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A9-0191/ 001-236

## AMENDMENTS 001-236

by the Committee on the Internal Market and Consumer Protection

### Report

Dita Charanzová

A9-0191/2022

General Product Safety Regulation

Proposal for a regulation (COM(2021)0346 – C9-0245/2021 – 2021/0170(COD))

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### Amendment 1

#### Proposal for a regulation

##### Recital 6

###### *Text proposed by the Commission*

(6) Despite the development of sector-specific Union harmonisation legislation that addresses safety aspects of specific products or categories of products, it is practically impossible to adopt Union legislation for all consumer products that exist or may be developed. There is therefore *still* a need for a legislative framework of a horizontal nature to fill gaps and ensure consumer protection not otherwise ensured, in particular with a view to achieving a high level of protection of safety and health of consumers, as required by Article 114 and Article 169 of the Treaty.

###### *Amendment*

(6) Despite the development of sector-specific Union harmonisation legislation that addresses safety aspects of specific products or categories of products, it is practically impossible to adopt Union legislation for all consumer products that exist or may be developed. There is therefore a need for a ***broad-based*** legislative framework of a horizontal nature to fill gaps and ***therefore to complement provisions in existing or forthcoming sector-specific Union harmonisation legislation*** and ensure consumer protection not otherwise ensured ***by that legislation***, in particular with a view to achieving a high level of protection of safety and health of consumers, as required by Article 114 and Article 169 of the Treaty.

## Amendment 2

### Proposal for a regulation Recital 8

#### *Text proposed by the Commission*

(8) Whilst some of the provisions such as those concerning most of the obligations of economic operators should not apply to products covered by Union harmonisation legislation since already covered in such legislation, a certain number of other provisions should apply in order to complement Union harmonisation legislation. In particular the general product safety requirement and related provisions should be applicable to consumer products covered by Union harmonisation legislation when certain types of risks are not covered by that legislation. The provisions of this Regulation concerning the obligations of online marketplaces, the obligations of economic operators in case of accidents, the right of information for consumers as well as the recalls of consumer products should apply to products covered by Union harmonisation legislation **when** there are not specific provisions with the same objective in such legislation. Likewise RAPEX is already used for the purposes of Union harmonisation legislation, as referred to in Article 20 of Regulation (EU) 2019/1020 of the European Parliament and of the Council<sup>25</sup>, therefore the provisions regulating the Safety Gate and its functioning contained in this Regulation should be applicable to Union harmonisation legislation.

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<sup>25</sup> Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011

#### *Amendment*

(8) Whilst some of the provisions such as those concerning most of the obligations of economic operators should not apply to products covered by Union harmonisation legislation since already covered in such legislation, a certain number of other provisions should apply in order to complement Union harmonisation legislation. In particular the general product safety requirement and related provisions should be applicable to consumer products covered by Union harmonisation legislation when certain types of risks are not covered by that legislation. The provisions of this Regulation concerning the obligations of online marketplaces, the obligations of economic operators in case of accidents, the right of information **and remedy** for consumers as well as the recalls of consumer products should apply to products covered by Union harmonisation legislation **to the extent that** there are not specific provisions with the same objective in such legislation. Likewise RAPEX is already used for the purposes of Union harmonisation legislation, as referred to in Article 20 of Regulation (EU) 2019/1020 of the European Parliament and of the Council <sup>25</sup>, therefore the provisions regulating the Safety Gate and its functioning contained in this Regulation should be applicable to Union harmonisation legislation.

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<sup>25</sup> Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011

### Amendment 3

#### Proposal for a regulation

##### Recital 9

###### *Text proposed by the Commission*

(9) The provisions of Chapter VII of Regulation (EU) 2019/1020, setting up the rules of controls on products entering the Union market, are already directly applicable to products covered by this Regulation ***and it is not the intention of this Regulation to modify such provisions. The stability of the former is particularly important taking into account the fact that the*** authorities in charge of these controls ***(which in almost all Member States are the customs authorities) shall*** perform them on the basis of risk analysis as referred to in Articles 46 and 47 of Regulation (EU) No 952/2013 (the Union Customs Code), the implementing legislation and corresponding guidance. This ***risk-based approach is pivotal to customs controls given the substantial volumes of goods coming into and leaving the customs territory and results in application of concrete control measures depending on identified priorities. The fact that the*** Regulation does not modify in any way Chapter VII of Regulation 2019/1020, ***directly referring to the risk based approach laid down in the customs legislation, means in practice that the*** authorities in charge of controls on products entering the Union market ***(including customs authorities) should limit their controls to the most risky products, depending on the likelihood and impact of the risk, thereby ensuring effectiveness and efficiency of their activities as well as protection of their capacity to perform such controls.***

###### *Amendment*

(9) The provisions of Chapter VII of Regulation (EU) 2019/1020, setting up the rules of controls on products entering the Union market, are already directly applicable to products covered by this Regulation. ***The*** authorities in charge of these controls ***should*** perform them on the basis of risk analysis as referred to in Articles 46 and 47 of Regulation (EU) No 952/2013 (the Union Customs Code), the implementing legislation and corresponding guidance. This Regulation ***therefore*** does not modify in any way Chapter VII of Regulation 2019/1020 ***and the way*** the authorities in charge of controls on products entering the Union market ***organise themselves and perform*** their activities.

## Amendment 4

### Proposal for a regulation Recital 9 a (new)

*Text proposed by the Commission*

*Amendment*

***(9a) The legal framework for market surveillance of products covered by Union harmonisation legislation and set out in Regulation (EU) 2019/1020 and the legal framework for market surveillance of products covered by this Regulation should be as coherent as possible. It is therefore necessary, as far as market surveillance activities, obligations, powers, measures, and cooperation among market surveillance authorities are concerned, to align the two sets of provisions. For that purpose Articles 10 to 16, Articles 18 and 19 and Articles 21 to 24 of Regulation (EU) 2019/1020 should be applicable also to products covered by this Regulation.***

## Amendment 5

### Proposal for a regulation Recital 10

*Text proposed by the Commission*

*Amendment*

***(10) The precautionary principle is a fundamental principle for ensuring the safety of products and consumers and should therefore be taken into due account by all relevant actors when applying this Regulation.***

***deleted***

## Amendment 6

### Proposal for a regulation Recital 11

*Text proposed by the Commission*

*Amendment*

***(11) Considering also the broad scope***

***deleted***

*given to the concept of health<sup>26</sup>, the environmental risk posed by a product should be taken into consideration in the application of this Regulation inasmuch as it can also ultimately result in a risk to the health and safety of consumers.*

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<sup>26</sup> *European Environment Agency, 'Healthy environment, healthy lives: how the environment influences health and well-being in Europe', EEA report No 21/2019, 8 September 2020.*

## **Amendment 7**

### **Proposal for a regulation Recital 16**

#### *Text proposed by the Commission*

(16) The requirements laid down in this Regulation should apply to second hand products or products that are repaired, refurbished or recycled that re-enter the supply chain in the course of a commercial activity, except for those products for which the consumer cannot reasonably expect that they fulfil state-of-the art safety standards, such as antiques or products which are presented as to be repaired or to be refurbished.

#### *Amendment*

(16) The requirements laid down in this Regulation should apply to second hand products or products that are repaired, refurbished or recycled that re-enter the supply chain in the course of a commercial activity, except for those products for which the consumer cannot reasonably expect that they fulfil state-of-the art safety standards, such as antiques or products which are ***explicitly*** presented as to be repaired or to be refurbished, ***or which are made available as collectible items of historical significance.***

## **Amendment 8**

### **Proposal for a regulation Recital 18**

#### *Text proposed by the Commission*

(18) Services should not be covered by this Regulation. However, in order to secure the attainment of the protection of health and safety of consumers, products that are supplied or made available to

#### *Amendment*

(18) Services should not be covered by this Regulation. However, in order to secure the attainment of the protection of health and safety of consumers, products that are supplied or made available to

consumers in the context of the provision of services, including products to which consumers are directly exposed during a service provision, should fall within the scope of this Regulation. Equipment on which consumers ride or travel **which is** operated by a service provider should be excluded from the scope of this Regulation since it has to be dealt with in conjunction with the safety of the service provided.

consumers in the context of the provision of services, including products to which consumers are directly exposed during a service provision, should fall within the scope of this Regulation. **However,** equipment on which consumers ride or travel, **when it is directly** operated by a service provider **within the context of a transport service**, should be excluded from the scope of this Regulation since it has to be dealt with in conjunction with the safety of the service provided.

## Amendment 9

### Proposal for a regulation Recital 20

#### *Text proposed by the Commission*

(20) New technologies also cause new risks to consumers' health and safety or change the way the existing risks could materialise, such as an external intervention hacking the product or changing its characteristics.

#### *Amendment*

(20) New technologies **might** also cause new risks to consumers' health and safety or change the way the existing risks could materialise, such as an external intervention hacking the product or changing its characteristics. **New technologies, such as through software updates, may substantially modify the original product, which could then be submitted to a new risk assessment if that substantial modification has an impact on the safety of the product.**

## Amendment 10

### Proposal for a regulation Recital 21

#### *Text proposed by the Commission*

(21) The World Health Organisation defines 'health' as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. **This definition supports the fact that the development of new technologies might bring new health risks to**

#### *Amendment*

(21) The World Health Organisation defines 'health' as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

*consumers, such as psychological risk, development risks, in particular for children, mental risks, depression, loss of sleep, or altered brain function.*

## Amendment 11

### Proposal for a regulation Recital 22

#### *Text proposed by the Commission*

(22) Specific cybersecurity risks affecting the safety of consumers as well as protocols and certifications can be dealt with by sectorial legislation. However, it should be ensured, ***in case of gaps in*** the sectorial legislation, ***that*** the relevant economic operators and national authorities take into consideration risks linked to new technologies, respectively when designing the products and assessing them, in order to ensure that changes introduced in the product do not jeopardise its safety.

#### *Amendment*

(22) Specific cybersecurity risks affecting the safety of consumers as well as protocols and certifications can be dealt with by sectorial legislation. However, it should be ensured ***that, in cases where*** the sectorial legislation ***cannot be applied***, the relevant economic operators and national authorities take into consideration risks linked to new technologies, respectively when designing the products and assessing them, in order to ensure that changes introduced in the product do not jeopardise its safety.

## Amendment 12

### Proposal for a regulation Recital 23

#### *Text proposed by the Commission*

(23) The safety of products should be assessed taking into account all the relevant aspects, notably their characteristics and presentation as well as the specific needs and risks for categories of consumers who are likely to use the products, in particular children, older persons and persons with disabilities. Therefore, if specific information is necessary to make products safe toward a given category of persons, the assessment of the safety of the products should take into consideration also the presence of this information and its accessibility. The

#### *Amendment*

(23) The safety of products should be assessed taking into account all the relevant aspects, notably their characteristics, ***such as physical, mechanical and chemical characteristics***, and presentation as well as the specific needs and risks, ***which may also include environmental risk inasmuch as it poses a risk to the health and safety of consumers***, for categories of consumers who are likely to use the products, in particular children, older persons and persons with disabilities. ***That assessment should take into account the health risk posed by digital connected***

safety of products should be assessed taking into consideration the need for the product to be safe over its entire lifespan.

***products, including on mental health, especially on vulnerable consumers such as children. Therefore, when assessing the safety of digital connected products likely to have an impact on children, manufacturers should ensure that the products they make available on the market meet the highest standards of safety, security and privacy by design in the best interests of children.***

***Furthermore***, if specific information is necessary to make products safe toward a given category of persons, the assessment of the safety of the products should take into consideration also the presence of this information and its accessibility. The safety of ***all*** products should be assessed taking into consideration the need for the product to be safe over its entire lifespan.

## Amendment 13

### Proposal for a regulation Recital 24

#### *Text proposed by the Commission*

(24) Economic operators should have obligations concerning the safety of products, in relation to their respective roles in the supply chain, so as to ensure a high level of protection of the health and safety of consumers. All economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they only make available on the market products, which are safe and in conformity with this Regulation. It is necessary to provide for a clear and proportionate distribution of obligations corresponding to the role of each operator in the supply and distribution process.

#### *Amendment*

(24) Economic operators should have ***proportionate*** obligations concerning the safety of products, in relation to their respective roles in the supply chain, so as to ensure a high level of protection of the health and safety of consumers, ***while also ensuring efficient functioning of the internal market.*** All economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they only make available on the market products, which are safe and in conformity with this Regulation. It is necessary to provide for a clear and proportionate distribution of obligations corresponding to the role of each operator in the supply and distribution process. ***In order to balance administrative burdens, digital consumer information tools should be allowed to provide information in a sustainable and accessible way over time.***



*Within that context, it is important to ensure that the contact information of all economic operators intervening in the supply and distribution chain is easily accessible to consumers and market surveillance authorities and that products are accompanied with the relevant documentation. That information could be additionally provided by the economic operators in a digital form by means of electronic solutions, such as a QR or data matrix code.*

#### **Amendment 14**

##### **Proposal for a regulation Recital 24 a (new)**

*Text proposed by the Commission*

*Amendment*

*(24a) In order for economic operators that are SMEs and micro-businesses to be able to cope with the new obligations imposed by this Regulation, the Commission should provide them with practical guidelines and tailored guidance, for example, a direct channel to connect to experts in case of questions, taking into account the need to simplify and limit the administrative burdens.*

#### **Amendment 15**

##### **Proposal for a regulation Recital 25**

*Text proposed by the Commission*

*Amendment*

(25) Distance selling, including online selling, should also fall within the scope of this Regulation. Online selling has grown consistently and steadily, creating new business models and new actors in the market such as the online marketplaces.

(25) Distance selling, including online selling, should also fall within the scope of this Regulation. Online selling has grown consistently and steadily, creating new business models, ***new challenges regarding product safety*** and new actors in the market such as the online marketplaces.

## Amendment 16

### Proposal for a regulation Recital 25 a (new)

*Text proposed by the Commission*

*Amendment*

***(25a) In the case of a product offered for sale through distance sales, the product should be considered to have been made available on the market if the offer for sale is directed at consumers in the Union. In accordance with the applicable Union rules on private international law, a case-by-case analysis should be carried out in order to establish whether an offer is directed at consumers in the Union. An offer for sale should be considered to be directed at consumers in the Union if the relevant economic operator directs, by any means, its activities to a Member State. For the case-by-case analyses, relevant factors, such as the geographical areas to which dispatch is possible, the languages available, used for the offer or for ordering, or means of payment, need to be taken into consideration. In the case of online sales, the mere fact that the economic operators' or the intermediaries' website is accessible in the Member State in which the consumer is domiciled is insufficient.***

## Amendment 17

### Proposal for a regulation Recital 26

*Text proposed by the Commission*

*Amendment*

(26) Online marketplaces play a crucial role in the supply chain - allowing economic operators to reach an indefinite number of consumers - and therefore also in the product safety system.

(26) Online marketplaces play a crucial role in the supply chain - allowing economic operators to reach an indefinite number of consumers - and therefore also in the product safety system. ***Online marketplaces, depending on their business model and their role and involvement in a supply chain, could also be considered as***

*manufacturer, importer distributor, fulfilment service provider or authorised representative and, in that case, should be subject to the legal obligations and responsibilities applicable to those actors as laid down in this Regulation or in relevant Union harmonisation legislation. For example, if an online marketplace presents itself as the manufacturer by affixing to the product its name, trade mark or other distinctive mark, or if it reconditions it or if its activity affects the safety properties of the product, it should be considered as a manufacturer and should have the obligations thereof.*

## Amendment 18

### Proposal for a regulation

#### Recital 28

*Text proposed by the Commission*

(28) The Product Safety Pledge, signed in 2018 and joined by a number of marketplaces since then, provides for a number of voluntary commitments on product safety. ***The Product Safety Pledge has proved its rationale in enhancing*** the protection of consumers against dangerous products sold online. Nonetheless, its voluntary nature and the voluntary participation by a limited number of online marketplaces ***reduces*** its effectiveness and cannot ensure a level-playing field.

*Amendment*

(28) The Product Safety Pledge, signed in 2018 and joined by a number of marketplaces since then, provides for a number of voluntary commitments on product safety ***with the aim of enhancing*** the protection of consumers against dangerous products sold online. Nonetheless, its voluntary nature and the voluntary participation by a limited number of online marketplaces ***have indicated a lack of progress in some of the voluntary commitments reducing*** its effectiveness ***with regard to consumer protection*** and cannot ensure a level-playing field.

