



2021/0170(COD)

10.12.2021

*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council, and repealing Council Directive 87/357/EEC and Directive 2001/95/EC of the European Parliament and of the Council
(COM(2021)0346 – C9-0245/2021 – 2021/0170(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Dita Charanzová

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council, and repealing Council Directive 87/357/EEC and Directive 2001/95/EC of the European Parliament and of the Council (COM(2021)0346 – C9-0245/2021 – 2021/0170(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0346),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0245/2021),
 - having regard to the opinion of the European Economic and Social Committee of 20 October 2021¹,
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rules 59 and 40 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Legal Affairs,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0000/2021),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C xxx, xx.xx.xxxx, p.x.

Amendment 1

Proposal for a regulation

Recital 9

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Parts moved to other recitals, including recital 10, in order to reflect the revised framework of the legislation.

Amendment 2

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

moved from recital 45

Amendment 3

**Proposal for a regulation
Recital 10**

Text proposed by the Commission

Amendment

(10) The precautionary principle is a fundamental principle for ensuring the safety of products and consumers and

(10) The risk analysis is pivotal to both market surveillance activities and customs controls. Therefore, the application of this

should therefore be taken into due account by all relevant actors when applying this Regulation.

Regulation by the relevant actors should follow the risk-based approach, while taking into account the precautionary principle, in order to ensure the safety of products and consumers.

Or. en

Amendment 4

Proposal for a regulation Recital 11

Text proposed by the Commission

Amendment

(11) Considering also the broad scope given to the concept of health²⁶, the environmental risk posed by a product should be taken into consideration in the application of this Regulation inasmuch as it can also ultimately result in a risk to the health and safety of consumers.

deleted

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

Or. en

Amendment 5

Proposal for a regulation Recital 16

Text proposed by the Commission

Amendment

(16) The requirements laid down in this Regulation should apply to second hand products or products that are repaired, refurbished or recycled that re-enter the supply chain in the course of a commercial activity, except for those products for

(16) The requirements laid down in this Regulation should apply to second hand products or products that are repaired, refurbished or recycled that re-enter the supply chain in the course of a commercial activity, except for those products for

which the consumer cannot reasonably expect that they fulfil state-of-the art safety standards, such as antiques or products which are presented as to be repaired or to be refurbished.

which the consumer cannot reasonably expect that they fulfil state-of-the art safety standards, such as antiques or products which are **explicitly** presented as to be repaired or to be refurbished, **or which are made available as collectible items of historical significance**.

Or. en

Justification

Changed to reflect the addition of a definition of antique to article 2

Amendment 6

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Services should not be covered by this Regulation. However, in order to secure the attainment of the protection of health and safety of consumers, products that are supplied or made available to consumers in the context of the provision of services, including products to which consumers are directly exposed during a service provision, should fall within the scope of this Regulation. Equipment on which consumers ride or travel **which** is operated by a service provider should be excluded from the scope of this Regulation since it has to be dealt with in conjunction with the safety of the service provided.

Amendment

(18) Services should not be covered by this Regulation. However, in order to secure the attainment of the protection of health and safety of consumers, products that are supplied or made available to consumers in the context of the provision of services, including products to which consumers are directly exposed during a service provision, should fall within the scope of this Regulation. **However,** equipment on which consumers ride or travel, **when it is directly** 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.

Or. en

Amendment 7

Proposal for a regulation

Recital 19

Text proposed by the Commission

Amendment

(19) Items which connect to other items or non-embedded items which influence the way another item works can present a risk for the safety of the product. That aspect should be taken into due consideration as a potential risk. The connections and interrelation that an item might have with external items should not jeopardise its safety.

(19) ***While standalone software should not be considered as a product within the meaning of this Regulation, items with embedded software*** which connect to other items or non-embedded items which influence the way another item works can present a risk for the safety of the product. That aspect should be taken into due consideration as a potential risk. The connections and interrelation that an item might have with external items should not jeopardise its safety.

Or. en

Justification

To take into account the Tangible Goods and Digital Content Directives

Amendment 8

Proposal for a regulation Recital 21

Text proposed by the Commission

Amendment

(21) ***The World Health Organisation defines ‘health’ as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. This definition supports the fact that the development of new technologies might bring new health risks to consumers, such as psychological risk, development risks, in particular for children, mental risks, depression, loss of sleep, or altered brain function.***

deleted

Or. en

Justification

Removed as would not be able to be assessed for product safety by economic operators or market surveillance authorities.

Amendment 9

Proposal for a regulation Recital 24 a (new)

Text proposed by the Commission

Amendment

(24a) It is important to ensure that the contact information of all economic operators intervening in the supply and distribution chain is easily accessible to consumers and market surveillance authorities and that products are accompanied with the relevant documentation. This Regulation should allow for the possibility to provide certain information, such as contact details, technical documentation and the instructions and safety information on the product in a digital form by means of electronic solutions, such as a QR or data matrix code, which could ensure that this information is available and accessible over time.

Or. en

Justification

Recital to match new article on the provision of information by electronic means

Amendment 10

Proposal for a regulation Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) In the case of a product offered for sale through distance sales, the product should be considered to have been made available on the market if the offer for sale is directed at consumers in the Union. In accordance with the applicable Union rules on private international law, a case-by-case analysis should be carried

out in order to establish whether an offer is directed at consumers in the Union. An offer for sale should be considered to be directed at consumers in the Union if the relevant economic operator directs, by any means, its activities to a Member State. For the case-by-case analyses, relevant factors, such as the geographical areas to which dispatch is possible, the languages available, used for the offer or for ordering, or means of payment, need to be taken into consideration. In the case of online sales, the mere fact that the economic operators' or the intermediaries' website is accessible in the Member State in which the consumer is domiciled is insufficient.

