



EUROPEAN PARLIAMENT

2009 - 2014

Committee on the Internal Market and Consumer Protection

2013/0049(COD)

16.9.2013

AMENDMENTS

76 - 353

Draft report
Christel Schaldemose
(PE513.309v02-00)

on the proposal for a regulation of the European Parliament and of the Council on consumer product safety and repealing Council Directive 87/357/EEC and Directive 2001/95/EC

Proposal for a regulation
(COM(2013)0078 – C7-0042/2013 – 2013/0049(COD))

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PE516.922v03-00

EN

United in diversity

EN

Amendment 76
Sergio Gaetano Cofferati, Marc Tarabella

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) This Regulation should not cover services. However, in order to secure the attainment of the protection of health and safety of consumers, it should apply to 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. ***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.***

Amendment

(6) This Regulation should not cover services. However, in order to secure the attainment of the protection of health and safety of consumers, it should apply to 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.

Or. it

Amendment 77
Ashley Fox

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) 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

Amendment

(7) 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 ***cover gaps***, in particular with a view to achieving a high level of protection of safety and

view to achieving a high level of protection of safety and health of consumers, as required by Article 114 and Article 169 of the TFEU.

health of consumers, as required by Article 114 and Article 169 of the TFEU.

Or. en

Amendment 78
Jürgen Creutzmann

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In respect of the consumer products subject to this Regulation the scope of **application of the different parts of it** should be clearly delimited from sector-specific Union harmonisation legislation. **Whilst the general product safety requirement and related provisions should be applicable to all consumer products, the obligations of economic operators should not apply where** Union harmonisation legislation **includes equivalent obligations**, such as Union legislation on cosmetics, toys, electrical appliances or construction products.

Amendment

(8) In respect of the consumer products subject to this Regulation the scope of **its application** should be clearly delimited from sector-specific Union harmonisation legislation. **The Regulation should therefore not apply to** products **subject to** Union harmonisation legislation such as Union legislation on cosmetics, toys, electrical appliances or construction products.

Or. en

(see amendments of Articles 2, 5 and 6 by the same author)

Justification

The Regulation should not apply to harmonised goods in order to avoid overlaps and redundancies, since the main elements of Chapter I are already covered by harmonisation legislation. A clear separation between legislation applicable to harmonised and non-harmonised consumer goods would simplify the compliance with product rules by economic operators and their enforcement by market surveillance authorities.

Amendment 79
Pablo Arias Echeverría

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) The scope of this Regulation should not be limited to any selling technique of consumer products, and thus also cover distance selling.

Amendment

(10) The scope of this Regulation should not be limited to any selling technique of consumer products, and thus also cover distance selling, ***such as electronic selling, online sales and sales platforms, ...***

Or. es

Justification

We believe the proposal should make clear that this Regulation also applies to online sales. Although recital 10 states that it is not limited to any selling technique, the specific case of electronic selling was mentioned alongside distance selling in recital 7 of the General Product Safety Directive (GPSD), but has been omitted from the current proposal.

Amendment 80
Josef Weidenholzer, Jörg Leichtfried

Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) With reference to on-line trading, greater attention should be focused on the difficulties facing market surveillance authorities in taking measures against dangerous products sold over the Internet. This is particularly important because the number of products from third countries sold over the Internet which do not comply with European standards is rising and therefore jeopardising the health and safety of consumers. In order to tackle these challenges, appropriate forms and methods of surveillance need to be developed for imported goods. Special

methods should be developed for customs authorities, and greater cooperation between them and the law enforcement authorities should be made a priority. Customs checks and market surveillance should be increased and standardised in relation to products sold over the Internet.

Or. de

Amendment 81
Ashley Fox

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) This Regulation should also apply to consumer products which, although not foodstuff, resemble foodstuff and are likely to *be confused with foodstuff in a way that consumers, especially children, may place them in their mouths, suck or ingest them, which might cause, for example, suffocation, poisoning, the perforation or obstruction of the digestive tract.* Those food-imitating products have so far been regulated by Council Directive 87/357/EEC of 25 June 1987 on the approximation of the laws of the Member States concerning products which, appearing to be other than they are, endanger the health or safety of *consumers* which should be repealed.

Amendment

(12) This Regulation should also apply to consumer products which, although not foodstuff, resemble foodstuff and are likely to *cause persons, in particular young children, to confuse them with food and to consequently place them in their mouths, suck or ingest them, which by doing so may cause death or personal injury.* Those food-imitating products have so far been regulated by Council Directive 87/357/EEC of 25 June 1987 on the approximation of the laws of the Member States concerning products which, appearing to be other than they are, endanger the health or safety of *consumers* which should be repealed.

Or. en

Amendment 82
Heide Rühle

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Products are not likely to be used by consumers if they are intended, under reasonably foreseeable conditions, for the exclusive use by professionals and explicitly labelled and presented as such.

Or. en

Amendment 83
Christel Schaldemose

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) This Regulation should comply with the marketing ban for cosmetic ingredients and products, especially in regards to testing on animals.

Or. en

Amendment 84
Jürgen Creutzmann

Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

(13) The safety of products should be assessed taking into account all the relevant aspects, in particular their characteristics and presentation as well as the categories of consumers who are likely to use the products taking into account their vulnerability, in particular children, the elderly and the disabled.

(13) The safety of products should be assessed taking into account all the relevant aspects, in particular their characteristics and presentation as well as the categories of consumers who are likely to use the products ***under reasonably foreseeable conditions***, taking into account their vulnerability, in particular children, the elderly and the disabled. ***When assessing the risks for vulnerable***

consumers, due consideration should be given to the applications intended and described as such by the manufacturer in the product's safety instructions and the responsibilities and supervision or training obligations incumbent upon family members, service providers or employers.

Or. en

(see amendment of Article 6(1)(1)(d) by the same author)

Justification

The concept of vulnerable consumers covers a wide spectrum of situations which escape the normal conditions of liability. The risks for vulnerable consumers should therefore be assessed in accordance with their likeliness to use a product under reasonably foreseeable conditions.

Amendment 85
Matteo Salvini

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) The safety of products should be assessed taking into account all the relevant aspects, in particular their characteristics and presentation as well as the categories of consumers who are likely to use the products taking into account their vulnerability, in particular children, the elderly and the disabled.

Amendment

(13) The safety of products should be assessed taking into account all the relevant aspects, in particular their characteristics, **composition** and presentation as well as the categories of consumers who are likely to use the products taking into account their vulnerability, in particular children, the elderly and the disabled.

Or. it

Justification

Composition is a key element in evaluating product safety.

Amendment 86
Constance Le Grip

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) The safety of products should be assessed taking into account all the relevant aspects, in particular their characteristics and presentation as well as the categories of consumers who are likely to use the products taking into account their vulnerability, in particular children, the elderly and the disabled.

Amendment

(13) The safety of products should be assessed taking into account all the relevant aspects, in particular their characteristics, ***authenticity*** and presentation as well as the categories of consumers who are likely to use the products taking into account their vulnerability, in particular children, the elderly and the disabled.

Or. fr

Justification

Authenticity is a guarantee of safety for the consumer; it helps to guarantee the origin and the conformity of a product, and should thus form an integral part of the criteria for evaluating product safety.

Amendment 87
Heide Rühle

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Products subject to Union harmonisation legislation that does not lay down essential requirements but by which or pursuant to which health and safety aspects related to the use of such products should be taken into account, should be presumed to be in compliance with the general safety requirement, provided that they comply with that legislation.

Amendment 88
Morten Løkkegaard

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) This Regulation should take into account 'child-appealing' products, whose design clearly resembles a toy, and although it is not a toy, is likely to be especially appealing to children.

Or. en

Justification

Any product might be 'child appealing', simply because children are often interested in objects that adults use. This makes it difficult to assess whether a product is 'child appealing'. It is therefore only when the appearance of the product clearly resembles a toy that special precautions/warnings should be considered by the manufacturer.

Amendment 89
Josef Weidenholzer

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Product safety also comprises protection of personal data and associated aspects (e.g. privacy by design).

Or. de

Amendment 90
Ashley Fox

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Products specifically intended for children should be assessed for their levels of risk and appropriate action taken to mitigate that risk;

Or. en

Amendment 91
Jürgen Creutzmann

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) To avoid overlapping safety requirements and conflicts with other Union legislation, a product which ***conforms*** to sector-specific Union harmonisation legislation that aims at the protection of health and safety of persons should be ***presumed to be safe under*** this Regulation.

(14) To avoid overlapping safety requirements and conflicts with other Union legislation, a product which ***is subject*** to sector-specific Union harmonisation legislation that aims at the protection of health and safety of persons should be ***excluded from the scope of*** this Regulation.

Or. en

(see amendments of Articles 5 and 6 by the same author)

Justification

The Regulation should not apply to harmonised goods in order to avoid overlaps and redundancies, since the main elements of Chapter I are already covered by harmonisation legislation. A clear separation between legislation applicable to harmonised and non-harmonised consumer goods would simplify the compliance of economic operators with product rules and their enforcement by market surveillance authorities..

Amendment 92
Marc Tarabella, Sergio Gaetano Cofferati

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) The distributor should ensure that the manufacturer and the importer have complied with their obligations, that is to say verifying the indication on product or on its packaging of the name, model name, brand name or address at which the manufacturer and the importer can be contacted and the affixing of the manufacturer's batch number, serial number or other element on the product for the identification of the product. The distributor should not check each product individually, unless the distributor considers that the manufacturer or importer have not fulfilled their requirement.

Or. en

Amendment 93
Wim van de Camp

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) The distributor should ensure that the manufacturer and the importer have complied with their obligations, that is to say verifying the indication on the product or on its packaging of the name, model name, brand name or address at which the manufacturer and the importer can be contacted and the affixing of the manufacturer's batch number, serial number or other element on the product for the identification of the product. The distributor should not check each product individually, unless the distributor considers that the manufacturer or

importer have not fulfilled their requirements.

Or. en

Amendment 94
Raffaele Baldassarre

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) The distributor should ensure that the manufacturer and the importer have complied with their obligations, that is to say verifying the indication on the product or on its packaging of the name, model name, brand name or address at which the manufacturer and the importer can be contacted and the affixing of the manufacturer's batch number, serial number or other element on the product for the identification of the product.

Or. en

Justification

It should be clarified that distributor cannot verify the veracity of these elements but only the presence

Amendment 95
Lara Comi

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) The distributor should ensure that the manufacturer and the importer have complied with their obligations, that is to

say, in so far as this is not objectively impossible or does not incur unreasonable cost, verifying the indication on the product or on its packaging of the name, brand name or address at which the manufacturer and the importer can be contacted and the affixing of the manufacturer's batch number, serial number or other element on the product for identification purposes. The distributor should not check each product individually, unless he believes that the manufacturer or importer have not fulfilled their requirements.

Or. it

Amendment 96
Matteo Salvini

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) The distributor should ensure that the manufacturer and the importer have complied with their obligations, that is to say, in so far as this is not objectively impossible or does not incur unreasonable cost, verifying the indication on the product or on its packaging of the name, brand name or address at which the manufacturer and the importer can be contacted and the affixing of the manufacturer's batch number, serial number or other element on the product for the identification purposes. The distributor should not check each product individually, unless he believes that the manufacturer or importer have not fulfilled their requirements.

Amendment 97
Josef Weidenholzer, Jörg Leichtfried

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) 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 unsafe products, such as targeted recalls. Product identification and traceability thus ensure that consumers and economic operators obtain accurate information regarding unsafe 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. Manufacturers should also establish technical documentations regarding their products for which they may choose the most appropriate **and cost-efficient** way such as by electronic means. Moreover, economic operators should be required to identify the operators who supplied them and to whom they supplied a product. Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data is applicable to the processing of personal data for the purposes of this Regulation.

Amendment

(20) ***It is essential that all products made available on the European internal market should be safe in order to guarantee a high level of consumer protection.*** Ensuring product identification, ***indication of origin*** and the traceability of products throughout the entire supply chain helps to identify economic operators and to take effective corrective measures against unsafe products, such as targeted recalls. Product identification and traceability thus ensure that consumers and economic operators obtain accurate information regarding unsafe 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. Manufacturers should also establish technical documentations regarding their products for which they may choose the most appropriate way such as by electronic means. ***In this context, the Commission should establish a public product safety database, with due regard for the necessary confidentiality, in order to cultivate awareness of dangerous products internationally in the internal market. The Commission should make all relevant information available to consumer protection organisations, other experts and national authorities.*** Moreover, economic operators should be required to identify the operators who supplied them and to whom they supplied a

product. Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data is applicable to the processing of personal data for the purposes of this Regulation.

Or. de

Amendment 98
Jürgen Creutzmann

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) 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 unsafe products, such as targeted recalls. Product identification and traceability thus ensure that consumers and economic operators obtain accurate information regarding unsafe 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. Manufacturers should also establish technical documentations regarding their products for which they may choose the most appropriate and cost-efficient way such as by electronic means. Moreover, economic operators should be required to identify the operators who supplied them and to whom they supplied a product. Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of

Amendment

(20) 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 unsafe products, such as targeted recalls. Product identification and traceability thus ensure that consumers and economic operators obtain accurate information regarding unsafe 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 *or*, if applicable, of the importer. Manufacturers should also establish technical documentations regarding their products for which they may choose the most appropriate and cost-efficient way such as by electronic means. Moreover, economic operators should be required to identify the operators who supplied them and to whom they supplied a product. Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of

personal data and on the free movement of such data is applicable to the processing of personal data for the purposes of this Regulation.

personal data and on the free movement of such data is applicable to the processing of personal data for the purposes of this Regulation.

Or. en

(see amendments on Articles 8 and 10 by the same author)

Justification

If name and address of a non-EU-manufacturer must appear on an imported product, this information would be known to the importer's competitors and business customers with the consequence that they could bypass this particular importer in the future and source directly from the non-EU-manufacturer. This would discourage SMEs from importing and result in a significant distortion of competition. It is therefore suggested to include this information in the technical documentation.

Amendment 99

Markus Pieper, Markus Ferber

Proposal for a regulation

Recital 21

Text proposed by the Commission

Amendment

(21) The indication of origin supplements the basic traceability requirements concerning the name and address of the manufacturer. In particular, the indication of the country of origin helps to identify the actual place of manufacture in all those cases where the manufacturer cannot be contacted or its given address is different from the actual place of manufacture. Such information can facilitate the task of market surveillance authorities in tracing the product back to the actual place of manufacture and enable contacts with the authorities of the countries of origin in the framework of bilateral or multilateral cooperation on consumer product safety for appropriate follow up actions.

deleted

Justification

The indication of origin for purposes of traceability is superfluous and disproportionate. It would not bring any gain for consumers, as the name and address of the manufacturer have to be indicated.

Amendment 100**Jürgen Creutzmann, Morten Løkkegaard****Proposal for a regulation****Recital 21***Text proposed by the Commission**Amendment*

(21) The indication of origin supplements the basic traceability requirements concerning the name and address of the manufacturer. In particular, the indication of the country of origin helps to identify the actual place of manufacture in all those cases where the manufacturer cannot be contacted or its given address is different from the actual place of manufacture. Such information can facilitate the task of market surveillance authorities in tracing the product back to the actual place of manufacture and enable contacts with the authorities of the countries of origin in the framework of bilateral or multilateral cooperation on consumer product safety for appropriate follow up actions. ***deleted***

(see amendment of Article 7 by the same author)

Justification

The requirement to indicate the origin of consumer products has neither been addressed by the impact assessment, nor is it contained in the New Legislative Framework. It would not improve consumer safety or product traceability, which are already ensured by other means in harmonised legislation and in the CPSR. It would also mislead consumers of products that

result from a complex worldwide supply chain. Finally, its implementation would be costly for economic operators and public authorities.

Amendment 101

Anja Weisgerber, Angelika Niebler

Proposal for a regulation

Recital 21

Text proposed by the Commission

Amendment

(21) The indication of origin supplements the basic traceability requirements concerning the name and address of the manufacturer. In particular, the indication of the country of origin helps to identify the actual place of manufacture in all those cases where the manufacturer cannot be contacted or its given address is different from the actual place of manufacture. Such information can facilitate the task of market surveillance authorities in tracing the product back to the actual place of manufacture and enable contacts with the authorities of the countries of origin in the framework of bilateral or multilateral cooperation on consumer product safety for appropriate follow up actions. ***deleted***

Or. de

Justification

Compulsory indication of origin will not increase product safety. The address of the manufacturer and an identification number already have to be indicated on products now, making it possible to trace them. Linking product safety to the provisions of the Customs Code would involve substantial costs and investment of time for the undertakings concerned.

Amendment 102

Andreas Schwab, Othmar Karas

Proposal for a regulation

Recital 21

Text proposed by the Commission

Amendment

(21) The indication of origin supplements the basic traceability requirements concerning the name and address of the manufacturer. In particular, the indication of the country of origin helps to identify the actual place of manufacture in all those cases where the manufacturer cannot be contacted or its given address is different from the actual place of manufacture. Such information can facilitate the task of market surveillance authorities in tracing the product back to the actual place of manufacture and enable contacts with the authorities of the countries of origin in the framework of bilateral or multilateral cooperation on consumer product safety for appropriate follow up actions.

deleted

Or. de

Amendment 103

Josef Weidenholzer, Jörg Leichtfried

Proposal for a regulation

Recital 21

Text proposed by the Commission

Amendment

(21) The indication of origin supplements the basic traceability requirements concerning the name and address of the manufacturer. In particular, the indication of the country of origin helps to identify the actual place of manufacture in all those cases where the manufacturer cannot be contacted or its given address is different from the actual place of manufacture. Such information can facilitate the task of market surveillance authorities in tracing the product back to the actual place of manufacture and enable contacts with the authorities of the countries of origin in the

(21) Ensuring the traceability of a product throughout its life cycle and the use of tracking labels to determine the country of origin and the manufacturer responsible are very important and necessary. At the same time, the measures concerned should not result in a disproportionate administrative burden.
The indication of origin supplements the basic traceability requirements concerning the name and address of the manufacturer. In particular, the indication of the country of origin helps to identify the actual place of manufacture in all those cases where the

framework of bilateral or multilateral cooperation on consumer product safety for appropriate follow up actions.

manufacturer cannot be contacted or its given address is different from the actual place of manufacture. ***At the same time the indication of origin can help consumers to obtain information about the sustainability of a product with reference to social and ecological standards, as well as about general safety and quality.*** Such information can facilitate the task of market surveillance authorities in tracing the product back to the actual place of manufacture and enable contacts with the authorities of the countries of origin in the framework of bilateral or multilateral cooperation on consumer product safety for appropriate follow up actions. ***The Commission should therefore also play a more active role in coordinating the activities of European market surveillance authorities, customs authorities and other competent authorities of the Member States and third countries.***

Or. de

Amendment 104
Gino Trematerra

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) The indication of origin supplements the basic traceability requirements concerning the name and address of the manufacturer. In particular, the indication of the country of origin helps to identify the actual place of manufacture in all those cases where the manufacturer cannot be contacted or its given address is different from the actual place of manufacture. Such information can facilitate the task of market surveillance authorities in tracing the product back to the actual place of manufacture and enable contacts with the

Amendment

(21) The indication of origin supplements the basic traceability requirements concerning the name and address of the manufacturer. In particular, the indication of the country of origin helps to identify the actual place of manufacture in all those cases where the manufacturer cannot be contacted or its given address is different from the actual place of manufacture. ***Modern business processes as regards the purchasing and processing of materials are such that it is not sufficient to indicate the country of origin of the finished***

authorities of the countries of origin in the framework of bilateral or multilateral cooperation on consumer product safety for appropriate follow up actions.

product in order to ensure that consumers are fully and accurately informed regarding its true provenance. Information regarding the country of origin of the constituent materials ensures that the right of consumers to make informed purchasing choices is respected. Such information can facilitate the task of market surveillance authorities in tracing the product back to the actual place of manufacture and enable contacts with the authorities of the countries of origin in the framework of bilateral or multilateral cooperation on consumer product safety for appropriate follow up actions.

