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REPORT

on the revision of the General Product Safety Directive and market surveillance
(2010/2085(INI))

Committee on the Internal Market and Consumer Protection

Rapporteur: Christel Schaldemose

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the revision of the General Product Safety Directive and market surveillance (2010/2085(INI))

The European Parliament,

- having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety¹,
- having regard to Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93²,
- having regard to Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC³,
- having regard to the Commission Decision of 16 December 2009 laying down guidelines for the management of the Community Rapid Information System ‘RAPEX’ established under Article 12, and of the notification procedure established under Article 11, of Directive 2001/95/EC (the General Product Safety Directive) (2010/15/EC)⁴,
- having regard to the Report from the Commission to the European Parliament and to the Council on implementation of Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety, (COM(2008)0905),
- having regard to the Commission Working Document entitled ‘Revision of the General Product Safety Directive: Summary envisaged actions’, DG Health and Consumers, 18 May 2010,
- having regard to the Roadmap entitled ‘Alignment to the New Legislative Framework (Decision 768/2008)’, DG Enterprise and Industry, 15 April 2010,
- having regard to the Roadmap entitled ‘Review of Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (GPSD)’, DG Health and Consumers, 25 March 2010,
- having regard to the Commission Working Paper on the relationship between the General Products Safety Directive 2001/95/EC and the market surveillance provisions of Regulation (EC) No 765/2008, DG Health and Consumers, 2 March 2010,
- having regard to the Commission Working Document entitled ‘Revision of the General

¹ OJ L 11, 15.1.2002, p. 4.

² OJ L 218, 13.8.2008, p. 30.

³ OJ L 218, 13.8.2008, p. 82.

⁴ OJ L 22, 26.1.2010, p. 1.

Product Safety Directive: Identification of the Key Issues', DG Health and Consumers, 15 September 2009,

- having regard to the briefing paper commissioned by the IMCO Committee on Market Surveillance in the Member States, published in October 2009,
 - having regard to the briefing paper commissioned by the IMCO Committee on the Revision of the General Product Safety Directive (GPSD) and Market Surveillance, published in September 2010,
 - having regard to the workshop on the Revision of the General Product Safety Directive and Market Surveillance held on 30 September 2010,
 - having regard to the EU-US-China trilateral Summit held in Shanghai on 25-26 October 2010,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinions of the Committee on International Trade and the Committee on Industry, Research and Energy (A7-0033/2011),
- A. whereas it is essential to ensure that all products placed on the EU market are safe so as to guarantee a high level of protection for consumers among others,
- B. whereas the New Legislative Framework (hereinafter the NLF) was adopted in July 2008, and Regulation (EC) No 765/2008 on market surveillance has been applicable as of 1 January 2010,
- C. whereas the General Product Safety Directive 2001/95/EC (hereinafter the GPSD), which establishes at Community level general safety requirements for consumer products, has to be reviewed and brought into conformity with the NLF through integration, in particular with the Regulation on market surveillance,
- D. whereas the product safety and market surveillance legislative framework consists of three layers of legal acts (GPSD, NLF and sector-specific harmonisation directives), which leads to uncertainties and confusion in the internal market,
- E. whereas 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,
- F. whereas cooperation among market surveillance authorities and joint market surveillance actions are essential and should therefore be strengthened further and resources delegated thereto,

- G. whereas regulations bring the advantages of clarity, predictability and effectiveness compared with directives, as is also stated in the Monti Report,