Or. en

Justification

Recital added to reflect changes to the article on distance sales. Similar Text from recital 15 of MSR

Amendment 11

Proposal for a regulation Recital 28

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

Moved to Recital 32a

Amendment 12

Proposal for a regulation

Recital 32 a (new)

Text proposed by the Commission

Amendment

(32a) The Product Safety Pledge, signed in 2018 and joined by a number of marketplaces since then, provides for a number of voluntary commitments on product safety. The Product Safety Pledge has proved its rationale in enhancing the protection of consumers against dangerous products sold online. Therefore this Regulation lays down new provisions on the possibility for online marketplaces to enter into voluntary memoranda of understanding with market surveillance authorities, the Commission or organisations representing consumers and undertake voluntary commitments with regard to the products sold online that go beyond the legal obligations set out in the Union law.

Or. en

Justification

Text moved from recital 28 with addition text added on voluntary measures to reflect a new Article 20a.

Amendment 13

Proposal for a regulation

Recital 34

Text proposed by the Commission

Amendment

(34) Even where the information from the Safety Gate does not contain an exact

(34) Even where the information from the Safety Gate does not contain an exact

uniform resource locator (URL) and, where necessary, additional information enabling the identification of the illegal content concerned, online marketplaces should nevertheless take into account the transmitted information, such as product identifiers, when available, and other **traceability** information, in the context of any measures adopted by online marketplaces on their own initiative aiming at detecting, identifying, removing or disabling access to dangerous products offered on their marketplace, where applicable.

uniform resource locator (URL) and, where necessary, additional information enabling the identification of the illegal content concerned, online marketplaces should nevertheless take into account the transmitted information, such as product identifiers, when available, **information on the manufacturer of the product** and other **relevant economic operators and other information on a product**, in the context of any measures adopted by online marketplaces on their own initiative aiming at detecting, identifying, removing or disabling access to dangerous products offered on their marketplace, where applicable.

Or. en

Justification

Changed to correctly reflect the articles in order to use the appropriate terminology.

Amendment 14

Proposal for a regulation

Recital 36

Text proposed by the Commission

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

Amendment

(36) **Identification of the product and of the relevant economic operators** is fundamental for effective market surveillance of dangerous products and corrective measures. Consumers should also be protected against dangerous products in the same way in the offline and online sales channels, including when purchasing products on online marketplaces. Building on the provisions of Regulation (EU) .../...[the Digital Services Act]concerning the traceability of traders, online **marketplaces** should not allow listings on their platforms unless the trader provided all information related to product safety and traceability as detailed in this Regulation. Such information

so that consumers can benefit from the same information made available online and offline. However, the online marketplace should not be responsible for verifying the completeness, correctness and the accuracy of the information itself, as the obligation to ensure the traceability of products remains with the trader.

should be displayed together with the product listing so that consumers can benefit from the same information made available online and offline. However, the online marketplace should not be responsible for verifying the completeness, correctness and the accuracy of the information itself, as the obligation to ensure the traceability of products remains with the trader.

Or. en

Justification

Changed to correctly reflect the articles in order to use the appropriate terminology.

Amendment 15

Proposal for a regulation Recital 38

Text proposed by the Commission

(38) Direct selling by economic operators established outside the Union through online channels hinders the work of market surveillance authorities when tackling dangerous products in the Union, as in many instances economic operators may not be established nor have a legal representative in the Union. It is therefore necessary to ensure that market surveillance authorities have adequate powers and means to effectively tackle the sale of dangerous products online. In order to ensure an effective enforcement of this Regulation, the obligation set out in Article 4(1), (2) and (3) of Regulation 2019/1020 should be extended also to products falling outside the scope of the Union harmonisation legislation *to* ensure that there is a responsible economic operator established in the Union, which is entrusted with tasks regarding such products, providing market surveillance authorities with an interlocutor and performing

Amendment

(38) Direct selling by economic operators established outside the Union through online channels hinders the work of market surveillance authorities when tackling dangerous products in the Union, as in many instances economic operators may not be established nor have a legal representative in the Union. It is therefore necessary to ensure that market surveillance authorities have adequate powers and means to effectively tackle the sale of dangerous products online. In order to ensure an effective enforcement of this Regulation, ***for certain products or categories or groups of products, where the need for an economic operator to act as a liaison point with the market surveillance authorities has been identified, taking into account a risk-based approach, having regard to the principle of proportionality, and taking into account the need to ensure a high level of protection of consumers in the***

specific tasks in a timely manner.

Union, the obligation set out in Article 4(1),(2) and (3) of Regulation 2019/1020 should be extended also to products falling outside the scope of the Union harmonisation legislation. **This would** ensure that there is a responsible economic operator established in the Union, which is entrusted with tasks regarding such products, providing market surveillance authorities with an interlocutor and performing specific tasks in a timely manner.

Or. en

Justification

changed to reflect changes in the article

Amendment 16

Proposal for a regulation Recital 43

Text proposed by the Commission

Amendment

(43) When making products available on the market, economic operators should provide minimum information on product safety and traceability as part of the relevant offer. This should be without prejudice to the information requirements laid down by Directive 2011/83/EU of the European Parliament and of the Council³¹, such as on the main characteristics of the goods, to the extent appropriate to the medium and to the goods.