Or. it

Amendment 105

Sergio Gaetano Coffferati, Marc Tarabella

Proposal for a regulation

Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) Indication of product origin is the only way of ensuring that consumers are accurately informed as to actual provenance.

Compliance by economic operators with the requirement to identify the manufacturer does not alone necessarily make it possible to determine the place of manufacture and could mislead consumers.

The indication of origin must therefore be clearly visible so as to enable consumers to make more informed purchasing choices and take account of additional data concerning the various manufacturing stages or compliance with high standards in terms of quality, social

conditions or the environment.

Or. it

Amendment 106
Jürgen Creutzmann

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) The procedures to request European standards in support of this Regulation, and on formal objections against them, should be laid down in this Regulation and be aligned with Regulation (EU) No 1025/2012. To ensure overall consistency in European standardisation issues, requests for European standards, or objections to a European standard, should therefore be brought before the committee set up by that Regulation, after appropriate consultation of experts of the Member States in the field of consumer product safety.

Amendment

(24) The procedures to request European standards in support of this Regulation, and on formal objections against them, should be laid down in this Regulation and be aligned with Regulation (EU) No 1025/2012. To ensure overall consistency in European standardisation issues, requests for European standards, or objections to a European standard, should therefore be brought before the committee set up by that Regulation, after appropriate consultation of experts of the Member States in the field of consumer product safety ***and relevant stakeholders.***

Or. en

(see amendment of Article 16(1) by the same author)

Justification

The Commission should take into account the views of stakeholders, as appropriate, when determining the content of new European safety standards in order to ensure that such standards are relevant, proportionate and effective.

Amendment 107
Jürgen Creutzmann

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards the exemption to the obligation to inform market surveillance authorities about products presenting a risk, as regards the type of data carrier and its placement on the product for the purposes of the traceability system, ***as regards standardisation requests to European standardisation organisations*** and as regards decisions on formal objections to European standards. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

Amendment

(27) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards the exemption to the obligation to inform market surveillance authorities about products presenting a risk, as regards the type of data carrier and its placement on the product for the purposes of the traceability system and as regards decisions on formal objections to European standards. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

Or. en

(see amendment of Article 16 (1) by the same author)

Justification

New European safety standards for consumer products based on Article 4 should be considered as supplementing the basic act by adding non-essential elements in accordance with Article 290 TFEU. Given the very general nature of Article 4, the European Parliament and the Council should have the possibility to revoke and object against a mandate for new standards by the Commission. It is therefore appropriate to adopt the mandate through a delegated act.

Amendment 108

Lara Comi

Proposal for a regulation

Recital 29

Text proposed by the Commission

Amendment

(29) In order to maintain a high level of health and safety of consumers, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of products for which the name and address of the manufacturer and of the importer does not need to be indicated on the product itself due to the low level of risk related to such products, and 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 carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

deleted

Or. en

Justification

Identification of products and economic operators, as well as traceability of products, are crucial. In order to ensure the safety of products placed on the market the clear identification and definition of obligations and roles for individual agents are essential.

Amendment 109

Sergio Gaetano Cofferati, Marc Tarabella

Proposal for a regulation

Recital 29

Text proposed by the Commission

Amendment

(29) In order to maintain a high level of health and safety of consumers, the power to adopt acts in accordance with Article

deleted

290 TFEU should be delegated to the Commission in respect of products for which the name and address of the manufacturer and of the importer does not need to be indicated on the product itself due to the low level of risk related to such products, and 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 carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Or. it

Amendment 110
Josef Weidenholzer

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) In order to maintain a high level of health and safety of consumers, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of products for which the name and address of the manufacturer and of the importer does not need to be indicated on the product itself due to the low level of risk related to such products, and 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 carry out appropriate consultations during its preparatory work, including at expert level. The Commission,

Amendment

(29) In order to maintain a high level of health and safety of consumers, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of products for which the name and address of the manufacturer and of the importer does not need to be indicated on the product itself due to the low level of risk related to such products, and 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 carry out appropriate consultations during its preparatory work, including at expert level, ***particularly***

when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

involving consumer protection organisations. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Or. de

Amendment 111
Ashley Fox

Proposal for a regulation
Article 1 – title

Text proposed by the Commission

Amendment

Subject matter

Subject matter ***and objective.***

Or. en

Amendment 112
Ashley Fox

Proposal for a regulation
Article 1

Text proposed by the Commission

Amendment

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

The objective of this Regulation is to ensure the proper functioning of the internal market whilst maintaining a high level of health, safety and consumer protection.

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

Or. en

Justification

This amendment clearly sets out the objective of the Regulation by tying it in closely to Article 114 of the TFEU.

Amendment 113

Pablo Arias Echeverría

Proposal for a regulation

Article 1

Text proposed by the Commission

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

Amendment

This Regulation lays down rules on the safety of consumer products placed or made available on the Union market ***and its main aim is to ensure that products available on the market are safe for consumers.***

Or. es

Amendment 114

Raffaele Baldassarre

Proposal for a regulation

Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) which are likely, under reasonably foreseeable conditions, to be used by consumers even if not directly intended for them;

Amendment

(b) which are likely, under reasonably foreseeable conditions, to be used by consumers even if not directly intended for them; ***products are not likely to be used by consumers if they are intended, under reasonably foreseeable conditions, for the exclusive use by professionals and explicitly labelled and presented as such;***

Or. en

Justification

This amendment would help to ensure a much-needed legal certainty for manufacturers of

professional products, who have clearly indicated in the safety information and user instructions, that these are intended to be used by professionals under specified conditions, for example by trained adults, under the supervision of their employer. For instance, this could include professional tools or installation equipment, whose sale in do-it-yourself retail shops was never intended or only allowed on special conditions of presentation by the manufacturer.

Amendment 115
Jürgen Creutzmann

Proposal for a regulation
Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) which are likely, under reasonably foreseeable conditions, to be used by consumers even if not intended for **them**;

Amendment

(b) which are likely, under reasonably foreseeable conditions, to be used by consumers even if, **when placed on the market, they were** not intended for **consumers**;

Or. de

Justification

This particularly applies to the German translation: it should be formulated in such a way as to make it clearer that the aim of Article 2(1)(b) of the proposal is only to ensure that products which under reasonably foreseeable circumstances will also be used by consumers fall within the scope of the Regulation. It is not the intention that incorrect use of products by consumers should be regulated here.

Amendment 116
Ashley Fox

Proposal for a regulation
Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) **to** which **consumers are exposed** in the **context** of a service **provided to them**.

Amendment

(c) which **are provided to a consumer** in the **course** of a service, **whether or not the product is used by the consumer himself**.

Amendment 117
Lara Comi

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

2. This Regulation 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

2. This Regulation 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 ***nor to second hand products originally placed on the market before the entry into force of this Regulation.***

Or. en

Justification

Retroactivity of the legislation with regard to second-hand products has to be avoided.

Amendment 118
Catherine Stihler

Proposal for a regulation
Article 2 – paragraph 3 – point a

Text proposed by the Commission

(a) medicinal products for human or veterinary use;

Amendment

(a) medicinal products ***and medical devices*** for human or veterinary use;

Or. en

Amendment 119
Bernadette Vergnaud

Proposal for a regulation
Article 2 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) materials and articles intended to come into contact with food insofar as risks related to those products are covered by Regulation (EC) No 1935/2004 or other Union legislation applicable to food;

deleted

Or. fr

Justification

As these products are subject to a harmonisation regulation ((EC) No 1935/2004), it would be more consistent if they were covered by the provisions of Article 2, paragraph 4 , like the other products subject to specific harmonised human health and safety requirements. Furthermore, the complete exclusion of these products from the scope of the regulation would be tantamount to relieving operators of their obligations as regards the provision of information, including as regards the origin of the products.

Amendment 120

Andreas Schwab, Birgit Collin-Langen, Sabine Verheyen

Proposal for a regulation

Article 2 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) medicinal devices as referred to in Directive 93/42/EEC concerning medicinal devices, Directive 90/385/EEC concerning active implantable medical devices and Directive 98/79/EC concerning in vitro diagnostic medical devices;

Or. de

Justification

The references to the directives currently still in force should be amended in accordance with the proposal for a regulation of the European Parliament and of the Council concerning medicinal devices and amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009, which is currently under consideration and yet to be adopted, and the proposal for a regulation of the European Parliament and of the Council concerning

in vitro diagnostic medical devices.

Amendment 121

Hans-Peter Mayer, Andreas Schwab, Daniel Caspary

Proposal for a regulation

Article 2 – paragraph 3 – point j a (new)

Text proposed by the Commission

Amendment

***(ja) construction products as referred to
in Regulation (EU) No 305/2011 of 9
March 2011;***

Or. de

Justification

It is not necessary to amend the rules governing construction products: they are covered by the appropriate regulations.

Amendment 122

Sergio Gaetano Cofferati, Marc Tarabella

Proposal for a regulation

Article 2 – paragraph 3 – point h

Text proposed by the Commission

Amendment

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

Or. it

Amendment 123

Heide Rühle

Proposal for a regulation

Article 2 – paragraph 3 – point i a (new)

Text proposed by the Commission

Amendment

(ia) construction products on the basis of the Regulation (EU) No. 305/2011 of March 2011.

Or. en

Amendment 124
Jürgen Creutzmann

Proposal for a regulation
Article 2 – paragraph 4

Text proposed by the Commission

Amendment

4. **Chapters II to IV of this** Regulation shall not apply to products subject to requirements designed to protect human health and safety laid down in Union harmonisation legislation or pursuant to it.

4. **This** Regulation shall not apply to products subject to requirements designed to protect human health and safety laid down in Union harmonisation legislation or pursuant to it.

Or. en

(see amendments on Articles 5 and 6 by the same author)

Justification

The Regulation should not apply to harmonised goods in order to avoid overlaps and redundancies, since the main elements of Chapter I are already covered by harmonisation legislation. A clear separation between legislation applicable to harmonised and non-harmonised consumer goods would simplify the compliance with product rules by economic operators and their enforcement by market surveillance authorities.

Amendment 125
Heide Rühle

Proposal for a regulation
Article 2 – paragraph 4

Text proposed by the Commission

Amendment

4. Chapters II to IV of this Regulation shall

4. Chapters II to IV of this Regulation shall

not apply to products subject to requirements designed to protect human health and safety laid down in Union harmonisation legislation or *pursuant to it*.

not apply to products subject to requirements designed to protect human health and safety laid down in Union harmonisation legislation or *which lays down, or provides the means for laying down, the requirements that apply to those products and that are designed to protect health and safety of persons*.

Or. en

Amendment 126

Ashley Fox

Proposal for a regulation

Article 2 – paragraph 4

Text proposed by the Commission

4. *Chapters II to IV of this* Regulation shall not apply to products subject to requirements designed to protect human health and safety laid down in Union harmonisation legislation or pursuant to it.

Amendment

4. **This** Regulation shall not apply to products subject to requirements designed to protect human health and safety laid down in Union harmonisation legislation or pursuant to it.

Or. en

Justification

One of the objectives of the Regulation is simplification. This is not achieved if the new proposal “double banks” measures that are already covered in existing harmonisation legislation and which provides more specific requirements on the safety of products. This approach by the Commission leads to confusion over what applies and as a result increases costs on businesses.

Amendment 127

Pablo Arias Echeverría

Proposal for a regulation

Article 2 – paragraph 4

Text proposed by the Commission

4. **Chapters II to IV of this Regulation** shall not apply to products subject to requirements designed to protect human health and safety laid down in Union harmonisation legislation or pursuant to it.

Amendment

4. **Chapter III** shall not apply to products subject to requirements designed to protect human health and safety laid down in Union harmonisation legislation or pursuant to it **and Chapter II shall apply in a supplementary manner to aspects not covered by said legislation.**

Or. es

Justification

Both proposals (SRPP and ASM) are brought into line with Regulation 765/08 and Decision 768/08. Just as market surveillance is being brought under a single legislative act, we would like the minimum obligations of economic operators to be defined by a single text. This will make the work of the market surveillance authorities easier and more bearable. A number of specific directives are under revision and if any product requires additional exact specification owing to its characteristics, this will be covered by their terms.

Amendment 128
Jürgen Creutzmann

Proposal for a regulation
Article 3 – point 1

Text proposed by the Commission

(1) ‘safe product’ means any product which, under normal or reasonably foreseeable conditions of use of the product concerned, including the duration of use and, where applicable, its putting into service, installation **and** maintenance requirements, 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 persons;

Amendment

(1) ‘safe product’ means any product which, under normal or reasonably foreseeable conditions of use of the product concerned, including the duration of use and, where applicable, its putting into service, installation, maintenance, **training and supervision** requirements, 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 persons;

Or. en

Justification

When assessing the safety of a product, due consideration should be given to the responsibilities and supervision or training obligations incumbent upon family members, service providers or employers.

Amendment 129

Andreas Schwab, Birgit Collin-Langen, Sabine Verheyen

Proposal for a regulation

Article 3 – point 1

Text proposed by the Commission

(1) ‘safe product’ means any product which, under normal or reasonably foreseeable conditions of use of the product concerned, including the duration of use and, where applicable, its putting into service, installation and maintenance requirements, 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 persons;

Amendment

(1) ‘safe product’ means any product ***which is genuine and*** which, under normal or reasonably foreseeable conditions of use of the product concerned, including the duration of use and, where applicable, its putting into service, installation and maintenance requirements, 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 persons;

Or. de

Justification

Counterfeit products may present considerable risks to health and safety, and the definition of a safe product should therefore include a reference to its genuineness.

Amendment 130

Constance Le Grip

Proposal for a regulation

Article 3 – point 1

Text proposed by the Commission

(1) ‘safe product’ means any product which, under normal or reasonably

Amendment

(1) ‘safe product’ means any ***authentic*** product which, under normal or reasonably

foreseeable conditions of use of the product concerned, including the duration of use and, where applicable, its putting into service, installation and maintenance requirements, 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 persons;

foreseeable conditions of use of the product concerned, including the duration of use and, where applicable, its putting into service, installation and maintenance requirements, 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 persons;

Or. fr

Justification

Authenticity is a guarantee of safety for the consumer; it helps to guarantee the origin and the conformity of a product, and should thus form an integral part of the criteria for evaluating product safety.

Amendment 131 **Raffaele Baldassarre**

Proposal for a regulation **Article 3 – point 1**

Text proposed by the Commission

(1) 'safe product' means any product which, under normal or reasonably foreseeable conditions of use of the product concerned, including the duration of use and, where applicable, its putting into service, installation and maintenance requirements, 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 persons;

Amendment

(1) safe product' means any product which ***is compliant with Union harmonisation legislation for health and safety. In the case of absence of such legislation it means any products which***, under normal or reasonably foreseeable conditions of use of the product concerned, including the duration of ***the*** use and, where applicable, its putting into service, installation and maintenance requirements, 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 persons;

Or. en

Justification

Risk assessment should focus on enforcing applicable legislation and minimising room for interpretation by local market surveillance authorities. The suggested amendment: clarifies the first chronological step of the Market Surveillance's risk assessment: to determine whether the product is covered by applicable Union harmonisation legislation; •eliminates any area of legal conflict between this Regulation and Union harmonisation legislation, which already specifies the scope, extent and limitations to market operators' obligations; •eliminates non-transparent and discretionary room for interpretation of concepts not defined in this Regulation such as "reasonable and acceptable"; "under normal and reasonably foreseeable conditions of use"; or "duration of use"; •removes reference to aspects of the risks not necessarily depending on the person liable for placing the product on the market: "putting into service, installation and maintenance".

Amendment 132 **Wim van de Camp**

Proposal for a regulation **Article 3 – point 1 a (new)**

Text proposed by the Commission

Amendment

(1a) 'product model' means products that are considered to be distinct as presenting identical or similar essential characteristics, with differences, if any, having no impact on their safety level unless otherwise proven by the manufacturer or the importer.

Or. en

Justification

The notion of model is a cornerstone of the work of market surveillance authorities. Testing and surveillance is carried out by models. However, a number of market players have either no models identification or multiply the number of models for products that are actually similar, which hampers the work of market surveillance authorities, and deters them from performing controls as it significantly increases the level of resources that they need for controls.

Amendment 133 **Marc Tarabella, Sergio Gaetano Cofferati**

Proposal for a regulation
Article 3 – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) 'product model' means products that are considered to be distinct although presenting identical or similar essential characteristics, with differences which do not impact their safety level unless otherwise proven by the manufacturer or the importer;

Or. en

Amendment 134
Matteo Salvini

Proposal for a regulation
Article 3 – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) 'dangerous product' means any product which is not a safe product within the meaning of point 1;

Or. en

Amendment 135
Raffaele Baldassarre

Proposal for a regulation
Article 3 – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) 'product model' means products regarded as distinctive in so far as their essential characteristics are identical or similar and where any differences between them have no impact on their level of safety unless otherwise shown by the manufacturer or importer;

Justification

It should be clarified that distributor cannot verify the veracity, but only the presence, of these indications.

Amendment 136
Matteo Salvini

Proposal for a regulation
Article 3 – paragraph 1 – point 1 b (new)

Text proposed by the Commission

Amendment

(1b) 'product model' means products that are considered to be distinct as presenting identical or similar essential characteristics, with differences, if any, having no impact on their safety level unless otherwise proven by the manufacturer or the importer.

Or. en

Amendment 137
Josef Weidenholzer

Proposal for a regulation
Article 3 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) 'making available on the market' means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;

(2) 'making available on the market' means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge; ***it also includes all forms of distance selling;***

Or. de

Amendment 138
Josef Weidenholzer

Proposal for a regulation
Article 3 – paragraph 1 – point 3

Text proposed by the Commission

(3) ‘placing on the market’ means the first making available of a product on the Union market;

Amendment

(3) ‘placing on the market’ means the first making available of a product on the Union market; ***it also includes all forms of distance selling;***

Or. de

Amendment 139
Ashley Fox

Proposal for a regulation
Article 3 – paragraph 1 – point 13 a (new)

Text proposed by the Commission

Amendment

(13a) ‘product presenting a serious risk’ means a product presenting a risk requiring rapid intervention and follow-up, including cases where the effects may not be immediate, any product that does not meet an essential requirement defined in the harmonisation legislation, as well as any product that does not meet the general safety requirement as defined in the mandate given by the Commission to the standardisation organisation shall be considered as presenting a serious risk;

Or. en

Amendment 140
Ashley Fox

Proposal for a regulation
Article 3 – paragraph 1 – point 13 b (new)

Text proposed by the Commission

Amendment

(13b) 'product models' means products that are considered distinct by presenting identical or similar essential characteristics. Differences, if any, should have no impact on their safety levels

Or. en

Justification

Testing and surveillance is carried out by models. However, a number of market players have either no models identification or multiply the number of models for products that are actually similar, which hampers the work of market surveillance authorities, and deters them from performing controls as it significantly increases the level of resources that they need for controls.