Market Surveillance

Introduction

1. Believes that the current legislative framework for market surveillance does not provide enough coherence and should therefore be reviewed and further coordinated;
2. Proposes that the Commission establish a common European framework for market surveillance, concerning all products on the internal market or entering the EU market; calls on the Commission 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;
3. Calls on Member States and the Commission to deploy adequate resources for efficient market surveillance activities; emphasises that failing market surveillance systems could generate a distortion of competition, jeopardise consumers' safety and undermine citizens' trust in the internal market; points out the importance of securing the external borders of the single market, in particular the major sea ports, and calls on the Commission and the Member States to take measures against illegal products from third countries; suggests that the Commission undertake a full assessment of the points of entry of products into the EU market, including an assessment of the resources needed to guarantee adequate control;
4. 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; 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;
5. Calls on the Commission with the participation of market surveillance authorities and of the customs authorities to co-fund further joint market surveillance actions;
6. Emphasises the necessity of sharing best practices among the Member States; calls for joint cooperation, pooling of know-how and sharing of best practices among market surveillance authorities; recalls the importance of cooperation between customs and market surveillance authorities at the external borders to carry out appropriate checks on products entering the Community; recognises the important contribution made today by PROSAFE as regards the coordination of joint market surveillance actions and the exchange of tried and tested practices in the framework of the GPSD; therefore calls on the Commission to consider under what conditions PROSAFE could serve as platform for an extended coordination between Member States for harmonised and non-harmonised products; considers it necessary to establish a legal basis and to allocate sufficient resources to PROSAFE to carry out this task; points out that coordination through PROSAFE today is restricted by limited resources and its informal structure;
7. Calls upon the EU Member States to share product safety related inquiries and studies

with other Member States; considers that the reference numbers of the products concerned should be included to facilitate product identification by other authorities, who could benefit from translating and using the information provided in the studies; calls upon Member States to allow their competent authorities to take market surveillance measures on the basis of test results or studies including those delivered by other Member States, in order to avoid duplication of work;

8. 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;
9. Urges the Commission 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; takes the view that this will raise awareness of dangerous products across borders in the internal market and allow consumers to notify the competent authorities electronically of dangerous products; believes that the database could be formed by developing existing databases such as the European Market Surveillance System (ICSMS) or the Injury Database (IDB); stresses the need for the database to have a legal basis, and for reporting from the Member States to be mandatory; calls for the establishment of an accident statistics system founded on this database, from which mandatory annual reports will be published; calls for the database to be publicly accessible, while ensuring the necessary confidentiality for businesses;
10. Points out that globalisation, increased outsourcing and the growth in international trade mean that more products are being traded on markets across the world; considers that close cooperation between global regulators and other stakeholders in the area of consumer product safety is key to addressing the challenges posed by complex supply chains and the higher volume of trade;
11. Calls on the Commission 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;

Revision of the GPSD

Alignment of GPSD and NLF - a new General Product Safety and Market Surveillance Regulation

12. Supports the revision of the GPSD and of Regulation 765/2008/EC with regard to definitions and obligations for economic operators as defined in Decision 768/2008/EC, while avoiding the creation of unnecessary administrative burdens, especially for SMEs; considers that having one single regulation is the only way to have one single market surveillance system for all products; therefore urges 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; considers that this new legislative act should be created to achieve a high level of product safety and market surveillance, clarifying the legal basis and taking into account the provisions developed more fully in the two existing legislative acts;

13. Calls for alignment between traceability requirements in the GPSD and the NLF so as to guarantee a coherent traceability system avoiding the creation of new red tape;
14. Requests the Commission to consider developing more precise criteria for evaluating safety and risks stemming from the non-compliance of products with EU legislation;

Additional specific changes to the GPSD

15. Regards it as problematic that products operated by service providers are not covered by the current GPSD, i.e. that general safety requirements apply when the product is handled by consumer on the premises of the service provider, but not if the same product is operated by the service provider; stresses the need to rectify this legal loophole;
16. Calls for the simplification of European product safety legislation, in particular as regards the Commission objectives 'better law-making' and 'think small first' as set out in the Communication 'Towards a Single Market Act', and urges that the provisions on Food-Imitating Products be included in the revised proposal;
17. Calls, in order to ensure the safety of the widest range of particularly vulnerable consumers, for the introduction of a reference to people with disabilities (along with the references to children and elderly people that are already present);
18. Calls on the Commission to include an obligation for manufacturers to carry out a risk analysis in their design phase; urges that if any risks are identified they should be documented and made available to the public authorities;