deleted

³¹ **Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive**

Justification

Moved to Recital 44 in order to match the structure of the text

Amendment 17

Proposal for a regulation
Recital 44

Text proposed by the Commission

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

Amendment

(44) Ensuring product identification and ***information on the manufacturer and other relevant economic operators*** throughout the entire supply chain helps to identify economic operators and to take effective corrective measures against dangerous products, such as targeted recalls. Product identification and ***information on the manufacturer and other relevant economic operators*** thus ensures that consumers, ***including persons with disabilities, and market surveillance authorities*** obtain accurate information regarding dangerous products which enhances confidence in the market and avoids unnecessary disruption of trade. Products should therefore bear information allowing their identification and the identification of the manufacturer and, ***as*** applicable, of the importer ***and other relevant economic operators***. Such requirements could be made stricter ***on a voluntary basis*** for certain kinds of products, ***susceptible to bear a serious risk to health and safety of consumers, by a system of collection and storage of data enabling, besides the identification of the product, the identification of its components or of the economic operators involved in its supply chain.***

Manufacturers should also establish technical documentations regarding their products, which should contain the necessary information to prove that their product is safe. *This should be without prejudice to the information requirements laid down by Directive 2011/83/EU of the European Parliament and of the Council^{1a}, such as on the main characteristics of the goods, to the extent appropriate to the medium and to the goods.*

^{1a} Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

Or. en

Justification

Changed in order to reflect the changes made in the corresponding Article

Amendment 18

Proposal for a regulation

Recital 45

Text proposed by the Commission

Amendment

(45) The legal framework for market surveillance of products covered by Union harmonisation legislation and set out in Regulation (EU) 2019/1020 and the legal framework for market surveillance of products covered by this Regulation should be as coherent as possible. It is therefore necessary, as far as market surveillance activities, obligations,

deleted

powers, measures, and cooperation among market surveillance authorities are concerned, to close the gap between the two sets of provisions. For that purpose Articles 10 to 16, Articles 18 and 19 and Articles 21 to 24 of Regulation (EU) 2019/1020 should be applicable also to products covered by this Regulation.

Or. en

Justification

moved

Amendment 19

Proposal for a regulation Recital 47

Text proposed by the Commission

(47) ***National authorities should be enabled to complement the traditional market surveillance activities focused on safety of products with market surveillance activities focusing on the internal conformity procedures set up by economic operators to ensure product safety.*** Market surveillance authorities should be able to require the manufacturer to indicate which other products - produced with the same procedure, or containing the same components considered to present a risk or that are part of the same production batch - are affected by the same risk.

Amendment

(47) Market surveillance authorities should be able to require the manufacturer to indicate which other products - produced with the same procedure, or containing the same components considered to present a risk or that are part of the same production batch - are affected by the same risk.

Or. en

Amendment 20

Proposal for a regulation Recital 48

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Changed to match the Article 22

Amendment 21

**Proposal for a regulation
Recital 49**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 22

**Proposal for a regulation
Recital 52**

Text proposed by the Commission

(52) Under Article 34 of Regulation (EU) No 2019/1020, Member States authorities are to notify measures adopted against products covered by that

Amendment

(52) Under Article 34 of Regulation(EU) No 2019/1020, Member States authorities are to notify measures adopted against products covered by that

Regulation, presenting a less than serious risk, through the information and communication system referred to in the same article, while corrective measures adopted against products covered by this Regulation presenting a less than serious risk should be notified in the Safety Gate.

Member States and the Commission should make available to the public information relating to risks to the health and safety of consumers posed by products. It is opportune for consumers and businesses that all information on corrective measures adopted against products posing a risk are contained in the Safety Gate, allowing relevant information on dangerous products to be made available to the public through the Safety Gate portal. Member States are therefore encouraged to notify in the Safety Gate all corrective measures on products posing a risk to the health and safety of consumers.

Regulation, presenting a less than serious risk, through the information and communication system referred to in the same article, while corrective measures adopted against products covered by this Regulation presenting a less than serious risk should be notified in the Safety Gate.

Or. en

Amendment 23

Proposal for a regulation

Recital 54

Text proposed by the Commission

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

Amendment

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

authorities, and facilitate information to consumers *from economic operators*.

as possible in order to ensure timely and efficient information exchange *with* national authorities, and facilitate information to consumers.

Or. en

Amendment 24

Proposal for a regulation Recital 62

Text proposed by the Commission

(62) When a product already sold to consumers turns out to be dangerous, it may need to be recalled to protect consumers in the Union. Consumers might not be aware that they own a recalled product. In order to increase recall effectiveness, it is therefore important to better reach consumers concerned. Direct contact is the most effective method to increase consumers' awareness of recalls and encourage action. It is also the preferred communication channel across all groups of consumers. In order to ensure the safety of the consumers, it is important that they are informed in a quick and reliable way. Economic operators should therefore use the customer data at their disposal to inform consumers of recalls and safety warnings linked to products they have purchased. Therefore, a legal obligation is needed to require economic operators to use any customer data already at their disposal to inform consumers of recalls and safety warnings. In this respect, economic operators will make sure to include the possibility to directly contact customers in the case of a recall or safety warning affecting them in existing customer loyalty programmes and product registration systems, through which customers are asked, after having purchased a product, to communicate to the manufacturer on a voluntary basis some

Amendment

(62) When a product already sold to consumers turns out to be dangerous, it may need to be recalled to protect consumers in the Union. Consumers might not be aware that they own a recalled product. In order to increase recall effectiveness, it is therefore important to better reach consumers concerned. Direct contact is the most effective method to increase consumers' awareness of recalls and encourage action. It is also the preferred communication channel across all groups of consumers. In order to ensure the safety of the consumers, it is important that they are informed in a quick and reliable way. Economic operators ***and online marketplaces*** should therefore use the customer data at their disposal to inform consumers of recalls and safety warnings linked to products they have purchased. Therefore, a legal obligation is needed to require economic operators ***and online marketplaces*** to use any customer data already at their disposal to inform consumers of recalls and safety warnings. In this respect, economic operators will make sure to include the possibility to directly contact customers in the case of a recall or safety warning affecting them in existing customer loyalty programmes and product registration systems, through which customers are asked, after having purchased a product, to communicate to the

information such as their name, contact information, the product model or serial number.

manufacturer on a voluntary basis some information such as their name, contact information, the product model or serial number.

