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 The export to third countries of products prohibited or withdrawn from the market by emergency Community measures is also banned.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.?