Emergency Community measures

19. Stresses the need for a more effective regulatory framework, allowing quick interventions and reliable long-term solutions, without delegating political decisions to the standardisation bodies or to the Commission in the absence of a clear set of essential policy requirements such as exists for harmonised legislation;

Traceability

20. Stresses that products posing serious risks must be permanently withdrawn or recalled from the market as quickly as possible and that traceability throughout the supply chain must be ensured, which calls for sufficient resources for the market surveillance authorities;
21. Underlines the importance of ensuring reliable traceability throughout all stages of the life of a product, while making sure that this does not lead to increased administrative burdens;
22. Underlines the importance of product traceability and tracking labels for determining the country of origin of the product and the manufacturer responsible;
23. Insists on effective enforcement of the identification procedures that are already in place; encourages the Commission to make assessments and evaluations on the use of new technologies, while considering that the usage of new technologies should be

proportionate and should not endanger the privacy, security and safety of the consumer;

24. 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;
25. Emphasises the need to improve and further strengthen RAPEX exchanges of information in respect of dangerous products from third countries (such as China and India) and for its latest studies to be evaluated;

RAPEX

26. 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;
27. 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; calls on the Commission to improve awareness of RAPEX and the EU recall systems outside the EU;
28. Welcomes the new RAPEX guidelines which contribute to the improvement of the operation of RAPEX; invites the Commission to streamline the new risk assessment method with those in place for harmonised products to assist market surveillance authorities in their work;
29. Calls on the Commission to explain the classification of products as a 'serious risk' in RAPEX notifications;
30. Notes that consumer products placed on the European internal market are coming increasingly from third countries; is particularly concerned that each year there is an increase in RAPEX notifications relating to products of Chinese origin, accounting for more than half of RAPEX notifications, and that in 20% of cases it appears that it is not possible to identify the manufacturers of those products; therefore calls for enhanced efforts to be made internationally and welcomes EU-China-US cooperation on product traceability strategies; welcomes any support, training and seminars organised by EU and Chinese authorities to improve product safety; underlines that there is a need for multiannual programmes to face these challenges;
31. 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;
32. Requests the Commission to incorporate into RAPEX, or any other appropriate system at EU level, penalties for infringements by the Member States, in order to ensure transparency and incentives for all stakeholders;

Online selling and customs

33. Is concerned about the difficulties faced by market surveillance authorities when taking action against dangerous products sold online;
34. Welcomes the Commission's project C2013 in the area of product safety which will produce guidelines for customs controls in the EU; urges the Commission to deliver specific tools for customs authorities to tackle the challenges of adequate controls on imported products; calls for further enhanced co-operation between enforcement authorities;
35. Recognises the increase in the number of products from third countries bought online by consumers which do not comply with European standards, thus endangering the safety and health of consumers; calls on the Commission 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; urges the Commission to study possible solutions to that problem in order to strengthen consumers' confidence in e-commerce;
36. Calls on the Commission and Member States' authorities to ensure proper training of officers so as to ensure better detection of products presenting a risk; urges better cooperation between customs and market surveillance authorities before products are released on to the market, which calls for a multiannual programme here as well;
37. Calls on the Commission and national competent authorities to further develop awareness-raising campaigns targeting consumers to inform them about the risk of buying counterfeited products, especially online;

Standardisation

38. Stresses the need for the market surveillance authorities to systematically participate in the process of security-relevant standard development, as this is an appropriate means of ensuring that their knowledge informs the standardisation process and of generating greater understanding for standards, thereby ensuring that the voluntary application of standards will contribute to increased consumer safety and health as well as to legal certainty by allowing the correct interpretation and application of European Standards by Member States' authorities;
39. Calls on the Commission to increase the clarity of mandates for standards and to consider other evolutionary ways to improve and integrate national and European standardisation systems in the non-harmonised area, with the emphasis on SME participation, while retaining the main elements of the current structure;
40. Urges 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; emphasises, however, that new or amended procedures should also be subject to Parliament's scrutiny; stresses that Parliament should also be entitled to scrutinise the procedures for taking over or applying international, non-European and other standards;
41. Calls for the European standardisation organisations and the Commission to investigate all

systems potentially capable of speeding up the process of standards development, while ensuring the proper involvement of all relevant stakeholders, such as the introduction of a fast-track procedure or the possibility for the Commission of publishing references to existing European or ISO standards developed outside a Commission mandate, if such standards are deemed to provide a high level of consumer protection or to address a specific risk, as an interim measure until a permanent solution becomes available;