Or. en

Justification

Changed to match article 33

Amendment 25

**Proposal for a regulation
Recital 65**

Text proposed by the Commission

(65) In order to facilitate the effective and consistent application of the general safety requirement set out in this Regulation, it is important to make use of European standards covering certain products and risks ***in such a way that a product which conforms to such a European standard, the reference of which is published in the Official Journal of the European Union, is presumed to be in compliance with that*** requirement.

Amendment

(65) In order to facilitate the effective and consistent application of the general safety requirement set out in this Regulation, it is important to make use of European standards covering certain products and risks. ***European standards, the references of which have been published in accordance with Directive 2001/95/EC, should be considered as European product safety standards and should provide a presumption of conformity with the general safety requirement set out in this Regulation. Standardisation requests issued by the Commission in accordance with Directive 2001/95/EC should be deemed to be standardisation requests issued in accordance with this Regulation.***

Or. en

Justification

Merged with recital 69 to avoid repetitions and to reflect changes made in the corresponding Article

Amendment 26

Proposal for a regulation Recital 69

Text proposed by the Commission

Amendment

(69) European standards, the references of which have been published in accordance with Directive 2001/95/EC, should continue providing a presumption of conformity with the general safety requirement set out in this Regulation. Standardisation requests issued by the Commission in accordance with Directive 2001/95/EC should be deemed standardisation requests issued in accordance with this Regulation.

deleted

Or. en

Justification

moved to recital 65 to avoid repetitions

Amendment 27

Proposal for a regulation Recital 70

Text proposed by the Commission

Amendment

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

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

Amendment 28**Proposal for a regulation****Recital 74***Text proposed by the Commission**Amendment*

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

deleted

Or. en

*Justification**removed from the Article***Amendment 29****Proposal for a regulation****Recital 75***Text proposed by the Commission**Amendment*

(75) The deterrent effect of penalties should be reinforced by the possibility to publish the information related to the penalties imposed by Member States. *Where these penalties are issued against natural persons or include personal data, they may be published in a manner that complies with the data protection requirements as set out in Regulation (EU) 2016/679 of the European Parliament and of the Council³⁴ and Regulation (EU) 2018/1725 of the European Parliament and of the Council³⁵. The annual report on the penalties imposed by the Member States should contribute to the level playing field and to prevent repeated infringements. For reasons of legal certainty and in accordance with the principle of*

(75) The deterrent effect of penalties should be reinforced by the possibility to publish the information related to the penalties imposed by Member States. The annual report on the penalties imposed by the Member States should contribute to the level playing field and to prevent repeated infringements.

proportionality, it should be specified in which situations a publication should not take place. As far as natural persons are concerned, personal data should only be published in exceptional circumstances justified by the seriousness of the infringement, for instance when a penalty has been imposed to an economic operator whose name identifies a natural person and such economic operator has repeatedly failed to comply with the general product safety requirement.

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

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

Or. en

Justification

To reflect the changes made in the corresponding Article

Amendment 30

Proposal for a regulation
Recital 76

Text proposed by the Commission

(76) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt the specific safety requirements, to determine the output indicators on the basis of which Member States have to communicate data concerning the implementation of this Regulation, to adopt the modalities and procedures for the exchange of information regarding measures communicated through the Safety Gate and criteria to assess the level of risk, to take measures as regards the products presenting a serious risk, to adopt the modalities for the sending of information by consumers in the Safety Gate portal, to set out the requirements for registration of products for recall purposes and to adopt the template for a recall notice. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³⁶.

³⁶ 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 (OJ L 55, 28.2.2011, p. 13).

Amendment

(76) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt the specific safety requirements, to determine the output indicators on the basis of which Member States have to communicate data concerning the implementation of this Regulation, ***to specify the modalities for the use of electronic solutions, including the modalities for display and access of information***, to adopt the modalities and procedures for the exchange of information regarding measures communicated through the Safety Gate and criteria to assess the level of risk, to take measures as regards the products presenting a serious risk, to adopt the modalities for the sending of information by consumers in the Safety Gate portal, to set out the requirements for registration of products for recall purposes and to adopt the template for a recall notice. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³⁶.

³⁶ 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 (OJ L 55, 28.2.2011, p. 13).

Or. en

Justification

added to include the implementing acts on the use of electronic solutions in accordance with Article 19a

Amendment 31

Proposal for a regulation Recital 78

Text proposed by the Commission

(78) In order to maintain a high level of health and safety of consumers, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the identification and traceability of products bearing a potential serious risk to health and safety. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making³⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

³⁷ OJ L 123, 12.5.2016, p. 1.

Amendment

(78) In order to maintain a high level of health and safety of consumers, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of ***the identification of the products, categories or groups of products for which an economic operator responsible for certain tasks should be established in the Union, and*** the identification and traceability of products bearing a potential serious risk to health and safety. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making³⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

³⁷ OJ L 123, 12.5.2016, p. 1.

Or. en

Justification

Redrafted to align with new drafting of Article 15.

Amendment 32

Proposal for a regulation Recital 80

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 33

Proposal for a regulation Article 1 – title

Text proposed by the Commission

Subject matter

Amendment

Subject matter **and objective**

Or. en

Amendment 34

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

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

Amendment

The objective of this Regulation is to improve the functioning of the internal market and maintain a high level of health, safety and consumer protection by laying down essential rules on the safety of consumer products made available on the ***Union*** market.