Amendment 141

Heide Rühle

Proposal for a regulation

Article 3 – paragraph 1 – point 16

Text proposed by the Commission

Amendment

(16) ‘Union harmonisation legislation’ means any Union legislation harmonising the conditions for the marketing of products;

(16) ‘Union harmonisation legislation’ means any Union legislation harmonising the conditions for the marketing of products. ***It defines the essential requirements which products must comply with in order to be placed on the European market.***

Or. en

Amendment 142

Marc Tarabella, Sergio Gaetano Cofferati

Proposal for a regulation

Article 3 – paragraph 1 – point 17 a (new)

Text proposed by the Commission

Amendment

(17a) 'Vulnerable consumers' are persons who have difficulties in accessing and comprehending relevant consumer information or because of their mental, physical or psychological disability or their age are more exposed to safety risk, and therefore need special protection.

Or. en

Amendment 143

Heide Rühle

Proposal for a regulation

Article 5 – introductory part

Text proposed by the Commission

Amendment

For the purpose of this Regulation, a product shall be presumed to be ***in compliance with the general safety requirement laid down in Article 4*** in the following cases:

For the purpose of this Regulation, a product shall be presumed to be ***safe*** in the following cases:

Or. en

Amendment 144

Jürgen Creutzmann

Proposal for a regulation

Article 5 – point a

Text proposed by the Commission

Amendment

(a) as regards the risks covered by requirements designed to protect human health and safety laid down in or pursuant to Union harmonisation legislation, if it conforms to those requirements;

deleted

(see amendments of Article 2 and 6 by the same author)

Justification

The Regulation should not apply to harmonised goods in order to avoid overlaps and redundancies, since the main elements of Chapter I are already covered by harmonisation legislation. A clear separation between legislation applicable to harmonised and non-harmonised consumer goods would simplify the compliance with product rules by economic operators and their enforcement by market surveillance authorities.

Amendment 145
Heide Rühle

Proposal for a regulation
Article 5 – point a

Text proposed by the Commission

(a) as regards the risks covered by **requirements** designed to protect **human** health and safety laid down in or **pursuant to** Union harmonisation legislation, **if it conforms to those requirements**;

Amendment

(a) as regards the risks covered by **Union harmonisation legislation** designed to protect health and safety **of persons if it conforms to the requirements** laid down in or **by means of such** Union harmonisation legislation;

Amendment 146
Jürgen Creutzmann

Proposal for a regulation
Article 5 – point b

Text proposed by the Commission

(b) **in the absence of requirements laid down in or pursuant to Union harmonisation legislation referred to in point (a)**, as regards the risks covered by European standards, if it conforms to relevant European standards or parts thereof, the references of which have been

Amendment

(b) as regards the risks covered by European standards, if it conforms to relevant European standards or parts thereof, the references of which have been published in the Official Journal of the European Union in accordance with

published in the Official Journal of the European Union in accordance with Articles 16 and 17;

Articles 16 and 17;

Or. en

(see amendments of Articles 2 and 6 by the same author)

Justification

The Regulation should not apply to harmonised goods in order to avoid overlaps and redundancies, since the main elements of Chapter I are already covered by harmonisation legislation. A clear separation between legislation applicable to harmonised and non-harmonised consumer goods would simplify the compliance with product rules by economic operators and their enforcement by market surveillance authorities.

Amendment 147

Bernadette Vergnaud

Proposal for a regulation

Article 5 – point b

Text proposed by the Commission

(b) in the absence of requirements laid down in or pursuant to Union harmonisation legislation referred to in point (a), as regards the risks covered by European standards, if it conforms to relevant European standards or parts thereof, the references of which have been published in the Official Journal of the European Union in accordance with Articles 16 and 17;

Amendment

(b) in the absence of requirements laid down in or pursuant to Union harmonisation legislation referred to in point (a), as regards the risks covered by European standards, if it conforms to relevant European standards or parts thereof, the references of which have been published in the Official Journal of the European Union in accordance with Articles 16 and 17, ***and where appropriate, if it meets the additional health and safety requirements contained in the legislation of the Member State where the product is made available on the market;***

Or. fr

Justification

In some cases, a product which conforms with all or part of the relevant European standards cannot be presumed safe unless it also conforms with national security requirements adopted

in accordance with the Treaty.

Amendment 148
Jürgen Creutzmann

Proposal for a regulation
Article 5 – point c

Text proposed by the Commission

(c) in the absence of requirements laid down in or pursuant to **Union harmonisation legislation referred to in point (a) and** European standards referred to in point (b), 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

(c) in the absence of requirements laid down in or pursuant to European standards referred to in point (b), 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.

Or. en

(see amendments of Articles 2 and 6 by the same author)

Justification

The Regulation should not apply to harmonised goods in order to avoid overlaps and redundancies, since the main elements of Chapter I are already covered by harmonisation legislation. A clear separation between legislation applicable to harmonised and non-harmonised consumer goods would simplify the compliance with product rules by economic operators and their enforcement by market surveillance authorities.

Amendment 149
Heide Rühle

Proposal for a regulation
Article 5 – point c

Text proposed by the Commission

(c) in the absence of requirements laid down in or pursuant to Union harmonisation legislation referred to in

Amendment

(c) in the absence of requirements laid down in or pursuant to Union harmonisation legislation referred to in

point (a) and European standards referred to in point (b), 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.

point (a) and European standards referred to in point (b), 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 *complies with* such national rules provided they are in accordance with Union law.

Or. en

Amendment 150
Wim van de Camp

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

Text proposed by the Commission

Amendment

An operator who places on the market a product that is not covered by the cases laid down under the paragraph 1 shall provide, upon request, the market surveillance authorities as well as any economic operator to whom the products are distributed, with evidence of the product's safety. In case of non-compliance with this requirement, the product shall be withdrawn from the market.

Or. en

Justification

As is already provided in the GPSD for products which do not comply with a harmonised standard, national or harmonised legislation, the burden of proof should actually be borne by economic operators. It is crucial to clarify the consequences of this principle in the present regulation especially at a time when market surveillance authorities are struggling to find the resources to perform adequately.

Amendment 151
Pablo Arias Echeverría

Proposal for a regulation
Article 5 - paragraph 1 a (new)

Text proposed by the Commission

Amendment

The presumption of safety does not exonerate the market surveillance authorities from carrying out actions pursuant to the Regulation on market surveillance in cases where new evidence arises of risks posed by a product, even though it meets or complies with the requirements.

Or. es

Amendment 152
Pablo Arias Echeverría

Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

When assessing the safety of a product, the precautionary principle shall in all cases be taken into account.

Or. es

Amendment 153
Jürgen Creutzmann

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. In the absence of Union harmonisation legislation, European standards or health and safety requirements laid down in the law of the Member State where the product is made available on the market

deleted

as referred to in points (a), (b) and (c) of Article 5, the following aspects shall be taken into account when assessing whether a product is safe, in particular:

(a) the characteristics of the product, including its 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;

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

(d) the categories of consumers at risk when using the product, in particular vulnerable consumers;

(e) 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.

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.

Or. en

(see Article 3(3) of Directive 2001/95/EC)

Justification

The current system for assessment of conformity with the safety requirement for consumer products (which has been functioning very well) should be maintained. New elements that could confuse the economic operators and enforcement authorities should be considered on a voluntary basis in order to create legal certainty. To this end, the order of the first and second paragraphs of Article 6 should be switched and the new paragraph 2 should be based on a

"may" provision.

Amendment 154
Jürgen Creutzmann

Proposal for a regulation
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In the absence of European standards or health and safety requirements laid down in the law of the Member State where the product is made available on the market as referred to in points (b) and (c) of Article 5, the conformity of a product to the general safety requirement shall be assessed by taking into account the following elements in particular, where they exist:

(a) voluntary national standards transposing relevant European

standards other than those referred to in point (b) of Article 5;

(b) the standards drawn up in the Member State in which the

product is marketed;

(c) Commission recommendations setting guidelines on

product safety assessment;

(d) product safety codes of good practice in force in the sector

concerned;

(e) the state of the art and technology.

Or. en

(see Article 3(3) of Directive 2001/95/EC, amendments on Articles 6(1), 6(2), 2 and 5 by the same author)

Justification

The current system for assessment of conformity with the safety requirement for consumer products (which has been functioning very well) should be maintained. New elements that could confuse the economic operators and enforcement authorities should be considered on a voluntary basis in order to create legal certainty. To this end, the order of the first and second paragraphs of Article 6 should be switched and the new paragraph 2 should be based on a "may" provision.

Amendment 155 **Josef Weidenholzer**

Proposal for a regulation **Article 6 – paragraph 1 – subparagraph 1 – introductory part**

Text proposed by the Commission

In the absence of Union harmonisation legislation, European standards or health and safety requirements laid down in the law of the Member State where the product is made available on the market as referred to in points (a), (b) and (c) of Article 5, the following ***aspects shall be taken into account when assessing whether a product is safe, in particular:***

Amendment

In the absence of Union harmonisation legislation, European standards or health and safety requirements laid down in the law of the Member State where the product is made available on the market as referred to in points (a), (b) and (c) of Article 5, ***a safety assessment shall be performed before the product is made available on the market, in accordance with the following criteria:***

Or. de

Amendment 156 **Pablo Arias Echeverría**

Proposal for a regulation **Article 6 – paragraph 1 – subparagraph 1 – introductory part**

Text proposed by the Commission

In the absence of Union harmonisation legislation, European standards or health and safety requirements laid down in the law of the Member State where the product is made available on the market as referred to in points (a), (b) and (c) of Article 5, ***the***

Amendment

In order to assess whether a product is safe, account shall be taken of the following aspects where they are not included in Union harmonisation legislation, ***in*** European standards or ***in the*** health and safety requirements laid down

following aspects shall be taken into account when assessing whether a product is safe, in particular:

in the law of the Member State ***in which*** the product is made available on the market as referred to in points (a), (b) and (c) of Article 5:

Or. es

Justification

All the aspects included under points (a) to (e) are general ones to be taken into account when assessing product risk and not all of them are included in specific Union and national legislation. It is therefore proposed that these requirements should apply to all products, whether or not they are harmonised, in particular point (e), which is based on a general requirement for all products contained in Directive 87/357/EEC (the directive being repealed).

Amendment 157
Josef Weidenholzer

Proposal for a regulation
Article 6 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

These criteria should be taken into account by all economic operators during the whole production and value chain.

Or. de

Amendment 158
Constance Le Grip

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

Text proposed by the Commission

Amendment

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

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

Justification

Authenticity is a guarantee of safety for the consumer, it helps to guarantee the origin and the conformity of a product, and should thus form an integral part of the criteria for evaluating product safety.

Amendment 159

Lara Comi

Proposal for a regulation

Article 6 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

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

Amendment

(c) the presentation of the product, the labelling, any warnings and instructions for its use and disposal and any other indication or information regarding the product, ***which may also take the form of illustrations or pictograms alone;***

Or. it

Amendment 160

Matteo Salvini

Proposal for a regulation

Article 6 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

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

Amendment

(c) the presentation of the product, the labelling, any warnings and instructions for its use and disposal and any other indication or information regarding the product, ***which may also take the form of illustrations or pictograms alone;***

Or. it

Amendment 161
Jürgen Creutzmann

Proposal for a regulation
Article 6 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

(d) the categories of consumers at risk when using the product, in particular vulnerable consumers;

Amendment

(d) the categories of consumers at risk when using the product, in particular vulnerable consumers ***likely to use the product under reasonably foreseeable conditions***;

Or. en

(see amendments of Recital 13 and Article 16(2a) new by the same author)

Justification

The concept of vulnerable consumers covers a wide spectrum of situations which escape the normal conditions of liability. The risks for vulnerable consumers should therefore be assessed in accordance with their likeliness to use a product under reasonably foreseeable conditions. This amendment is also included in the amendment proposing an Article 16(2a) new by the same author.

Amendment 162
Heide Rühle

Proposal for a regulation
Article 6 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

(d) the categories of consumers at risk when using the product, in particular vulnerable consumers;

Amendment

(d) the categories of consumers at risk when using the product ***under reasonably foreseeable conditions***, in particular vulnerable consumers ***such as children, the elderly and the disabled, while taking into account vulnerability due to specific product categories***;

Or. en

Amendment 163
Catherine Stihler

Proposal for a regulation
Article 6 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

(d) the categories of consumers at risk when using the product, in particular vulnerable consumers;

Amendment

(d) the categories of consumers at risk when using the product, in particular vulnerable consumers ***such as children, the elderly and the disabled, while taking into account vulnerability based on specific risks by the product.***

Or. en

Amendment 164
Andreas Schwab

Proposal for a regulation
Article 6 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

(d) the *categories* of consumers at risk when using the product, ***in particular vulnerable consumers;***

Amendment

(d) the ***characteristics*** of consumers at risk when using the product;

Or. de

Amendment 165
Morten Løkkegaard

Proposal for a regulation
Article 6 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

(e) 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,

Amendment

(e) the appearance of the product and in particular where a product;

packaging, labelling, volume, size or other characteristics.

- 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.

- although not a toy, clearly resembles a toy and is likely to be especially appealing to children.

Or. en

Justification

Any product might be ‘child appealing’, simply because children are often interested in objects that adults use. This makes it difficult to assess whether a product is ‘child appealing’. It is therefore only when the appearance of the product clearly resembles a toy that special precautions/warnings should be considered by the manufacturer.

Amendment 166 Othmar Karas

Proposal for a regulation Article 6 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

(e) 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.

Amendment

(e) the appearance of the product, **its characteristics and packaging, 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; **especially in case of a product which may attract children to using it in a way that poses a risk to their health and safety.**

Or. en

Amendment 167
Pablo Arias Echeverría

Proposal for a regulation
Article 6 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

(e) 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.

Amendment

(e) 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, ***or where a product is attractive to children because of its characteristics: form, decoration, odour,, sound, movement, etc.***

Or. es

Justification

It is proposed that point (e) include products which are attractive to children but which may pose a danger to them (for example: erasers with the shape and smell of foodstuffs, lollipop-shaped microphones, lamps, heaters, humidifiers, insect exterminators, ice-cream machines, toasters, toasted sandwich-makers, and other items attractive to children)..

Amendment 168
Josef Weidenholzer

Proposal for a regulation
Article 6 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

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

Or. de

Amendment 169
Jürgen Creutzmann

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

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

(a) the state of the art and technology;

(b) European standards other than those the references of which have been published in the Official Journal of the European Union in accordance with Articles 16 and 17;

(c) international standards;

(d) international agreements;

(e) Commission recommendations or guidelines on product safety assessment;

(f) national standards drawn up in the Member State in which the product is made available;

(g) product safety codes of good practice in force in the sector concerned;

(h) reasonable consumer expectations concerning safety.

Or. en

Justification

It should be clarified that the current system for assessment of conformity with the safety requirement for consumer products (which has been functioning very well) will be maintained. New elements that could confuse the economic operators and enforcement authorities should be considered on a voluntary basis in order to create legal certainty. To this end, the order of the first and second paragraphs of Article 6 should be switched and the new paragraph 2 should be based on a "may" provision.

Amendment 170
Jürgen Creutzmann

Proposal for a regulation
Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In addition to the elements listed in paragraph 1, the following aspects relating to products and their use, when available, may be taken into consideration when assessing whether a product is safe, in particular:

(a) the characteristics of the product, including its, authenticity, 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;

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

(d) the categories of consumers at risk when using the product, in particular vulnerable consumers likely to use the product under reasonably foreseeable conditions;

(e) 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.

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.

(see amendments on Articles 6(1) and 6(1a) new and 6(2) by the same author)

Justification

New elements that could confuse the economic operators and enforcement authorities should be considered on a voluntary basis in order to create legal certainty. To this end, the order of the first and second paragraphs of Article 6 should be switched and the new paragraph 2 should be based on a "may" provision. In addition to the proposed criteria, it should also be possible to take into account the authenticity of products, as many counterfeit products are unsafe.

Amendment 171
Jürgen Creutzmann

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

Text proposed by the Commission

Amendment

(a) the state of the art and technology; ***deleted***

(see amendment proposing an Article 6(1a) new by the same author)

Justification

Moved to the end of the list. While it is important to consider the state of the art and technology, it should not be the first of aspects to be considered. The state of the art will normally attain higher degrees of safety. However, a product could still be considered safe if other products with even higher safety standards are available on the market. This amendment is also included in the amendment proposing an Article 6(1a) new by the same author.

Amendment 172
Raffaele Baldassarre

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

Text proposed by the Commission

Amendment

(a) the state of the art and technology;

deleted

Or. fr

Justification

To ensure their implementation, the product safety evaluation criteria must be objective and available to manufacturers. The state of the art and technology and reasonable expectations of consumers concerning safety do not fulfil these conditions.

Amendment 173

Josef Weidenholzer

Proposal for a regulation

Article 6 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the requirements imposed pursuant to Article 16(1) in connection with a standardisation request;

Or. de

Amendment 174

Sergio Gaetano Cofferati, Marc Tarabella

Proposal for a regulation

Article 6 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the precautionary principle;

Or. it

Amendment 175

Bernadette Vergnaud

Proposal for a regulation
Article 6 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the essential requirements contained in the standardisation mandates in accordance with Article 16 of this Regulation;

Or. fr

Justification

While a standard is being developed, a review of compliance with the essential requirements of standardisation mandates can be a useful indicator as regards the safety of a product.

Amendment 176
Pablo Arias Echeverría

Proposal for a regulation
Article 6 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) standards of other Member States

Or. es

Amendment 177
Pablo Arias Echeverría

Proposal for a regulation
Article 6 – paragraph 2 – point c b (new)

Text proposed by the Commission

Amendment

(cb) basic requirements published by the Commission in order to comply with the provisions of Article 4.1(a) of the GPSD

Or. es

Amendment 178
Jürgen Creutzmann

Proposal for a regulation
Article 6 – paragraph 2 – point h

Text proposed by the Commission

Amendment

***(h) reasonable consumer expectations
concerning safety.*** ***deleted***

Or. en

(see amendment proposing an Article 6(1a) new by the same author)

Justification

This criterion appears arbitrary and creates legal uncertainty for economic operators, as they have to determine what "reasonable consumer expectations" are for each product, without any certainty if market surveillance authorities might interpret the concept in a different way. This amendment is also included in the amendment proposing an Article 6(1a) new by the same author.