## Amendment 19

### Proposal for a regulation

#### Recital 28 a (new)

*Text proposed by the Commission*

*Amendment*

***(28a) This Regulation should also lay down provisions encouraging online***

*marketplaces to enter into voluntary memoranda of understanding with market surveillance authorities or organisations representing consumers to undertake voluntary commitments with regard to the products sold online that go beyond the legal obligations laid down in Union law.*

## **Amendment 20**

### **Proposal for a regulation Recital 30 a (new)**

*Text proposed by the Commission*

*Amendment*

*(30a) The online marketplaces should designate a single point of contact for consumers to serve as a single window for consumer communications on product safety issues, which may then be redirected to the proper service unit of an online marketplace. This should not prevent additional points of contact for specific services being made available to consumers.*

## **Amendment 21**

### **Proposal for a regulation Recital 32**

*Text proposed by the Commission*

*Amendment*

(32) The obligations imposed by this Regulation on online marketplaces should neither amount to a general obligation to monitor the information which they transmit or store, nor to actively seek facts or circumstances indicating illegal activity, such as the sale of dangerous products online. Online marketplaces should, nonetheless, expeditiously remove content referring to dangerous products from their online interfaces, upon obtaining actual knowledge or, in the case of claims for damages, awareness of the illegal content, in particular in cases where the online

(32) The obligations imposed by this Regulation on online marketplaces should neither amount to a general obligation to monitor the information which they transmit or store, nor to actively seek facts or circumstances indicating illegal activity, such as the sale of dangerous products online. Online marketplaces should, nonetheless, expeditiously remove content referring to dangerous products from their online interfaces, upon obtaining actual knowledge or, in the case of claims for damages, awareness of the illegal content, in particular in cases where the online

marketplace has been made aware of facts or circumstances on the basis of which a diligent economic operator should have identified the illegality in question, in order to benefit from the exemption from liability for hosting services under the 'Directive on electronic commerce' and the [Digital Services Act]. Online marketplaces should process notices concerning content referring to unsafe products, received in accordance with [Article 14] of Regulation (EU) .../...[the Digital Services Act], within the additional timeframes established by this Regulation.

marketplace has been made aware of facts or circumstances on the basis of which a diligent economic operator should have identified the illegality in question, in order to benefit from the exemption from liability for hosting services under the 'Directive on electronic commerce' and the [Digital Services Act]. Online marketplaces should process notices concerning content referring to unsafe products, received in accordance with [Article 14] of Regulation (EU) .../...[the Digital Services Act], within the additional timeframes established by this Regulation. ***In addition, online marketplaces are strongly encouraged to check products with Safety Gate before placing them on their website.***

## Amendment 22

### Proposal for a regulation Recital 33

#### *Text proposed by the Commission*

(33) Article 14(4) of Regulation (EU) 2019/1020 provides market surveillance authorities with the power, where no other effective means are available to eliminate a serious risk, to require the removal of content referring to the related products from an online interface or to require the explicit display of a warning to end users when they access an online interface. The powers entrusted to market surveillance authorities by Article 14(4) of Regulation (EU) 2019/1020 should also apply to this Regulation. For effective market surveillance under this Regulation and to avoid dangerous products being present on the Union market, this power should apply in all necessary and proportionate cases and also for products presenting a less than serious risk. It is essential that online marketplaces comply with such orders as a matter of urgency. Therefore, this Regulation introduces binding time limits

#### *Amendment*

(33) Article 14(4) of Regulation (EU) 2019/1020 provides market surveillance authorities with the power, where no other effective means are available to eliminate a serious risk, to require the removal of content referring to the related products from an online interface or to require the explicit display of a warning to end users when they access an online interface. The powers entrusted to market surveillance authorities by Article 14(4) of Regulation (EU) 2019/1020 should also apply to this Regulation. For effective market surveillance under this Regulation and to avoid dangerous products being present on the Union market, this power should apply in all necessary and proportionate cases and also for products presenting a less than serious risk. It is essential that online marketplaces comply with such orders as a matter of urgency. Therefore, this Regulation introduces binding time limits

in this respect, ***without prejudice to the possibility for a shorter time limit to be laid down in the order itself***. This power should be exercised in accordance with [Article 8] of the Digital Services Act.

in this respect. This power should be exercised in accordance with [Article 8] of the Digital Services Act.

## Amendment 23

### Proposal for a regulation Recital 34

#### *Text proposed by the Commission*

(34) Even where the information from the Safety Gate does not contain an exact uniform resource locator (URL) and, where necessary, additional information enabling the identification of the illegal content concerned, online marketplaces should nevertheless take into account the transmitted information, such as product identifiers, when available, and other traceability information, in the context of any measures adopted by online marketplaces on their own initiative aiming at detecting, identifying, removing or disabling access to dangerous products offered on their marketplace, where applicable.

#### *Amendment*

(34) Even where the information from the Safety Gate does not contain an exact uniform resource locator (URL) and, where necessary, additional information enabling the identification of the illegal content concerned, online marketplaces should nevertheless take into account the transmitted information, such as product identifiers, when available, and other traceability information, in the context of any measures adopted by online marketplaces on their own initiative aiming at detecting, identifying, removing or disabling access to dangerous products offered on their marketplace, where applicable. ***Nonetheless, the Safety Gate should be modernised and updated in order to make it easier for online marketplaces to detect unsafe products and, with that aim, it should be possible to implement the provisions on the removal of illegal content referring to dangerous products from online marketplaces by means of a Union notification system designed and developed within the Safety Gate.***

## Amendment 24

### Proposal for a regulation Recital 35

#### *Text proposed by the Commission*

#### *Amendment*

(35) For the purposes of [Article 19] of Regulation (EU) .../[the Digital Services Act], and concerning the safety of products sold online, the Digital Services Coordinator should consider in particular consumer organisations and associations representing consumers' interest, upon their request, as trusted flaggers, provided that the conditions set out in that article have been met.

(35) For the purposes of [Article 19] of Regulation (EU) .../[the Digital Services Act], and concerning the safety of products sold online, the Digital Services Coordinator should consider in particular consumer organisations and associations representing consumers' interest **and other relevant stakeholders**, upon their request, as trusted flaggers, provided that the conditions set out in that article have been met.

## Amendment 25

### Proposal for a regulation Recital 36

#### *Text proposed by the Commission*

(36) Product traceability is fundamental for effective market surveillance of dangerous products and corrective measures. Consumers should also be protected against dangerous products in the same way in the offline and online sales channels, including when purchasing products on online marketplaces. Building on the provisions of Regulation (EU) .../[the Digital Services Act] concerning the traceability of traders, online marketplaces should not allow listings on their platforms unless the trader provided all information related to product safety and traceability as detailed in this Regulation. Such information should be displayed together with the product listing so that consumers can benefit from the same information made available online and offline. ***However, the online marketplace should not be responsible for verifying the completeness, correctness and the accuracy of the information itself, as the obligation to ensure the traceability of products remains with the trader.***

#### *Amendment*

(36) Product traceability is fundamental for effective market surveillance of dangerous products and corrective measures. Consumers should also be protected against dangerous products in the same way in the offline and online sales channels, including when purchasing products on online marketplaces. Building on the provisions of Regulation (EU) .../[the Digital Services Act] concerning the traceability of traders, online marketplaces should not allow listings on their platforms unless the trader provided all information related to product safety and traceability as detailed in this Regulation. Such information should be displayed together with the product listing so that consumers can benefit from the same information made available online and offline.

## Amendment 26

**Proposal for a regulation**  
**Recital 37**

*Text proposed by the Commission*

(37) It is also important that online marketplaces closely cooperate with the market surveillance authorities, law enforcement authorities and with relevant economic operators on the safety of products. An obligation of cooperation with market surveillance authorities is imposed on information society service providers under Article 7(2) of Regulation (EU) 2019/1020 in relation to products covered by that Regulation and should therefore be extended to all consumer products. For instance, market surveillance authorities are constantly improving the technological tools they use for the online market surveillance to identify dangerous products sold online. For these tools to be operational, online marketplaces should grant access to their interfaces. Moreover, for the purpose of product safety, market surveillance authorities may also need to scrape data from the online marketplaces.

*Amendment*

(37) It is also important that online marketplaces closely cooperate with the market surveillance authorities, law enforcement authorities and with relevant economic operators on the safety of products. An obligation of cooperation with market surveillance authorities is imposed on information society service providers under Article 7(2) of Regulation (EU) 2019/1020 in relation to products covered by that Regulation and should therefore be extended to all consumer products. For instance, market surveillance authorities are constantly improving the technological tools they use for the online market surveillance to identify dangerous products sold online. For these tools to be operational, online marketplaces should grant access to their interfaces. Moreover, ***only*** for the purpose of product safety, market surveillance authorities ***and other competent authorities, upon specific request,*** may also need to scrape data from the online marketplaces.

**Amendment 27**

**Proposal for a regulation**  
**Recital 39 a (new)**

*Text proposed by the Commission*

*Amendment*

***(39a) The precautionary principle is a fundamental principle for ensuring the safety of products and consumers and should therefore be taken into due account in a proportionate manner by market surveillance authorities when applying this Regulation.***

**Amendment 28**



**Proposal for a regulation**  
**Recital 40**

*Text proposed by the Commission*

(40) Where economic operators or market surveillance authorities face a choice of various corrective measures, the most sustainable action resulting in the lowest environmental impact, such as the repair of the product, should be preferred, provided that it does not result in a lesser level of safety.

*Amendment*

(40) Where economic operators or market surveillance authorities face a choice of various corrective measures, the most sustainable action resulting in the lowest environmental impact, such as the repair of the product, should be preferred, provided that it does not result in a lesser level of safety ***or affects consumers' rights under other relevant Union legislation.***

**Amendment 29**

**Proposal for a regulation**  
**Recital 43**

*Text proposed by the Commission*

***(43) When making products available on the market, economic operators should provide minimum information on product safety and traceability as part of the relevant offer. This should be without prejudice to the information requirements laid down by Directive 2011/83/EU of the European Parliament and of the Council<sup>31</sup>, such as on the main characteristics of the goods, to the extent appropriate to the medium and to the goods.***

*Amendment*

***deleted***

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<sup>31</sup> ***Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).***

## Amendment 30

### Proposal for a regulation Recital 44

#### *Text proposed by the Commission*

(44) Ensuring product identification and ***the traceability of products*** throughout the entire supply chain helps to identify economic operators and to take effective corrective measures against dangerous products, such as targeted recalls. Product identification and ***traceability*** thus ensures that consumers ***and economic operators*** obtain accurate information regarding dangerous products which enhances confidence in the market and avoids unnecessary disruption of trade. Products should therefore bear information allowing their identification and the identification of the manufacturer and, ***if*** applicable, of the importer. Such ***traceability*** requirements could be made stricter for certain kinds of products. ***Manufacturers should also establish technical documentations regarding their products, which should contain the necessary information to prove that their product is safe.***

#### *Amendment*

(44) Ensuring product identification and ***information on the manufacturer and other relevant economic operators*** throughout the entire supply chain helps to identify economic operators and, ***where applicable***, to take effective ***and proportionate*** corrective measures against dangerous products, such as targeted recalls. Product identification and ***information on the manufacturer and other relevant economic operators*** thus ensures that consumers, ***including persons with disabilities, and market surveillance authorities*** obtain accurate information regarding dangerous products which enhances confidence in the market and avoids unnecessary disruption of trade. Products should therefore bear information allowing their identification and the identification of the manufacturer and, ***as*** applicable, of the importer ***and other relevant economic operators***. Such requirements could be made stricter for certain kinds of products, ***susceptible to bear a serious risk to health and safety of consumers, by a system of collection and storage of data enabling, besides the identification of the product, the identification of its components or of the economic operators involved in its supply chain. This should be without prejudice to the information requirements laid down by Directive 2011/83/EU<sup>1a</sup> of the European Parliament and of the Council, such as on the main characteristics of the goods, to the extent appropriate to the medium and to the goods.***

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<sup>1a</sup> ***Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC***

*and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).*

## **Amendment 31**

### **Proposal for a regulation Recital 44 a (new)**

*Text proposed by the Commission*

*Amendment*

*(44a) Manufacturers should also establish technical documentations regarding their products, which should contain the necessary information to prove that their product is safe. The amount of information to be provided should be proportionate to the complexity of the product and possible risks. In particular, manufacturers should provide a general description of the product and of its essential properties relevant for assessing its safety. In the case of complex products or products presenting higher risks, the information to be provided might need a more extensive description of the product, including an analysis of possible risks and the technical means adopted to mitigate or eliminate the risks. In such cases if the product complies with European standards or other elements applied to meet the general safety requirement, the list of those elements should also be indicated.*

## **Amendment 32**

### **Proposal for a regulation Recital 45**

*Text proposed by the Commission*

*Amendment*

*(45) The legal framework for market surveillance of products covered by Union*

*deleted*

*harmonisation legislation and set out in Regulation (EU) 2019/1020 and the legal framework for market surveillance of products covered by this Regulation should be as coherent as possible. It is therefore necessary, as far as market surveillance activities, obligations, powers, measures, and cooperation among market surveillance authorities are concerned, to close the gap between the two sets of provisions. For that purpose Articles 10 to 16, Articles 18 and 19 and Articles 21 to 24 of Regulation (EU) 2019/1020 should be applicable also to products covered by this Regulation.*

### Amendment 33

#### Proposal for a regulation Recital 47 a (new)

*Text proposed by the Commission*

*Amendment*

*(47a) Market surveillance authorities should conduct inspections on products acquired under a cover identity on a regular basis, in particular on those products made available on online marketplaces and products that are most frequently notified on the Safety Gate.*

### Amendment 34

#### Proposal for a regulation Recital 48

*Text proposed by the Commission*

*Amendment*

(48) An exchange of information between Member States and the Commission concerning the **implementation** of this Regulation should be established on the basis of output indicators which would allow measuring **and comparing Member States'** effectiveness **in implementing** Union product safety legislation.

(48) An exchange of information between Member States and the Commission concerning the **application** of this Regulation should be established on the basis of output indicators which would allow measuring **the** effectiveness **of** Union product safety legislation.

## Amendment 35

### Proposal for a regulation

#### Recital 49

*Text proposed by the Commission*

(49) There should be effective, speedy and accurate exchange of information concerning dangerous products.

*Amendment*

(49) There should be effective, speedy and accurate exchange of information concerning dangerous products ***to ensure that appropriate measures are taken in relation to those products and to protect consumers fully.***

## Amendment 36

### Proposal for a regulation

#### Recital 50

*Text proposed by the Commission*

(50) The Union rapid information system (RAPEX) ***has proved its effectiveness and efficiency. It enables*** corrective measures to be taken across the Union in relation to products that present a risk beyond the territory of a single Member State. It is opportune, though, to change the used abbreviated name from RAPEX to Safety Gate for greater clarity and better outreach to consumers. Safety Gate comprises a rapid alert system on dangerous non-food products whereby national authorities and the Commission can exchange information on such products, a web portal to inform the public (Safety Gate portal) and an interface to enable businesses to comply with their obligation to inform authorities and consumers of dangerous products (Safety Business Gateway).

*Amendment*

(50) The Union rapid information system (RAPEX) ***should be modernised to enable more efficient*** corrective measures to be taken across the Union in relation to products that present a risk beyond the territory of a single Member State. It is opportune, though, to change the used abbreviated name from RAPEX to Safety Gate for greater clarity and better outreach to consumers. Safety Gate comprises a rapid alert system on dangerous non-food products whereby national authorities and the Commission can exchange information on such products, a web portal to inform the public (Safety Gate portal) and an interface to enable businesses to comply with their obligation to inform authorities and consumers of dangerous products (Safety Business Gateway). ***In addition, the Commission should develop an interoperable interface to enable online marketplaces to link their interfaces with the Safety Gate in an easy, quick and reliable way.***

## Amendment 37

### Proposal for a regulation Recital 52

#### *Text proposed by the Commission*

(52) Under Article 34 of Regulation (EU) *No* 2019/1020, Member States authorities are to notify measures adopted against products covered by that Regulation, presenting a less than serious risk, through the information and communication system referred to in the same article, while corrective measures adopted against products covered by this Regulation presenting a less than serious risk should be notified in the Safety Gate. Member States and the Commission should make available to the public information relating to risks to the health and safety of consumers posed by products. It is opportune for consumers and businesses that all information on corrective measures adopted against products posing a risk are contained in the Safety Gate, allowing relevant information on dangerous products to be made available to the public through the Safety Gate portal. Member States are therefore encouraged to notify in the Safety Gate all corrective measures on products posing a risk to the health and safety of consumers.

#### *Amendment*

(52) Under Article 34 of Regulation (EU) 2019/1020, Member States authorities are to notify measures adopted against products covered by that Regulation, presenting a less than serious risk, through the information and communication system referred to in the same article, while corrective measures adopted against products covered by this Regulation presenting a less than serious risk should be notified in the Safety Gate. Member States and the Commission should make available to the public information relating to risks to the health and safety of consumers posed by products. It is opportune for consumers and businesses that all information on corrective measures adopted against products posing a risk are contained in the Safety Gate, allowing relevant information on dangerous products to be made available to the public through the Safety Gate portal. ***It is important to ensure that all of that information is available in the official language(s) of the consumer's Member State of residence and that it is written in clear and understandable language.*** Member States are therefore encouraged to notify in the Safety Gate all corrective measures on products posing a risk to the health and safety of consumers. ***The database and website of the Safety Gate should be accessible to persons with disabilities.***

## Amendment 38

### Proposal for a regulation Recital 54

*Text proposed by the Commission*

(54) The Commission should maintain and further develop the Safety Business Gateway web portal, enabling economic operators to comply with their obligations to inform market surveillance authorities and consumers of dangerous products they have ***placed or*** made available on the market. This tool should also enable economic operators to inform market surveillance authorities of accidents caused by products they have ***placed or*** made available on the market. ***It*** should ***enable quick*** and efficient information exchange ***between economic operators and*** national authorities, and facilitate information to consumers from economic operators.