42. Calls for the Commission's mandates for standardisation to be improved in order to allow the European standardisation organisations to develop European Standards fulfilling the technical requirements for which compliance with a political decision is achieved or evaluated; in this respect, considers that there is a need for better involvement and cooperation between the European Commission and the European standardisation organisations in the drafting process; bearing in mind that these organisations work on the basis of consensus, considers it crucial for the proper functioning of the system that political issues are dealt with at the policy-making level and not delegated to the European Commission, the standardisation bodies or any enforcement administrations;
43. Calls for the introduction of a procedure for formal objection to a standard, such as in Decision 768/2008/EC, to be included in the GPSD; considers that the use of this procedure should be possible even before a standard is cited in the Official Journal of the EU, but should not be a substitute for Member States significantly increasing the involvement of their market surveillance authorities in the standardisation system;
44. Calls on the Commission and all stakeholders to guarantee the financial sustainability of the European standardisation system, including through public-private partnerships and through multiannual financial planning, since this is essential to ensure its effectiveness and efficiency;
45. Calls for the Commission to take further steps in coherence with the new legislative framework, so that the necessary revisions can be enhanced;
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46. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.

EXPLANATORY STATEMENT

Introduction

A well functioning single market would also mean safe products and consumer confidence. Aiming at a free circulation and a still broader variety of products on the market, we should not lose focus on the safety for the consumer.

A general look on the area of product safety shows that during the last decade, we have seen progress when it comes to product safety in the EU. Governments as well as enterprises take responsibility to ensure more safe products, and due to legislation at the EU level, there has been a common approach to product requirements, which have improved the general safety of products within the internal market.

Although progress is seen, there is still room for improvement which needs to be addressed, while in this field this could jeopardize the safety of the consumer or sometimes even be fatal.

Every year fatal accidents happen when i.e. children use products that are either designed or used in an unsafe way. One of the latest examples concerns curtains, where children have been strangled in the cords, which are designed to pull the curtain up and down. In the structure of the current legislation products of this type cannot be stopped and changed rapidly even though it falls under the GPSD. To change the product a standard is required and the process for drawing up a standard is too time consuming with the legislation that exists at present. Therefore these curtains are fully legal and consumers can buy them in many stores across Europe.

The Rapporteur's wish is to stress the importance of a revision of the current European legislation on product safety, so products that are unsafe can be located and stopped.

The European General Product Safety Directive 2001/95/EC (GPSD) which regulates the general safety requirements for products was adopted almost 10 years ago and needs to be revised.

The revision of the GPSD is also necessary to bring it in conformity with The New Legislative Framework (NLF) adopted in July 2008, in order to avoid compromising the goal of achieving a coherent internal market for harmonised as well as non-harmonised products and to ensure a comprehensive protection of consumer interests.

In their current scope the NLF and the GPSD partly overlap. There is a need to examine how to make sure that there is coherence between harmonised and non-harmonised goods, to ensure optimal consumer protection as well as full transparency for the producers. It is therefore important to ensure that the two overlapping layers of diverging market surveillance rules applying to harmonised goods depending on if they are consumer products or not, do not continue. Furthermore both NLF and GPSD contain horizontal provisions that apply, according to the principle of "lex specialis" in addition to sector specific harmonisation

directives. The relevant legislative framework is then given by all three elements: NLF, GPSD and sector harmonisation directives. This complexity needs to be revised and resolved.