Amendment 179
Raffaele Baldassarre

Proposal for a regulation
Article 6 – paragraph 2 – point h

Text proposed by the Commission

Amendment

***(h) reasonable consumer expectations
concerning safety.*** ***deleted***

Or. fr

Justification

To ensure their implementation, the product safety evaluation criteria must be objective and available to manufacturers. The state of the art and technology and reasonable expectations of consumers concerning safety do not fulfil these conditions.

Amendment 180
Christel Schaldemose

Proposal for a regulation
Article 6 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) Union legislation in regards to alternatives to animal testing used for regulatory purposes as outlined in Regulation (EU) No. 1907/2006, 1223/2009 and Directive No. 2010/63/EU.

Or. en

Amendment 181
Jürgen Creutzmann

Proposal for a regulation
Article 6 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) the state of the art and technology

Or. en

(see amendment proposing an Article 6(1a) new by the same author)

Justification

Moved to the end of the list. While it is important to consider the state of the art and technology, it should not be the first of aspects to be considered. The state of the art will normally attain higher degrees of safety. However, a product could still be considered safe if other products with even higher safety standards are available on the market. This amendment is also included in amendment proposing an Article 6(1a) new by the same author.

Amendment 182
Marc Tarabella, Sergio Gaetano Cofferati

Proposal for a regulation
Article 6 a (new)

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Text proposed by the Commission

Amendment

Article 6 a

CE + marking

The CE+ marking shall be affixed only by the manufacturer or his authorised representative.

The CE+ marking shall be affixed only to consumer products covered by this regulation, and shall not be affixed to any other product. The CE+ marking shall be affixed after testing on representative samples of the products put up for sale pick randomly under the control of a judicial officer, an authority or any other qualified person designated by each Member State.

The CE+ marking shall be the only marking which attests that the product has been tasted and found to be a safe product.

Or. en

Amendment 183
Wim van de Camp

Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

CE + marking

1. The CE+ marking shall be affixed only by the manufacturer or his authorised representative.

2. The CE+ marking shall be affixed only to consumer products covered by this Regulation, and shall not be affixed to any other product.

3. By affixing or having affixed the CE+ marking, the manufacturer indicates that

the product has been tested and found compliant with the safety requirement in this Regulation by an accredited body competent to assess the safety of the specific product. The CE+ marking shall be affixed after testing on representative samples of the products put up for sale pick randomly under the control of a judicial officer, an authority or any other qualified person designated by each Member State.

4. The CE+ marking shall be the only marking which attests that the product has been tested and found to be a safe product.

5. The affixing to a product of markings, signs or inscriptions which are likely to mislead third parties regarding the meaning or form of the CE+ marking shall be prohibited. Any other marking may be affixed to the product provided that the visibility, legibility and meaning of the CE+ marking is not thereby impaired.

6. Member States shall ensure the correct implementation of the regime governing the CE+ marking and take appropriate action in the event of improper use of the marking. Member States shall also provide for penalties for infringements, which may include criminal sanctions for serious infringements. Those penalties shall be proportionate to the seriousness of the offence and constitute an effective deterrent against improper use.

Or. en

Justification

The majority of non-compliant lighters models sold in the EU bear certificates of conformity received after third party testing. This is because, in the absence of an independent third party involved in sample collection, manufacturers can have tests made on prepared samples that are not representative of what they actually sell and receive certificates of conformity for products that have not been checked. This is misleading and poses a real risk to consumers' safety.

Amendment 184
Markus Pieper, Markus Ferber

Proposal for a regulation
Article 7

Text proposed by the Commission

Amendment

Article 7

deleted

Indication of the origin

1. Manufacturers and importers shall ensure that products bear an indication of the country of origin of the product or, where the size or nature of the product does not allow it, that indication is to be provided on the packaging or in a document accompanying the product.

2. For the purpose of determination of the country of origin within the meaning of paragraph 1, non-preferential origin rules set out in Articles 23 to 25 of Council Regulation (EEC) No 2913/92 establishing a Community Customs Code shall apply.

3. Where the country of origin determined in accordance with paragraph 2 is a Member State of the Union, manufacturers and importers may refer to the Union or to a particular Member State.

Or. de

Justification

A compulsory indication of origin would have no added value for consumers and would cause unnecessary confusion. The rules which have applied hitherto have ensured that the safety of consumers is guaranteed. Moreover, a compulsory indication of origin would create unnecessary new bureaucracy, which would be particularly detrimental to SMEs.

Amendment 185
Ashley Fox

Proposal for a regulation
Article 7

Text proposed by the Commission

Amendment

Article 7

deleted

Indication of the origin

1. Manufacturers and importers shall ensure that products bear an indication of the country of origin of the product or, where the size or nature of the product does not allow it, that indication is to be provided on the packaging or in a document accompanying the product.

2. For the purpose of determination of the country of origin within the meaning of paragraph 1, non-preferential origin rules set out in Articles 23 to 25 of Council Regulation (EEC) No 2913/92 establishing a Community Customs Code shall apply.

3. Where the country of origin determined in accordance with paragraph 2 is a Member State of the Union, manufacturers and importers may refer to the Union or to a particular Member State.

Or. en

Amendment 186
Jürgen Creutzmann, Morten Løkkegaard

Proposal for a regulation
Article 7

Text proposed by the Commission

Amendment

Article 7

deleted

Indication of the origin

1. Manufacturers and importers shall ensure that products bear an indication of

the country of origin of the product or, where the size or nature of the product does not allow it, that indication is to be provided on the packaging or in a document accompanying the product.

2. For the purpose of determination of the country of origin within the meaning of paragraph 1, non-preferential origin rules set out in Articles 23 to 25 of Council Regulation (EEC) No 2913/92 establishing a Community Customs Code shall apply.

3. Where the country of origin determined in accordance with paragraph 2 is a Member State of the Union, manufacturers and importers may refer to the Union or to a particular Member State.

Or. en

Justification

The requirement to indicate the origin of consumer products has neither been addressed by the impact assessment, nor is it contained in the New Legislative Framework. It would not improve consumer safety or product traceability, which are already ensured by other means in harmonised legislation and in the CPSR. It would also mislead consumers of products that result from a complex worldwide supply chain. Finally, its implementation would be costly for economic operators and public authorities.

Amendment 187

Anja Weisgerber, Angelika Niebler

Proposal for a regulation

Article 7

Text proposed by the Commission

Amendment

Article 7

deleted

Indication of the origin

1. Manufacturers and importers shall ensure that products bear an indication of the country of origin of the product or, where the size or nature of the product

does not allow it, that indication is to be provided on the packaging or in a document accompanying the product.

2. For the purpose of determination of the country of origin within the meaning of paragraph 1, non-preferential origin rules set out in Articles 23 to 25 of Council Regulation (EEC) No 2913/92 establishing a Community Customs Code shall apply.

3. Where the country of origin determined in accordance with paragraph 2 is a Member State of the Union, manufacturers and importers may refer to the Union or to a particular Member State.

Or. de

Justification

Compulsory indication of origin will not increase product safety. The address of the manufacturer and an identification number already have to be indicated on products now, making it possible to trace them. Linking product safety to the provisions of the Customs Code would involve substantial costs and loss of time for the undertakings concerned.

Amendment 188

Róza Gräfin von Thun und Hohenstein, Rafał Trzaskowski, Małgorzata Handzlik

Proposal for a regulation

Article 7

Text proposed by the Commission

Amendment

Article 7

deleted

Indication of the origin

1. Manufacturers and importers shall ensure that products bear an indication of the country of origin of the product or, where the size or nature of the product does not allow it, that indication is to be provided on the packaging or in a document accompanying the product.

2. For the purpose of determination of the country of origin within the meaning of paragraph 1, non-preferential origin rules set out in Articles 23 to 25 of Council Regulation (EEC) No 2913/92 establishing a Community Customs Code shall apply.

3. Where the country of origin determined in accordance with paragraph 2 is a Member State of the Union, manufacturers and importers may refer to the Union or to a particular Member State.

Or. pl

Amendment 189

Andreas Schwab, Birgit Collin-Langen, Sabine Verheyen, Othmar Karas

Proposal for a regulation

Article 7

Text proposed by the Commission

Amendment

Article 7

deleted

Indication of the origin

1. Manufacturers and importers shall ensure that products bear an indication of the country of origin of the product or, where the size or nature of the product does not allow it, that indication is to be provided on the packaging or in a document accompanying the product.

2. For the purpose of determination of the country of origin within the meaning of paragraph 1, non-preferential origin rules set out in Articles 23 to 25 of Council Regulation (EEC) No 2913/92 establishing a Community Customs Code shall apply.

3. Where the country of origin determined in accordance with paragraph 2 is a Member State of the Union, manufacturers and importers may refer to

the Union or to a particular Member State.

Or. de

Justification

The introduction of a compulsory indication of origin linked to the customs regulations concerning non-preferential origin was not considered as part of the prior impact assessment by the Commission. Moreover, this proposal is comparable to proposal for a regulation COM(2005)661, which was withdrawn in April 2013.

Amendment 190
Adam Bielan

Proposal for a regulation
Article 7

Text proposed by the Commission

Amendment

Article 7

deleted

Indication of the origin

1. Manufacturers and importers shall ensure that products bear an indication of the country of origin of the product or, where the size or nature of the product does not allow it, that indication is to be provided on the packaging or in a document accompanying the product.

2. For the purpose of determination of the country of origin within the meaning of paragraph 1, non-preferential origin rules set out in Articles 23 to 25 of Council Regulation (EEC) No 2913/92 establishing a Community Customs Code shall apply.

3. Where the country of origin determined in accordance with paragraph 2 is a Member State of the Union, manufacturers and importers may refer to the Union or to a particular Member State.

Amendment 191
Lara Comi

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Manufacturers and importers shall ensure that products bear an indication of the country of origin of the product or, where the size or nature of the product does not allow it, that indication is to be provided on the packaging or in a document accompanying the product.

Amendment

1. Manufacturers and importers shall ensure that products bear an indication of the country of origin of the product ***and its constituent materials*** or, where the size or nature of the product does not allow it, that indication is to be provided on the packaging or in a document accompanying the product. ***The relevant indication shall in every case be affixed visibly and be easily identifiable by the consumer.***

Or. it

Amendment 192
Sergio Gaetano Cofferati, Marc Tarabella

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Manufacturers and importers shall ensure that products bear an indication of the country of origin of the product or, where the size or nature of the product does not allow it, that indication is to be provided on the packaging or in a document accompanying the product.

Amendment

1. Manufacturers and importers shall ensure that products bear an indication of the country of origin of the product or, where the size or nature of the product does not allow it, that indication is to be provided on the packaging or in a document accompanying the product. ***Manufacturers and importers shall also affix on products an indication of the origin of the constituent materials. The indication of origin of the finished product must be clearly visible to the***

consumer.

Or. it

Amendment 193

Mitro Repo

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. Manufacturers and importers shall ensure that products bear an indication of the country of origin of the product or, where the size or nature of the product does not allow it, that indication is to be provided on the packaging or in a document accompanying the product.

Amendment

1. Manufacturers and importers shall ensure that products bear an indication of the country of origin of the product or, ***including the origin of the raw material used for the production***, where the size or nature of the product does not allow it, that indication is to be provided on the packaging or in a document accompanying the product.

Or. en

Justification

It is important that the country of the label is not the country of “point of last economic transformation”. Otherwise, it would mean that the e.g. European fur manufactured in China would carry a label saying “Country of origin: China” and consumers would not be able to know where and under which conditions the raw material, like fur, is produced.

Amendment 194

Josef Weidenholzer, Jörg Leichtfried

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. Manufacturers and importers shall ensure that products bear an indication of the country of origin of the product or, where the size or nature of the product

Amendment

1. Manufacturers and importers must indicate the country of origin of a product to ensure the traceability of a product within the supply chain. Manufacturers

does not allow it, that indication is to be provided on the packaging or in a document accompanying the product.

and importers shall ensure that **all** products – **irrespective of whether they originate in the EU or in a third country** – bear an indication of the country of origin of the product or, where the size or nature of the product does not allow it, that indication is to be provided on the packaging or in a document accompanying the product. ***Distributors must ensure that the country of origin has been indicated appropriately by the manufacturer or importer before they make a product available on the European internal market.***

Or. de

Amendment 195
Matteo Salvini

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Manufacturers and importers shall ensure that products bear an indication of the country of origin of the product or, where the size or nature of the product does not allow it, that indication is to be provided on the packaging or in a document accompanying the product.

Amendment

1. Manufacturers and importers shall ensure that products bear an indication of the country of origin of the product **and its constituent materials** or, where the size or nature of the product does not allow it, that indication is to be provided on the packaging or in a document accompanying the product.

Or. it

Justification

Composition is a key element in evaluating product safety. Product information must also indicate the origin of the materials composing them. Compulsory indication of the origin of constituent materials would enhance SME excellence in those Member States adversely affected in economic terms by lack of transparency in this respect.

Amendment 196
Constance Le Grip

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. For the purpose of determination of the country of origin within the meaning of paragraph 1, non-preferential origin rules set out in Articles **23 to 25 of Council Regulation (EEC) No 2913/92 establishing a Community Customs Code** shall apply.

Amendment

2. For the purpose of determination of the country of origin within the meaning of paragraph 1, non-preferential origin rules set out in Articles **52 to 55, including delegated acts to be adopted pursuant to Article 55, of Regulation No. XXXX/13** establishing a Customs Code **of the Union** shall apply.

Or. fr

Amendment 197
Josef Weidenholzer

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. Where the country of origin determined in accordance with paragraph 2 is a Member State of the Union, manufacturers and importers may refer to the Union or to a particular Member State.

Amendment

3. Where the country of origin determined in accordance with paragraph 2 is a Member State of the Union, manufacturers and importers may refer to the Union or to a particular Member State **on the 'made in ...' label. The name and address of the manufacturer should likewise be indicated on all products which are made available on the EU internal market.**

Or. de

Amendment 198

Matteo Salvini

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. Where the country of origin determined in accordance with paragraph 2 is a Member State of the Union, manufacturers and importers *may* refer *to the Union or to a particular* Member State.

Amendment

3. Where the country of origin determined in accordance with paragraph 2 is a Member State of the Union, manufacturers and importers *must* refer to *the* Member State.

Or. it

Justification

'European Union' is too general a designation to serve as an indication of origin.

Amendment 199
Gino Trematerra

Proposal for a regulation
Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Manufacturers shall be authorised to indicate the origin in English alone ('Made in [country]'), since this is readily comprehensible for consumers.

Or. it

Amendment 200
Josef Weidenholzer

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. *When* placing their products on the market, manufacturers shall ensure that they have been designed and manufactured in accordance with the general safety requirement laid down in Article 4.

1. *Before* placing their products on the market, manufacturers shall ensure that they have been designed and manufactured in accordance with the general safety requirement laid down in Article 4.

Amendment 201
Pablo Arias Echeverría

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Manufacturers shall provide consumers with sufficient information allowing them to assess the risks inherent to a product in the course of its normal or foreseeable use, where such risks are not immediately evident without proper warning, so that they can take precautions against such risks.

Manufacturers shall assess the risks posed by products before placing them on the market.

Or. es

Justification

En primer lugar, falta la obligación de informar al consumidor de los riesgos inherentes a un producto durante su periodo de utilización normal o razonablemente previsible, recogida en el art. 5.1 de la DSGP y se propone incluirla, En segundo lugar se propone incluir la obligación de realizar una evaluación del riesgo antes de su puesta en el mercado. No está claro en el texto que ésta sea obligatoria para al fabricante, y ésta debe formar parte de la documentación técnica. Es un asunto de gran importancia, ya que estamos refiriéndonos a productos no armonizados y muchos de ellos no tienen ninguna normativa. Esta sería una buena base para su control.

Amendment 202
Josef Weidenholzer

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. Manufacturers shall ensure that procedures are in place for **series** production to remain in conformity with the general safety requirement laid down in Article 4.

Amendment

2. Manufacturers shall ensure that procedures are in place for production to remain in conformity with the general safety requirement laid down in Article 4, ***the relevant health and safety requirements of the harmonisation provisions of the Union and European standards and the health and safety requirements laid down in the legislation of the Member States where it is intended to make the product available.***

Or. de

Amendment 203
Pablo Arias Echeverría

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. Manufacturers shall ensure that procedures are in place for series production to remain in conformity with the general safety requirement laid down in Article 4.

Amendment

2. Manufacturers shall ensure that procedures are in place for series production to remain in conformity with the general safety requirement laid down in Article 4.

Manufacturers shall keep a register of checks carried out on batches and be available to the surveillance authorities when required

Or. es

Justification

The experience of managing RAPEX has shown that products on the market are not homogenous, it often being the case that when three market samples are subjected to laboratory testing, no two are identical.

Amendment 204
Josef Weidenholzer

Proposal for a regulation
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In order to identify the risks which may possibly be presented by a product, manufacturers shall perform appropriate procedures and shall ascertain the safety of the product and its compliance with the standards referred to in paragraph 2; the Commission shall be empowered to adopt delegated acts in accordance with Article 20 specifying the aspects to be examined by the manufacturer when analysing the possible risks, including the format of the analysis.

Or. de

Amendment 205
Marc Tarabella, Sergio Gaetano Cofferati

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. Proportionate to the possible risks of a product, manufacturers shall, to protect the health and safety of consumers, carry out sample testing ***of products made available on the market***, investigate complaints and keep a register of complaints, non-conforming products and product recalls, and shall keep distributors informed of any such monitoring.

3. In order to ensure the highest product safety, manufacturers shall, to protect the health and safety of consumers, carry out sample testing ***at least once a year on representative samples of the products put up for sale picked randomly under the control of a judicial officer, an authority or any other qualified person designated by each Member State***, investigate complaints and keep a register of complaints, non-conforming products and product recalls, and shall keep distributors informed of any such monitoring.

Or. en

Amendment 206
Franz Obermayr

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. Proportionate to the possible risks of a product, manufacturers shall, to protect the health and safety of consumers, carry out sample testing of products made available on the market, investigate complaints and keep a register of complaints, non-conforming products and product recalls, and shall keep distributors informed of any such monitoring.

Amendment

3. Proportionate to the possible risks of a product, manufacturers shall, to protect the health and safety of consumers, ***at least once a year, in the presence of a qualified State representative,*** carry out ***random*** sample testing of products made available on the market, investigate complaints and keep a register of complaints, non-conforming products and product recalls, and shall keep distributors informed of any such monitoring. ***In particular, manufacturers must perform tests under the same conditions for products which have been or are the subject of a Commission decision pursuant to Article 12 of the Regulation on the market surveillance of products.***

Or. de

Amendment 207
Matteo Salvini

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. Proportionate to the possible risks of a product, manufacturers shall, to protect the health and safety of consumers, carry out sample testing ***of products made available on the market,*** investigate complaints and keep a register of complaints, non-conforming products and product recalls, and shall keep distributors informed of any

Amendment

3. Proportionate to the possible risks of a product, manufacturers shall, to protect the health and safety of consumers, carry out sample testing ***at least once a year on representative samples of the products put up for sale picked randomly under the control of a judicial officer, an authority or any other qualified person designated***

such monitoring.

by each Member State, investigate complaints and keep a register of complaints, non-conforming products and product recalls, and shall keep distributors informed of any such monitoring.