*Amendment*

(54) The Commission should maintain and further develop the Safety Business Gateway web portal, enabling economic operators to comply with their obligations to inform market surveillance authorities and consumers of dangerous products they have made available on the market. This tool should also enable economic operators to inform market surveillance authorities of accidents caused by products they have made available on the market. ***Economic operators*** should ***aim to investigate complaints and information on accidents from consumers as quickly as possible in order to ensure timely*** and efficient information exchange ***with*** national authorities, and facilitate information to consumers from economic operators.

**Amendment 39**

**Proposal for a regulation**  
**Recital 55**

*Text proposed by the Commission*

(55) There might be cases where it is necessary to deal with a serious risk at the Union level where the risk cannot be contained satisfactorily by means of measures taken by the Member State concerned or by any other procedure under Union legislation. This could notably be the case of new emerging risks or those impacting vulnerable consumers. For that reason the Commission can adopt measures either on its own initiative or upon request of the Member States. Such measures should be adapted to the gravity and urgency of the situation. It is furthermore necessary to provide for an adequate mechanism whereby the Commission could adopt immediately applicable interim measures.

*Amendment*

(55) There might be cases where it is necessary to deal with a serious risk at the Union level where the risk cannot be contained satisfactorily by means of measures taken by the Member State concerned or by any other procedure under Union legislation. This could notably be the case of new emerging risks or those impacting vulnerable consumers. For that reason the Commission can adopt measures either on its own initiative or upon request of the Member States ***or relevant interested parties***. Such measures should be adapted to the gravity and urgency of the situation. It is furthermore necessary to provide for an adequate mechanism whereby the Commission could adopt immediately applicable interim measures.

## Amendment 40

### Proposal for a regulation Recital 56

*Text proposed by the Commission*

(56) The determination of the risk concerning a product and its level is based on a risk assessment performed by the relevant actors. Member States, in performing risk assessment, might reach different results as far as the presence of a risk or its level is concerned. This could jeopardise the correct functioning of the single market and the level playing field for both consumers and economic operators. An arbitration mechanism should therefore be ***made available to Member States, on a voluntary basis, which would*** allow the Commission, to provide an opinion on the issue in dispute.

*Amendment*

(56) The determination of the risk concerning a product and its level is based on a risk assessment performed by the relevant actors. Member States, in performing risk assessment, might reach different results as far as the presence of a risk or its level is concerned. This could jeopardise the correct functioning of the single market and the level playing field for both consumers and economic operators. An arbitration mechanism should therefore be ***established to*** allow the Commission to provide an opinion on the issue in dispute.

## Amendment 41

### Proposal for a regulation Recital 56 a (new)

*Text proposed by the Commission*

*Amendment*

***(56a) The Commission should draw up a periodic report on the application of the arbitration mechanism for risk assessments, which should be presented to the Consumer Safety Network. That report should identify the main criteria applied by the Member States for risk assessment and their impact on the internal market and on an equal level of consumer protection, with the aim of enabling Member States and the Commission to harmonise the approaches and criteria for risk assessment.***

## Amendment 42

### Proposal for a regulation



## Recital 57

### *Text proposed by the Commission*

(57) The Consumer Safety Network enhances the cooperation on product safety enforcement between Member States. In particular, it facilitates the activities of exchange of information, the organisation of joint market surveillance activities, the exchange of expertise and best practices. The Consumer Safety Network should be duly represented and participate in the coordination and cooperation activities of the Union Product Compliance Network provided for in Regulation (EU) 2019/1020 whenever coordination of activities falling under the scope of application of both Regulations is necessary to ensure their effectiveness.

### *Amendment*

(57) The Consumer Safety Network enhances the cooperation on product safety enforcement between Member States. In particular, it facilitates the activities of exchange of information, the organisation of joint market surveillance activities, the exchange of expertise and best practices. ***It should also contribute to harmonisation of the methodologies to collect data on product safety, as well as to an increase in the interoperability between regional, sectorial, national and European information systems for product safety.*** The Consumer Safety Network should be duly represented and participate in the coordination and cooperation activities of the Union Product Compliance Network provided for in Regulation (EU) 2019/1020 whenever coordination of activities falling under the scope of application of both Regulations is necessary to ensure their effectiveness.

## Amendment 43

### Proposal for a regulation

## Recital 58

### *Text proposed by the Commission*

(58) Market surveillance authorities ***might*** carry out joint activities with other authorities or organisations representing economic operators or end users, with a view to promoting safety of products and identifying dangerous products, including those that are offered for sale online. In doing so the market surveillance authorities and the Commission, as appropriate, should ensure that the choice of products and producers as well as the activities performed does not create ***situation*** which might distort competition or affect the objectivity, independence and impartiality

### *Amendment*

(58) Market surveillance authorities ***should*** carry out joint activities with other authorities or organisations representing economic operators or end users, with a view to promoting safety of products and identifying dangerous products, including those that are offered for sale online. In doing so the market surveillance authorities and the Commission, as appropriate, should ensure that the choice of products and producers as well as the activities performed does not create ***situations***, which might distort competition or affect the objectivity, independence and

of the parties.

impartiality of the parties.

## Amendment 44

### Proposal for a regulation

#### Recital 59

##### *Text proposed by the Commission*

(59) Simultaneous coordinated control actions ('sweeps') are specific enforcement actions that can further enhance product safety. In particular, sweeps should be conducted where market trends, consumer complaints or other indications suggest that certain product categories are often found to present a serious risk.

##### *Amendment*

(59) Simultaneous coordinated control actions ('sweeps') are specific enforcement actions that can further enhance product safety ***and therefore should be conducted on a regular basis to detect online and offline infringements to this Regulation,*** In particular, sweeps should be conducted where market trends, consumer complaints or other indications suggest that certain product categories are often found to present a serious risk.

## Amendment 45

### Proposal for a regulation

#### Recital 60

##### *Text proposed by the Commission*

(60) The public interface of the Safety Gate, the Safety Gate portal, allows the general public, including consumers, economic operators and online marketplaces, to be informed about corrective measures taken against dangerous products present on the Union market. A separate section of the Safety Gate portal enables consumers to inform the Commission of products presenting a risk to consumer health and safety found in the market. Where relevant, the Commission should provide adequate follow-up, notably by transmitting such information to the concerned national authorities.

##### *Amendment*

(60) The public interface of the Safety Gate, the Safety Gate portal, allows the general public, including consumers, economic operators and online marketplaces, to be informed about corrective measures taken against dangerous products present on the Union market. A separate section of the Safety Gate portal enables consumers to inform the Commission of products presenting a risk to consumer health and safety found in the market. Where relevant, the Commission should provide adequate follow-up, notably by transmitting such information to the concerned national authorities. ***The database and website of the Safety Gate should be easily accessible for persons with disabilities.***

## Amendment 46

### Proposal for a regulation

#### Recital 61

##### *Text proposed by the Commission*

(61) In making available information on product safety to the public, professional secrecy, as referred to in Article 339 of the Treaty, should be protected in a way which is compatible with the need to ensure the effectiveness of market surveillance activities and of protection measures.

##### *Amendment*

(61) ***Public access to the information available to the authorities on product safety should, as a general rule, be ensured. However,*** in making available information on product safety to the public, professional secrecy, as referred to in Article 339 of the Treaty, should be protected in a way which is compatible with the need to ensure the effectiveness of market surveillance activities and of protection measures.

## Amendment 47

### Proposal for a regulation

#### Recital 62

##### *Text proposed by the Commission*

(62) When a product already sold to consumers turns out to be dangerous, it may need to be recalled to protect consumers in the Union. Consumers might not be aware that they own a recalled product. In order to increase recall effectiveness, it is therefore important to better reach consumers concerned. Direct contact is the most effective method to increase consumers' awareness of recalls and encourage action. It is also the preferred communication channel across all groups of consumers. In order to ensure the safety of the consumers, it is important that they are informed in a quick and reliable way. Economic operators should therefore use the customer data at their disposal to inform consumers of recalls and safety warnings linked to products they have purchased. Therefore, a legal

##### *Amendment*

(62) When a product already sold to consumers turns out to be dangerous, it may need to be recalled to protect consumers in the Union. Consumers might not be aware that they own a recalled product. In order to increase recall effectiveness, it is therefore important to better reach consumers concerned. Direct contact is the most effective method to increase consumers' awareness of recalls and encourage action. It is also the preferred communication channel across all groups of consumers. In order to ensure the safety of the consumers, it is important that they are informed in a quick and reliable way. Economic operators ***and, where applicable, online marketplaces*** should therefore use the customer data at their disposal to inform consumers of recalls and safety warnings linked to

obligation is needed to require economic operators to use any customer data already at their disposal to inform consumers of recalls and safety warnings. In this respect, economic operators will make sure to include the possibility to directly contact customers in the case of a recall or safety warning affecting them in existing customer loyalty programmes and product registration systems, through which customers are asked, after having purchased a product, to communicate to the manufacturer on a voluntary basis some information such as their name, contact information, the product model or serial number.

products they have purchased. Therefore, a legal obligation is needed to require economic operators **and online marketplaces** to use any customer data already at their disposal to inform consumers of recalls and safety warnings. In this respect, economic operators **and online marketplaces** will make sure to include the possibility to directly contact customers in the case of a recall or safety warning affecting them in existing customer loyalty programmes and product registration systems, through which customers are asked, after having purchased a product, to communicate to the manufacturer on a voluntary basis some information such as their name, contact information, the product model or serial number.

#### **Amendment 48**

##### **Proposal for a regulation Recital 64 a (new)**

*Text proposed by the Commission*

*Amendment*

***(64a) The Commission should publish guidance to market surveillance authorities to ensure more uniform enforcement when dealing with recalls. Member States should also ensure that the authorities have sufficient expertise and resources for all their enforcement activities.***

#### **Amendment 49**

##### **Proposal for a regulation Recital 65**

*Text proposed by the Commission*

*Amendment*

(65) In order to facilitate the effective and consistent application of the general safety requirement set out in this Regulation, it is important to make use of European

(65) In order to facilitate the effective and consistent application of the general safety requirement set out in this Regulation, it is important to make use of European

standards covering certain products and risks *in such a way that a product which conforms to such a European standard, the reference of which is published in the Official Journal of the European Union, is presumed to be in compliance with that requirement.*

standards covering certain products and risks. European *standards, the references of which have been published in accordance with Directive 2001/95/EC, should be considered as European product safety standards and should provide a presumption of conformity with the general safety requirement set out in this Regulation. Standardisation requests issued by the Commission in accordance with Directive 2001/95/EC should be deemed to be standardisation requests issued in accordance with this Regulation.*

## Amendment 50

### Proposal for a regulation Recital 66 a (new)

*Text proposed by the Commission*

*Amendment*

*(66a) Products could present different risks for different genders and standardisation activities should take this into account to avoid discrepancies in terms of safety and therefore a gender safety gap. The Gender Responsive Standards Declaration outlines several actions that national standards bodies and standards developing organisations should include in their gender action plan for gender responsive standards and standards development, in order to achieve gender balanced, representative and inclusive standards.*

## Amendment 51

### Proposal for a regulation Recital 69

*Text proposed by the Commission*

*Amendment*

*(69) European standards, the references of which have been published in accordance with Directive 2001/95/EC, should continue providing a presumption*

*deleted*

*of conformity with the general safety requirement set out in this Regulation. Standardisation requests issued by the Commission in accordance with Directive 2001/95/EC should be deemed standardisation requests issued in accordance with this Regulation.*

## Amendment 52

### Proposal for a regulation

#### Recital 70

##### *Text proposed by the Commission*

(70) The Union should be able to cooperate and to exchange information related to product safety with regulatory authorities of third countries or international organisations within the framework of agreements concluded between the Commission and third countries or international organisations. Such cooperation and exchange of information should respect confidentiality and personal data protection rules of the Union.

##### *Amendment*

(70) The Union should be able to cooperate and to exchange information related to product safety with regulatory authorities of third countries or international organisations within the framework of agreements concluded between the Commission and third countries or international organisations, ***also with a view to preventing the circulation of dangerous products on the Union market.*** Such cooperation and exchange of information should respect confidentiality and personal data protection rules of the Union.

## Amendment 53

### Proposal for a regulation

#### Recital 71

##### *Text proposed by the Commission*

(71) In order to play a significant deterrent effect for economic operators and online marketplaces to prevent the placing of dangerous products on the market, penalties should be adequate to the type of infringement, to the possible advantage for the economic operator or online marketplace and to the type and gravity of the injury suffered by the consumer. Furthermore an homogenous level of

##### *Amendment*

(71) In order to play a significant deterrent effect for economic operators and, ***where applicable,*** online marketplaces to prevent the placing of dangerous products on the market, penalties should be adequate to the type of infringement, to the possible advantage for the economic operator or online marketplace and to the type and gravity of the injury suffered by the consumer. Furthermore an homogenous

penalties is important to ensure a level playing field, avoiding that economic operators or online marketplaces concentrate their activities in territories where the level of penalties is lower.

level of penalties is important to ensure a level playing field, avoiding that economic operators or online marketplaces concentrate their activities in territories where the level of penalties is lower.

## Amendment 54

### Proposal for a regulation Recital 72

#### *Text proposed by the Commission*

(72) When imposing penalties, due regard should be given to the nature, gravity and duration of the infringement in question. The imposition of penalties should be proportionate and should comply with Union and national law, including with applicable procedural safeguards and with the principles of the Charter of fundamental rights.

#### *Amendment*

(72) When imposing penalties, due regard should be given to the nature, gravity and duration of the infringement in question. The imposition of penalties should be **effective**, proportionate **and dissuasive** and should comply with Union and national law, including with applicable procedural safeguards and with the principles of the Charter of fundamental rights.

## Amendment 55

### Proposal for a regulation Recital 74

#### *Text proposed by the Commission*

**(74) In order to ensure more consistency, a list of those types of infringements that should be subject to penalties should be included.**

#### *Amendment*

**deleted**

## Amendment 56

### Proposal for a regulation Recital 75

#### *Text proposed by the Commission*

(75) The deterrent effect of penalties should be reinforced by the possibility to publish the information related to the penalties imposed by Member States.

#### *Amendment*

(75) The deterrent effect of penalties should be reinforced by the possibility to publish the information related to the penalties imposed by Member States. The

*Where these penalties are issued against natural persons or include personal data, they may be published in a manner that complies with the data protection requirements as set out in Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>34</sup> and Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>35</sup>. The annual report on the penalties imposed by the Member States should contribute to the level playing field and to prevent repeated infringements. For reasons of legal certainty and in accordance with the principle of proportionality, it should be specified in which situations a publication should not take place. As far as natural persons are concerned, personal data should only be published in exceptional circumstances justified by the seriousness of the infringement, for instance when a penalty has been imposed to an economic operator whose name identifies a natural person and such economic operator has repeatedly failed to comply with the general product safety requirement.*

annual report on the penalties imposed by the Member States should contribute to the level playing field and to prevent repeated infringements.

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<sup>34</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

<sup>35</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).



## Amendment 57

### Proposal for a regulation Recital 78

#### *Text proposed by the Commission*

(78) In order to maintain a high level of health and safety of consumers, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the identification and traceability of products bearing a potential serious risk to health and safety. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>37</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>37</sup> OJ L 123, 12.5.2016, p. 1.

#### *Amendment*

(78) In order to maintain a high level of health and safety of consumers, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of ***the identification of the products, categories or groups of products for which checks should be carried out by the responsible person established in the Union, and*** the identification and traceability of products bearing a potential serious risk to health and safety. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>37</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>37</sup> OJ L 123, 12.5.2016, p. 1.

## Amendment 58

### Proposal for a regulation Recital 80

#### *Text proposed by the Commission*

(80) Any processing of personal data ***for the purpose of*** this Regulation ***should be in compliance with Regulations*** (EU)

#### *Amendment*

(80) ***Where, for the purposes of this Regulation, it is necessary to process personal data, such processing should be***

2016/679 *and* (EU) 2018/1725. When consumers report a product in the Safety Gate, only those personal data will be stored that are necessary to report the dangerous product and for a period not exceeding five years after such data have been encoded. Manufacturers and importers should hold the register of consumer complaints only as long as it is necessary for the purpose of this Regulation. Manufacturers and importers, when they are natural persons should disclose their names to ensure that the consumer is able to identify the product for purpose of traceability.

*carried out in accordance with Union law on the protection of personal data.* Any processing of personal data *under* this Regulation *is subject to Regulation* (EU) 2016/679, *Regulation* (EU) 2018/1725 *and Directive 2002/58/EC, as applicable.*

When consumers report a product in the Safety Gate, only those personal data will be stored that are necessary to report the dangerous product and for a period not exceeding five years after such data have been encoded. Manufacturers and importers should hold the register of consumer complaints only as long as it is necessary for the purpose of this Regulation. Manufacturers and importers, when they are natural persons should disclose their names to ensure that the consumer is able to identify the product for purpose of traceability.

## Amendment 59

### Proposal for a regulation Article 1 – title

*Text proposed by the Commission*

Subject matter

*Amendment*

Subject matter *and objective*

## Amendment 60

### Proposal for a regulation Article 1 – paragraph 1

*Text proposed by the Commission*

*This* Regulation *lays* down essential rules *on the* safety of consumer products *placed or* made available on the market.

*Amendment*

*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.