Market surveillance is closely related to product safety, as it is an essential element in ensuring that the products comply with the requirements established in the relevant Community harmonisation legislation and that they do not endanger any aspect of public interest. Apparently market surveillance is a challenging activity for a number of Member States, as it appears that they fail to designate necessary resources for the efficient market surveillance. This is a most worrying trend that undermines the effort to obtain better product safety.

Rapporteur's key issues

Revision of the GPSD and alignment with the NLF

The Rapporteur stresses the need for a revision of the General Product Safety Directive in order to up-date the general rules on safety requirements for products and align the legislation with the NLF. The Rapporteur acknowledges the legislative differences between the GPSD and the NLF while noting that there are areas the two legislations do not cover and areas where they overlap. This calls for an alignment so no doubts arise for the relevant market surveillance authorities.

Strengthening of market surveillance

The need for strengthening of market surveillance is also addressed by the Rapporteur who calls for more and better enforcement of current regulations. Further exchanges of knowledge and experience between Member States are needed, so best practices for market surveillance are spread across the EU. This will lead to a market where consumers can feel safe and make it more clearly to companies which rules apply across Europe. Member States are therefore urged to locate enough resources to carry out the necessary market surveillance.

In order to unify the level of safety through out the Union and strengthen the market surveillance, the introduction of one e.g. "General Product Safety and Market Surveillance Regulation" which include harmonised and non-harmonised products in a single legislative act, in order to ensure safe products on the market, is also one of the main visions of the Rapporteur.

Traceability

Of specific changes to the GPSD, the Rapporteur proposes concrete steps to be made in terms of traceability. When unsafe products are found somewhere in Europe, it is important that relevant authorities have the ability to stop the products and make the companies recall or withdraw the products from the European market. This will create more confidence among consumers when it comes to buying products on the European market. Besides this a Consumer Product Safety Information Database is suggested to be created so the European consumers and companies can share information and experience about unsafe products and do statistics on the types of products which cause most accidents.

The Rapporteur welcomes new initiatives and technologies to trace products. This will enable authorities, companies and consumers to locate products that have turned out to be unsafe after they have entered the European market. At the same time the Rapporteur stresses that

traceability may not violate the privacy of individuals. In the line of cooperation concerning traceability the Rapporteur suggests more access to the information in the RAPEX system for safety professionals, consumer organisations, and national authorities in combination with the more general information sharing suggested in the Database mentioned above.

Vulnerable consumers must be addressed

The Rapporteur also suggests focusing on the most vulnerable consumers on the single market i.e. children, elderly and people with disabilities. The European Community has a special responsibility towards these groups - also when it comes to product safety.

Child appealing products

Within the focus on strengthening both product safety requirements and market surveillance, the Rapporteur wants to emphasize the protection of children. Products for children and child appealing products are two of the main focuses of the Rapporteur

Increased focus on product safety at an early stages

To minimise the risk of placing unsafe products on the market the Rapporteur suggests an obligation for manufacturers to do a risk analysis in their design phase. This will ensure an increased focus on product safety in the early stages of product development and prevent many of the tragic accidents of today. It is the Rapporteur's vision that the revised GPSD will move the producers away from only reacting and doing damage control when accidents happen towards more early thoughtfulness and awareness of pitfalls, to the benefit of producers and consumers alike.

The Rapporteur also proposes establishing an education office on safe products in connection to the Product Contact Point in the Member States in line with what is being established in the United States. The office shall facilitate training and education of manufacturers, authorities, consumers etc. on product safety.

Product safety in a global perspective

Globalisation is also an aspect drawn into the report. In the more globalised world where more and more products originate from abroad - especially China - international cooperation on product safety issues are welcomed by the Rapporteur. The EU and its trading partners in cooperation would be able to put an effective focus on the safety of products and product traceability before the products ends up at the European market.

On-line trade

Focus is also put on products sold online. More and more products are traded on the Internet and moved across the European borders. To strengthen consumer confidence and make the Internet market more transparent and available for companies, common rules for safety of products sold online is the Rapporteur's ambition.