In particular, manufacturers shall carry out, under the same conditions, testing of products that are or have been the subject of a decision by the Commission on the basis of Article 12 of the Regulation on the market surveillance of products

Or. en

Amendment 208
Wim van de Camp

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. Proportionate to the possible risks of a product, manufacturers shall, to protect the health and safety of consumers, carry out sample testing *of* products ***made available on the market***, investigate complaints and keep a register of complaints, non-conforming products and product recalls, and shall keep distributors informed of any such monitoring.

Amendment

3. Proportionate to the possible risks of a product, manufacturers shall, to protect the health and safety of consumers, carry out sample testing ***at least once a year on representative samples of the products put up for sale picked randomly under the control of a judicial officer, an authority or any other qualified person designated by each Member State***, investigate complaints and keep a register of complaints, non-conforming products and product recalls, and shall keep distributors informed of any such monitoring. ***In particular, manufacturers shall carry out, under the same conditions, testing of products that are or have been the subject of a decision by the Commission on the basis of Article 12 of the Regulation on the market surveillance of products***

Or. en

Justification

Same justification as Article 6 a (new)

Amendment 209

Pablo Arias Echeverría

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

3. ***Proportionate to the possible risks of a product***, manufacturers shall, to protect the health and safety of consumers, carry out sample testing of products made available on the market, investigate complaints and keep a register of complaints, non-conforming products and product recalls, and shall keep distributors informed of any such monitoring.

Amendment

3. Manufacturers shall, to protect the health and safety of consumers, carry out sample testing of products made available on the market, investigate complaints and keep a register of complaints, non-conforming products and product recalls, and shall keep distributors informed of any such monitoring. ***This information shall be made available to the surveillance authorities on request.***

Or. es

Justification

This is very important in cases where the authorities receive a complaint about a product and wish to know whether the manufacturer has received similar complaints and what their reaction has been.

Amendment 210

Philippe Juvin, Nora Berra, Raffaele Baldassarre

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

3. Proportionate to the possible risks of a product, manufacturers shall, to protect the health and safety of consumers, carry out sample testing of products made available on the market, investigate complaints and

Amendment

3. Proportionate to the possible risks of a product, manufacturers shall, to protect the health and safety of consumers, carry out ***representative*** sample testing of products made available on the market ***chosen***

keep a register of complaints, non-conforming products and product recalls, and shall keep distributors informed of any such monitoring.

under the control of a judicial officer or any qualified person designated by each Member State, investigate complaints and keep a register of complaints, non-conforming products and product recalls, and shall keep distributors informed of any such monitoring.

Or. en

Justification

This amendment intends to reinforce the reliability of sample testing of products once they are on the market when those are considered to generate potential risks. The introduction of the representativeness of the samples is ensured by the fact that they are chosen by a third party (judicial officer or person designated by the national competent authorities of the Member States).

Amendment 211

Philippe Juvin, Nora Berra, Raffaele Baldassarre

Proposal for a regulation

Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. When the products made available on the market are or have been subject to a decision by the Commission on the basis of article 12 of [Regulation on market surveillance of products], manufacturers, or when appropriate importers, shall, to protect the health and safety of consumers, carry out at least once a year representative sample testing of products made available on the market chosen under the control of a judicial officer or any qualified person designated by each Member State.

Or. en

Justification

This amendment intends to introduce a mandatory sample testing for manufacturers (or for importers when the manufacturer is established in a third country) regarding products that have been subject to decisions on the basis of article 12 of the Regulation on market surveillance of products (products presenting a serious risk and justifying Union action). This sample testing should be made at least once a year.

Amendment 212 **Heide Rühle**

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

Text proposed by the Commission

Proportionate to the possible risks of a product, manufacturers shall draw up a technical **documentation**. **The** technical documentation shall contain, as appropriate:

Amendment

Proportionate to the possible risks of a product, manufacturers shall draw up a technical **documentation for categories of products**. **The** technical documentation shall contain, as appropriate:

Or. en

Amendment 213 **Josef Weidenholzer**

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

Text proposed by the Commission

Proportionate to the possible risks of a product, manufacturers shall draw up a technical documentation. The technical documentation shall contain, **as appropriate**:

Amendment

Proportionate to the possible risks of a product, manufacturers shall draw up a technical documentation. The technical documentation shall contain:

Or. de

Amendment 214 **Pablo Arias Echeverría**

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Proportionate to the possible risks of a product, manufacturers shall draw up a technical documentation. The technical documentation shall contain, ***as appropriate***:

Manufacturers shall draw up a technical documentation. The technical documentation shall contain:

Or. es

Amendment 215

Heide Rühle

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) a general description of the product and its essential properties relevant for assessing the ***product's*** safety;

(a) a general description of the product ***category*** and its essential properties relevant for assessing the safety;

Or. en

Amendment 216

Pablo Arias Echeverría

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) a general description of the product and its essential properties relevant for assessing the product's safety;

(a) a general description of the product ***which enables the product information file to be clearly attributed to the product***, and ***of*** its essential properties relevant for assessing the product's safety;

Or. es

Amendment 217
Pablo Arias Echeverría

Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) Name and address of manufacturer.
The technical documentation shall be provided in the language of the Member State in which the product is marketed or in one acceptable to the market surveillance authorities by which it is requested.

Or. es

Justification

Product traceability is strengthened. The text is copied from Article 11.2(a) of Regulation (EC) No 1223/2009 on cosmetic products.

Amendment 218
Heide Rühle

Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) an analysis of the possible risks related to the product and the solutions adopted to eliminate or mitigate such risks, including the outcome of any tests conducted by the manufacturer or by another party on his behalf;

(b) an analysis of the possible risks related to the product ***category*** and the solutions adopted to eliminate or mitigate such risks, including the outcome of any tests conducted by the manufacturer or by another party on his behalf;

Or. en

Amendment 219
Josef Weidenholzer

Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

(b) an analysis of the possible risks related to the product and the solutions adopted to eliminate or mitigate such risks, including the outcome of any tests conducted by the manufacturer or by another party on his behalf;

Amendment

(b) an analysis of the possible risks related to the product *pursuant to [paragraph 2a]** and the solutions adopted to eliminate or mitigate such risks, including the outcome of any tests conducted by the manufacturer or by another party on his behalf;

** Please insert the paragraph which corresponds to Amendment 16 concerning Article 8, paragraph 2a (new), by Josef Weidenholzer.*

Or. de

Amendment 220
Heide Rühle

Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

(c) where applicable, a list of the European standards referred to in point (b) of Article 5 or health and safety requirements laid down in the law of the Member State where the *product is* made available on the market referred to in point (c) of Article 5, or other aspects referred to in Article 6(2), applied to meet the general safety requirement laid down in Article 4.

Amendment

(c) where applicable, a list of the European standards referred to in point (b) of Article 5 or health and safety requirements laid down in the law of the Member State where the *products are* made available on the market referred to in point (c) of Article 5, or other aspects referred to in Article 6(2), applied to meet the general safety requirement laid down in Article 4.

Or. en

Amendment 221
Jürgen Creutzmann

Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) Where the manufacturer does not place the product on the market, name, registered trade name or registered trade mark of the manufacturer and the address at which he can be contacted.

Or. en

Justification

If name and address of a non-EU-manufacturer must appear on an imported product, this information would be known to the importer's competitors and business customers with the consequence that they could bypass this particular importer in the future and source directly from the non-EU-manufacturer. This would discourage SMEs from importing and result in a significant distortion of competition. It is therefore suggested to include this information in the technical documentation.

Amendment 222
Bernadette Vergnaud

Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

Where any of the European standards, health and safety requirements or other aspects referred to in point (c) of the first subparagraph have been only partly applied, the parts which have been applied shall be identified.

Where any of the European standards, health and safety requirements or other aspects referred to in point (c) of the first subparagraph have been only partly applied, the parts which have been applied shall be identified ***and, where appropriate, details shall be provided on how the risks covered by the parts which have not been applied have been taken into account.***

Or. fr

Justification

Where manufacturers choose to apply only part of a health or safety standard or requirements, they should specify how they have chosen to address other risks included in the standard.

Amendment 223

Heide Rühle

Proposal for a regulation

Article 8 – paragraph 5

Text proposed by the Commission

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

Amendment

5. Manufacturers shall keep, for a period of ten years after the product has been placed on the market, the technical documentation and make it available to the market surveillance authorities, **whether in electronic form or not, upon reasoned** request.

Or. en

Amendment 224

Ashley Fox

Proposal for a regulation

Article 8 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 225
Jürgen Creutzmann

Proposal for a regulation
Article 8 – paragraph 5

Text proposed by the Commission

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

Amendment

5. Manufacturers shall, for a period of **five** years after the product has been placed on the market, **make the relevant parts of technical documentation** available to the market surveillance authorities **in electronic or physical format, upon reasoned** request.

The technical documentation does not have to be located in the territory of the Union, nor does it have to be permanently available in material form. However, it must be capable of being assembled and made available within a reasonable time-frame.

Or. en

(see Articles R2(9) and R4(9) of Decision No 768/2008/EC, Annex VII A(2) of Directive 2006/42/EC, EC Guidelines on the application of Directive 2006/95/EC and amendment of Article 10(8) by the same author)

Justification

Manufacturers should only have to draw up technical specifications for non-harmonised consumer products upon reasoned request, as those products are generally not considered to bear high risks. A general obligation would create disproportionate administrative burdens. The proposed wording is inspired by the Machinery Directive. The proposed period of 10 years clearly exceeds the life-cycle of most consumer products and should therefore be shortened.

Amendment 226
Raffaele Baldassarre

Proposal for a regulation
Article 8 – paragraph 5

Text proposed by the Commission

Amendment

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

5. Manufacturers shall **ensure that the technical documentation can be made available to the market surveillance authorities, upon request** for a period of ten years after the product has been placed on the market

Or. en

Justification

The CPSR should not be stricter than harmonised legislation. Consequently, importers should not be obliged to keep the technical documentation, but to provide it to the authorities upon request.

Amendment 227

Pablo Arias Echeverría

Proposal for a regulation

Article 8 – paragraph 5

Text proposed by the Commission

Amendment

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

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

Or. es

Justification

This period should start on the last date on which the product was placed on the market.

Amendment 228

Josef Weidenholzer

Proposal for a regulation
Article 8 – paragraph 6

Text proposed by the Commission

6. Manufacturers shall ensure that their products bear a type, batch or serial number or other element allowing the identification of the product which is easily visible and legible for consumers, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the product.

Amendment

6. Manufacturers shall ensure that their products bear a type, batch or serial number or other element allowing the identification of the product which is easily visible and legible for consumers, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the product. ***In this case, it should be recommended that consumers keep the information indicated on the packaging or on the document accompanying the product.***

Or. de

Amendment 229
Preslav Borissov

Proposal for a regulation
Article 8 – paragraph 6

Text proposed by the Commission

6. Manufacturers shall ensure that their products bear a type, batch or serial number or other element allowing the identification of the product which is easily visible and legible for consumers, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the product.

Amendment

6. Manufacturers shall ensure that their products bear a ***product model***, type, batch or serial number or other element allowing the identification of the product which is easily visible and legible for consumers, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the product.

Or. en

Amendment 230
Bernadette Vergnaud

Proposal for a regulation
Article 8 – paragraph 6

Text proposed by the Commission

6. Manufacturers shall ensure that their products bear a type, batch or serial number or other element allowing the identification of the product which is easily visible and legible for consumers, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the product.

Amendment

6. Manufacturers shall ensure that their products bear a type, batch or serial number or other element allowing the identification of the product which is easily visible and legible for consumers, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the product, ***accompanied in this case by the words 'information to be retained'.***

Or. fr

Justification

Where the identification information is provided on the packaging or in a document accompanying the product, consumers should be advised to keep them.

Amendment 231
Constance Le Grip

Proposal for a regulation
Article 8 – paragraph 6 - subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where the information allowing the identification of product is not provided directly on the product, manufacturers shall indicate in a sufficiently visible manner that the medium containing this information must be retained.

Or. fr

Amendment 232

Ashley Fox

Proposal for a regulation

Article 8 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Where manufacturers consider that their products bear no risks or only a low level of risk, the provisions in paragraphs 3, 4 and 5 shall not apply. In making that assessment the manufacturer must be able to demonstrate its decision to the relevant market surveillance authorities, following a reasoned request, and to its downstream suppliers.

Or. en

Amendment 233

Marc Tarabella, Sergio Gaetano Cofferati

Proposal for a regulation

Article 8 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. In order to strengthen products safety, manufacturers shall draw up a list of their product models, and make it available to the public and other economic operators by any appropriate means.

The manufacturer shall provide the market surveillance authorities, upon request, as well as any economic operator to whom he distributes his products, with evidence supporting the existence of different essential characteristics between its product models.

Or. en

Amendment 234
Raffaele Baldassarre

Proposal for a regulation
Article 8 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Manufacturers of products that are subject of a decision by the Commission under Article 12 of the Regulation on the market surveillance of products [XREFX], shall draw up a list of product models, accompanied by a photograph, and make it available to the public and other economic operators by any appropriate means, in particular for products

The manufacturer shall provide the market surveillance authorities, upon request, as well as any economic operator to whom he distributes his products, with evidence supporting the existence of different essential characteristics between its models within the meaning of the definition given in Article 3(2) of this Regulation.

Or. en

Justification

The requirement of a list of models with a photograph which exists in Polish law, permits avoiding any confusion between models. Economic operators would no longer be able to circumvent market withdrawal measures by multiplying the number of models for products that are essentially similar

Amendment 235
Wim van de Camp

Proposal for a regulation
Article 8 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Manufacturers shall draw up a list of their product models, accompanied by a photograph, and make it available to the public and other economic operators by any appropriate means, in particular for products that are the subject of a decision by the Commission under Article 12 of the Regulation on the market surveillance of products [XREFX] and for products that are the subject of widespread distribution.

The manufacturer shall provide the market surveillance authorities, upon request, as well as any economic operator to whom he distributes his products, with evidence supporting the existence of different essential characteristics between its models within the meaning of the definition given in Article 3(2) of this Regulation.

Or. en

Justification

The requirement of a list of models with a photograph which exists in Polish law, permits avoiding any confusion between models. Economic operators would no longer be able to circumvent market withdrawal measures by multiplying the number of models for products that are essentially similar.

Amendment 236
Heide Rühle

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 address at which they can be contacted on the product or, where that is not possible, on its packaging or in a

7. Manufacturers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the product or, where that is not possible, ***the information will be***

document accompanying the product. The address must indicate a single point at which the manufacturer can be contacted.

provided on its packaging or in a document accompanying the product ***or on a website clearly indicated on the product or its packaging or accompanying documents.*** The address must indicate a single point at which the manufacturer can be contacted.

Or. en

Amendment 237

Andreas Schwab, Birgit Collin-Langen, Sabine Verheyen

Proposal for a regulation Article 8 – paragraph 7

Text proposed by the Commission

7. Manufacturers shall indicate their name, registered trade name or registered trade mark and the 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 must indicate a single point at which the manufacturer can be contacted.

Amendment

7. Manufacturers shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the product. ***If this is impossible on account of the size, nature or packaging of the product, only the trade mark shall be indicated.*** The address must indicate a single point at which the manufacturer can be contacted.

Or. de

Justification

On grounds of proportionality and in order to avoid additional bureaucracy and costs arising from additional packaging and documentation, particularly in the case of small products or products which are sold singly, it ought to be sufficient only to indicate the registered trade mark.

Amendment 238

Jürgen Creutzmann, Morten Løkkegaard

Proposal for a regulation Article 8 – paragraph 7

Text proposed by the Commission

7. Manufacturers shall indicate their name, registered trade name or registered trade mark and the 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 must indicate a single point at which the manufacturer can be contacted.

Amendment

7. **Where** manufacturers **place a product on the market, they** shall indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the product or, where that is not possible, on its packaging, in a document accompanying the product **or on a website clearly indicated on the product or its packaging or accompanying documents**. The address must indicate a single point at which the manufacturer can be contacted.

Or. en

(see amendment of Article 10(3) by the same author)

Justification

Especially for small products (e.g. socks) and products that might be sold separately as single items (e.g. golf balls), the proposed obligations will lead to high additional costs, as information will need to be provided on separate documents. The inclusion of a website where further information can be retrieved would be more cost-effective and environmentally friendly.

Amendment 239
Jürgen Creutzmann

Proposal for a regulation
Article 8 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Manufacturers shall ensure that their product is accompanied by instructions and safety information in a language which can be easily understood by consumers, as determined by the Member State in which the product is made available, except where the product can be used safely and as intended by the manufacturer without such instructions and safety information.

Amendment

Manufacturers shall ensure that their product is accompanied by instructions and safety information in a language **or visual format** which can be easily understood by consumers, as determined by the Member State in which the product is made available, except where the product can be used safely and as intended by the manufacturer without such instructions and

safety information.

Or. en

Justification

The translation in all EU languages can be efficiently replaced in some cases by instructions in form of cartoons and pictograms. Those innovative solutions are good and attractive alternatives to the technical vocabulary used in the instructions for certain products.

Amendment 240

Heide Rühle

Proposal for a regulation

Article 8 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Manufacturers shall ensure that their product is accompanied by instructions and safety information in a language which can be easily understood by consumers, as determined by the Member State in which the product is made available, except where the product can be used safely and as intended by the manufacturer without such instructions and safety information.

Amendment

Manufacturers shall ensure that their product is accompanied by instructions and safety information in a language ***or in such a way*** which can be easily understood by consumers, as determined by the Member State in which the product is made available, except where the product can be used safely and as intended by the manufacturer without such instructions and safety information.

Or. en

Amendment 241

Pablo Arias Echeverría

Proposal for a regulation

Article 8 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Manufacturers shall ensure that their product is accompanied by instructions and safety information in a language which can be easily understood by consumers, as

Amendment

Manufacturers shall ensure that their product is accompanied by instructions and safety information ***addressed to the consumer in a clear and comprehensible***

determined by the Member State in which the product is made available, except where the product can be used safely and as intended by the manufacturer without such instructions and safety information.

manner and in a language which can be easily understood by consumers, as determined by the Member State in which the product is made available, except where the product can be used safely and as intended by the manufacturer without such instructions and safety information.

Or. es

Amendment 242
Bernadette Vergnaud

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

Text proposed by the Commission

Amendment

8a. The instructions and safety information referred to in paragraph 8 shall be conspicuously placed and be readily visible, clearly legible and, where appropriate, indelible. They shall in no way be hidden, obscured, truncated or separated by other written or pictorial or any other matter.

Or. fr

Justification

Providing instructions and safety information is useful only if they are clearly legible. It is therefore appropriate to state this, under the terms of Regulation 1169/2011 on the provision of food information to consumers.

Amendment 243
Jürgen Creutzmann

Proposal for a regulation
Article 8 – paragraph 9

Text proposed by the Commission

Amendment

9. Manufacturers who consider or have reason to believe that a product which they

9. Manufacturers who consider or have reason to believe that a product which they

have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, *if* appropriate. Furthermore, where the product is not safe, manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, *as* appropriate. Furthermore, where the product is not safe, manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Or. en

(see amendment of Article 10(7) and 11(5) by the same author)

Justification

The word "if" creates legal uncertainty, as it is could be read as implying an additional conditionality for the use of corrective actions.

