Background

Tightening up product safety requirements and market surveillance rules - Q&A

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MEPs' plans to tighten up single market product safety rules and market surveillance include mandatory "made-in" labelling to improve the traceability of non-food goods, a sharper focus on goods that appeal to kids, an EU blacklist of firms that repeatedly breach EU safety rules and tougher penalties for selling dangerous goods. On 15 April, Parliament will put a mandate to negotiate these plans with member states to a first reading vote.

The "product safety package" proposed by the European Commission in February 2013 consists of two draft regulations, on product safety and market surveillance. These would lay down basic safety requirements for goods and govern their enforcement, so as to provide a general safety net for consumers.

They would also make product safety rules easier to comply with EU-wide and make market surveillance more effective, so as to meet the challenges posed by the global market, including the growing range and number of goods imported to the EU and circulating on the single market.

These draft regulations are to replace the current General Product Safety Directive and to amend Regulation (EC) No 765/2008 on accreditation and market surveillance.

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What will the new rules cover?

The product safety regulation will cover all manufactured non-food products sold in the EU with a few exceptions such as medicines, living plants and animals, plant protection products and antiques.

This means that the general safety requirements, including labelling requirements, listed in the draft proposal will apply to almost all types of consumer products including toys, textiles, construction products and electrical appliances.

Why do MEPs want "made in" labelling?

Today, around 10% of the goods picked up by the EU alert system RAPEX cannot be traced back to the manufacturer. To enhance the traceability of goods, Internal Market Committee MEPs backed mandatory “country of origin” labelling for all goods sold on the single market, whether produced in the EU or imported from a third country, to replace today’svoluntary system.

The indication of origin is a necessary supplement to the basic traceability requirements laid down in the regulation concerning the name and address of the manufacturer. It will help to locate the actual place of manufacture in cases where the address of the manufacturer is different from the actual place of manufacture, Internal Market Committee MEPs say.

EU manufacturers should be able to choose whether they want to put “made in the EU” on the label or name their member state instead. As many products are produced in more than one country, the “country of origin”, for this purpose, will be the one where the product underwent its "last, substantial, economically justified processing or working in an undertaking equipped for that purpose and resulting in the manufacture of a new product or representing an important stage of manufacture", as defined in the EU Customs Code (article 24).

As many of the EU's major trading partners, including the US, Canada and Russia, already have origin-marking schemes for non-food products, introducing EU country of origin labelling for specific EU countries would bring the EU closer into line with its trade partners, some MEPs also argue, noting that the US does not accept "EC" marking, since it does not specify the individual country where the good was produced.

Background

Getting potentially dangerous products off the market faster

MEPs insist that consumers should be given the benefit of the doubt and products which might jeopardize their safety must be removed from the market faster. To this end, they want the new regulation to be based on the "precautionary principle". This principle is referred to in the current Product Safety Directive, but is not included in the Commission's proposal for a regulation.

EU blacklist of dodgy companies and tougher penalties

MEPs propose that the European Commission should draw up a public EU-wide blacklist of firms which are "repeatedly found to intentionally infringe" EU product safety rules.

Penalties for placing non-compliant and potentially dangerous products on the market should be "effective, proportionate and dissuasive" and also take account of "the seriousness, the duration and, where applicable, the intentional character of the infringement" as well as any previous infringements by the same manufacturer or dealer, MEPs say.

The size of the penalties should depend on the economic gain sought. To ensure that crime does not pay, penalties should "at least offset the economic advantage sought through the infringement", MEPs say. However, in general penalties should not go beyond 10% of the annual turnover or an estimate thereof unless necessary to offset the economic advantage. The penalties could include criminal sanctions for serious breaches.

It will be up to member states to define the appropriate penalties and ensure that they are enforced.

Better protection for children

MEPs insist that products which are not intended for the use of children, but which might appeal to them due to their design, packaging or characteristics, should be assessed for their levels of risk.

The same goes for products which might resemble foodstuff and are likely to be thought to be edible due to their form, odour, colour, appearance, packaging, labelling, volume, size or other characteristics.

Pan-European database of injuries caused by products

MEPs suggest establishing a pan-European database on product-related injuries suffered by consumers in particular involving products used at home and for leisure, transport and work activities. The Commission would be responsible for setting up and maintaining the database while market surveillance authorities in the member states would be responsible for reporting on injuries.