Standardization – involvement of producers

Finally in line with the sharing of best practices market surveillance authorities should actively participate in the process of standard drafting, as this is a suitable means to ensure that the enforcement of the standards is feasible when it is been carried out in Member States.

3.12.2010

OPINION OF THE COMMITTEE ON INTERNATIONAL TRADE

for the Committee on the Internal Market and Consumer Protection

on the revision of the General Product Safety Directive and market surveillance
(2010/2085(INI))

Rapporteur: Małgorzata Handzlik

SUGGESTIONS

The Committee on International Trade calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Points out that globalisation, increased outsourcing and the growth in international trade mean that more products are being traded on markets across the world; considers that close cooperation between global regulators and other stakeholders in the area of consumer product safety is key for addressing the challenges posed by complex supply chains and the higher volume of trade;
2. Notes that consumer products placed on the European internal market are coming increasingly from third countries; in this regard emphasises the importance of international cooperation in the field of product safety, especially with our main trading partners; calls on the Commission to strengthen the existing structures of bilateral, trilateral (EU-US-China) and multilateral cooperation in order to improve the safety of products placed on the European market;
3. Stresses that a single EU control system for all products is important for our trading partners and producers from third countries who place their products on the EU market; is of the opinion that when preparing a proposal on the revision of the General Product Safety Directive the Commission must include the market surveillance provisions of the GPSD in the New Legislative Framework;
4. Welcomes the setting up of the RAPEX – CHINA system, which provides the Chinese authorities with information on consumer products from China banned or withdrawn from the European market; is of the opinion that the RAPEX – CHINA system should be

further developed to increase the number of cases investigated and thus identify more of the manufacturers or exporters responsible; points out that the majority of products notified in the RAPEX system originate from China;

5. 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;
6. Underlines the importance of product traceability and tracking labels for determining the country of origin of the product and the manufacturer responsible;
7. Recognises the increase in the number of products bought online by consumers which come from third countries and which do not comply with European standards, thus endangering the safety and health of consumers; calls on the Commission 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; urges the Commission to study possible solutions to that problem, in order to strengthen consumers' confidence in e-commerce.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	1.12.2010
Result of final vote	+: 24 -: 2 0: 0
Members present for the final vote	William (The Earl of) Dartmouth, Laima Liucija Andrikienė, David Campbell Bannerman, Harlem Désir, Christofer Fjellner, Joe Higgins, Yannick Jadot, Metin Kazak, Bernd Lange, David Martin, Vital Moreira, Godelieve Quisthoudt-Rowohl, Tokia Saïfi, Helmut Scholz, Peter Šťastný, Robert Sturdy, Keith Taylor, Paweł Zalewski
Substitute(s) present for the final vote	George Sabin Cutaş, Małgorzata Handzlik, Salvatore Iacolino, Syed Kamall, Maria Eleni Koppa, Jörg Leichtfried, Michael Theurer, Jarosław Leszek Wałęsa
Substitute(s) under Rule 187(2) present for the final vote	Markus Pieper, Giommara Uggias

9.12.2010

OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

for the Committee on the Internal Market and Consumer Protection

on the revision of the General Product Safety Directive and market surveillance
(2010/2085(INI))

Rapporteur: Lara Comi

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SUGGESTIONS

The Committee on Industry, Research and Energy calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Asks the Commission to consider a unified system of market surveillance when it revises the General Product Safety Directive (GPSD), in order to ensure increased harmonisation of the single market and promote a coherent approach across the EU Member States;
2. Welcomes the Commission's intention to present a proposal for a revision of Directive 2001/95/EC of 3 December 2001 on general product safety;
3. Urges the Commission, therefore, seriously to consider the possibility of bringing the market surveillance provisions of the GPSD into line with the New Legislative Framework;
4. Calls on the Commission to establish an effective regulatory framework which makes swift market interventions and reliable long-term solutions possible;
5. Underlines the importance of ensuring reliable traceability throughout all stages of the life of a product, while making sure that this does not lead to increased administrative burdens;
6. Requests the Commission, with a view to ensuring reliable traceability and to promoting the use of harmonised practices by market surveillance and customs authorities, to consult on and assess the impact of an appropriate new instrument for modern, cost-effective identification (allowing for benefits of scale as regards the costs of RFID and ISO chips, etc.) which is capable of containing machine-readable traceability data and is more

difficult to forge than certification and conformity marks;