Or. en

Justification

This Regulation not only ensures that products are safe, but that safe products are available throughout the Single Market and no barriers are created. The notion of "making available on the market" also covers "placing on the market", so for avoiding repetitions only "made available" is kept

Amendment 35

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The notion of "making available on the market" also covers "placing on the market", so for avoiding repetitions only "made available" is kept

Amendment 36

Proposal for a regulation

Article 2 – paragraph 2 – point g

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 37

Proposal for a regulation

Article 2 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 38

Proposal for a regulation

Article 2 – paragraph 5

Text proposed by the Commission

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

Amendment

5. **The application of** this Regulation shall **follow a risk-based approach while** taking due account of the precautionary principle.

Or. en

Justification

It is important to highlight that the work of customs and market surveillance authorities is following a risk-based approach

Amendment 39

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 40

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

While it is possible to test for reasonably foreseeable use, it is not for reasonably foreseeable 'misuse'. Reasonably foreseeable is subjective and as this Regulation governs all consumer products and not a limited sub-set (i.e. the Machinery Regulation), what is reasonably foreseeable for one person, is not for another and therefore it is not possible to have a standard test for an unknown. Moreover any product can be dangerous if misused.

Amendment 41

Proposal for a regulation

Article 3 – paragraph 1 – point 14

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

This regulation does not apply to C2C sales, only to B2C sales and this should be reflected in the text.

Amendment 42

Proposal for a regulation

Article 3 – paragraph 1 – point 15

Text proposed by the Commission

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

Amendment

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

Amendment 43

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 44

Proposal for a regulation

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

Text proposed by the Commission

Amendment

25a. ‘antiques’ means products, such as collectible objects, works of art or decorative objects made during an earlier period in relation to which consumers cannot reasonably expect that they fulfil state-of-the-art safety standards.

Or. en

Amendment 45

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

Amendment

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

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

the Union if the relevant economic operator directs, by any means, its activities to one or several Member State(s).

the Union if the relevant economic operator directs, by any means, its activities to one or several Member State(s).

Or. en

Amendment 46

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

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

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

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

Or. en

Justification

The criteria are elaborated by the Court of Justice and are applicable on the case-by-case basis - this shouldn't be put in the legislation

Amendment 47

Proposal for a regulation Article 5 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Justification

The notion of "making available on the market" also covers "placing on the market", so for avoiding repetitions only "made available" is kept

Amendment 48**Proposal for a regulation**
Article 5 a (new)*Text proposed by the Commission**Amendment**Article 5a**Aspects for assessing the safety of products*

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

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

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

(c) the effect that other products might have on the product to be assessed, including the effect of non-embedded items that are meant to determine, change or complete the way another product falling within the scope of this Regulation works, which have to be taken into consideration in assessing the safety of that other product;

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

the product;

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

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

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

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

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

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

Or. en

Justification

The part of Article 7 is moved before Article 6. The assessment of safety should come and should be made before the presumption of safety. Therefore, these aspects are valid for all non-harmonised products regardless whether the presumption of safety is applicable or not.

Amendment 49

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

Text proposed by the Commission

(a) if it conforms to relevant European standards or parts thereof as far as the risks and risk categories covered are concerned, the references of which have been published in the *Official Journal of the European Union* in accordance with Article 10(7) of Regulation (EU) 1025/2012;

Amendment

(a) if it conforms to relevant European ***product safety*** standards or parts thereof as far as the risks and risk categories covered ***by those standards*** are concerned, the references of which have been published in the *Official Journal of the European Union* in accordance with Article 10(7) of Regulation (EU) 1025/2012;

Or. en

Justification

New notion of "European product safety standard" is introduced in order to distinguish them from European standards the references of which are not published in OJ. The relevant changes are also proposed in Article 44 in order to amend Standardisation regulation

Amendment 50

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 51

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 52

Proposal for a regulation

Article 7 – title

Text proposed by the Commission

Amendment

Aspects for assessing the safety of products

Additional elements for assessing the safety of products

Or. en

Amendment 53

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

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

deleted

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

(b) the effect on other products, where it is reasonably foreseeable that it will be

used with other products, including the interconnection of products among them;

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

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

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

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

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

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

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

Or. en

Justification

Moved to 5a

Amendment 54

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

Moved to 5a

Amendment 55

**Proposal for a regulation
Article 7 – paragraph 3 – introductory part**

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 56

**Proposal for a regulation
Article 8 – paragraph 2**

Text proposed by the Commission

Amendment

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

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

Personal data stored in the register of complaints shall only be those personal data that are necessary for the manufacturer to investigate the complaint about an alleged dangerous product. Such data shall only be kept as long as it is necessary for the purpose of investigation and no longer than five years after they have been encoded.

Or. en

Justification

moved to paragraph 10 in order to better follow the structure of NLF (Decision 768/2008)

Amendment 57

Proposal for a regulation Article 8 – paragraph 3

Text proposed by the Commission

Amendment

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

Justification

moved to paragraph 11a in order to better follow the structure of NLF (Decision 768/2008)

Amendment 58

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

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

Amendment

Manufacturers shall draw up technical documentation of the product. The technical documentation shall contain ***at least a general description of the product and its essential properties relevant for assessing the product's safety.***

Where deemed appropriate with regard to the risks presented by a product as appropriate, a technical documentation shall contain:

Amendment 59

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

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

Amendment

deleted

Amendment 60

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 61

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 62

Proposal for a regulation

Article 8 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

moved from paragraph 9 to better reflect the structure of NLF

Amendment 63

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

Amendment

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

Or. en

Amendment 64

Proposal for a regulation Article 8 – paragraph 9

Text proposed by the Commission

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

Amendment

deleted

Or. en

Justification

moved to paragraph 5a

Amendment 65

Proposal for a regulation Article 8 – paragraph 10

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

merged with paragraph 11 to better align with NLF

Amendment 66

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

Text proposed by the Commission

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

Amendment

deleted

corrective measure already taken.