## Amendment 61

## Proposal for a regulation

### Article 2 – paragraph 1 – subparagraph 1

#### *Text proposed by the Commission*

This Regulation shall apply to products defined in Article 3(1), **placed or** made available on the market in so far as there are no specific provisions with the same objective in rules of Union law which regulate the safety of the products concerned.

#### *Amendment*

This Regulation shall apply to products defined in Article 3(1), made available on the market in so far as there are no specific provisions with the same objective in rules of Union law which regulate the safety of the products concerned

## Amendment 62

## Proposal for a regulation

### Article 2 – paragraph 2 – point g

#### *Text proposed by the Commission*

(g) equipment on which consumers ride or travel **which is** operated by a service provider within the context of a service provided to consumers;

#### *Amendment*

(g) equipment on which consumers ride or travel **when that equipment is directly** operated by a service provider within the context of a **transport** service provided to consumers **and not operated by the consumers themselves**;

## Amendment 63

## Proposal for a regulation

### Article 2 – paragraph 3

#### *Text proposed by the Commission*

3. This Regulation shall apply to products **placed or** made available on the market whether new, used, repaired or reconditioned. It shall not apply to products to be repaired or reconditioned prior to being used where those products are made available on the market as such.

#### *Amendment*

3. This Regulation shall apply to products made available on the market whether new, used, repaired or reconditioned. It shall not apply to products to be repaired or reconditioned prior to being used where those products are made available on the market as such.

## Amendment 64

## Proposal for a regulation

## Article 2 – paragraph 5

*Text proposed by the Commission*

**5. This Regulation shall be applied taking due account of the precautionary principle.**

*Amendment*

**deleted**

## Amendment 65

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 1

*Text proposed by the Commission*

1. ‘product’ means any item, interconnected or not to other items, supplied or made available, whether for consideration or not, in the course of a commercial activity including in the context of providing a service – which is intended for consumers or **can**, under reasonably foreseeable conditions, be used by consumers even if not intended for them;

*Amendment*

1. ‘product’ means any item, interconnected or not to other items, supplied or made available, whether for consideration or not, in the course of a commercial activity including in the context of providing a service – which is intended for consumers or **is likely**, under reasonably foreseeable conditions, **to** be used by consumers even if not intended for them;

## Amendment 66

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 2

*Text proposed by the Commission*

2. ‘safe product’ means any product which, under normal or reasonably foreseeable conditions of use **or misuse**, including the actual duration of use, does not present any risk or only the minimum risks compatible with the product's use, considered acceptable and consistent with a high level of protection of health and safety of consumers;

*Amendment*

2. ‘safe product’ means any product which, under normal or reasonably foreseeable conditions of use, including the actual duration of use, does not present any risk or only the minimum risks compatible with the product's use, considered acceptable and consistent with a high level of protection of health and safety of consumers;

## Amendment 67

### Proposal for a regulation

## Article 3 – paragraph 1 – point 9

### *Text proposed by the Commission*

9. ‘authorised representative’ means any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on **his or her** behalf in relation to specified tasks;

### *Amendment*

9. ‘authorised representative’ means any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on **that manufacturer’s** behalf in relation to specified tasks;

## Amendment 68

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 14

### *Text proposed by the Commission*

14. ‘online marketplace’ means a provider of an intermediary service using **software, including a website, part of a website or an application, operated by or on behalf of a trader**, which allows consumers to conclude distance contracts with **other** traders **or consumers** for the sale of products covered by this Regulation;

### *Amendment*

14. ‘online marketplace’ means a provider of an intermediary service using **an online interface**, which **gives consumers access to traders’ products and** allows consumers to conclude distance contracts with **those** traders for the sale of products covered by this Regulation;

## Amendment 69

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 15

### *Text proposed by the Commission*

15. ‘online interface’ means any software, including a website, part of a website or an application, **that is operated by or on behalf of an economic operator, and which serves to give end users access to the economic operator’s products**;

### *Amendment*

15. ‘online interface’ means any software, including a website, part of a website or an application, **including mobile applications**;

## Amendment 70

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 15 a (new)

*Text proposed by the Commission*

*Amendment*

**15a. ‘distance contract’ means a distance contract as defined in Article 2, point (7), of Directive 2011/83/EU;**

## **Amendment 71**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 23**

*Text proposed by the Commission*

*Amendment*

23. ‘recall’ means any measure aimed at achieving the return of a product that has already been made available to the **consumer**;

23. ‘recall’ means any measure aimed at achieving the return of a product that has already been made available to the **end-user**;

## **Amendment 72**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – point 25 a (new)**

*Text proposed by the Commission*

*Amendment*

**25a. ‘antiques’ means products, such as collectible objects and works of art, in relation to which consumers cannot reasonably expect that they fulfil state-of-the-art safety standards.**

## **Amendment 73**

### **Proposal for a regulation**

#### **Article 4 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Products offered for sale online or through other means of distance sales shall be deemed to be made available on the market if the offer is **targeted** at consumers in the Union. An offer for sale shall be considered to be **targeted** at consumers in the Union if the relevant economic

1. Products offered for sale online or through other means of distance sales shall be deemed to be made available on the market if the offer is **directed** at consumers in the Union. An offer for sale shall be considered to be **directed** at consumers in the Union if the relevant economic

operator directs, by any means, its activities to one or several Member State(s).

operator directs, by any means, its activities to one or several Member State(s)

## Amendment 74

### Proposal for a regulation Article 4 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**2. For the purpose of determining whether an offer is targeted at consumers in the Union, the following non-exhaustive criteria shall be taken into account:**

**deleted**

**(a) the use of an official language or currency of the Member States,**

**(b) a domain name registered in one of the Member States,**

**(c) the geographical areas to which the products can be dispatched.**

## Amendment 75

### Proposal for a regulation Article 5 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Economic operators shall **place or** make available on the Union market only safe products.

1. Economic operators shall make available on the Union market only safe products.

## Amendment 76

### Proposal for a regulation Article 5 a (new)

*Text proposed by the Commission*

*Amendment*

**Article 5a**

**Aspects for assessing the safety of products**

***1. When assessing whether a product is safe, the following aspects shall be taken in particular into account:***

***(a) the characteristics of the product, including its design, technical features, composition, packaging, instructions for assembly and, where applicable, for installation, use and maintenance;***

***(b) the effect on other products, where it is reasonably foreseeable that it will be used with other products, including the interconnection of products among them;***

***(c) the effect that other products might have on the product to be assessed, where it is reasonably foreseeable that other products will be used with that product, including the effect of non-embedded items that are meant to determine, change or complete the way another product falling under the scope of this Regulation works, which have to be taken into consideration in assessing the safety of that other product;***

***(d) the presentation of the product, the labelling, including the labelling regarding age suitability for children, any warnings and instructions for its safe use and disposal, and any other indication or information regarding the product;***

***(e) the categories of consumers at risk when using the product, in particular by assessing the risk for vulnerable consumers such as children, older people and persons with disabilities, as well as the different impact on health and safety of different genders;***

***(f) the appearance of the product and in particular where a product, although not foodstuff, resembles foodstuff and is likely to be confused with foodstuff due to its form, odour, colour, appearance, packaging, labelling, volume, size or other characteristics and may therefore be placed in the mouth, sucked or ingested by the consumer, especially by children;***

***(g) the fact that although not designed***



*or not intended for use by children, the product is likely to be used by children or resembles an object or a product commonly recognised as appealing to or intended for use by children, because of its design, packaging and characteristics;*

*(h) when required by the nature of product, the appropriate cybersecurity features necessary to protect the product against external influences, including malicious third parties, when such an influence may have an impact on the safety of the product, including the possible loss of interconnection;*

*(i) the evolving, learning and predictive functionalities of a product when such functionalities have an impact on the safety of the product.*

*2. The feasibility of obtaining higher levels of safety or the availability of other products presenting a lesser degree of risk shall not constitute grounds for considering a product not to be safe.*

## Amendment 77

### Proposal for a regulation Article 6 – title

*Text proposed by the Commission*

Presumption of safety

*Amendment*

Presumption of ***conformity with the general safety requirement***

## Amendment 78

### Proposal for a regulation Article 6 – paragraph 1 – point a

*Text proposed by the Commission*

(a) if it conforms to relevant European standards or parts thereof as far as the risks and risk categories covered are concerned, the references of which have been published in the Official Journal of the

*Amendment*

(a) if it conforms to relevant European ***product safety*** standards or parts thereof as far as the risks and risk categories covered ***by those standards*** are concerned, the references of which have been published in

European Union in accordance with Article 10(7) of Regulation (EU) 1025/2012;

the Official Journal of the European Union in accordance with Article 10(7) of Regulation (EU) **No** 1025/2012; **or**

## Amendment 79

### Proposal for a regulation Article 6 – paragraph 1 – point b

#### *Text proposed by the Commission*

(b) in the absence of European standards referred to in point (a), as regards the risks covered by health and safety requirements laid down in the law of the Member State where the product is made available on the market, if it conforms to such national requirements.

#### *Amendment*

(b) in the absence of European standards referred to in point (a) ***of this paragraph***, as regards the risks ***and risk categories*** covered by health and safety requirements laid down in the law of the Member State where the product is made available on the market, ***such requirements being in conformity with the Treaties, and in particular with Articles 34 and 36 of the Treaty on the Functioning of the European Union***, if it conforms to such national requirements.

## Amendment 80

### Proposal for a regulation Article 6 – paragraph 2

#### *Text proposed by the Commission*

2. The Commission shall adopt implementing acts determining the specific safety requirements necessary to ensure that products which conform to the European standards satisfy the general safety requirement laid down in Article 5. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).

#### *Amendment*

2. The Commission shall adopt implementing acts determining the specific safety requirements necessary to ensure that products which conform to the European ***product safety*** standards satisfy the general safety requirement laid down in Article 5. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).

## Amendment 81

### Proposal for a regulation Article 6 – paragraph 3

*Text proposed by the Commission*

3. However, presumption of safety under paragraph 1 shall not prevent market surveillance authorities from taking **action** under this Regulation where there is evidence that, despite such conformity, the product is dangerous.

*Amendment*

3. However, presumption of **conformity with the general safety requirement** under paragraph 1 shall not prevent market surveillance authorities from taking **all appropriate measures** under this Regulation where there is evidence that, despite such conformity, the product is dangerous.

**Amendment 82**

**Proposal for a regulation**  
**Article 7 – title**

*Text proposed by the Commission*

**Aspects** for assessing the safety of products

*Amendment*

**Additional elements** for assessing the safety of products

**Amendment 83**

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

1. **Where the presumption of safety laid down in Article 5 does not apply, the following aspects shall be taken into account in particular when assessing whether a product is safe:**

**(a) the characteristics of the product, including its design, technical features, composition, packaging, instructions for assembly and, where applicable, for installation and maintenance;**

**(b) the effect on other products, where it is reasonably foreseeable that it will be used with other products, including the interconnection of products among them;**

**(c) the effect that other products might have on the product to be assessed, including the effect of non-embedded**

*Amendment*

**deleted**

*items that are meant to determine, change or complete the way another product falling under the scope of this Regulation works, which have to be taken into consideration in assessing the safety of that other product;*

*(d) the presentation of the product, the labelling, any warnings and instructions for its safe use and disposal, and any other indication or information regarding the product;*

*(e) the categories of consumers at risk when using the product, in particular vulnerable consumers such as children, older people and persons with disabilities;*

*(f) the appearance of the product and in particular where a product, although not foodstuff, resembles foodstuff and is likely to be confused with foodstuff due to its form, odour, colour, appearance, packaging, labelling, volume, size or other characteristics;*

*(g) the fact that although not designed or not intended for use by children, the product resembles an object commonly recognized as appealing to or intended for use by children, because of its design, packaging and characteristics;*

*(h) the appropriate cybersecurity features necessary to protect the product against external influences, including malicious third parties, when such an influence might have an impact on the safety of the product;*

*(i) the evolving, learning and predictive functionalities of a product.*

#### **Amendment 84**

##### **Proposal for a regulation Article 7 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. *The feasibility of obtaining higher* *deleted*

*levels of safety or the availability of other products presenting a lesser degree of risk shall not constitute grounds for considering a product not to be safe.*

#### **Amendment 85**

##### **Proposal for a regulation**

##### **Article 7 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. For the purpose of *paragraph 1*, when assessing whether a product is safe, the following elements, when available, shall be taken *into account*, in particular:

*Amendment*

3. For the purpose of *Article 5a and where the presumption of safety under Article 6 does not apply*, when assessing whether a product is safe, the following elements, when available, shall be taken in particular *into account*:

#### **Amendment 86**

##### **Proposal for a regulation**

##### **Article 8 – paragraph 2**

*Text proposed by the Commission*

2. *Manufacturers shall investigate the complaints received that concern products they made available on the market, and which have been identified as dangerous by the complainant, and shall keep a register of these complaints as well as of product recalls.*

*Manufacturers shall make publicly available to consumers, communication channels such as telephone number, electronic address or dedicated section of their website, allowing the consumers to file complaints and to inform them of any accident or safety issue they have experienced with the product.*

*Personal data stored in the register of complaints shall only be those personal data that are necessary for the manufacturer to investigate the complaint about an alleged dangerous product. Such*

*Amendment*

*deleted*

*data shall only be kept as long as it is necessary for the purpose of investigation and no longer than five years after they have been encoded.*

#### **Amendment 87**

##### **Proposal for a regulation Article 8 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Manufacturers shall keep distributors, importers and online marketplaces in the concerned supply chain informed of any safety issue that they have identified.**

**deleted**

#### **Amendment 88**

##### **Proposal for a regulation Article 8 – paragraph 4 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

**Manufacturers shall draw up technical documentation of the product. The technical documentation shall contain, as appropriate:**

***Before placing a product on the market, manufacturers shall draw up a technical documentation containing at least a general description of the product and its essential properties relevant for assessing its safety.***

***Where deemed appropriate with regard to the risks presented by a product, the technical documentation referred to in the first subparagraph shall also contain:***

#### **Amendment 89**

##### **Proposal for a regulation Article 8 – paragraph 4 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) a general description of the product and its essential properties relevant for**

**deleted**

*assessing the product's safety;*

## Amendment 90

### Proposal for a regulation

#### Article 8 – paragraph 4 – point c

##### *Text proposed by the Commission*

(c) the list of the European standards referred to in Article 6(1) point a, or the other elements referred to in Article 7(3), applied to meet the general safety requirement laid down in Article 5.

##### *Amendment*

(c) the list of the European standards referred to in Article 6(1) point a, or the other elements referred to in **6(1) point b or** Article 7, applied to meet the general safety requirement laid down in Article 5.

## Amendment 91

### Proposal for a regulation

#### Article 8 – paragraph 4 – subparagraph 2

##### *Text proposed by the Commission*

Where any of the European standards, health and safety requirements or elements referred to in Article 7(3) have been only partly applied, the parts which have been applied shall be identified.

##### *Amendment*

Where any of the European standards, health and safety requirements or elements referred to in Article **6(1) or Article 7** have been only partly applied, the parts which have been applied shall be identified.

## Amendment 92

### Proposal for a regulation

#### Article 8 – paragraph 5

##### *Text proposed by the Commission*

5. Manufacturers shall **keep** the technical documentation, for a period of ten years after the product has been placed on the market **and make it available to** the market surveillance authorities, upon request.

##### *Amendment*

5. Manufacturers shall **ensure that** the technical documentation **referred to in paragraph 4 is up to date. They shall 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.

## Amendment 93

**Proposal for a regulation**  
**Article 8 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. Manufacturers shall ensure that procedures are in place for series production to remain in conformity with the general safety requirement laid down in Article 5.***

**Amendment 94**

**Proposal for a regulation**  
**Article 8 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

7. Manufacturers shall indicate their name, registered trade name or registered trade mark ***and*** the postal ***and*** electronic address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product. The address shall indicate a single contact point at which the manufacturer can be contacted.

7. Manufacturers shall indicate their name, registered trade name or registered trade mark, the postal ***address and the website or*** electronic address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product. The address shall indicate a single contact point at which the manufacturer can be contacted.

**Amendment 95**

**Proposal for a regulation**  
**Article 8 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

***9. Manufacturers shall ensure that procedures are in place for series production to remain in conformity with the general safety requirement laid down in Article 5.***

***deleted***

**Amendment 96**

**Proposal for a regulation**



## Article 8 – paragraph 10

### *Text proposed by the Commission*

10. Manufacturers who consider or have reason to believe, on the basis of the information in their possession, that a product which they have placed on the market is not safe, shall immediately take the corrective measures necessary to bring the product into conformity, including a withdrawal or recall, as appropriate.