Amendment 244

Marc Tarabella, Sergio Gaetano Cofferati

Proposal for a regulation

Article 8 – paragraph 9

Text proposed by the Commission

9. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, *if appropriate*. Furthermore, *where the product is not safe*, manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving

Amendment

9. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it. Furthermore, manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety

details, in particular, of the risk to health and safety and of any corrective action taken.

and of any corrective action taken.

Or. en

Amendment 245
Josef Weidenholzer

Proposal for a regulation
Article 8 – paragraph 9

Text proposed by the Commission

9. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the product is not safe, manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Amendment

9. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the product is not safe, manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken. ***In urgent cases or where the manufacturer fails to comply with this obligation, Member States shall require the manufacturer to take corrective measures pursuant to Article 9(3) of Regulation (EU) No [...]/... of the European Parliament and of the Council of ... concerning market surveillance of products]****

**** Note to OJ: please insert the number, date and reference of the Regulation on MSP (COD 2013/0048).***

Or. de

Amendment 246
Catherine Stihler

Proposal for a regulation
Article 8 – paragraph 9

Text proposed by the Commission

9. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, if *appropriate*. Furthermore, where the product is not safe, manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Amendment

9. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, if *appropriate*. ***Manufacturers shall ensure that they have procedures in place for taking corrective action, withdrawing or recalling their products.*** Furthermore, where the product is not safe, manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Or. en

Amendment 247
Franz Obermayr

Proposal for a regulation
Article 8 – paragraph 9

Text proposed by the Commission

9. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that

Amendment

9. Importers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that

product into conformity, to withdraw it or recall it, *if appropriate*. Furthermore, *where the product is not safe*, manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

product into conformity, to withdraw it or recall it. *In addition, consumers who may potentially be affected by the non-conformity of the product must be informed effectively*. Furthermore, manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Or. de

Amendment 248 **Matteo Salvini**

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

Text proposed by the Commission

9. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, *if appropriate*. *Furthermore, where the product is not safe*, manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Amendment

9. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, *and adequately and effectively warning consumers who are at risk caused by the non-conformity of the product*. *Furthermore*, manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Or. en

Amendment 249
Preslav Borissov

Proposal for a regulation
Article 8 – paragraph 9

Text proposed by the Commission

9. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the product is not safe, manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Amendment

9. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, if appropriate. ***They also shall undertake appropriate actions in order to warn consumers about the danger this product may represent to them.*** Furthermore, where the product is not safe, manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Or. en

Amendment 250
Othmar Karas

Proposal for a regulation
Article 8 – paragraph 9

Text proposed by the Commission

9. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where

Amendment

9. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where

the product is not safe, manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

the product is not safe, manufacturers shall immediately **warn consumers of their potential risks of the product's non-conformity and provide advice on which precautions to take, and** inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Or. en

Amendment 251
Wim van de Camp

Proposal for a regulation
Article 8 – paragraph 9

Text proposed by the Commission

9. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, **if appropriate. Furthermore, where the product is not safe,** manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Amendment

9. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, **and adequately and effectively warning consumers who are at risk caused by the non-conformity of the product. Furthermore,** manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Or. en

Justification

The importer plays a major role since he is responsible for the product he intends placing on the European market. As a result, it is essential for importers to ensure, prior to a product

being placed on the market, that several requirements have been met, in particular that the appropriate conformity assessment has been carried out, that the manufacturer has drawn up appropriate technical documentation, and that the product bears the required conformity markings.

Amendment 252

Philippe Juvin, Nora Berra, Raffaele Baldassarre

Proposal for a regulation

Article 8 – paragraph 9

Text proposed by the Commission

9. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the product is not safe, manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Amendment

9. Manufacturers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the product is not safe, manufacturers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken ***and of the results of such corrective action.***

Or. en

Justification

It is necessary to ensure that information provided by manufacturers to market surveillance authorities include the results of the potential corrective actions taken, in order to guarantee appropriate information of the market surveillance authorities (follow-up). The same obligation should apply to manufacturers (article 8), importers (article 10) and distributors (article 11).

Amendment 253

Heide Rühle

Proposal for a regulation
Article 8 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. Manufacturers shall ensure that they have procedures in place for taking corrective action, withdrawing or recalling their products and make them available to the market surveillance authorities, upon request.

Or. en

Amendment 254
Josef Weidenholzer

Proposal for a regulation
Article 8 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. As appropriate in the light of the potential risk posed by a product, manufacturers shall regularly obtain information both about the state of the art and technology and about rules and standards to be applied pursuant to Article 6(2).

Or. de

Amendment 255
Ashley Fox

Proposal for a regulation
Article 9 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) further to a request from a market surveillance authority, provide that authority with all the information and documentation necessary to demonstrate

(a) further to a ***reasoned*** request from a market surveillance authority, provide that authority with all the information and documentation necessary to demonstrate

the conformity of a product;

the conformity of a product;

Or. en

Amendment 256

Marc Tarabella, Sergio Gaetano Cofferati

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. Before placing a product on the market importers shall ensure that the product is compliant with the general safety requirement laid down in Article 4 **and** that the manufacturer has complied with the requirements set out in Article 8(4), (6) **and** (7).

Amendment

1. Before placing a product on the market importers shall ensure that the product is compliant with the general safety requirement laid down in Article 4, that the manufacturer has complied with the requirements set out in Article 8 **and that the technical documentation drawn up by the manufacturer in application of Article 8.**

Or. en

Amendment 257

Jürgen Creutzmann

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. Before placing a product on the market importers shall ensure that the product is compliant with the general safety requirement laid down in Article 4 and that the manufacturer has complied with the requirements set out in Article 8(4), (6) and (7).

Amendment

1. Before placing a product on the market importers shall ensure that the product is compliant with the general safety requirement laid down in Article 4 and that the manufacturer has complied with the requirements set out in Article 8(4) and (6).

Or. en

(see amendments of Article 8(4)(c) and Article 8 (7) by the same author)

Justification

If name and address of a non-EU-manufacturer must appear on an imported product, this information would be known to the importer's competitors and business customers with the consequence that they could bypass this particular importer in the future and source directly from the non-EU-manufacturer. This would discourage SMEs from importing and result in a significant distortion of competition. It is therefore suggested to include this information in the technical documentation.

Amendment 258

Franz Obermayr

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. Before placing a product on the market importers shall ensure that the product is compliant with the general safety requirement laid down in Article 4 and that the manufacturer has complied with the requirements set out in **Article 8(4), (6) and (7)**.

Amendment

1. Before placing a product on the market importers shall ensure that the product is compliant with the general safety requirement laid down in Article 4 and that the manufacturer has complied with the requirements set out in **Article 8, particularly that the technical documentation made available by the manufacturer as referred to in Article 8(4) accords with the possible risks arising from the product.**

Or. de

Amendment 259

Matteo Salvini

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. Before placing a product on the market importers shall ensure that the product is compliant with the general safety requirement laid down in Article 4 **and** that the manufacturer has complied with the

Amendment

1. Before placing a product on the market importers shall ensure that the product is compliant with the general safety requirement laid down in Article 4, that the manufacturer has complied with the

requirements set out in Article 8(4), (6) and (7).

requirements set out in Article 8 **and that the technical documentation drawn up by the manufacturer in application of Article 8(4) is in conformity with the possible risks related to the product.**

Or. en

Justification

The importer plays a major role since he is responsible for the product he intends placing on the European market. As a result, it is essential for importers to ensure, prior to a product being placed on the market, that several requirements have been met, in particular that the appropriate conformity assessment has been carried out, that the manufacturer has drawn up appropriate technical documentation, and that the product bears the required conformity markings.

Amendment 260

Jürgen Creutzmann, Morten Løkkegaard

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 and the 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 and the 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 **or on a website clearly indicated on the product or its packaging or accompanying documents**. They shall ensure that any additional label does not obscure any information on the label provided by the manufacturer.

Or. en

(see amendment of Article 8(7) by the same author)

Justification

Especially for small products (e.g. socks) and products that might be sold separately as single

items (e.g. golf balls), the proposed obligations will lead to high additional costs, as information will need to be provided on separate documents. The inclusion of a website where further information can be retrieved would be more cost-effective and environmentally friendly.

Amendment 261

Philippe Juvin, Nora Berra, Raffaele Baldassarre

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 and the 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 and the address at which they can be contacted on the product or on its packaging or in a document accompanying the product. They shall not obscure any ***compulsory information or safety-related information*** provided by the manufacturer.

Or. en

Justification

The deletion of "where that is not possible" is meant to bring more flexibility for importers to implement the provision of article 10.3 (they can indicate the information on the packaging - and not necessarily on the product- and therefore do not need to open the packaging). The modification of the last sentence is meant to cover other forms of potential obscuring of essential information (not only by using labels, as it can be done by using another packaging for instance). Besides information referred to in this provision should not be limited to the one provided on the label.

Amendment 262

Marc Tarabella, Sergio Gaetano Cofferati

Proposal for a regulation

Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Importers shall ensure that their products bear a type, batch or serial number or other element allowing the identification of the product which is easily visible and legible for consumers, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the product.

Or. en

Amendment 263

Matteo Salvini

Proposal for a regulation

Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Importers shall ensure that their products bear a type, batch or serial number or other element allowing the identification of the product which is easily visible and legible for consumers, or that the required information is provided on the packaging or in a document accompanying the product.

Or. en

Amendment 264

Jürgen Creutzmann

Proposal for a regulation

Article 10 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

Importers shall ensure that the product is

Importers shall ensure that the product is

accompanied by instructions and safety information in a language which can be easily understood by consumers, as determined by the Member State in which the product is made available, except where the product can be used safely and as intended by the manufacturer without such instructions and safety information.

accompanied by instructions and safety information in a language *or visual format* which can be easily understood by consumers, as determined by the Member State in which the product is made available, except where the product can be used safely and as intended by the manufacturer without such instructions and safety information.

Or. en

Justification

The translation in all EU languages can be efficiently replaced in some cases by instructions in form of cartoons and pictograms. Those innovative solutions are good and attractive alternatives to the technical vocabulary used in the instructions for certain products.

Amendment 265

Marc Tarabella, Sergio Gaetano Cofferati

Proposal for a regulation

Article 10 – paragraph 6

Text proposed by the Commission

6. Proportionate to the possible risks presented by a product, importers shall, to protect the health and safety of persons, carry out sample testing of marketed products, investigate complaints, and keep a register of complaints, of non-conforming products and of product recalls, and shall keep the manufacturer and distributors informed of such monitoring.

Amendment

6. Proportionate to the possible risks presented by a product, importers shall, to protect the health and safety of persons, carry out sample testing of marketed products, ***at least once a year on representative samples of the products put up for sale picked randomly under the control of a judicial officer, an authority or any other qualified person designated by each Member State***, investigate complaints, and keep a register of complaints, of non-conforming products and of product recalls, and shall keep the manufacturer and distributors informed of such monitoring.

Or. en

Amendment 266
Matteo Salvini

Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission

6. Proportionate to the possible risks presented by a product, importers shall, to protect the health and safety of persons, carry out sample testing of marketed products, investigate complaints, and keep a register of complaints, of non-conforming products and of product recalls, and shall keep the manufacturer and distributors informed of such monitoring.

Amendment

6. Proportionate to the possible risks presented by a product, importers shall, to protect the health and safety of persons, carry out sample testing of marketed products, ***at least once a year on representative samples of the products put up for sale picked randomly under the control of a judicial officer, an authority or any other qualified person designated by each Member State***, investigate complaints, and keep a register of complaints, of non-conforming products and of product recalls, and shall keep the manufacturer and distributors informed of such monitoring. ***In particular, importers shall carry out, under the same conditions, testing of products that are or have been the subject of a decision by the Commission on the basis of Article 12 of the Regulation on the market surveillance of products.***

Or. en

Amendment 267
Wim van de Camp

Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission

6. Proportionate to the possible risks presented by a product, importers shall, to protect the health and safety of persons, carry out sample testing of marketed products, investigate complaints, and keep a register of complaints, of non-

Amendment

6. Proportionate to the possible risks presented by a product, importers shall, to protect the health and safety of persons, carry out sample testing of marketed products, ***at least once a year on representative samples of the products put***

conforming products and of product recalls, and shall keep the manufacturer and distributors informed of such **monitoring**.

up for sale picked randomly under the control of a judicial officer, an authority or any other qualified person designated by each Member State, investigate complaints, and keep a register of complaints, of non-conforming products and of product recalls, and shall keep the manufacturer and distributors informed of such monitoring. In particular, importers shall carry out, under the same conditions, testing of products that are or have been the subject of a decision by the Commission on the basis of Article 12 of the Regulation on the market surveillance of products

Or. en

Justification

Same justification as Article 6 a (new)

**Amendment 268
Constance Le Grip**

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

Text proposed by the Commission

6. Proportionate to the possible risks presented by a product, importers shall, to protect the health and safety of persons, carry out sample testing of marketed products, investigate complaints, and keep a register of complaints, of non-conforming products and of product recalls, and shall keep the manufacturer and distributors informed of such monitoring.

Amendment

6. Proportionate to the possible risks presented by a product, importers shall, to protect the health and safety of persons, carry out ***representative*** sample testing of ***randomly picked*** marketed products, investigate complaints, and keep a register of complaints, of non-conforming products and of product recalls, and shall keep the manufacturer and distributors informed of such monitoring.

Or. en

Amendment 269
Jürgen Creutzmann

Proposal for a regulation
Article 10 – paragraph 7

Text proposed by the Commission

7. Importers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, *if* appropriate. Furthermore, where the product is not safe, importers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Amendment

7. Importers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, *as* appropriate. Furthermore, where the product is not safe, importers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Or. en

(see amendment of Articles 8(9) and 11(5) by the same author)

Justification

The word "if" creates legal uncertainty, as it could be read as implying an additional conditionality for the use of corrective actions.

Amendment 270
Marc Tarabella, Sergio Gaetano Cofferati

Proposal for a regulation
Article 10 – paragraph 7

Text proposed by the Commission

7. Importers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the

Amendment

7. Importers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the

corrective action necessary to bring that product into conformity, to withdraw it or recall it, *if appropriate*. Furthermore, *where the product is not safe*, importers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

corrective action necessary to bring that product into conformity, to withdraw it or recall it. Furthermore, importers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Or. en

Amendment 271
Josef Weidenholzer

Proposal for a regulation
Article 10 – paragraph 7

Text proposed by the Commission

7. Importers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the product is not safe, importers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

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7. Importers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the product is not safe, importers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken. ***In urgent cases or where the manufacturer fails to comply with this obligation, Member States shall require the importer to take corrective measures pursuant to Article 9(3) of Regulation (EU) No [...]/... of the European Parliament and of the Council of ... concerning market surveillance of products]*.***

** Note to OJ: please insert the number, date and reference of the Regulation on MSP (COD 2013/0048).*

Or. de

Amendment 272
Franz Obermayr

Proposal for a regulation
Article 10 – paragraph 7

Text proposed by the Commission

7. Importers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, *if appropriate*. Furthermore, *where the product is not safe*, importers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

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7. Importers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it. Furthermore, importers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Or. de

Amendment 273
Preslav Borissov

Proposal for a regulation
Article 10 – paragraph 7

Text proposed by the Commission

7. Importers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this

Amendment

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Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, if appropriate. ***They also shall undertake appropriate actions to warn consumers about the danger this product may represent to them.*** Furthermore, where the product is not safe, importers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Or. en

Amendment 274

Philippe Juvin, Nora Berra, Raffaele Baldassarre

Proposal for a regulation

Article 10 – paragraph 7

Text proposed by the Commission

7. Importers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the product is not safe, importers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

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7. Importers who consider or have reason to believe that a product which they have placed on the market is not safe or is otherwise not in conformity with this Regulation shall immediately take the corrective action necessary to bring that product into conformity, to withdraw it or recall it, if appropriate. Furthermore, where the product is not safe, importers shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken, ***and of the results of such corrective action.***

Or. en

Justification

It is necessary to ensure that information provided by importers to market surveillance authorities include the results of the potential corrective actions taken, in order to guarantee appropriate information of the market surveillance authorities (follow-up). The same obligation should apply to manufacturers (article 8), importers (article 10) and distributors (article 11).

Amendment 275 **Jürgen Creutzmann**

Proposal for a regulation **Article 10 – paragraph 8**

Text proposed by the Commission

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

Amendment

8. Importers shall **ensure that**, for a period of **five** years after the product has been placed on the market, the **relevant parts of the technical documentation can be made** available to the market surveillance authorities **in electronic or physical format, upon reasoned** request.

Or. en

(See Articles R4(8) of Decision No 768/2008/EC and amendment of Article 8(5) by the same author)

Justification

Decision No 768/2008/EC stipulates that importers "shall, for ... [period to be specified in proportion to the lifecycle of the product and the level of risk], (...) ensure that the technical documentation can be made available to those authorities, upon request". The proposed period of 10 years clearly exceeds the life-cycle of most consumer products and should therefore be shortened. Requests should indicate the risks identified in relation to the product concerned.

Amendment 276 **Ashley Fox**

Proposal for a regulation **Article 10 – paragraph 8**

Text proposed by the Commission

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

Amendment

8. Importers shall ***ensure that*** the technical documentation ***can be made*** available to the market surveillance authorities, upon request.

Or. en

Amendment 277

Raffaele Baldassarre

Proposal for a regulation

Article 10 – paragraph 8

Text proposed by the Commission

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

Amendment

8. Importers shall ***ensure that the technical documentation can be made available to the market surveillance authorities, upon request*** for a period of ten years after the product has been placed on the market

Or. en

Justification

The CPSR should not be stricter than harmonised legislation. Consequently, importers should not be obliged to keep the technical documentation, but to provide it to the authorities upon request.

Amendment 278

Wim van de Camp

Proposal for a regulation

Article 10 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Importers shall draw up lists of their product models, accompanied by a photograph, and make them available to

the public and other economic operators by any appropriate means, in particular for products that are the subject of a decision by the Commission under Article 12 of the Regulation on the market surveillance of products and for products that are the subject of widespread distribution. The importer shall provide the market surveillance authorities, upon request, as well as any economic operator to whom he distributes his products, with evidence supporting the existence of essential differences between its models

Or. en

Amendment 279
Josef Weidenholzer

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

1. **When** making a product available on the market, a distributor shall act with due care in relation to the requirements of this Regulation.

Amendment

1. **Before** making a product available on the market, a distributor shall act with due care in relation to the requirements of this Regulation.

Or. de

Amendment 280
Jürgen Creutzmann

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

2. Before making a product available on the market distributors shall verify that the **manufacturer and the importer have complied with the requirements set out in Article 8(6), (7) and (8) and Article 10(3)**

Amendment

2. Before making a product available on the market distributors shall verify that the **product includes the information required from manufacturers and importers in Article 8(6), (7) and (8) and Article 10(3)**

and (4), as applicable.

and (4), as applicable.