Or. en

Justification

merged with paragraph 10

Amendment 67

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

Text proposed by the Commission

Amendment

11a. Manufacturers shall keep distributors, importers and, where applicable, responsible persons and online marketplaces in the supply chain concerned informed of any safety issue that they have identified.

Or. en

Justification

moved from paragraph 3

Amendment 68

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

Text proposed by the Commission

Amendment

11b. Manufacturers shall make publicly available to consumers, communication channels such as telephone number, electronic address or dedicated section of their website, allowing consumers to file complaints that concern products which manufacturers have made available on the market and to inform them of any accident or safety issue consumers have experienced with those products.

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

Personal data stored in the register of complaints shall only be those personal data that are necessary for the manufacturer to investigate the complaint about an alleged dangerous product. Such data shall only be kept for as long as is necessary for the purpose of investigation and in any event for no longer than five years after they have been encoded.

Or. en

Justification

moved from original paragraph 2

Amendment 69

Proposal for a regulation

Article 9 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 70

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where the information referred to in Article 8(4) and (7) is provided in a digital

format by means of electronic solutions in accordance with Article 19a, importers shall ensure that this information is accessible.

Or. en

Justification

To reflect the possibility of providing information by means of digital solutions, introduced in Article 19a

Amendment 71

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

Text proposed by the Commission

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

Amendment

3. Importers shall indicate their name, registered trade name or registered trade mark, the postal ***address and the website or email*** 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.

Or. en

Amendment 72

**Proposal for a regulation
Article 10 – paragraph 4**

Text proposed by the Commission

4. Importers shall ensure that the product they imported 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

Amendment

4. Importers shall ensure that the product they imported is accompanied by instructions and safety information ***in paper or in digital format by means of electronic solutions in accordance with Article 19a*** in a language which can be

available, except where the product can be used safely and as intended by the manufacturer without such instructions and safety information.

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

To reflect the possibility of providing information by means of digital solutions, introduced in Article 19a

Amendment 73

Proposal for a regulation

Article 10 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

moved to subparagraph 2

Amendment 74

Proposal for a regulation

Article 10 – paragraph 6 – subparagraph 2

Text proposed by the Commission

Amendment

Importers shall **ensure that** the

Importers shall **verify whether** the

communication channels referred to in Article 8(2), *second* subparagraph, are available to consumers allowing them to present complaints and communicate any accident or safety issue they have experienced with the product. If such channels are not available the importer shall provide for them.

communication channels referred to in Article 8(11b), *first* subparagraph, are available to consumers allowing them to present complaints and communicate any accident or safety issue they have experienced with the product. If such channels are not available the importer shall provide for them.

Or. en

Amendment 75

Proposal for a regulation

Article 10 – paragraph 6 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 76

Proposal for a regulation

Article 10 – paragraph 8

Text proposed by the Commission

Amendment

8. Importers who consider or have reason to believe, on the basis of the information in their possession, that a product which they have placed on the

8. Importers who consider or have reason to believe, on the basis of the information in their possession, that a product which they have placed on the

market is not safe shall immediately inform the manufacturer and ensure that the corrective measures necessary to bring the product into conformity are adopted including withdrawal or recall, as appropriate. In case such measures have not been adopted, the importer shall adopt them. Importers shall ensure that, through the Safety Business Gateway referred to in Article 25, consumers are immediately **and effectively** alerted **of the risk where applicable and that** market surveillance authorities of the Member States in which they made the product available **to that effect be** immediately informed, giving details, in particular, of the risk to health and safety of consumers and of any corrective measure already taken.

market is not safe shall immediately inform the manufacturer and ensure that the corrective measures necessary to bring the product into conformity are adopted including withdrawal or recall, as appropriate. In case such measures have not been adopted, the importer shall adopt them. **Where the product poses a risk to the health and safety of consumers,** importers shall ensure that, through the Safety Business Gateway referred to in Article 25, consumers are immediately alerted **and** market surveillance authorities of the Member States in which they made the product available **are** immediately informed **to that effect**, giving details, in particular, of the risk to health and safety of consumers and of any corrective measure already taken.

Or. en

Amendment 77

Proposal for a regulation Article 10 – paragraph 9

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The alignment with NLF

Amendment 78

Proposal for a regulation Article 11 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. When making a product available on the market distributors shall act with due care in relation to the applicable requirements.

Or. en

Justification

The alignment with NLF

Amendment 79

Proposal for a regulation Article 11 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where the information referred to in Article 8(7) and (8) and Article 10(4), as applicable, is provided in a digital format by means of electronic solutions in accordance with Article 19a, distributors shall ensure that this information is accessible.

Or. en

Justification

To reflect the possibility of providing information by means of digital solutions, introduced in Article 19a

Amendment 80

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. Distributors who consider or have reason to believe, ***on the basis of the information in their possession***, that a product is not in conformity with the provisions referred to in paragraph 2, shall not make the product available on the market until it has been brought into conformity. Furthermore, where the product is not safe, the distributor shall immediately inform the manufacturer or the importer, as applicable, to that effect and ***shall make sure that, through the Safety Business Gateway referred to in Article 25***, the market surveillance authorities are informed.

Amendment

3. Distributors who consider or have reason to believe that a product is not in conformity with the provisions referred to in paragraph 1, shall not make the product available on the market until it has been brought into conformity. Furthermore, where the product is not safe, the distributor shall immediately inform the manufacturer or the importer, as applicable, to that effect and ***ensure that*** the market surveillance authorities are informed.