### *Amendment*

10. Manufacturers who consider or have reason to believe, on the basis of the information in their possession, that a product which they have placed on the market is not safe, shall immediately take the corrective measures necessary to ***effectively*** bring the product into conformity, including a withdrawal or recall, as appropriate. ***Where the product poses a risk to the health and safety of consumers, manufacturers shall immediately alert them thereof in accordance with Article 33 and, via the Safety Business Gateway referred to in Article 25, immediately inform the market surveillance authorities of the Member States in which the product has been made available to that effect, giving details, in particular, of the risk to health and safety of consumers and of any corrective measure already taken, and if available of the quantity by Member State of products still circulating in the market.***

## Amendment 97

### Proposal for a regulation Article 8 – paragraph 11

### *Text proposed by the Commission*

***11. Manufacturers shall, via the Safety Business Gateway referred to in Article 25, immediately alert consumers of the risk to their health and safety presented by a product they manufacture and immediately inform the market surveillance authorities of the Member States in which the product has been made available to that effect, giving details, in particular, of the risk to health and safety of consumers and of any corrective measure already taken.***

### *Amendment*

***deleted***

## Amendment 98

### Proposal for a regulation Article 8 – paragraph 11 a (new)

*Text proposed by the Commission*

*Amendment*

***11a. Manufacturers shall inform distributors, importers and, where relevant, responsible persons, fulfilment service providers and online marketplaces in the supply chain concerned of any safety issue that they have identified.***

## Amendment 99

### Proposal for a regulation Article 8 – paragraph 11 b (new)

*Text proposed by the Commission*

*Amendment*

***11b. Manufacturers shall make publicly available communication channels such as a telephone number, electronic address or dedicated section of their website, taking into account accessibility needs for persons with disabilities, allowing consumers to file complaints that concern products which manufacturers have made available on the market and enabling manufacturers to be informed of any accident or safety issue consumers have experienced with those products.***

***Manufacturers shall investigate the complaints and information on accidents received that concern products which have been identified as dangerous by the complainant, and shall keep an internal register of those complaints as well as of product recalls.***

***Personal data stored in the register of complaints shall only be those personal data that are necessary for the manufacturer to investigate the complaint about an alleged dangerous product. Such data shall only be kept for as long as is necessary for the purpose of investigation***

*and in any event for no longer than five years after they have been encoded.*

## **Amendment 100**

### **Proposal for a regulation**

#### **Article 9 – paragraph 2 – introductory part**

##### *Text proposed by the Commission*

An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to perform at least the following tasks:

##### *Amendment*

An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. ***It shall provide a copy of the mandate to the market surveillance authorities upon request.*** The mandate shall allow the authorised representative to perform at least the following tasks:

## **Amendment 101**

### **Proposal for a regulation**

#### **Article 9 – paragraph 2 – point b**

##### *Text proposed by the Commission*

(b) where they have a reason to believe that a product in question ***presents a risk***, inform the manufacturer;

##### *Amendment*

(b) where they have a reason to believe that a product in question ***is not safe***, inform the manufacturer;

## **Amendment 102**

### **Proposal for a regulation**

#### **Article 9 – paragraph 2 – point c**

##### *Text proposed by the Commission*

(c) cooperate with the competent national authorities, at their request, on any action taken to eliminate the risks posed by products covered by their mandate.

##### *Amendment*

(c) cooperate with the competent national authorities, at their request, on any action taken to ***effectively*** eliminate the risks posed by products covered by their mandate.

## **Amendment 103**

**Proposal for a regulation**  
**Article 10 – paragraph 2**

*Text proposed by the Commission*

2. Where an importer considers or has reason to believe that a product is not in conformity with Article 5 and Article 8(4), (6) and (7), he or she shall not place the product on the market until it has been brought into conformity. Furthermore, where the product is not safe, the importer shall inform the manufacturer and ensure that the market surveillance authorities are informed.

*Amendment*

2. Where an importer considers or has reason to believe that a product is not in conformity with Article 5 and Article 8(4), (6) and (7), he or she shall not place the product on the market until it has been brought into conformity. Furthermore, where the product is not safe, the importer shall inform the manufacturer and ensure that the market surveillance authorities are informed ***without undue delay***.

**Amendment 104**

**Proposal for a regulation**  
**Article 10 – paragraph 3**

*Text proposed by the Commission*

3. Importers shall indicate their name, registered trade name or registered trade mark, the postal ***and*** electronic address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product. They shall ensure that any additional label does not obscure any information on the label provided by the manufacturer.

*Amendment*

3. Importers shall indicate their name, registered trade name or registered trade mark, the postal ***address and the website or*** electronic address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product. They shall ensure that any additional label does not obscure any information on the label provided by the manufacturer.

**Amendment 105**

**Proposal for a regulation**  
**Article 10 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

Importers shall ***ensure*** that the communication channels referred to in Article 8(2), ***second*** subparagraph, are available ***to consumers allowing them to present*** complaints and ***communicate*** any

*Amendment*

Importers shall ***verify whether*** that the communication channels referred to in Article 8(11b), ***first*** subparagraph, are ***publicly*** available ***and allow presentation of*** complaints and ***communication of*** any

accident or safety issue **they** have experienced with the product. If such channels are not available the importer shall provide for them.

accident or safety issue **consumers** have experienced with the product, **taking into account accessibility needs for persons with disabilities**. If such channels are not available the importer shall provide for them.

## Amendment 106

### Proposal for a regulation

#### Article 10 – paragraph 6 – subparagraph 2

##### *Text proposed by the Commission*

6. Importers shall investigate complaints related to products they made available on the market and file **these** complaints, as well as products recalls, in the register referred to in Article 8(2), **first** subparagraph, **or** in their own register. Importers shall keep the manufacturer **and** distributors informed of the investigation performed and of the results of the investigation.

##### *Amendment*

Importers shall investigate complaints **and information on accidents** related to products they made available on the market, **which have been identified as dangerous by the complainant**, and file **those** complaints, as well as products recalls, in the register referred to in Article 8(11b), **second** subparagraph, **and** in their own **internal** register. Importers shall keep the manufacturer, distributors **and, where relevant, fulfilment service providers and online marketplaces** informed of the investigation performed and of the results of the investigation.

## Amendment 107

### Proposal for a regulation

#### Article 10 – paragraph 8

##### *Text proposed by the Commission*

8. Importers who consider or have reason to believe, on the basis of the information in their possession, that a product which they have placed on the market is not safe shall immediately inform the manufacturer and ensure that the corrective measures necessary to bring the product into conformity are adopted including withdrawal or recall, as appropriate. In case such measures have not been adopted, the importer shall adopt

##### *Amendment*

8. Importers who consider or have reason to believe, on the basis of the information in their possession, that a product which they have placed on the market is not safe shall immediately inform the manufacturer and ensure that the corrective measures necessary to **effectively** bring the product into conformity are adopted including withdrawal or recall, as appropriate. In case such measures have not been adopted,

them. **Importers** shall ensure that, **through the Safety Business Gateway referred to in Article 25, consumers** are immediately **and effectively** alerted **of the risk where applicable** and that market surveillance authorities of the Member States in which they made the product available **to that effect be** immediately informed, giving details, in particular, of the risk to health and safety of consumers and of any corrective measure already taken.

the importer shall adopt them. **Where the product poses a risk to the health and safety of consumers, importers** shall ensure that **they** are immediately alerted **thereof in accordance with Article 33** and that market surveillance authorities of the Member States in which they made the product available **are** immediately informed **to that effect through the Safety Business Gateway referred to in Article 25**, giving details, in particular, of the risk to health and safety of consumers and of any corrective measure already taken, **and if available of the quantity by Member State of products still circulating in the market.**

## Amendment 108

### Proposal for a regulation Article 10 – paragraph 9

*Text proposed by the Commission*

9. Importers shall keep the technical documentation referred to in Article 8(4) for a period of 10 years after they have placed the product on the market **and make it available to** the market surveillance authorities, upon request.

*Amendment*

9. Importers shall keep the **copy of** technical documentation referred to in Article 8(4), **first subparagraph**, for a period of 10 years after they have placed the product on the market **at the disposal of** the market surveillance authorities **and ensure that the documents referred to in Article 8(4), second subparagraph, points (a) and (b), where applicable, can be made available to those authorities**, upon request.

## Amendment 109

### Proposal for a regulation Article 11 – paragraph 3

*Text proposed by the Commission*

3. Distributors who consider or have reason to believe, **on the basis of the information in their possession**, that a product is not in conformity with the

*Amendment*

3. Distributors who consider or have reason to believe that a product is not in conformity with the provisions referred to in paragraph 2, shall not make the product

provisions referred to in paragraph 2, shall not make the product available on the market until it has been brought into conformity. Furthermore, where the product is not safe, the distributor shall immediately inform the manufacturer or the importer, as applicable, to that effect and shall make sure that, through the Safety Business Gateway referred to in Article 25, the market surveillance authorities are informed.

available on the market until it has been brought into conformity. Furthermore, where the product is not safe, the distributor shall immediately inform the manufacturer or the importer, as applicable, to that effect and shall make sure that, through the Safety Business Gateway referred to in Article 25, the market surveillance authorities are informed.

## **Amendment 110**

### **Proposal for a regulation Article 11 – paragraph 4**

#### *Text proposed by the Commission*

4. Distributors who consider or have reason to believe, on the basis of the information in their possession, that a product which they have made available on the market is not safe or is not in conformity with Article 8(6), (7) and (8) and Article 10(3) and (4), as applicable, shall ensure that the corrective measures necessary to bring the product into conformity are adopted, including withdrawal or recall, as appropriate. Furthermore, where the product is not safe, distributors shall immediately inform the manufacturer or the importer, as applicable, to that effect and shall make sure that, through the Safety Business Gateway referred to in Article 25, the market surveillance authorities of the Member State in which they made the product available to that effect are informed giving details, in particular, of the risk to health and safety and of any corrective measure taken.

#### *Amendment*

4. Distributors who consider or have reason to believe, on the basis of the information in their possession, that a product which they have made available on the market is not safe or is not in conformity with Article 8(6), (7) and (8) and Article 10(3) and (4), as applicable, shall ensure that the corrective measures necessary to bring **effectively** the product into conformity are adopted, including withdrawal or recall, as appropriate. Furthermore, where the product is not safe, distributors shall immediately inform the manufacturer or the importer, as applicable, to that effect and shall make sure that, through the Safety Business Gateway referred to in Article 25, the market surveillance authorities of the Member State in which they made the product available to that effect are informed giving details, in particular, of the risk to health and safety and of any corrective measure taken.

## **Amendment 111**

### **Proposal for a regulation Article 12 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

***-1. A natural or legal person shall be considered to be a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer set out in Article 8 where that natural or legal person places a product on the market under the natural or legal person's name or trademark.***

## **Amendment 112**

### **Proposal for a regulation**

#### **Article 12 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the changes have not been made by the consumer for their own use.

(c) the changes have not been made by the consumer for their own use ***or are performed upon specific request by the consumer on the essential safety features of the product***

## **Amendment 113**

### **Proposal for a regulation**

#### **Article 14 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

***5. Economic operators shall ensure that the corrective measure undertaken is effective in eliminating or mitigating the risks. Market surveillance authorities may request the economic operators to submit regular progress reports and decide whether or when the corrective measure can be considered completed.***

***deleted***

## **Amendment 114**

### **Proposal for a regulation**

#### **Article 15 – paragraph 2**



*Text proposed by the Commission*

2. In addition to the tasks referred to in Article 4(3) of Regulation (EU) 2019/1020, the economic operator referred to in **Article 4(1) of Regulation (EU) 2019/1020** shall periodically carry out **sample testing** of randomly chosen products made available on the market. **When the products made available on the market have been subject to a Commission decision adopted under Article 26(1) of this Regulation, the economic operator referred to in Article 4(1) of Regulation (EU) 2019/1020 shall carry out, at least once a year, for the entire duration of the decision, representative sample testing of products made available on the market chosen under the control of a judicial officer or any qualified person designated by the Member State where the economic operator is situated.**

**Amendment 115**

**Proposal for a regulation**

**Article 15 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

2. In addition to the tasks referred to in Article 4(3) of Regulation (EU) 2019/1020, **for the products, categories or groups of products established by a delegated act adopted in accordance with paragraph 3,** the economic operator referred to in **paragraph 1** shall periodically carry out **checks** of randomly chosen products made available on the market.

**2a. By ... [six months before the date of application of this Regulation] the Commission shall adopt a delegated act in accordance with Article 41 to supplement this Regulation by establishing the list of products, categories or groups of products for which the obligations referred to in paragraph 2 of this Article shall apply.**

**The Commission is empowered to adopt delegated acts in accordance with Article 41 to amend the list of products, categories or groups of products set out in accordance with the first subparagraph.**

**In preparing the delegated acts referred to in the first and second subparagraphs, the Commission shall take into account the potential risk to the health and safety of**

*consumers caused by the products concerned, based on the information from the Safety Gate, related in particular to the products most frequently listed in it, and other relevant evidence.*

## Amendment 116

### Proposal for a regulation Article 15 – paragraph 3

*Text proposed by the Commission*

3. The name, registered trade name or registered trade mark, and contact details, including the postal **and** electronic address, of the economic operator referred to in Article 4(1) of Regulation (EU) 2019/1020 shall be indicated on the product or on its packaging, the parcel or an accompanying document.

*Amendment*

3. The name, registered trade name or registered trade mark, and contact details, including the postal **address and the website or** electronic address, of the economic operator referred to in Article 4(1) of Regulation (EU) 2019/1020 shall be indicated on the product or on its packaging, the parcel or an accompanying document.

## Amendment 117

### Proposal for a regulation Article 16 – paragraph 1

*Text proposed by the Commission*

Member States shall put in place procedures for providing economic operators, at their request and free of charge, with information with respect to the implementation of this Regulation.

*Amendment*

Member States shall put in place procedures for providing economic operators, at their request and free of charge, with information with respect to the implementation of this Regulation **and national rules on product safety applicable to products covered by this Regulation. For that purpose, Article 9(1) and (4) of Regulation (EU) 2019/515 shall apply.**

## Amendment 118

### Proposal for a regulation Article 16 – paragraph 1 a (new)

***The Commission shall 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 shall 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.***

## Amendment 119

### Proposal for a regulation Article 17 – paragraph 1

*Text proposed by the Commission*

1. For certain products, categories or groups of products, which are susceptible to bear a serious risk to health and safety of consumers, based on accidents registered in the Safety Business Gateway, the Safety Gate statistics, the results of the joint activities on product safety and other relevant indicators or evidence, the Commission may ***require*** economic operators who ***place and*** make available those products on the market ***to establish or adhere to a system of traceability***.

*Amendment*

1. For certain products, categories or groups of products, which are susceptible to bear a serious risk to health and safety of consumers, based on accidents registered in the Safety Business Gateway, the Safety Gate statistics, the results of the joint activities on product safety and other relevant indicators or evidence, ***and after consulting the Consumer Safety Network referred to in Article 28, relevant expert groups and relevant stakeholders***, the Commission may ***set up a system of traceability to which*** economic operators who make available those products on the market ***shall*** adhere.

## Amendment 120

### Proposal for a regulation Article 17 – paragraph 2

*Text proposed by the Commission*

2. The system of traceability shall consist in the collection and storage of

*Amendment*

2. The system of traceability shall consist in the collection and storage of

data, including by electronic means, enabling the identification of the product, its components or of the economic operators involved in its supply chain, as well as in modalities to display and to access *that* data, including placement of a data carrier on the product, its packaging or accompanying documents.

data, including by electronic means, enabling the identification of the product, its components or of the economic operators involved in its supply chain, as well as in modalities to display and to ***allow public*** access ***to those*** data, including placement of a data carrier on the product, its packaging or accompanying documents.

## Amendment 121

### Proposal for a regulation

#### Article 17 – paragraph 3 – point c

*Text proposed by the Commission*

(c) the modalities to display and to access data, including placement of a data carrier on the product, its packaging or accompanying documents as referred to in paragraph 2.

*Amendment*

(c) the modalities to display and to ***allow public*** access ***to*** data, including placement of a data carrier on the product, its packaging or accompanying documents as referred to in paragraph 2.

## Amendment 122

### Proposal for a regulation

#### Article 17 – paragraph 4 – point b

*Text proposed by the Commission*

(b) the compatibility with traceability systems ***available*** at Union or at international level.

*Amendment*

(b) the compatibility ***and interoperability*** with ***other product*** traceability systems ***already set up*** at Union or at international level.

## Amendment 123

### Proposal for a regulation

#### Article 18 – paragraph 1 – point a

*Text proposed by the Commission*

(a) name, registered trade name or registered trade mark of the manufacturer, as well as the postal or electronic address at which they can be contacted;

*Amendment*

(a) name, registered trade name or registered trade mark of the manufacturer, as well as the postal ***address and the website*** or electronic address at which they

can be contacted;

## Amendment 124

### Proposal for a regulation

#### Article 18 – paragraph 1 – point b

*Text proposed by the Commission*

(b) in case the manufacturer is not established in the Union, the name, address, **telephone number** and electronic address of the responsible person within the meaning of Article 15(1);

*Amendment*

(b) in case the manufacturer is not established in the Union, the name, address, and **the website or** electronic address of the responsible person within the meaning of Article 15(1);

## Amendment 125

### Proposal for a regulation

#### Article 18 – paragraph 1 – point c

*Text proposed by the Commission*

(c) information **to identify** the product, including its type and, **when available, batch or serial number and** any other product identifier;

*Amendment*

(c) **pictures and other** information **that allow identification of** the product, including its type and any other product identifier;

## Amendment 126

### Proposal for a regulation

#### Article 18 – paragraph 1 – point d

*Text proposed by the Commission*

(d) any warning or safety information that is to be affixed on the product or to accompany it in accordance with this Regulation or the applicable Union harmonisation legislation in a language which can be easily understood by consumers.