Or. en

Justification

The revised wording clarifies that distributors do not have to evaluate the accuracy of manufacturer/importer supplied information. Distributors (particularly SMEs) are not equipped to perform such technical evaluations. Distributors should only need to check for the presence of the required information. This would enable all distributors, particularly SMEs, to apply the regulation more efficiently and in a legally certain way.

Amendment 281

Lara Comi

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. Before making a product available on the market distributors shall verify that the manufacturer and the importer have complied with the requirements set out in Article 8(6), (7) and (8) and Article 10(3) and (4), ***as applicable***.

Amendment

2. Before making a product available on the market distributors shall verify that the manufacturer and the importer have complied with the requirements set out in Article 8(6), (7) and (8) and Article 10(3) and (4).

Or. en

Amendment 282

Lara Comi

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. Before making a product available on the market distributors shall verify that the ***manufacturer and the importer have complied with the requirements*** set out in Article 8(6), (7) and (8) and Article 10(3) and (4), as applicable.

Amendment

2. Before making a product available on the market distributors shall verify that the ***product bears the indications*** set out in Article 8(6) ***and*** (7) and Article 10(3) and ***is accompanied by information in accordance with Article 8 (8) and Article***

10(4).

Or. it

Amendment 283

Andreas Schwab, Birgit Collin-Langen, Sabine Verheyen

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. Before making a product available on the market distributors shall **verify** that the manufacturer and the importer have complied with the requirements set out in Article 8(6), (7) and (8) and Article 10(3) and (4), as applicable.

Amendment

2. Before making a product available on the market distributors shall **check with the requisite care** that the manufacturer and the importer have complied with the requirements set out in Article 8(6), (7) and (8) and Article 10(3) and (4), as applicable.

Or. de

Justification

This brings the provision into line with Article 10(a) of Directive 2011/65/EU. For reasons of proportionality, random checks should suffice.

Amendment 284

Matteo Salvini

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. Before making a product available on the market distributors shall verify that the **manufacturer and the importer have complied with the requirements** set out in **Article** 8(6), (7) and (8) and **Article 10(3)** and (4), **as applicable**.

Amendment

2. Before making a product available on the market, distributors shall verify that the **product bears the markings** set out in **Articles** 8(6), (7) and **10(3)** and **is accompanied with the elements set out in Articles 8(8) and 10 (4)**.

Or. en

Amendment 285
Philippe Juvin, Nora Berra

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

2. Before making a product available on the market distributors shall verify that the manufacturer and the importer have complied with the requirements set out in Article 8(6), (7) and (8) and Article 10(3) and (4), as applicable.

Amendment

2. Before making a product available on the market distributors shall verify that the manufacturer and the importer have complied with the requirements set out in Article 8(6), (7) and (8) and Article 10(3) and (4), as applicable. ***Distributors shall not obscure compulsory information or safety-related information provided by the manufacturer or the importer.***

Or. en

Justification

The distributor should be subject to the same obligation as the importer (article 10.3) and shall not conceal essential information provided by the manufacturer or the importer.

Amendment 286
Raffaele Baldassarre

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

2. Before making a product available on the market distributors shall verify that ***the manufacturer and the importer have complied with the requirements*** set out in Article 8(6), (7) and (8) and Article 10(3) and (4), as applicable.

Amendment

2. Before making a product available on the market distributors shall verify that ***the product carries the required information,*** set out in Article 8(6), (7) and (8) and Article 10(3) and (4), as applicable.

Or. fr

Justification

It should be clarified that distributor cannot verify the veracity of these elements but only their presence.

Amendment 287
Wim van de Camp

Proposal for a regulation
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. For products that are or have been the subject of a decision by the Commission under Article 12 of the Regulation on market surveillance of products [XREFX], distributors shall, to protect the health and safety of consumers, carry out sample testing at least once a year on representative samples of the products put up for sale picked randomly under the control of a judicial officer, an authority or any other qualified person designated by each Member State.

Or. en

Justification

Same justification as Article 6 a (new)

Amendment 288
Wim van de Camp

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. Where a distributor considers or has a reason to believe that a product is not in conformity with this Regulation, he shall not make the product available on the market until it has been brought into

3. Where a distributor considers or has a reason to believe that a product is not in conformity with this Regulation, he 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 inform the manufacturer or the importer, as applicable, to that effect as well as the market surveillance authority of the Member State in which the distributor is established.

conformity. Furthermore, where the product is not safe, the distributor shall inform the manufacturer or the importer, as applicable, to that effect as well as the market surveillance authority of the Member State in which the distributor is established. *Where the product is or has been the subject of a decision by the Commission under Article 12 of the Regulation on market surveillance of products, distributors shall, to protect the health and safety of consumers, carry out sample testing at least once a year on representative samples of the product put up for sale picked randomly under the control of a judicial officer, an authority or any other qualified person designated by each Member State.*

Or. en

Justification

Same justification as Article 6 a (new)

Amendment 289 **Pier Antonio Panzeri**

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

Text proposed by the Commission

3. Where a distributor considers or has a reason to believe that a product is not in conformity with this Regulation, he 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 inform the manufacturer or the importer, as applicable, to that effect as well as the market surveillance authority of the Member State in which the distributor is *established*.

Amendment

3. Where a distributor considers or has a reason to believe that a product is not in conformity with this Regulation, he 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 inform the manufacturer or the importer, as applicable, to that effect as well as the market surveillance authority of the Member State in which the distributor is *established. Where the product is or has*

been the subject of a decision by the Commission under Article 12 of the Regulation on market surveillance of products XREFX, distributors shall, to protect the health and safety of consumers, carry out sample testing at least once a year on representative samples of the product put up for sale picked randomly under the control of a judicial officer, an authority or any other qualified person designated by each Member State.

Or. en

Amendment 290

Lara Comi

Proposal for a regulation

Article 11 – paragraph 4

Text proposed by the Commission

4. Distributors shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with the general safety requirement laid down in Article 4 and its conformity with Article 8(6), (7) and (8) and Article 10(3) and (4), *as applicable.*

Amendment

4. Distributors shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardise its compliance with the general safety requirement laid down in Article 4 and its conformity with Article 8(6), (7) and (8) and Article 10(3) and (4).

Or. en

Amendment 291

Raffaele Baldassarre

Proposal for a regulation

Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Depending on the risks that a product is likely to pose, distributors may, in order

to protect the health and safety of consumers, test products made available on the market, taking random samples.

Or. fr

Justification

It is not appropriate to require distributors to test products. By contrast, and in line with current practice, this regulation should encourage them to do so, particularly as regards products that may pose risks

Amendment 292
Heide Rühle

Proposal for a regulation
Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Distributors shall ensure that they have procedures in place for taking corrective action, withdrawing or recalling their products and make them available to the market surveillance authorities, upon request

Or. en

Amendment 293
Jürgen Creutzmann

Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission

Amendment

5. Distributors who consider or have reason to believe 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 make sure that the

5. Distributors who consider or have reason to believe 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 make sure that the

corrective action necessary to bring that product into conformity is taken, to withdraw it or recall it, *if* appropriate. Furthermore, where the product is not safe, distributors shall immediately inform the manufacturer or importer, as applicable as well as market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

corrective action necessary to bring that product into conformity is taken, to withdraw it or recall it, *as* appropriate. Furthermore, where the product is not safe, distributors shall immediately inform the manufacturer or importer, as applicable as well as market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Or. en

(see amendments of Articles 8(9) and 10(7) by the same author)

Justification

The word "if" creates legal uncertainty, as it is could be read as implying an additional conditionality for the use of corrective actions.

Amendment 294 **Lara Comi**

Proposal for a regulation **Article 11 – paragraph 5**

Text proposed by the Commission

5. Distributors who consider or have reason to believe 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 make sure that the corrective action necessary to bring that product into conformity is taken, to withdraw it or recall it, if appropriate. Furthermore, where the product is not safe, distributors shall immediately inform the manufacturer or importer, as applicable as well as market surveillance authorities of the Member States in which they made the product available to that effect, giving

Amendment

5. Distributors who consider or have reason to believe 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) shall make sure that the corrective action necessary to bring that product into conformity is taken, to withdraw it or recall it, if appropriate. Furthermore, where the product is not safe, distributors shall immediately inform the manufacturer or importer, as applicable as well as market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in

details, in particular, of the risk to health and safety and of any corrective action taken.

particular, of the risk to health and safety and of any corrective action taken.

Or. en

Amendment 295
Josef Weidenholzer

Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission

5. Distributors who consider or have reason to believe 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 make sure that the corrective action necessary to bring that product into conformity is taken, to withdraw it or recall it, if appropriate. Furthermore, where the product is not safe, distributors shall immediately inform the manufacturer or importer, as applicable as well as market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Amendment

5. Distributors who consider or have reason to believe 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 make sure that the corrective action necessary to bring that product into conformity is taken, to withdraw it or recall it, if appropriate. Furthermore, where the product is not safe, distributors shall immediately inform the manufacturer or importer, as applicable as well as market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken. ***In urgent cases or where the distributor fails to comply with this obligation, Member States shall require the distributor to take corrective measures pursuant to Article 9(3) of Regulation (EU) No [...]/... of the European Parliament and of the Council of ... concerning market surveillance of products]*.***

**** Note to OJ: please insert the number, date and reference of the Regulation on MSP (COD 2013/0048).***

Amendment 296
Catherine Stihler

Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission

5. Distributors who consider or have reason to believe 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 make sure that the corrective action necessary to bring that product into conformity is taken, to withdraw it or recall it, if appropriate. Furthermore, where the product is not safe, distributors shall immediately inform the manufacturer or importer, as applicable as well as market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Amendment

5. Distributors who consider or have reason to believe 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 make sure that the corrective action necessary to bring that product into conformity is taken, to withdraw it or recall it, if appropriate. ***Distributors shall ensure that they have procedures for taking corrective action, withdrawing or recalling products that they have made available on the market.*** Furthermore, where the product is not safe, distributors shall immediately inform the manufacturer or importer, as applicable as well as market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Or. en

Amendment 297
Franz Obermayr

Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission

5. Distributors who consider or have reason

Amendment

5. Distributors who consider or have reason

to believe 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 make sure that the corrective action necessary to bring that product into conformity is taken, to withdraw it or recall it, **if appropriate**. Furthermore, **where the product is not safe**, distributors shall immediately inform the manufacturer or importer, as applicable as well as market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

to believe 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), (4) and (5)**, as applicable, **shall immediately and until further notice cease to distribute it and** shall make sure that the corrective action necessary to bring that product into conformity is taken, to withdraw it or recall it. Furthermore, distributors shall immediately inform the market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken.

Or. de

Amendment 298

Philippe Juvin, Nora Berra, Raffaele Baldassarre

Proposal for a regulation

Article 11 – paragraph 5

Text proposed by the Commission

5. Distributors who consider or have reason to believe 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 make sure that the corrective action necessary to bring that product into conformity is taken, to withdraw it or recall it, if appropriate. Furthermore, where the product is not safe, distributors shall immediately inform the manufacturer or importer, as applicable as well as market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action

Amendment

5. Distributors who consider or have reason to believe 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 **immediately** make sure that the corrective action necessary to bring that product into conformity is taken, to withdraw it or recall it, if appropriate. Furthermore, where the product is not safe, distributors shall immediately inform the manufacturer or importer, as applicable as well as market surveillance authorities of the Member States in which they made the product available to that effect, giving details, in particular, of the risk to health and safety and of any corrective action taken **and of the results of such corrective**

taken.

action.

Or. en

Justification

The same obligation in terms of capacity of reaction should apply to manufacturers, importers and distributors (addition of the term "immediately"). In addition, it is necessary to ensure that information provided by manufacturers to market surveillance authorities include the results of the potential corrective actions taken, in order to guarantee appropriate information of the market surveillance authorities (follow-up). The same obligation should apply to manufacturers (article 8), importers (article 10) and distributors (article 11).

Amendment 299

Marc Tarabella, Sergio Gaetano Cofferati

Proposal for a regulation

Article 11 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Alternatively, distributors may request a professional association which they are a member of, or organise themselves in a professional association for the collective entity, to fulfil their obligations under this article.

Or. en

Amendment 300

Franz Obermayr

Proposal for a regulation

Article 11 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Alternatively, distributors may join a professional association in order to fulfil the obligations incumbent upon them pursuant to this article.

Amendment 301
Wim van de Camp

Proposal for a regulation
Article 11 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Alternatively, distributors may request a professional association which they are a member of, or organise themselves in a professional association for the collective entity, to fulfil their obligations under this article.

Or. en

Justification

Some distributors who cannot or do not wish to directly ensure compliance with the obligations set forth in this article can choose to organize themselves in a professional association so as to entrust to this association responsibility for fulfilling the obligations under this article

Amendment 302
Pier Antonio Panzeri

Proposal for a regulation
Article 11 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Alternatively, distributors may request a professional association which they are a member of, or organise themselves in a professional association for the collective entity, to fulfil their obligations under this article.

Or. en

Amendment 303
Josef Weidenholzer

Proposal for a regulation
Article 12 – title

Text proposed by the Commission

Cases in which obligations of manufacturers apply to importers and distributors

Amendment

Further obligations of economic operators

Or. de

Amendment 304
Matteo Salvini

Proposal for a regulation
Article 12 – title

Text proposed by the Commission

Cases in which obligations of manufacturers apply to importers and distributors

Amendment

*Cases in which obligations of manufacturers apply to importers and distributors **and vice versa***

Or. it

Amendment 305
Josef Weidenholzer

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

Text proposed by the Commission

Amendment

At the request of the competent authority of a Member State concerning the conformity of a particular product, economic operators shall designate a person to act as a contact. This person may be identical to the person referred to in paragraph 1.

Or. de

Amendment 306
Josef Weidenholzer

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

Text proposed by the Commission

Amendment

Economic operators shall designate a general product safety officer and shall inform the competent authority of a Member State of the officer's identity. Member States may adopt further provisions on this subject.

Or. de

Amendment 307
Matteo Salvini

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

Text proposed by the Commission

Amendment

Manufacturers marketing under their own name or trademark a product previously placed on the EU market by another economic operator shall be considered as importers and hence subject to the relevant obligations under Article 10.

Or. it

Amendment 308
Josef Weidenholzer

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. Obligation to inform the market surveillance authorities in accordance with Article 8(9), Article 10(2) and (7) and Article 11(3) and (5) shall not apply where the following conditions are fulfilled:

deleted

(a) only a limited number of well-identified products are not safe;

(b) the manufacturer, importer or distributor can demonstrate that the risk has been fully controlled and cannot any more endanger the health and safety of persons;

(c) the cause of the risk of the product is such that knowledge of it does not represent useful information for the authorities or the public.

Or. de

Amendment 309
Sergio Gaetano Cofferati, Marc Tarabella

Proposal for a regulation
Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Obligation to inform the market surveillance authorities in accordance with Article 8(9), Article 10(2) and (7) and Article 11(3) and (5) shall not apply where *the following conditions are fulfilled:*

1. Obligation to inform the market surveillance authorities in accordance with Article 8(9), Article 10(2) and (7) and Article 11(3) and (5) shall not apply where *the manufacturer, importer or distributor can demonstrate that the risk has been fully controlled and cannot any more endanger the health and safety of persons and that all necessary corrective measures have already been taken to normalise, withdraw or recall the product.*

Amendment 310
Raffaele Baldassarre

Proposal for a regulation
Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

1. Obligation to inform the market surveillance authorities in accordance with Article 8(9), Article 10(2) and (7) and Article 11(3) and (5) shall not apply where the following conditions are fulfilled:

Amendment

1. Obligation to inform the market surveillance authorities in accordance with Article 8(9), Article 10(2) and (7) and Article 11(3) and (5) shall not apply ***in the case of minimum risks compatible with the product's use, considered acceptable and consistent with a high level of protection of health and safety of persons in accordance with Article 3, paragraph 1,*** or where the following conditions are fulfilled:

Or. fr

Justification

This is a clarification. The obligation to inform the market surveillance authorities does not apply either to safe products within the meaning of Article 3, that is to say, to any product that presents the minimum risks compatible with the product's use, considered acceptable and consistent with a high level of protection of health and safety of persons.

Amendment 311
Sergio Gaetano Cofferati, Marc Tarabella

Proposal for a regulation
Article 13 – paragraph 1 – point a

Text proposed by the Commission

(a) only a limited number of well-identified products are not safe;

Amendment

deleted

Or. it

Amendment 312
Sergio Gaetano Cofferati, Marc Tarabella

Proposal for a regulation
Article 13 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the manufacturer, importer or distributor can demonstrate that the risk has been fully controlled and cannot any more endanger the health and safety of persons;

deleted

Or. it

Amendment 313
Jürgen Creutzmann

Proposal for a regulation
Article 13 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the manufacturer, importer or distributor can demonstrate that the risk has been *fully* controlled *and cannot any more endanger* the health and safety of persons;

(b) the manufacturer, importer or distributor can demonstrate that the risk has been *effectively* controlled *so as to prevent any dangers to* the health and safety of persons;

Or. en

Justification

Total control of risk is impossible to achieve in practice. The wording should therefore be adjusted in order to create legal certainty for economic operators.

Amendment 314
Ashley Fox

Proposal for a regulation
Article 13 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the manufacturer, importer or distributor can demonstrate that the risk has been **fully** controlled **and cannot any more endanger the health and safety of persons**;

(b) the manufacturer, importer or distributor can demonstrate that the risk has been **effectively** controlled;

Or. en

Amendment 315
Jürgen Creutzmann

Proposal for a regulation
Article 13 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the cause of the risk of the product is such that knowledge of it does not represent useful information for the authorities or the public. **deleted**

Or. en

Justification

First, the cause of the risk may not be known. Second, if the cause of the risk is known, it could be difficult for economic operators to judge if it is of public interest. Such mandatory condition would create legal uncertainty.

Amendment 316
Sergio Gaetano Cofferati, Marc Tarabella

Proposal for a regulation
Article 13 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the cause of the risk of the product is such that knowledge of it does not represent useful information for the **deleted**

authorities or the public.

Or. it

Amendment 317
Josef Weidenholzer

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission may by means of implementing acts determine the situations which meet the conditions of paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19(3). *deleted*

Or. de

Amendment 318
Heide Rühle

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 determining the products, categories or groups of products for which, due to their low level of risk, the information referred to in Article 8(7) and Article 10(3) does not need to be indicated on the product itself. *deleted*

Or. en

Amendment 319
Sergio Gaetano Cofferati, Marc Tarabella

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 determining the products, categories or groups of products for which, due to their low level of risk, the information referred to in Article 8(7) and Article 10(3) does not need to be indicated on the product itself.

deleted

Or. it

Amendment 320
Jürgen Creutzmann

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 determining the products, categories or groups of products for which, due to their low level of risk, the information referred to in Article 8(7) and Article 10(3) **does not need to be indicated on the product itself.**

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 determining the products, categories or groups of products for which, due to their low level of risk, the information referred to in Article 8(7) and Article 10(3) **is not required.**

Or. en

Justification

Alignment to the wording of Articles 8(7) and 10(3), according to which the required information can also be indicated on the packaging or accompanying documents where it is not possible to indicate it on the product itself.