7. Requests the Commission to consider developing more precise criteria for evaluating safety and risks stemming from the non-compliance of products with EU legislation;
8. Furthermore, stresses the importance of uniform definitions and assessments in Member States of products posing serious risks, in order to standardise safety levels throughout the Union and the traceability system;
9. Calls on the Commission to make RAPEX more accessible to consumers and SMEs, for example by facilitating the filing of complaints, by setting up helpdesks and by reducing barriers to access, whether due to cost or language;
10. Requests the Commission to incorporate into RAPEX, or any other appropriate system at EU level, penalties for infringements by the Member States, in order to ensure transparency and incentives for all stakeholders;
11. Calls on the Commission to increase the clarity of mandates for standards and to consider other evolutionary ways to improve and integrate national and European standardisation systems in the non-harmonised area, with the emphasis on SME participation, while retaining the main elements of the current structure;
12. Calls on the Commission and all stakeholders to guarantee the financial sustainability of the European standardisation system, including through public-private partnerships and through multiannual financial planning, since this is essential to ensure its effectiveness and efficiency;
13. Emphasises the need for stability and simplification of European standards and to reduce the time taken to develop standards, and calls on national and European standardisation bodies to simplify standards by reducing the number of references to other standards and providing user-friendly guidelines.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	9.12.2010
Result of final vote	+: 38 -: 0 0: 0
Members present for the final vote	Jean-Pierre Audy, Bendt Bendtsen, Jorgo Chatzimarkakis, Pilar del Castillo Vera, Ioan Enciu, Adam Gierek, Norbert Glante, Edit Herczog, Arturs Krišjānis Kariņš, Lena Kolarska-Bobińska, Philippe Lamberts, Bogdan Kazimierz Marcinkiewicz, Judith A. Merkies, Jaroslav Paška, Miloslav Ransdorf, Herbert Reul, Jens Rohde, Paul Rübig, Amalia Sartori, Francisco Sosa Wagner, Konrad Szymański, Britta Thomsen, Patrizia Toia, Evžen Tošenovský, Ioannis A. Tsoukalas, Vladimír Urutchev, Kathleen Van Brempt, Alejo Vidal-Quadras
Substitute(s) present for the final vote	Maria Badia i Cutchet, Lara Comi, Francesco De Angelis, Françoise Grossetête, Gunnar Hökmark, Bernd Lange, Werner Langen, Marian-Jean Marinescu, Vladimír Remek, Silvia-Adriana Țicău

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	1.2.2011
Result of final vote	+: 36 -: 0 0: 2
Members present for the final vote	Pablo Arias Echeverría, Adam Bielan, Cristian Silviu Buşoi, Lara Comi, Anna Maria Corazza Bildt, António Fernando Correia De Campos, Jürgen Creutzmann, Christian Engström, Evelyne Gebhardt, Louis Grech, Małgorzata Handzlik, Iliana Ivanova, Philippe Juvin, Sandra Kalniete, Edvard Kožušník, Kurt Lechner, Hans-Peter Mayer, Gianni Pittella, Mitro Repo, Robert Rochefort, Zuzana Roithová, Heide Rühle, Christel Schaldemose, Andreas Schwab, Catherine Stihler, Róza Gräfin von Thun und Hohenstein, Kyriacos Triantaphyllides, Emilie Turunen, Bernadette Vergnaud, Barbara Weiler
Substitute(s) present for the final vote	Frank Engel, Ashley Fox, María Irigoyen Pérez, Constance Le Grip, Morten Messerschmidt, Catherine Soullie
Substitute(s) under Rule 187(2) present for the final vote	Claudio Morganti, Alexandra Thein