*Amendment*

(d) any warning or safety information that is to be affixed on the product **or on the packaging** or to accompany it in accordance with this Regulation or the applicable Union harmonisation legislation in a language which can be easily understood by consumers.

## Amendment 127

**Proposal for a regulation**  
**Article 19 – title**

*Text proposed by the Commission*

Obligations of economic operators in case of accidents **or safety issues** related to products

*Amendment*

Obligations of economic operators in case of accidents related to **safety of** products

**Amendment 128**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. The manufacturer shall ensure that, through the Safety Business Gateway referred to in Article 25, an accident caused by a product **placed or** made available on the market is notified, **within two working days from the moment** it knows about the accident, to the competent authorities of the Member State where the accident has occurred. The notification shall include the type and identification number of the product as well as the circumstances of the accident, if known. The manufacturer shall notify, upon request, to the competent authorities any other relevant information.

*Amendment*

1. The manufacturer shall ensure that, through the Safety Business Gateway referred to in Article 25, an accident **directly** caused by a product made available on the market is notified **immediately after** it knows about the accident **in accordance with Article 8(10) or about the results of the investigation referred to in Article 8(11b), as applicable**, to the competent authorities of the Member State where the accident has occurred. The notification shall include the type and identification number of the product as well as the circumstances of the accident, if known. The manufacturer shall notify, upon request, to the competent authorities any other relevant information.

**Amendment 129**

**Proposal for a regulation**  
**Article 19 – paragraph 2**

*Text proposed by the Commission*

2. The importers and the distributors which have knowledge of an accident caused by a product that they placed or made available on the market shall inform the manufacturer, which can instruct the importer or one of the distributors to

*Amendment*

2. The importers and the distributors which have knowledge of an accident caused by a product that they placed or made available on the market shall **immediately** inform the manufacturer, which can **proceed to the notification in**

proceed to *the* notification.

*accordance with paragraph 1 or* instruct the importer or one of the distributors to proceed to *such* notification.

## Amendment 130

### Proposal for a regulation Article 19 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 19a*

#### *Information requirements in electronic format*

*Without prejudice to Articles 8(6), (7) and (8), Article 10(3) and Article 15(3), economic operators may additionally make the information referred to in those Articles available in a digital format by means of electronic solutions, such as a non-removable QR or matrix code, clearly visible on the product or, where that is not possible, on its packaging or in a document accompanying the product. That information shall be in a language which can be easily understood by consumers, as determined by the Member State in which the product is made available, and in accessible formats for persons with disabilities.*

## Amendment 131

### Proposal for a regulation Article 20 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

Online marketplaces shall *establish* a single contact *point* allowing for direct communication with Member States' market surveillance authorities in relation to product safety issues, in particular for orders concerning offers of dangerous products.

*Without prejudice to the general obligations provided for in [Article 10 of Regulation (EU) [.../...]] on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC, online marketplaces shall designate a single point of contact allowing for swift direct communication*

with Member States' market surveillance **authorities and other competent** authorities in relation to product safety issues, in particular for orders concerning offers of dangerous products.

## Amendment 132

### Proposal for a regulation

#### Article 20 – paragraph 1 – subparagraph 2

##### *Text proposed by the Commission*

Online marketplaces shall register with the Safety Gate portal and indicate on the portal the information concerning their single contact point.

##### *Amendment*

Online marketplaces shall **easily** register with the Safety Gate portal and indicate on the portal the information concerning their single contact point.

***Online marketplaces shall make use of the single point of contact designated in accordance with [Article 10a of Regulation (EU) [.../...]] on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC, to enable consumers to communicate directly and swiftly with them.***

## Amendment 133

### Proposal for a regulation

#### Article 20 – paragraph 2

##### *Text proposed by the Commission*

2. As **far as** powers conferred by Member States in accordance to Article 14 of Regulation (EU) 2019/1020 **are concerned**, Member States shall confer on their market surveillance authorities the power, for all products covered by this Regulation, to **order an** online **marketplace** to remove specific illegal content referring to a dangerous product from its online interface, to disable access to it or to display an explicit warning to end users when they access it. **Such orders**

##### *Amendment*

2. As **regards** powers conferred by Member States in accordance to Article 14 of Regulation (EU) 2019/1020, Member States shall confer on their market surveillance authorities the power, for all products covered by this Regulation, to **issue orders in accordance with the conditions set out in [Article 8(2)] of Regulation [DSA.../...] to** online **marketplaces** to remove specific illegal content referring to a dangerous product from its online interface, to disable access



***shall contain a statement of reasons and specify one or more exact uniform resource locators and, where necessary, additional information enabling the identification of the illegal content concerned. They may be transmitted by means of the Safety Gate portal.***

Online marketplaces shall take the necessary measures to receive and process the orders issued in accordance with this paragraph. They shall act upon receipt of the order issued ***without undue delay, and in any event*** within two working days ***in the Member State where the online marketplace operates***, from receipt of the order. They shall inform the issuing market surveillance authority of the effect given to the order by using the contacts of the market surveillance authority published in the Safety Gate.

to it or to display an explicit warning to end users when they access it.

Online marketplaces shall take the necessary measures to receive and process the orders issued in accordance with this paragraph. They shall act upon receipt of the order issued ***expeditiously. If the information provided by the market surveillance authorities is sufficiently precise to enable the immediate identification and location of the illegal content referring to a dangerous product, the online marketplaces shall act within one working day from the receipt of the order. If online marketplaces have to carry out additional research in order to identify the product, they shall act*** within two working days from receipt of the order. They shall inform the issuing market surveillance authority of the effect given to the order by using the contacts of the market surveillance authority published in the Safety Gate. ***For that purpose, the market surveillance authorities shall allow communication by e-mail or other electronic means.***

## **Amendment 134**

### **Proposal for a regulation**

#### **Article 20 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Online marketplaces shall inform, where possible, the relevant economic operator of the decision to remove or disable access to the illegal content.***

## **Amendment 135**

**Proposal for a regulation**  
**Article 20 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. Orders issued pursuant to paragraph 2 may require, during the period indicated in the order, the provider of online marketplace to remove from its online interface all identical illegal content referring to the dangerous product in question, to disable access to it or to display an explicit warning to end users, provided that the search for the content concerned is limited to the information identified in the order and does not require the provider to carry out an independent assessment of that content, and that it can be carried out by reliable and proportionate automated search tools.**

**Amendment 136**

**Proposal for a regulation**  
**Article 20 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. In the event that a provider of online marketplaces refuses to allow a trader to use its service pursuant to paragraphs 2b, the trader concerned shall have the right to lodge a complaint as provided for in Article 4 of Regulation (EU) 2019/1150 and [Articles 17 of ... DSA Regulation].**

**Amendment 137**

**Proposal for a regulation**  
**Article 20 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

**2d. After allowing the offering of the product or service by the trader, online**

*marketplaces shall make reasonable efforts to check randomly whether the products offered have been identified as being dangerous products in any official, freely accessible and machine-readable online database or online interface, in particular the Safety Gate Portal.*

## Amendment 138

### Proposal for a regulation Article 20 – paragraph 3

#### *Text proposed by the Commission*

3. Online marketplaces shall take into account regular information on dangerous products notified by the market surveillance authorities in line with Article 24, received via the Safety Gate portal, for the purpose of applying their voluntary measures aimed at detecting, identifying, removing or disabling access to the illegal content referring to dangerous products offered on their marketplace, where applicable. They shall inform the authority that made the notification to the Safety Gate of any action taken by using the contacts of the market surveillance authority published in the Safety Gate.

#### *Amendment*

3. Online marketplaces shall take into account regular information on dangerous products notified by the market surveillance authorities in line with Article 24, received via the Safety Gate portal, for the purpose of applying their voluntary measures aimed at detecting, identifying, removing or disabling access to the illegal content referring to dangerous products offered on their marketplace, where applicable, ***also by making use of the interoperable interface to the Safety Gate developed in accordance with Article 23.*** They shall inform the authority that made the notification to the Safety Gate of any action taken by using the contacts of the market surveillance authority published in the Safety Gate.

## Amendment 139

### Proposal for a regulation Article 20 – paragraph 4

#### *Text proposed by the Commission*

4. Online marketplaces shall ***give an appropriate answer*** without undue delay, and in any event within ***five*** working days, ***in the Member State where the online marketplace operates,*** to notices related to product safety issues ***and dangerous***

#### *Amendment*

4. Online marketplaces shall without undue delay, and in any event within ***three*** working days ***process*** notices related to product safety issues ***with regard to the product offered for sale online through their services,*** received in accordance with

**products** received in accordance with [Article 14] of Regulation (EU) [...] on a Single Market for Digital Services (Digital Service Act) and amending Directive 2000/31/EC.

[Article 14] of Regulation (EU) [...] on a Single Market for Digital Services (Digital Service Act) and amending Directive 2000/31/EC.

## Amendment 140

### Proposal for a regulation

#### Article 20 – paragraph 5 – introductory part

##### *Text proposed by the Commission*

For the purpose of the requirements of Article **22(7)** of Regulation (EU) [...] on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC, online marketplaces shall design and organise their online interface in a way that enables traders ***to provide the following information for each product offered and ensures that it is displayed or otherwise made easily accessible by consumers on the product listing:***

##### *Amendment*

For the purpose of the requirements of ***/Article 24(c)*** of Regulation (EU) [...] on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC, online marketplaces shall design and organise their online interface in a way that enables traders ***using their services to comply with this Regulation.***

## Amendment 141

### Proposal for a regulation

#### Article 20 – paragraph 5 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***5a. Online marketplaces shall ensure that the following information provided by the traders for each product offered is clearly and visibly displayed or otherwise made easily accessible by consumers on the product listing:***

## Amendment 142

### Proposal for a regulation

#### Article 20 – paragraph 5 – point a

*Text proposed by the Commission*

*Amendment*

(a) name, registered trade name or registered trade mark of the manufacturer, as well as the postal or electronic address at which **they** can be contacted;

(a) name, registered trade name or registered trade mark of the manufacturer, as well as the postal **address and the website** or electronic address at which **the manufacturer** can be contacted;

**Amendment 143**

**Proposal for a regulation**

**Article 20 – paragraph 5 – point b**

*Text proposed by the Commission*

*Amendment*

(b) where the manufacturer is not established in the Union, the name, address, **telephone number** and electronic address of the responsible person **within the meaning of** Article 15 (1);

(b) where the manufacturer is not established in the Union, the name, address and **the website or** electronic address of the responsible person **in accordance with** Article 15 (1);

**Amendment 144**

**Proposal for a regulation**

**Article 20 – paragraph 5 – point c**

*Text proposed by the Commission*

*Amendment*

(c) information to identify the product, including its type and, **when available, batch or serial number and** any other product identifier;

(c) information to identify the product, including its type and any other product identifier;

**Amendment 145**

**Proposal for a regulation**

**Article 20 – paragraph 6 – introductory part**

*Text proposed by the Commission*

*Amendment*

Online marketplaces shall cooperate with the market surveillance authorities and with relevant economic operators to facilitate any action taken to eliminate or, if that is not possible, to mitigate the risks presented by a product that is or was

Online marketplaces shall cooperate with the market surveillance authorities and with relevant economic operators to facilitate any action taken to eliminate or, if that is not possible, to mitigate the risks presented by a product that is or was

offered for sale online through their services. ***That cooperation shall include*** in particular:

offered for sale online through their services.

In particular, ***online marketplaces shall***:

#### Amendment 146

##### Proposal for a regulation

##### Article 20 – paragraph 6 – point a

*Text proposed by the Commission*

(a) ***cooperating*** to ensure effective product recalls, including by abstaining from putting obstacles to product recalls;

*Amendment*

(a) ***cooperate with market surveillance authorities and with relevant economic operators*** to ensure effective product recalls, including by abstaining from putting obstacles to product recalls ***and informing consumers thereof, including by publishing the recall notice on their interface;***

#### Amendment 147

##### Proposal for a regulation

##### Article 20 – paragraph 6 – point a a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) inform economic operators about the information communicated by consumers through the single contact point referred to in paragraph 1a on accidents or safety issues with regard to the product offered for sale online by those economic operators through their services;***

#### Amendment 148

##### Proposal for a regulation

##### Article 20 – paragraph 6 – point a b (new)

*Text proposed by the Commission*

*Amendment*

***(ab) notify expeditiously through the***

*Safety Business Gateway referred to in Article 25 of any accident which they have actual knowledge of resulting in serious risk to or actual damage of the health or safety of a consumer caused by a product made available on their marketplace and inform the manufacturer thereof.*

#### Amendment 149

##### Proposal for a regulation

##### Article 20 – paragraph 6 – point b

*Text proposed by the Commission*

(b) **informing** the market surveillance authorities of any action taken;

*Amendment*

(b) **inform** the market surveillance authorities of *the Member States in which the relevant product has been made available about unsafe products that were offered on their interface through the Safety Business Gateway referred to in Article 25 of* any action taken;

#### Amendment 150

##### Proposal for a regulation

##### Article 20 – paragraph 6 – point c

*Text proposed by the Commission*

(c) **cooperating** with law enforcement agencies at national and Union level, including the European Anti-Fraud Office, through regular and structured exchange of information on offers that have been removed on the basis of this Article by online marketplaces;

*Amendment*

(c) **cooperate** with law enforcement agencies at national and Union level, including the European Anti-Fraud Office, through regular and structured exchange of information on offers that have been removed on the basis of this Article by online marketplaces;

#### Amendment 151

##### Proposal for a regulation

##### Article 20 – paragraph 6 – point d

*Text proposed by the Commission*

(d) **allowing** access to their interfaces for

*Amendment*

(d) **allow** access to their interfaces for

the online tools operated by market surveillance authorities to identify dangerous products;

the online tools operated by market surveillance authorities to identify dangerous products;

#### Amendment 152

##### Proposal for a regulation

##### Article 20 – paragraph 6 – point d a (new)

*Text proposed by the Commission*

*Amendment*

***(da) cooperate in identifying, as far as possible, the supply chain of dangerous products by responding to data requests should relevant information not be publicly available;***

#### Amendment 153

##### Proposal for a regulation

##### Article 20 – paragraph 6 – point e

*Text proposed by the Commission*

*Amendment*

(e) upon request of the market surveillance authorities, when online marketplaces or online sellers have put in place technical obstacles to the extraction of data from their online interfaces (data scraping), ***allowing to scrape*** such data for product safety purposes based on the identification parameters provided by the requesting market surveillance authorities.

(e) upon ***precise*** request of the market surveillance authorities ***or other competent authority***, when online marketplaces or online sellers have put in place technical obstacles to the extraction of data from their online interfaces (data scraping), ***allow the scraping of*** such data ***only*** for product safety purposes based on the identification parameters provided by the requesting market surveillance authorities.

***For the purpose of points (d) and (e) of the second paragraph of this paragraph, Article 17 of Regulation (EU) 2019/1020 shall apply.***

#### Amendment 154

##### Proposal for a regulation

##### Article 20 a (new)



*Text proposed by the Commission*

*Amendment*

**Article 20a**

***Memoranda of understanding***

- 1. Market surveillance authorities may promote voluntary memoranda of understanding with online marketplaces and organisations representing economic operators and consumers to undertake voluntary commitments with regard to the products offered for sale online through their services with the aim of enhancing product safety.***
- 2. Voluntary commitments under the memoranda of understanding shall be without prejudice to the obligations of online marketplaces under this Regulation and other relevant Union legislation.***

**Amendment 155**

**Proposal for a regulation  
Article 21 – paragraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

- 1. Market surveillance authorities shall apply this Regulation taking due account of the precautionary principle in a proportionate manner.***

**Amendment 156**

**Proposal for a regulation  
Article 21 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Market surveillance authorities may set up schemes focusing on control of internal processes for product safety set up by economic operators according to Article 13.

4. Market surveillance authorities, ***after having consulted the Consumer Safety Network referred to in Article 28,*** may set up schemes focusing on control of internal processes for product safety set up by economic operators according to Article

**Amendment 157****Proposal for a regulation****Article 21 – paragraph 4 a (new)***Text proposed by the Commission**Amendment*

***4a. Market surveillance authorities shall, on a regular basis, conduct inspections on samples of products, categories or groups of products acquired under a cover identity.***

***The activities referred to in the first subparagraph shall be carried out in particular on products and categories or groups of products made available on online marketplaces and products and categories or groups of products that are most frequently notified in the Safety Gate.***

**Amendment 158****Proposal for a regulation****Article 21 – paragraph 4 b (new)***Text proposed by the Commission**Amendment*

***4b. Member States shall ensure that any measure taken by the competent authorities involving restrictions on the placing of a product on the market or requiring its withdrawal or recall can be challenged before the competent courts.***

**Amendment 159****Proposal for a regulation****Article 22 – title***Text proposed by the Commission**Amendment****Implementation******Reporting***

## Amendment 160

### Proposal for a regulation Article 22 – paragraph 1

*Text proposed by the Commission*

1. Member States shall communicate to the Commission, once a year, data concerning the **implementation** of this Regulation.

*Amendment*

1. Member States shall communicate to the Commission, once a year, data concerning the **application** of this Regulation.