Amendment 321
Lara Comi

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 determining the products, categories or groups of products for which, **due to their low level of risk**, the information referred to in Article 8(7) and Article 10(3) does not need to be indicated on the product itself.

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 determining the products, categories or groups of products for which the information referred to in Article 8(7) and Article 10(3) does not need to be indicated on the product itself.

Or. en

Justification

Identification of product and economic operators is crucial. In order to ensure the safety of product placed on the market the clear identification and definition of obligation and roles for individual agents is essential.

Amendment 322
Bernadette Vergnaud

Proposal for a regulation
Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

1. Economic operators shall, on request, **identify the following to** the market surveillance authorities:

Amendment

1. Economic operators shall, on request, **provide** the market surveillance authorities **with the following information**:

Or. fr

Justification

Information on the quantity of products concerned and any traceability information available are particularly useful for risk assessment and targeting controls.

Amendment 323
Josef Weidenholzer

Proposal for a regulation
Article 14 – paragraph 1 – point a

Text proposed by the Commission

(a) any economic operator who has supplied them with the product;

Amendment

(a) any economic operator who has supplied them with the product; ***the nature and number of the products supplied and all traceability indications;***

Or. de

Amendment 324
Bernadette Vergnaud

Proposal for a regulation
Article 14 – paragraph 1 – point a

Text proposed by the Commission

(a) any economic operator who has supplied them with the product;

Amendment

(a) ***the identity of*** any economic operator who has supplied them with the product, ***and the number of products involved and any complementary traceability information available;***

Or. fr

Justification

Information on the quantity of products concerned and any traceability information available are particularly useful for risk assessment and targeting controls.

Amendment 325
Josef Weidenholzer

Proposal for a regulation
Article 14 – paragraph 1 – point b

Text proposed by the Commission

(b) any economic operator to whom they have supplied the product.

Amendment

(b) any economic operator to whom they have supplied a product; ***the nature and number of the products supplied and all traceability indications.***

Or. de

Amendment 326
Bernadette Vergnaud

Proposal for a regulation
Article 14 – paragraph 1 – point b

Text proposed by the Commission

(b) any economic operator to whom they have supplied the product.

Amendment

(b) ***the identity of*** any economic operator to whom they have supplied the product, ***and the number of products involved and any complementary traceability information available;***

Or. fr

Justification

Information on the quantity of products concerned, as well as any traceability information available, are particularly useful for risk assessment and targeting controls.

Amendment 327
Jürgen Creutzmann

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

2. Economic operators shall be able to present the information referred to in the first paragraph for a period of **10** years after they have been supplied with the product and for a period of **10** years after

Amendment

2. Economic operators shall be able to present the information referred to in the first paragraph for a period of **5** years after they have been supplied with the product and for a period of **5** years after they have

they have supplied the product.

supplied the product.

Or. en

Justification

Given the wide scope of products covered by this Regulation and their relatively low risk level, an obligation to retain information about the supply chains of all consumer products for 10 years would be a disproportionate administrative burden. Small and medium-sized enterprises will find it almost impossible to fulfil such requirements, which would fundamentally undermine their capability to compete with larger companies.

Amendment 328 **Ashley Fox**

Proposal for a regulation **Article 14 – paragraph 2**

Text proposed by the Commission

2. Economic operators shall be able to present the information referred to in the first paragraph for a period ***of 10 years after they have been supplied with the product and for a period of 10 years*** after they have supplied the product.

Amendment

2. Economic operators shall be able to present the information referred to in the first paragraph for a period ***that is a reasonable assessment of the lifecycle of a product*** after they have supplied the product.

Or. en

Amendment 329 **Jürgen Creutzmann**

Proposal for a regulation **Article 14 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Where economic operators identify the information referred to in the first paragraph, the market surveillance authorities shall treat this information as confidential.

Justification

For many distributors and wholesalers it is a company secret from whom they source and to whom they supply. It is therefore necessary to protect the identity of their suppliers. The information provided by economic operators should only be for the use of the market surveillance authorities and there should be no possibility of commercially sensitive information being published generally or getting into the hands of competitors.

Amendment 330
Ashley Fox

Proposal for a regulation
Article 15

Text proposed by the Commission

Amendment

Article 15

deleted

Traceability of products

1. For certain products, categories or groups of products which, due to their specific characteristics or specific conditions of distribution or usage, susceptible to bear a serious risk to health and safety of persons, 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.

2. The system of traceability shall consist of the collection and storage of data by electronic means enabling the identification of the product and of the economic operators involved in its supply chain as well as of the placement of a data carrier on the product, its packaging or accompanying documents enabling access to that data.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 20:

(a) determining the products, categories

or groups of products susceptible to bear a serious risk to health and safety of persons as referred to in paragraph 1;

(b) specifying the data which economic operators shall collect and store by means of the traceability system referred to in paragraph 2.

4. The Commission may by means of implementing acts determine the type of data carrier and its placement as referred to in paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 19(3).

5. When adopting the measures referred to in paragraphs 3 and 4, the Commission shall take into account the following:

(a) the cost-effectiveness of the measures, including their impact on businesses in particular small and medium-sized enterprises;

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

Or. en

Justification

There is no evidence that these provisions will add any value or bring any benefits to consumers, market surveillance authorities or economic operators. These provisions will come at a cost to business which has not been assessed and is likely to be passed on to consumers. Furthermore there is no evidence that there are any non-harmonised products where the risks are so great as to warrant this approach. This is therefore disproportionate.

Amendment 331
Jürgen Creutzmann

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Amendment

1. For certain products, categories or

1. For certain products, categories or

groups of products which, due to their specific characteristics or specific conditions of distribution or usage, susceptible to bear a serious risk to health and safety of persons, 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.

groups of products which, due to their specific characteristics or specific conditions of distribution or usage, susceptible to bear a serious risk to health and safety of persons, **and after consulting relevant stakeholders, as appropriate**, 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.

Or. en

Justification

Before proposing new traceability requirements, the Commission should consult relevant stakeholders, such as business and consumer organisations, so as to benefit from their expertise and to take into account the practical implications of such requirements.

Amendment 332

Lara Comi

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

1. For certain products, categories or groups of products which, due to their specific characteristics or specific conditions of distribution or usage, susceptible to bear a serious risk to health and safety of persons, 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 **and particularly those** which, due to their specific characteristics or specific conditions of distribution or usage, susceptible to bear a serious risk to health and safety of persons, 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.

Or. en

Justification

A system of traceability might be found useful to be established also for other products categories as the identification of the product and of the economic operator involved in the

supply chain (ex article 15 paragraph 2) is essential.

Amendment 333
Catherine Stihler

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

2. The system of traceability shall consist of the collection and storage of data by electronic means enabling the identification of the product and of the economic operators involved in its supply chain as well as of the placement of a data carrier on the product, its packaging or accompanying documents enabling access to that data.

Amendment

2. The system of traceability shall consist of the collection and storage of data by electronic means enabling the identification of the product and of the economic operators involved in its supply chain as well as of the placement of a data carrier on the product, its packaging or accompanying documents enabling access to that data. ***The system of traceability shall include facilities to extend traceability of products out to the consumer through voluntary opt-in measures.***

Or. en

Amendment 334
Heide Rühle

Proposal for a regulation
Article 15 – paragraph 2 a (new)

Text proposed by the Commission

2a. The system of traceability shall include facilities to extend traceability of products out to the consumer through voluntary opt-in measures.

Or. en

Amendment 335
Lara Comi

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

Text proposed by the Commission

(a) determining the products, categories or groups of products *susceptible to bear a serious risk to health and safety of persons* as referred to in paragraph 1;

Amendment

(a) determining the products, categories or groups of products *that should be subject to traceability requirements* as referred to in paragraph 1;

Or. en

Justification

A system of traceability might be found useful to be established also for other products categories as the identification of the product and of the economic operator involved in the supply chain (ex article 15 paragraph 2) is essential.

Amendment 336
Raffaele Baldassarre

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

Text proposed by the Commission

(a) determining the products, categories or groups of products susceptible to bear a serious risk to health and safety of persons as referred to in paragraph 1;

Amendment

(a) determining the products, categories or groups of products susceptible to bear a serious risk to health and safety of persons as referred to in paragraph 1. *The Commission shall state in the delegated acts concerned if it has used the risk analysis methodology provided for in Decision 2010/15/EU or, if this method is not appropriate for the product concerned, it shall give a detailed description of the method used;*

Or. fr

Amendment 337
Jürgen Creutzmann

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

Text proposed by the Commission

The Commission may request one or several European standardisation organisations to draft or identify a European standard, which aims at ensuring that products that conform to such standard or parts thereof comply with the general safety requirement laid down in Article 4. **The** Commission shall determine the requirements as to the content to be met by the requested European standard and a deadline for its adoption.

Amendment

The Commission may request one or several European standardisation organisations to draft or identify a European standard, which aims at ensuring that products that conform to such standard or parts thereof comply with the general safety requirement laid down in Article 4. **Taking into account the views of relevant stakeholders, as appropriate, the** Commission shall determine the requirements as to the content to be met by the requested European standard and a deadline for its adoption.

Or. en

(See amendment of Recital 24 by the same author)

Justification

The Commission should take into account the views of stakeholders, as appropriate, when determining the content of new European safety standards in order to ensure that such standards are relevant, proportionate and effective.

Amendment 338
Josef Weidenholzer

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

Text proposed by the Commission

The Commission may request one or several European standardisation organisations to draft or identify a European standard, which aims at ensuring that products that conform to such standard or parts thereof comply with the general

Amendment

The Commission may request one or several European standardisation organisations to draft or identify a European standard, which aims at ensuring that products that conform to such standard or parts thereof comply with the general

safety requirement laid down in Article 4. The Commission shall determine the requirements as to the content to be met by the requested European standard and a deadline for its adoption.

safety requirement laid down in Article 4. The Commission shall determine the requirements as to the content to be met by the requested European standard and a deadline for its adoption ***in accordance with a recommendation by the committee referred to in Article 19(1), first subparagraph.***

Or. de

Amendment 339
Jürgen Creutzmann

Proposal for a regulation
Article 16 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Commission shall adopt the request referred to in the first subparagraph by ***an implementing decision. Those implementing acts shall be adopted*** in accordance with ***the examination procedure referred to in Article 19(3).***

Amendment

The Commission shall adopt the request referred to in the first subparagraph by ***a delegated act*** in accordance with Article ***20.***

Or. en

(See amendment of Recital 27 by the same author)

Justification

New European safety standards for consumer products based on Article 4 should be considered as supplementing the basic act by adding non-essential elements in accordance with Article 290 TFEU. Given the very general nature of Article 4, the European Parliament and the Council should have the possibility to revoke and object against a mandate for new standards by the Commission. It is therefore appropriate to adopt the mandate through a delegated act.

Amendment 340
Josef Weidenholzer

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

2. The relevant European standardisation organisation shall indicate, within one month following receipt of the request referred to in paragraph 1, if it accepts it.

Amendment

2. The relevant European standardisation organisation shall indicate, within one month following receipt of the request referred to in paragraph 1, if it accepts it. ***If the standardisation organisation does not accept the request referred to in paragraph 1, the Commission may entrust the task to other appropriate operators.***

Or. de

Amendment 341
Josef Weidenholzer

Proposal for a regulation
Article 16 – paragraph 5

Text proposed by the Commission

5. Where the European standard satisfies the requirements it aims to cover and the general safety requirement laid down in Article 4, the Commission shall publish a reference to such European standard without delay in the Official Journal of the European Union.

Amendment

5. Where the European standard satisfies ***both*** the requirements it aims to cover and the general safety requirement laid down in Article 4, ***and this is confirmed by the committee referred to in Article 19(1), first subparagraph, in accordance with Article 19(3)***, the Commission shall publish a reference to such European standard without delay in the Official Journal of the European Union.

Or. de

Amendment 342
Jürgen Creutzmann

Proposal for a regulation
Article 18

Article 18

deleted

Penalties

1. The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by [insert date - 3 months prior to the date of application of this Regulation] and shall notify it without delay of any subsequent amendment affecting them.

2. The penalties referred to in paragraph 1 shall have regard to the size of the undertakings and in particular to the situation of small and medium-sized enterprises. The penalties may be increased if the relevant economic operator has previously committed a similar infringement and may include criminal sanctions for serious infringements.

Or. en

(see Article 31 of Regulation 2013/0048 (COD))

Justification

The penalties applicable to infringements against product safety rules should be the same for all (harmonised and non-harmonised, consumer and professional) products and also apply to cases of non-compliance, e.g. with environmental standards. The rules for penalties should therefore be laid down exclusively in the market surveillance regulation.

Amendment 343

Ashley Fox

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. The penalties referred to in paragraph 1 shall have regard to the size of the undertakings and in particular to the situation of small and medium-sized enterprises. The penalties may be increased if the relevant economic operator has previously committed a similar infringement and may include criminal sanctions for serious infringements. **deleted**

Or. en

Justification

The proportionality of penalties is already covered by the sentence which says “the penalties provided for must be effective, proportionate and dissuasive”.

Amendment 344
Sergio Gaetano Cofferati, Marc Tarabella

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. The penalties referred to in paragraph 1 shall have regard to the size of the undertakings and ***in particular to the situation of small and medium-sized enterprises***. The penalties may be increased if the relevant economic operator has previously committed a similar infringement and may include criminal sanctions for serious infringements.

2. The penalties referred to in paragraph 1 shall have regard to the size and turnover of the undertakings, ***as well as the actual operations carried out by economic operators as part of the production process and the extent to which they are in a position to affect product safety***. The penalties may be increased if the relevant economic operator has previously committed a similar infringement and may include criminal sanctions for serious infringements.

Or. it

Amendment 345

Josef Weidenholzer, Jörg Leichtfried

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. The penalties referred to in paragraph 1 shall have regard to the size of the undertakings and in particular to the situation of small and medium-sized enterprises. The penalties may be increased if the relevant economic operator has previously committed a similar infringement and may include criminal sanctions for serious infringements.

Amendment

2. The penalties referred to in paragraph 1 shall have regard to the size of the undertakings and in particular to the situation of small and medium-sized enterprises. The penalties may be increased if the relevant economic operator has previously committed a similar infringement and may include criminal sanctions for serious infringements. ***The penalties may also be increased in proportion to number and value and to the period for which a product has been made available on the market.***

Or. de

Amendment 346

Róża Gräfin von Thun und Hohenstein, Małgorzata Handzlik, Rafał Trzaskowski

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. The penalties referred to in paragraph 1 shall have regard to the ***size*** of the undertakings ***and in particular to the situation of small and medium-sized enterprises***. The penalties may be increased if the relevant economic operator has previously committed a similar infringement and may include criminal sanctions for serious infringements.

Amendment

2. The penalties referred to in paragraph 1 shall have regard to the ***annual turnover*** of the undertakings. The penalties may be increased if the relevant economic operator has previously committed a similar infringement and may include criminal sanctions for serious infringements.

Or. pl

Amendment 347
Othmar Karas

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. The penalties referred to in paragraph 1 shall have regard to the **size** of the undertakings and in particular to the situation of small and medium-sized enterprises. The penalties may be increased if the relevant economic operator has previously committed a similar infringement and may include criminal sanctions for serious infringements.

Amendment

2. The penalties referred to in paragraph 1 shall have regard to the **turnover of the non-compliant product or products** of the undertakings and in particular to the situation of small and medium-sized enterprises. The penalties may be increased if the relevant economic operator has previously committed a similar infringement and may include criminal sanctions for serious infringements.

Or. en

Justification

The mere size of an undertaking is not a suitable reference for determining penalties. Instead, the amount should be based on the actual turnover derived from non-compliant products in order not to penalise companies unproportionately.

Amendment 348
Matteo Salvini

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. The penalties referred to in paragraph 1 shall have regard to the size of the undertakings and in particular to the situation of small and medium-sized enterprises. The penalties may be increased if the relevant economic operator has previously committed a similar infringement and may include criminal

Amendment

2. The penalties referred to in paragraph 1 shall have regard to **the gravity of the infringement**, to the size of the undertakings and in particular to the situation of small and medium-sized enterprises, **as well as the actual operations carried out by economic operators as part of the production process and the extent to which they are**

sanctions for serious infringements.

in a position to affect product safety. The penalties may be increased if the relevant economic operator *responsible for first placing the product on the market* has previously committed a similar infringement and may include criminal sanctions for serious infringements.

Or. it

Amendment 349

Adam Bielan

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. The penalties referred to in paragraph 1 shall have regard to the size of the undertakings *and in particular to the situation of small and medium-sized enterprises*. The penalties may be increased if the relevant economic operator has previously committed a similar infringement and may include criminal sanctions for serious infringements.

Amendment

2. The penalties referred to in paragraph 1 shall have regard to the size *and situation* of the undertakings. The penalties may be increased if the relevant economic operator has previously committed a similar infringement and may include criminal sanctions for serious infringements.

Or. pl

Amendment 350

Raffaele Baldassarre

Proposal for a regulation

Article 18 – paragraph 2

Text proposed by the Commission

2. The penalties referred to in paragraph 1 shall have regard to the size of the undertakings and in particular to the situation of small and medium-sized enterprises. The penalties may be increased if the relevant economic operator has previously committed a similar

Amendment

2. The penalties referred to in paragraph 1 shall have regard to the *gravity of the infringement, the turnover and* size of the undertakings and in particular to the situation of small and medium-sized enterprises, *as well as the actual operations carried out by economic*

infringement and may include criminal sanctions for serious infringements.

operators as part of the production process and the extent to which they are in a position to affect product safety. The penalties may be increased if the relevant economic operator *responsible for first placing the product on the market* has previously committed a similar infringement and may include criminal sanctions for serious infringements.

Or. it

Amendment 351
Christel Schaldemose

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. The penalties referred to in *paragraph 1* shall have regard to the *size* of the *undertakings and in particular to the situation of small and medium-sized enterprises*. The penalties may be increased if the relevant economic operator has previously committed a similar infringement and may include criminal sanctions for serious infringements.

Amendment

2. The penalties referred to in *the first subparagraph* shall have regard to the *seriousness* of the *infringement and the amount of undue revenue derived from it*. The penalties may be increased if the relevant economic operator has previously committed a similar infringement and may include criminal sanctions for serious infringements.

Or. en

Amendment 352
Josef Weidenholzer

Proposal for a regulation
Article 19 – paragraph 1 – subparagraph 2

Text proposed by the Commission

However, for the purposes of Articles 16 and 17 of this Regulation the Commission shall be assisted by the Committee established by Regulation (EU) No 1025/2012. That Committee shall be a

Amendment

However, for the purposes of Articles 16 and 17 of this Regulation the Commission shall be assisted by the Committee established by Regulation (EU) No 1025/2012. That Committee shall be a

committee within the meaning of Regulation (EU) No 182/2011.

committee within the meaning of Regulation (EU) No 182/2011. ***This shall be without prejudice to the competences referred to in Article 16(1) and (5).***

Or. de

Amendment 353
Sergio Gaetano Cofferati, Marc Tarabella

Proposal for a regulation
Article 20 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in **Articles 13(3) and** 15(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(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.

Or. it