Or. en

Amendment 81

Proposal for a regulation
Article 11 – paragraph 4

Text proposed by the Commission

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

Amendment

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

product available to that effect are informed giving details, in particular, of the risk to health and safety and of any corrective measure taken.

Member State in which they made the product available to that effect are informed giving details, in particular, of the risk to health and safety and of any corrective measure taken.

Or. en

Amendment 82

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

To reflect a similar provision in NLF

Amendment 83

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. A natural or legal person, other than the manufacturer, that substantially modifies the product, shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer set out in Article 8 for the part of the product

1. A natural or legal person, other than the manufacturer, that substantially modifies the product, shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer set out in Article 8 for the part of the product

affected by the modification or for the entire product if the substantial modification has an impact on its safety.

affected by the modification or for the entire product if the substantial modification has an impact on its safety **as a whole**.

Or. en

Amendment 84

Proposal for a regulation Article 14 – paragraph 5

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

This article is about voluntary cooperation of economic operators with market surveillance authorities before the enforcement stage and before any corrective measures are imposed.

Amendment 85

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

Amendment

1. Article 4(1), (2) and (3) of Regulation (EU) 2019/1020 shall also apply **to products covered by this Regulation**. For the purposes of this Regulation, references to “Union harmonisation legislation” in Article 4(1), (2) and (3) of Regulation (EU) 2019/1020 shall be read as “Regulation [...]”.

1. **For the products, categories or groups of products covered by this Regulation and by a delegated act referred to in paragraph 2b of this Article**, Article 4(1), (2) and (3) of Regulation (EU) 2019/1020 shall also apply. For the purposes of this Regulation, references to “Union harmonisation legislation” in

Article 4(1), (2) and (3) of Regulation (EU) 2019/1020 shall be read as “Regulation [...]”.

Or. en

Justification

The introduction of responsible person in MSR was done following a risk-based approach and only for the most risky products. It is appropriate therefore to follow the same approach for non-harmonised products to avoid unnecessary burden

Amendment 86

Proposal for a regulation Article 15 – paragraph 2

Text proposed by the Commission

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

Amendment

2. In addition to the tasks referred to in Article 4(3) of Regulation (EU) 2019/1020, the economic operator referred to in Article 4(1) of Regulation (EU) 2019/1020 shall periodically carry out sample testing of randomly chosen products ***referred to in paragraph 1*** made available on the market.

Or. en

Amendment 87

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 88

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

Text proposed by the Commission

Amendment

2b. *The Commission is empowered to adopt delegated acts in accordance with Article 41 to supplement this Regulation by determining the products, categories or groups of products for which an obligation referred to in paragraph 1 of this Article is to apply. When adopting those delegated acts, the Commission shall take into account the potential risk to the health and safety of consumers caused by the products concerned, based on the information from Safety gate and other relevant evidence, as well as the market size of those products, and shall ensure that no excessive and*

disproportionate administrative burden is imposed on the economic operator in question, in particular SMEs.

Or. en

Justification

The introduction of responsible person in MSR was done following a risk-based approach and only for the most risky products. It is appropriate therefore to follow the same approach for non-harmonised products to avoid unnecessary burden. The Commission therefore should adopt delegated acts and determine the product that require responsible person in the Union

Amendment 89

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 90

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

Text proposed by the Commission

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

Amendment

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

covered by this Regulation. For that purpose, Article 9(1), (4) and (5) of Regulation (EU) 2019/515 shall apply.

Or. en

Amendment 91

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 92

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The system of traceability shall consist in the collection and storage of data, including by electronic means, enabling the identification of the product, its components or of the economic operators involved in its supply chain, as well as in modalities to display and to *allow public* access *to those* data, including placement of a data carrier on the product,

accompanying documents.

its packaging or accompanying documents.

Or. en

Amendment 93

Proposal for a regulation

Article 17 – paragraph 3 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 94

Proposal for a regulation

Article 17 – paragraph 4 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 95

Proposal for a regulation

Article 18 – paragraph 1 – point a

Text proposed by the Commission

(a) name, registered trade name or registered trade mark of the manufacturer, as well as the postal **or electronic** address

Amendment

(a) name, registered trade name or registered trade mark of the manufacturer, as well as the postal **address and the**

at which they can be contacted;

website or email address at which they can be contacted;

Or. en

Amendment 96

Proposal for a regulation Article 18 – paragraph 1 – point b

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

Article 15 does not set an obligation to indicate a phone number

Amendment 97

Proposal for a regulation Article 19 – title

Text proposed by the Commission

Amendment

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

Obligations of economic operators in case of accidents related to products **presenting a risk to health and safety**

Or. en

Amendment 98

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

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

Amendment

1. **When the result of the investigation referred to in Article 8(11b), second subparagraph, shows that the accident was caused by a product presenting a risk to the health and safety of consumers**, the manufacturer shall ensure that, through the Safety Business Gateway referred to in Article 25, **that** accident is notified, within two working days from the moment it knows about the **results of the investigation**, to the competent authorities of the Member State where the accident has occurred. The notification shall include the type and identification number of the product as well as the circumstances of the accident, if known. The manufacturer shall notify, upon request, to the competent authorities any other relevant information.

Or. en

Amendment 99

Proposal for a regulation
Article 19 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The importers and the distributors which have knowledge of an accident caused by a product **posing a risk to the health and safety of consumers** that they made available on the market shall inform the manufacturer, which can instruct the importer or one of the distributors to proceed to the notification.