***The Commission shall draw up a summary report and make it available to the public.***

## Amendment 161

### Proposal for a regulation Article 22 – paragraph 2

*Text proposed by the Commission*

2. The Commission, by means of implementing acts, shall determine the output indicators on the basis of which Member States have to communicate this data. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article **42(3)**.

*Amendment*

2. The Commission, by means of implementing acts, shall determine the output indicators on the basis of which Member States have to communicate this data. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article **42(2)**.

## Amendment 162

### Proposal for a regulation Chapter VI – title

*Text proposed by the Commission*

VI Safety Gate **rapid alert system**

*Amendment*

Safety Gate

## Amendment 163

### Proposal for a regulation Article 23 – title

*Text proposed by the Commission*

*Amendment*

Safety Gate

Safety Gate ***rapid alert system***

#### **Amendment 164**

##### **Proposal for a regulation Article 23 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Commission shall further develop and ***maintain a*** rapid alert system for the exchange of information on corrective measures concerning dangerous products ('the Safety Gate').

1. The Commission shall further develop and ***modernise the*** rapid alert system for the exchange of information on corrective measures concerning dangerous products ('the Safety Gate'), ***as well as enhance its efficiency.***

#### **Amendment 165**

##### **Proposal for a regulation Article 23 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. By ... [the date of application of this Regulation] the Commission shall develop an interoperable interface that allows online marketplaces to link their interfaces to the Safety Gate referred to in paragraph 1.***

#### **Amendment 166**

##### **Proposal for a regulation Article 23 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The Commission shall adopt implementing acts specifying the implementation of the interoperable interface on the Safety Gate according to paragraph 1a, in particular concerning the access to the system and its operation.***

*Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).*

## Amendment 167

### Proposal for a regulation Article 24 – paragraph 3

*Text proposed by the Commission*

3. On receiving a notification, the Commission shall check whether it complies with this Article and with the requirements related to the operation of Safety Gate defined by the Commission on the basis of paragraph 7, and shall transmit it to the other Member States if the requirements are complied with.

*Amendment*

3. On receiving a notification, the Commission shall check whether it complies with this Article and with the requirements related to the operation of Safety Gate defined by the Commission on the basis of paragraph 7, and shall transmit it ***without undue delay*** to the other Member States if the requirements are complied with.

## Amendment 168

### Proposal for a regulation Article 24 – paragraph 5

*Text proposed by the Commission*

5. Where a Member State notifies corrective measures taken in relation to products presenting a serious risk, the other Member States shall notify in the Safety Gate the measures and actions taken subsequently in relation to the same products and any other relevant information, including the results of any tests or analyses carried out, ***within*** two working days from the adoption of the measures or actions.

*Amendment*

5. Where a Member State notifies corrective measures taken in relation to products presenting a serious risk, the other Member States shall notify in the Safety Gate the measures and actions taken subsequently in relation to the same products and any other relevant information, including the results of any tests or analyses carried out, ***without undue delay and in any event no later than*** two working days from the adoption of the measures or actions.

## Amendment 169

### Proposal for a regulation Article 24 – paragraph 6

*Text proposed by the Commission*

6. If the Commission identifies products which are likely to present a serious risk and for which Member States have not submitted a notification in the Safety Gate, it shall inform the Member States. Member States shall undertake the appropriate verifications and, if they adopt measures, notify them in the Safety Gate in accordance with paragraph 1.

*Amendment*

6. If the Commission identifies, ***including on the basis of information received by consumers or consumer organisations***, products which are likely to present a serious risk and for which Member States have not submitted a notification in the Safety Gate, it shall inform the Member States ***and the economic operators concerned accordingly***. Member States shall undertake the appropriate verifications and, if they adopt measures, notify them in the Safety Gate in accordance with paragraph 1.

**Amendment 170**

**Proposal for a regulation  
Article 24 – paragraph 7**

*Text proposed by the Commission*

7. The Commission shall ***develop an*** interface between the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and the Safety Gate, ***in order to avoid double data entry and*** enable a draft Safety Gate notification to be triggered from that information and communication system.

*Amendment*

7. The Commission shall ***implement the*** interface ***referred to in Article 20(5) of Regulation (EU) 2019/1020*** between the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and the Safety Gate ***to*** enable a draft Safety Gate notification to be triggered from that information and communication system ***in order to avoid double data entry***.

**Amendment 171**

**Proposal for a regulation  
Article 24 – paragraph 8**

*Text proposed by the Commission*

8. The Commission shall adopt ***implementing acts*** specifying the implementation of this Article, and in particular the access to the system, the operation of the system, the information to

*Amendment*

8. The Commission shall adopt ***delegated acts in accordance with Article 41 to supplement this Regulation by*** specifying the implementation of this Article, and in particular:

be entered in the system, the requirements notifications must meet, **and** criteria to assess the level of risk. ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).***

- (a) the access to the system;
- (b) the operation of the system;
- (c) the information to be entered in the system;
- (d) the requirements notifications must meet;
- (e) ***the*** criteria to assess the level of risk.

#### Amendment 172

##### Proposal for a regulation Article 24 – paragraph 8 a (new)

*Text proposed by the Commission*

*Amendment*

***8a. By ... [two years after the date of entry into force of this Regulation] the Commission shall present a report on the functioning of the Information and Communication system referred to in Article 34 of Regulation (EU) 2019/1020, of the Safety Gate referred to in this Regulation and on the implementation of the interface between the two system, including information on their respective functionalities and on the development of new ones, timelines, budget and number of dedicated staff, in the light of the objectives that those systems pursue.***

#### Amendment 173

##### Proposal for a regulation Article 25 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. The Commission shall maintain a web portal enabling the economic

1. The Commission shall maintain a web portal (***‘the Safety Business***

operators to provide market surveillance authorities and consumers with the information referred to in Articles 8(**11**), 9(2) point c), 10(8), 11(3), 11(4) and Article 19.

**Gateway’)** enabling the economic operators to provide ***in an easy way*** market surveillance authorities and consumers with the information referred to in Articles 8(**10**), 9(2) point c), 10(8), 11(3), 11(4) and Article 19.

#### Amendment 174

##### Proposal for a regulation

##### Article 26 – paragraph 1 – subparagraph 1

###### *Text proposed by the Commission*

Those measures may include measures prohibiting, suspending or restricting the ***placing or*** making available on the market of such products or laying down special conditions for their marketing, in order to ensure a high level of consumer safety protection.

###### *Amendment*

Those measures may include measures prohibiting, suspending or restricting the making available on the market of such products or laying down special conditions for their ***conformity assessment with regard to the safety requirement, as applicable, or*** marketing, in order to ensure a high level of consumer safety protection.

#### Amendment 175

##### Proposal for a regulation

##### Article 26 – paragraph 4

###### *Text proposed by the Commission*

4. The export from the Union of a product that has been prohibited to be ***placed or*** made available on the Union market pursuant to a measure adopted in accordance with paragraph 1 or 3 shall be prohibited, unless the measure expressly so permits.

###### *Amendment*

4. The export from the Union of a product that has been prohibited to be made available on the Union market pursuant to a measure adopted in accordance with paragraph 1 or 3 shall be prohibited, unless the measure expressly so permits.

#### Amendment 176

##### Proposal for a regulation

##### Article 26 – paragraph 5

###### *Text proposed by the Commission*

5. Any Member State may submit a

###### *Amendment*

5. Any Member State ***or relevant***



substantiated request to the Commission to examine the need for the adoption of a measure referred to in paragraph 1 or 3.

*interested parties* may submit a substantiated request to the Commission to examine the need for the adoption of a measure referred to in paragraph 1 or 3.

## Amendment 177

### Proposal for a regulation Article 27 – paragraph 2

#### *Text proposed by the Commission*

2. 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 ***Member States concerned may request the Commission to arbitrate.*** ***In that case,*** the Commission shall invite all Member States to express a recommendation.

#### *Amendment*

2. 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 ***shall start an arbitration process. For that purpose,*** the Commission shall invite all Member States to express a recommendation.

## Amendment 178

### Proposal for a regulation Article 27 – paragraph 5 – subparagraph 1 (new)

#### *Text proposed by the Commission*

#### *Amendment*

***The Commission shall draw up a periodic report on the application of the arbitration mechanism, which shall be presented to the Consumer Safety Network referred to in Article 28.***

## Amendment 179

### Proposal for a regulation Article 28 – paragraph 1 – subparagraph 1 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***The purpose of the Consumer Safety Network shall be to serve as a platform for structured coordination and***

*cooperation between authorities of the Member States and the Commission to enhance product safety in the Union.*

## Amendment 180

### Proposal for a regulation

#### Article 28 – paragraph 3 – introductory part

##### *Text proposed by the Commission*

The objective of *that* Consumer Safety Network shall be, in particular, to *facilitate*:

##### *Amendment*

The objective of *the* Consumer Safety Network shall be, in particular, to:

## Amendment 181

### Proposal for a regulation

#### Article 28 – paragraph 3 – point a

##### *Text proposed by the Commission*

(a) *the* exchange of information on risk assessments, dangerous products, test methods and results, recent scientific developments as well as other aspects relevant for control activities;

##### *Amendment*

(a) *facilitate the regular* exchange of information on risk assessments, dangerous products, test methods and results, *standards, methodologies to collect data, interoperability of information and communication systems*, recent scientific developments *and use of new technologies* as well as other aspects relevant for control activities;

## Amendment 182

### Proposal for a regulation

#### Article 28 – paragraph 3 – point b

##### *Text proposed by the Commission*

(b) the establishment and execution of joint surveillance and testing projects;

##### *Amendment*

(b) *agree on* the establishment and execution of joint surveillance and testing projects, *including in the context of e-commerce*;

## Amendment 183

### Proposal for a regulation Article 28 – paragraph 3 – point c

*Text proposed by the Commission*

(c) the exchange of expertise and best practices and cooperation in training activities;

*Amendment*

(c) ***promote*** the exchange of expertise and best practices and cooperation in training activities;

## Amendment 184

### Proposal for a regulation Article 28 – paragraph 3 – point d

*Text proposed by the Commission*

(d) ***improved*** cooperation at ***EU*** level with regard to the tracing, withdrawal and recall of dangerous products;

*Amendment*

(d) ***improve*** cooperation at ***Union*** level with regard to the tracing, withdrawal and recall of dangerous products;

## Amendment 185

### Proposal for a regulation Article 28 – paragraph 3 – point e

*Text proposed by the Commission*

(e) enhanced cooperation on product safety enforcement between Member States, in particular to facilitate the activities referred to in ***Article 30***.

*Amendment*

(e) ***facilitate*** enhanced ***and structured*** cooperation on product safety enforcement between Member States, in particular to ***coordinate and*** facilitate the activities referred to in ***Articles 29 and 30***.

## Amendment 186

### Proposal for a regulation Article 28 – paragraph 4

*Text proposed by the Commission*

4. The Consumer Safety Network shall coordinate its action with the other existing Union activities.

*Amendment*

4. The Consumer Safety Network shall coordinate its action with the other existing Union activities ***and, where relevant, shall cooperate and exchange information with***

*other Union networks, groups and bodies.*

## **Amendment 187**

### **Proposal for a regulation**

#### **Article 28 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. The Consumer Safety Network shall adopt its biennial work programme, which, inter alia, sets out the priorities for safety of the products covered by this Regulation, in the Union.***

***The Consumer Safety Network shall meet at regular intervals and, where necessary, at the duly justified request of the Commission or a Member State.***

***The Consumer Safety Network may invite experts and other third parties, including consumer organisations, to attend its meetings.***

## **Amendment 188**

### **Proposal for a regulation**

#### **Article 28 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. The Consumer Safety Network shall be duly represented and participate in the activities of in the Union Product Compliance Network established under Article 29 of Regulation (EU) 2019/1020 and shall contribute to its activities in relation to product safety to ensure adequate coordination of market surveillance activities in both harmonised and non-harmonised areas.

5. The Consumer Safety Network shall be duly represented and ***regularly*** participate in the activities of in the Union Product Compliance Network established under Article 29 of Regulation (EU) 2019/1020 and shall contribute to its activities in relation to product safety to ensure adequate coordination of market surveillance activities in both harmonised and non-harmonised areas.

## **Amendment 189**

### **Proposal for a regulation**

#### **Article 29 – paragraph 1**

*Text proposed by the Commission*

1. In the framework of the activities referred to in Article 28(3), point (b), market surveillance authorities may agree with other relevant authorities or with organisations representing economic operators or consumers to carry out activities aimed at ensuring safety and protection of consumers health with respect to specific categories of products ***placed or*** made available on the market, in particular categories of products that are often found to present a serious risk.

*Amendment*

1. In the framework of the activities referred to in Article 28(3), point (b), market surveillance authorities may agree with other relevant authorities or with organisations representing economic operators or consumers to carry out activities aimed at ensuring safety and protection of consumers health with respect to specific categories of products made available on the market, in particular categories of products that are often found to present a serious risk.

**Amendment 190**

**Proposal for a regulation  
Article 30 – paragraph 1**

*Text proposed by the Commission*

1. Market surveillance authorities ***may decide to*** conduct simultaneous coordinated control actions (“sweeps”) of particular product categories to check compliance with or to detect infringements to this Regulation.

*Amendment*

1. Market surveillance authorities ***shall regularly*** conduct simultaneous coordinated control actions (“sweeps”) of particular product categories to check compliance with or to detect infringements to this Regulation.

**Amendment 191**

**Proposal for a regulation  
Article 30 – paragraph 2**

*Text proposed by the Commission*

2. Unless otherwise agreed upon by the market surveillance authorities concerned, sweeps shall be coordinated by the Commission. The coordinator of the sweep ***may***, where appropriate, make the aggregated results publicly available.

*Amendment*

2. Unless otherwise agreed upon by the market surveillance authorities concerned, sweeps shall be coordinated by the Commission. The coordinator of the sweep ***shall***, where appropriate, make the aggregated results publicly available.

**Amendment 192**

**Proposal for a regulation**  
**Article 31 – paragraph 3**

*Text proposed by the Commission*

3. Protection of professional secrecy shall not prevent the dissemination to the competent authorities of Member States of information relevant for ensuring the effectiveness of market monitoring and surveillance activities. The authorities receiving information covered by professional secrecy shall ensure its protection.

*Amendment*

3. Protection of professional secrecy shall not prevent the dissemination to the competent authorities of Member States **and to the Commission** of information relevant for ensuring the effectiveness of market monitoring and surveillance activities. The authorities receiving information covered by professional secrecy shall ensure its protection.

**Amendment 193**

**Proposal for a regulation**  
**Article 31 – paragraph 4**

*Text proposed by the Commission*

4. Member States shall give consumers and other interested parties the opportunity to submit complaints to the competent authorities on product safety **and on surveillance and control activities** and these complaints shall be followed up as appropriate.

*Amendment*

4. Member States shall give consumers and other interested parties the opportunity to submit complaints to the competent authorities on product safety, and these complaints shall be followed up as appropriate. ***The authority with which the complaint has been lodged shall inform the complainant if it intends to proceed with an investigation and, if it opens an investigation, of the progress of the proceedings and of the decisions taken.***

**Amendment 194**

**Proposal for a regulation**  
**Article 32 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The portal referred to in paragraph 1 shall have an interface intuitive for users and the information provided shall be easily accessible for general public, including for persons with disabilities.***

## Amendment 195

### Proposal for a regulation Article 32 – paragraph 2

*Text proposed by the Commission*

2. Consumers shall have the possibility to inform the Commission of products **presenting** a risk to consumer health and safety through a separate section of the Safety Gate portal. The Commission shall take in due consideration the information received and ensure **follow up, where appropriate**.

*Amendment*

2. Consumers **and other interested parties** shall have the possibility to inform the Commission, of products, **which may present** a risk to consumer health and safety through a separate section of the Safety Gate portal. The Commission shall take in due consideration the information received and, **after verification of its accuracy**, ensure **follow-up and inform consumers and other interested parties of its decision**.

## Amendment 196

### Proposal for a regulation Article 33 – title

*Text proposed by the Commission*

Information from economic operators to consumers

*Amendment*

Information from economic operators **and online marketplaces** to consumers

## Amendment 197

### Proposal for a regulation Article 33 – paragraph 1

*Text proposed by the Commission*

1. In case of a recall or where certain information has to be brought to the attention of consumers to ensure the safe use of a product ('safety warning'), economic operators, in accordance with their respective obligations as provided for in Articles 8, 9, 10 **and** 11, shall directly notify all affected consumers that they can identify. Economic operators who collect their customers' personal data shall make use of this information for recalls and

*Amendment*

1. In case of a recall or where certain information has to be brought to the attention of consumers to ensure the safe use of a product ('safety warning'), economic operators, **and, where applicable, online marketplaces**, in accordance with their respective obligations as provided for in Articles 8, 9, 10, 11 **and 20**, shall directly **and without undue delay** notify all affected consumers that they can identify. Economic operators

safety warnings.

***and online marketplaces, where applicable***, who collect their customers' personal data shall make use of this information for recalls and safety warnings.

## Amendment 198

### Proposal for a regulation Article 33 – paragraph 2

#### *Text proposed by the Commission*

2. Where economic operators have product registration systems or customer loyalty programs in place for purposes other than contacting their customers with safety information, they shall offer the possibility to their customers to provide separate contact details only for safety purposes. The personal data collected for that purpose shall be limited to the necessary minimum and ***may*** only be used to contact consumers in case of a recall or safety warning.

