option and by approximately EUR 5.5 billion over the next decade; (ii) reduce consumer detriment related to ineffective recalls by more than EUR 400 million per year.

CONTENT: 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 in a world reshaped by digitalisation and the COVID-19 pandemic.

More specifically, it:

- provides a safety net for all products falling under its scope of application establishing requirements to ensure the safety of consumer products and therefore the safety of consumers;
- provides rules on the application of this Regulation to the non-harmonised legislation;
- introduces the general safety requirement, confirms the importance of standards published in the EU Official Journal as providing presumption of safety and updates aspects for assessing the safety of products to take into consideration food-imitating products in the risk evaluation. New aspects for assessing product safety also include the possible risks related to products based on new technologies;
- introduces the general safety requirement and updates the aspects of product safety assessment to take into account food-imitating products in the risk assessment, as well as products based on new technologies;

- defines the obligations of economic operators to ensure product safety and extends the concept of the person responsible for market surveillance and product compliance to non-harmonised products. This is a necessary condition for making products available on the market in order to tackle the issues of direct imports from third countries;
- examines the role played by online marketplaces and provides clarification on how the legislation would apply to the risks posed by new technologies and online sales;
- adapts the provisions on market surveillance with a view to creating, as far as possible, a single regime for harmonised and non-harmonised products;
- contains the basic provisions on traceability and the possibility, in the case of products susceptible to pose a serious risk to peoples health and safety, to adopt a more stringent system of traceability, to be adopted by a delegated act;
- lays down the principle for exchanging information in the case of a dangerous product and changes the name of the RAPEX system to Safety Gate, while maintaining the same characteristics of the system. The proposal adds more specific deadlines;
- provides the possibility for the Commission to adopt measures, through implementing acts, in case of a serious risk which cannot be contained satisfactorily by means of measures taken by the Member State(s) concerned or by any other procedure under EU legislation. This possibility already exists in the GPSD: the proposed regulation makes its scope of application more precise;
- introduces a voluntary arbitration mechanism where Member States can submit to the Commission questions concerning the identification or the level of a risk linked to a product in case of diverging risk assessments. This will make it possible to take more uniform action at EU level against dangerous products;
- confirms the obligation for the Commission and Member States to make available to consumers information relating to risks to health and safety posed by products;
- sets the obligation for Member States to give consumers the opportunity to submit complaints to the competent national authorities;
- provides the legal basis for the Commission to establish forms of cooperation to improve product safety. These include common enforcement actions, technical support, exchange of officials, and the exchange of information on dangerous products and in particular information contained in the Safety Gate;
- provides in particular for a system of penalties: while recognising that establishing penalties is a national competence, it sets out guiding principle for penalties, in particular criteria for setting penalties, the types of infringements to be penalised, criteria on maximum ceilings, as well as the possibility to impose periodic penalty payments.

Budgetary implications

The proposed regulation requires the Commission to support and facilitate the cooperation of market surveillance enforcement authorities, including coordinated market surveillance activities, the new arbitration mechanism and peer reviews. It also provides for the adoption of implementing acts and delegated acts (related to traceability and recalls) and possible higher standardisation activity through a simplified standardisation procedure. This will trigger additional workload for the Commission, estimated at four extra full-time officials (three administrators and one assistant). These resources will be obtained through the redistribution and refocusing of the existing personnels tasks.

The Commission will also finance electronic interfaces, namely the Safety Gate webpage, the Safety Gate portal (which provides notifications of dangerous products) and the Safety Business Gateway collecting notifications from economic operators to market surveillance authorities.

Additional costs for these coordination activities and electronic interfaces can be covered by the single market programme under the current multiannual financial framework 2021-2027.

General Product Safety Regulation

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.

Transparency				
REPASI René	Shadow rapporteur	IMCO	10/06/2022	5Rights Foundation
REPASI René	Shadow rapporteur	IMCO	10/05/2022	Bundesministerium für Umwelt, Naturschutz, nukleare Sicherheit und Verbraucherschutz
PELLETIER Anne-Sophie	Shadow rapporteur	IMCO	11/01/2022	5Rights Foundation
PELLETIER Anne-Sophie	Shadow rapporteur	IMCO	05/01/2022	BEUC
AGIUS SALIBA Alex	Member	21/04/2022	Classified Marketplaces	