#### *Amendment*

2. Where economic operators ***and online marketplaces*** have product registration systems or customer loyalty programs in place for purposes other than contacting their customers with safety information, they shall offer the possibility to their customers to provide separate contact details only for safety purposes. The personal data collected for that purpose shall be limited to the necessary minimum and ***shall*** only be used to contact consumers in case of a recall or safety warning.

## Amendment 199

### Proposal for a regulation Article 33 – paragraph 4

#### *Text proposed by the Commission*

4. If not all affected consumers can be contacted ***directly***, economic operators, in accordance with their respective responsibilities, shall disseminate a recall notice or safety warning through other appropriate channels, ensuring the widest possible reach including, where available: the company's website, social media channels, newsletters and retail outlets and, as appropriate, announcements in mass media and other communication channels. Information shall be accessible to

#### *Amendment*

4. If not all affected consumers can be contacted ***in accordance with paragraph 1***, economic operators ***and online marketplaces***, in accordance with their respective responsibilities, shall disseminate a recall notice or safety warning through other appropriate channels, ensuring the widest possible reach including, where available: the company's website, social media channels, newsletters and retail outlets and, as appropriate, announcements in mass media and other communication channels.



consumers with disabilities.

Information shall be accessible to consumers with disabilities. ***Consumer organisations shall also be informed to support the dissemination of the information.***

## Amendment 200

### Proposal for a regulation

#### Article 34 – paragraph 2 – point b – point i

##### *Text proposed by the Commission*

- (i) photograph, name and brand of the product;

##### *Amendment*

- (i) photograph ***or illustration***, name and brand of the product;

## Amendment 201

### Proposal for a regulation

#### Article 34 – paragraph 3

##### *Text proposed by the Commission*

3. The Commission, by means of implementing acts, shall set out the template for a recall notice, taking into account scientific and market developments. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 42(2).

##### *Amendment*

3. The Commission, by means of implementing acts, shall set out the template, ***including in accessible formats***, for a recall notice, taking into account scientific and market developments. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 42(2).

## Amendment 202

### Proposal for a regulation

#### Article 35 – paragraph 1 – point c

##### *Text proposed by the Commission*

- (c) refund of the ***value*** of the recalled product.

##### *Amendment*

- (c) refund of the ***initial purchase price*** of the recalled product.

## Amendment 203

**Proposal for a regulation**  
**Article 35 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. Where no economic operator offers a remedy to the consumer, the consumer shall be entitled to submit a complaint to the competent authority in accordance with Article 31(4).**

**Amendment 204**

**Proposal for a regulation**  
**Article 36 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. The Commission may cooperate, including through the exchange of information, with third countries or international organisations in the field of application of this Regulation, **such as**:

**1. In order to improve the overall level of safety of consumer products made available on the Union market and to ensure a level playing field at international level,** the Commission may cooperate, including through the exchange of information, with **regulatory authorities** of third countries or international organisations in the field of application of this Regulation, **Any form of cooperation shall be based on reciprocity, include provisions on confidentiality corresponding to those applicable in the Union, and ensure that any exchange of information is in accordance with applicable Union law. The cooperation or exchange of information may relate, inter alia, to the following:**

**Amendment 205**

**Proposal for a regulation**  
**Article 36 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) enforcement activities and measures related to safety, including market surveillance;

(a) enforcement activities and measures related to safety, **also with a view to preventing the circulation of dangerous**

*products*, including market surveillance;

#### Amendment 206

##### Proposal for a regulation

##### Article 36 – paragraph 1 – point d

*Text proposed by the Commission*

(d) scientific, technical, and regulatory matters, aiming to improve product safety;

*Amendment*

(d) scientific, technical, and regulatory matters, aiming to improve product safety ***and to develop common priorities and approaches at international level;***

#### Amendment 207

##### Proposal for a regulation

##### Article 36 – paragraph 1 – point e a (new)

*Text proposed by the Commission*

*Amendment*

***(ea) use of new technologies to improve product safety and increase traceability in the supply chain;***

#### Amendment 208

##### Proposal for a regulation

##### Article 36 – paragraph 1 – point g

*Text proposed by the Commission*

(g) exchange of officials.

*Amendment*

(g) exchange of officials ***and training programmes.***

#### Amendment 209

##### Proposal for a regulation

##### Article 37 – paragraph 2 – point f

*Text proposed by the Commission*

(f) activities carried out under programmes of technical assistance, cooperation with third countries and the

*Amendment*

(f) activities carried out under programmes of technical assistance, cooperation with third countries and the

promotion and enhancement of Union market surveillance policies and systems among interested parties at Union and international levels.

promotion and enhancement of Union market surveillance policies and systems among interested parties at Union and international levels, *including activities carried out by consumer organisations for the enhancement of consumer information.*

## Amendment 210

### Proposal for a regulation Article 40 – paragraph 3

*Text proposed by the Commission*

*Amendment*

**3. The types of infringements by economic operators or online marketplaces, where applicable, subject to penalties shall be any of the following:**

**deleted**

**(a) infringement of the general product safety requirement;**

**(b) failure to inform the authority in a timely manner about a dangerous product they placed on the market;**

**(c) failure to comply with any decision, order, interim measure, economic operator's commitment or other measure adopted pursuant to this Regulation;**

**(d) failure to comply with traceability and information obligations of economic operators referred to in Articles 8, 9, 10, 11 and 18 and 19;**

**(e) providing incorrect, incomplete or misleading information in response to a request from market surveillance authorities;**

**(f) failure to provide requested information within the required time-limit;**

**(g) refusal to submit to inspections;**

**(h) failure to provide the required documents or products during inspections;**

**(i) falsifying test results.**

## Amendment 211

### Proposal for a regulation

#### Article 40 – paragraph 5 – introductory part

*Text proposed by the Commission*

Member States may also impose periodic penalty payments to compel economic operators or online marketplaces, where applicable:

*Amendment*

Member States may also impose periodic penalty payments to compel economic operators or online marketplaces, where applicable, ***to put an end to a serious and repeated violation of this Regulation.***

## Amendment 212

### Proposal for a regulation

#### Article 40 – paragraph 5 – point a

*Text proposed by the Commission*

***(a) to put an end to a violation of the provisions of this Regulation;***

*Amendment*

***deleted***

## Amendment 213

### Proposal for a regulation

#### Article 40 – paragraph 5 – point b

*Text proposed by the Commission*

***(b) to comply with a decision ordering corrective measure;***

*Amendment*

***deleted***

## Amendment 214

### Proposal for a regulation

#### Article 40 – paragraph 5 – point c

*Text proposed by the Commission*

***(c) to supply complete and correct information;***

*Amendment*

***deleted***

## Amendment 215

### Proposal for a regulation

#### Article 40 – paragraph 5 – point d

*Text proposed by the Commission*

*Amendment*

**(d) to submit to an inspection;**

***deleted***

## Amendment 216

### Proposal for a regulation

#### Article 40 – paragraph 5 – point e

*Text proposed by the Commission*

*Amendment*

**(e) to allow market surveillance authorities to perform data scraping of online interfaces.**

***deleted***

## Amendment 217

### Proposal for a regulation

#### Article 40 – paragraph 6

*Text proposed by the Commission*

*Amendment*

6. By 31 March of each year, Member States shall inform the Commission of the type and the size of the penalties imposed under this Regulation, identify the actual infringements of this Regulation, ***and indicate the identity of economic operators or online marketplaces upon which penalties have been imposed.***

6. By 31 March of each year, Member States shall inform the Commission of the type and the size of the penalties imposed under this Regulation, ***and*** identify the actual infringements of this Regulation.

## Amendment 218

### Proposal for a regulation

#### Article 40 – paragraph 7

*Text proposed by the Commission*

*Amendment*

7. Each year, the Commission shall ***elaborate*** and make public a report on the

7. Each year, the Commission shall ***draw up*** and make public a ***summary*** report ***with aggregated data*** on the

penalties imposed by Member States.

penalties imposed by Member States.

## Amendment 219

### Proposal for a regulation Article 40 – paragraph 8

*Text proposed by the Commission*

*Amendment*

**8. The information referred to in paragraph 6 shall not be published in the report referred to in paragraph 7 in any of the following circumstances:**

**deleted**

**(a) where it is necessary to preserve the confidentiality of an investigation or of national judicial proceedings;**

**(b) where publication would cause disproportionate damage to the economic operator or online marketplace;**

**(c) where a natural person is concerned, unless the publication of personal data is justified by exceptional circumstances, inter alia, by the seriousness of the infringement.**

## Amendment 220

### Proposal for a regulation Article 41 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**2. The power to adopt delegated acts referred to in Article 17(3) shall be conferred on the Commission for an indeterminate period of time from [insert date - the date of entry into force of this Regulation].**

**2. The power to adopt delegated acts referred to in *Article 15(3a) and* Article 17(3) shall be conferred on the Commission for an indeterminate period of time from [insert date - the date of entry into force of this Regulation].**

## Amendment 221

### Proposal for a regulation Article 41 – paragraph 3

*Text proposed by the Commission*

3. The delegation of power referred to in Article 17(3) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

*Amendment*

3. The delegation of power referred to in **Article 15(3a) and** Article 17(3) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

**Amendment 222**

**Proposal for a regulation  
Article 41 – paragraph 4**

*Text proposed by the Commission*

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016<sup>47</sup>.

*Amendment*

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State, **make use of other relevant expert groups and consult relevant stakeholders** in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016<sup>47</sup>.

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<sup>47</sup> OJ L 123, 12.5.2016, p. 1

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<sup>47</sup> OJ L 123, 12.5.2016, p. 1

**Amendment 223**

**Proposal for a regulation  
Article 41 – paragraph 6**

*Text proposed by the Commission*

6. A delegated act adopted pursuant to Article 17(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **two** months of notification of that act to the European

*Amendment*

6. A delegated act adopted pursuant to **Article 15(3a) and** Article 17(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of **three** months of notification of



Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period may be extended by two months at the initiative of the European Parliament or of the Council.

that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period may be extended by two months at the initiative of the European Parliament or of the Council.

#### **Amendment 224**

##### **Proposal for a regulation Article 43 – title**

*Text proposed by the Commission*

Evaluation

*Amendment*

Evaluation ***and review***

#### **Amendment 225**

##### **Proposal for a regulation Article 43 – paragraph 1**

*Text proposed by the Commission*

1. By [insert date five years after the date of entry into force] the Commission shall carry out an evaluation of this Regulation. The Commission shall present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. The report shall ***in particular*** assess if this Regulation achieved the objective of enhancing the protection of consumers against dangerous products while taking into account its impact on businesses and in particular on small and medium-sized ***enterprises***.

*Amendment*

1. By ... [insert date five years after the date of entry into force] the Commission shall carry out an evaluation of this Regulation. The Commission shall present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. The report shall assess if this Regulation, ***and in particular Articles 17, 20 and 23,*** achieved the objective of enhancing the protection of consumers against dangerous products while taking into account ***the challenges posed by new technologies and*** its impact on businesses and in particular on small and medium-sized ***enterprises***.

#### **Amendment 226**

##### **Proposal for a regulation Article 43 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. By ... [insert date five years after the date of application], the Commission shall carry out an evaluation report on the implementation of Article 15. That report shall in particular assess the scope, effects, and costs and benefits of that Article. The report shall be accompanied, where appropriate, by a legislative proposal.***

#### **Amendment 227**

##### **Proposal for a regulation**

##### **Article 43 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. By ... [three years after the date of entry into force of this Regulation] the Commission shall assess the modalities for implementation of the provisions on the removal of illegal content from online marketplaces referred to in Article 20(2b) by means of a Union notification system designed and developed within the Safety Gate. The assessment shall be accompanied, where appropriate, by a legislative proposal.***

#### **Amendment 228**

##### **Proposal for a regulation**

##### **Article 44 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Regulation (EU) No 1025/2012 is amended as follows:

1. Regulation (EU) No 1025/2012 is amended as follows:

***In Article 2(1), the following point is added:***

***‘(e) ‘European general product safety standard’ means a European standard adopted on the basis of a request made by***

*the Commission in support of Regulation (EU) .../... of the European Parliament and of the Council [this Regulation (GPSR)];’;*

## Amendment 229

### Proposal for a regulation

#### Article 44 – paragraph 1 – subparagraph 1

Regulation (EU) No 1025/2012

Article 10 – paragraph 7

#### *Text proposed by the Commission*

7. Where a European standard ***drafted in support of Regulation (EU) .../... of the European Parliament and of the Council***<sup>48</sup> ***[this Regulation (GPSR)]*** satisfies the general safety requirement laid down in Article 5 of that Regulation and the specific safety requirements referred to in [Article [6] of that Regulation], the Commission shall publish a reference of such European standard without delay in the Official Journal of the European Union.

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<sup>48</sup> *Regulation (EU) .../... 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 (OJ ...)*’

## Amendment 230

### Proposal for a regulation

#### Article 44 – paragraph 1 – subparagraph 2

Regulation (EU) No 1025/2012

Article 11 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

1. When a Member State or the

#### *Amendment*

7. Where a European ***general product safety*** standard satisfies the general safety requirement laid down in Article 5 of that Regulation and the specific safety requirements referred to in [Article [6(2)] of that Regulation], the Commission shall publish a reference of such European standard without delay in the Official Journal of the European Union.’

#### *Amendment*

1. When a Member State or the

European Parliament considers that a harmonised standard or European standard ***drafted in support of Regulation (EU) .../... [this Regulation (GPSR)]*** does not entirely satisfy the requirements which it aims to cover and which are set out in the relevant Union harmonisation legislation or in that Regulation, it shall inform the Commission thereof with a detailed explanation. The Commission shall, after consulting the committee set up by the corresponding Union harmonisation legislation, if it exists, or the committee set up by Regulation (EU) .../... [this Regulation (GPSR)], or after other forms of consultation of sectoral experts, decide:

European Parliament considers that a harmonised standard or European ***general product safety*** standard does not entirely satisfy the requirements which it aims to cover and which are set out in the relevant Union harmonisation legislation or in that Regulation, it shall inform the Commission thereof with a detailed explanation. The Commission shall, after consulting the committee set up by the corresponding Union harmonisation legislation, if it exists, or the committee set up by Regulation (EU) .../... [this Regulation (GPSR)], or after other forms of consultation of sectoral experts, decide:

## Amendment 231

### Proposal for a regulation

#### Article 44 – paragraph 1 – subparagraph 2

Regulation (EU) No 1025/2012

Article 11 – paragraph 1 – point a

*Text proposed by the Commission*

(a) to publish, not to publish or to publish with restriction the references to the harmonised standard or European standard ***drafted in support of Regulation (EU) .../... [GPSR]*** concerned in the Official Journal of the European Union;

*Amendment*

(a) to publish, not to publish or to publish with restriction the references to the harmonised standard or European ***general product safety*** standard concerned in the Official Journal of the European Union;

## Amendment 232

### Proposal for a regulation

#### Article 44 – paragraph 1 – subparagraph 2

Regulation (EU) No 1025/2012

Article 11 – paragraph 1 – point b

*Text proposed by the Commission*

(b) to maintain, to maintain with restriction or to withdraw the references to the harmonised standard or European standard ***drafted in support of Regulation (EU) .../... [GPSR]*** concerned in or from

*Amendment*

(b) to maintain, to maintain with restriction or to withdraw the references to the harmonised standard or European ***general product safety*** standard concerned in or from the Official Journal of the

the Official Journal of the European Union.

European Union.

### Amendment 233

#### Proposal for a regulation

Article 44 – paragraph 1 – subparagraph 2 Regulation (EU) No 1025/2012

Article 11 – paragraph 2

#### *Text proposed by the Commission*

2. The Commission shall publish information on its website on the harmonised standards and European standards ***drafted in support of Regulation (EU) .../... [GPSR]*** that have been subject to the decision referred to in paragraph 1.

#### *Amendment*

2. The Commission shall publish information on its website on the harmonised standards and European ***general product safety*** standards that have been subject to the decision referred to in paragraph 1.

### Amendment 234

#### Proposal for a regulation

Article 44 – paragraph 1 – subparagraph 2 Regulation (EU) No 1025/2012

Article 11 – paragraph 3

#### *Text proposed by the Commission*

3. The Commission shall inform the European standardisation organisation concerned of the decision referred to in paragraph 1 and, if necessary, request the revision of the harmonised standards or of the European standards ***drafted in support of Regulation (EU) .../... [GPSR]*** concerned.'

#### *Amendment*

3. The Commission shall inform the European standardisation organisation concerned of the decision referred to in paragraph 1 and, if necessary, request the revision of the harmonised standards or of the European ***general product safety*** standards concerned.'

### Amendment 235

#### Proposal for a regulation

Article 44 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

#### *Article 44a*

***Amendments to Directive 2020/1828/EU***

***Annex I, point 8, of Directive 2020/1828/EU is replaced by the***

*following:*

***“(8) Regulation (EU) [...] 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.”***

## **Amendment 236**

### **Proposal for a regulation Article 47 – paragraph 2**

*Text proposed by the Commission*

It shall apply from [**6** months after the entry into force of this Regulation].

*Amendment*

It shall apply from [**12** months after the entry into force of this Regulation].