Or. en

Amendment 100

Proposal for a regulation Article 19 a (new)

Text proposed by the Commission

Amendment

Article 19a

Information requirements in electronic format

- 1. Economic operators shall have the possibility to provide the information referred to in Article 8(4), (7) and (8), Article 10(3) and Article 15(3) in a digital format by means of electronic solutions, such as a QR or matrix code, clearly visible on the product or, where that is not possible, on its packaging or in a document accompanying the product.*
- 2. Where a manufacturer chooses to provide the instructions and safety information referred to in Article 8(8) in digital format, it should be ensured that at the request of consumer at the time of the purchase of the product, the instructions and safety information are provided in paper format free of charge.*
- 3. The Commission shall adopt implementing acts specifying the modalities for the use of electronic solutions for the purpose of this Article, including the modalities for display and access of the information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).*

Or. en

Justification

In the digital age it should be possible to provide certain information on products, such as contact details and instructions for use, by means of electronic solutions, such as QR code.

Amendment 101

Proposal for a regulation Article 20 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. As regards powers conferred by Member States in accordance to Article 14 of Regulation (EU) 2019/1020, Member States shall confer on their market surveillance authorities the power, for all products covered by this Regulation, to order an online marketplace to remove specific illegal content referring to a dangerous product from its online interface, to disable access to it or to display an explicit warning to end users when they access it. Such orders shall contain a statement of reasons and specify one or more exact uniform resource locators and, where necessary, additional information enabling the identification of the illegal content concerned. They may be transmitted by means of the Safety Gate portal.

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

When informing the trader of the decision to remove or disable access to the content, the online marketplace shall request from the trader to communicate all information able to demonstrate that the trader in question has taken the appropriate corrective measures, including, where applicable, the measures laid down in Article 16(3) of Regulation (EU)

Justification

moved from original paragraph 2

Amendment 102

Proposal for a regulation

Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 103

Proposal for a regulation

Article 20 – paragraph 2

Text proposed by the Commission

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

Amendment

deleted

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

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

Or. en

Justification

moved to the beginning of this Article, to make a specific emphasis on this provision

Amendment 104

Proposal for a regulation Article 20 – paragraph 4

Text proposed by the Commission

4. Online marketplaces shall give an appropriate answer without undue delay, and in any event within five working days, ***in the Member State where the online marketplace operates***, to notices related to product safety issues ***and dangerous products*** received in accordance with [Article 14] of Regulation (EU) [.../...] on a Single Market for Digital Services (Digital Service Act) and amending Directive 2000/31/EC.

Amendment

4. Online marketplaces shall give an appropriate answer without undue delay, and in any event within five working days, to notices related to ***accidents or*** product safety issues ***with regard to the product offered for sale online through their services***, received in accordance with [Article 14] of Regulation(EU) [.../...] on a Single Market for Digital Services (Digital Service Act) and amending Directive 2000/31/EC.

Amendment 105

Proposal for a regulation

Article 20 – paragraph 5 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 106

Proposal for a regulation

Article 20 – paragraph 5 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Article 15 does not set an obligation to indicate a telephone number

Amendment 107

Proposal for a regulation

Article 20 – paragraph 6 – introductory part

Text proposed by the Commission

6. Online marketplaces shall

Amendment

6. Online marketplaces shall

cooperate with the market surveillance authorities and with relevant economic operators to facilitate any action taken to eliminate or, if that is not possible, to mitigate the risks presented by a product that is or was offered for sale online through their services. ***That cooperation shall include*** in particular:

cooperate with the market surveillance authorities and with relevant economic operators to facilitate any action taken to eliminate or, if that is not possible, to mitigate the risks presented by a product that is or was offered for sale online through their services.

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

Or. en

Amendment 108

Proposal for a regulation

Article 20 – paragraph 6 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 109

Proposal for a regulation

Article 20 – paragraph 6 – point a (new)

Text proposed by the Commission

Amendment

(aa) ***inform traders about the information communicated by consumers on accidents or safety issues with regard to the product offered for sale online by those traders through their services;***

Or. en

Amendment 110

Proposal for a regulation

Article 20 – paragraph 6 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 111

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) inform consumers of actions taken with regard to dangerous products offered for sale online through their services and about ways to obtain remedies as provided for in Union and national law legislation;

Or. en

Amendment 112

Proposal for a regulation

Article 20 – paragraph 6 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 113

Proposal for a regulation

Article 20 – paragraph 6 – point d

Text proposed by the Commission

(d) **allowing** access to their interfaces for the online tools operated by market surveillance authorities to identify dangerous products;

Amendment

(d) **allow** access to their interfaces for the online tools operated by market surveillance authorities to identify dangerous products **and, insofar as possible, their supply chain by responding to data requests should relevant information not be publicly available;**

Or. en

Amendment 114

Proposal for a regulation

Article 20 – paragraph 6 – point e

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 115

Proposal for a regulation

Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20a

Additional voluntary commitments of

online marketplaces

1. Online marketplaces may enter into voluntary memoranda of understanding with market surveillance authorities, the Commission or organisations representing consumers and undertake voluntary commitments with regard to the products offered for sale online through their services.

2. The memoranda of understanding may aim at contributing to the faster removal of dangerous products offered for sale online and setting out further actions by online marketplaces to strengthen product safety.

In particular, the memoranda of understanding may contain specific actions, such as:

(a) consulting information on dangerous products on Safety Gate and on other available national or international databases;

(b) taking specific measures aimed at preventing the reappearance of dangerous product listings already removed;

(c) exploring the potential use of new technologies to improve the detection of unsafe products;

(d) providing information to traders and organise training on compliance with Union product safety legislation; or

(e) requiring traders to comply with the law, providing them with the link to the list of Union product safety legislation and informing them on the possibility to request the information with respect to the implementation of Union product safety legislation and applicable national rules in accordance with Article 16.

3. This voluntary commitment under the memoranda of understanding shall not cover technical compliance matters and shall be without prejudice to the obligations of online marketplaces under this Regulation and other relevant Union

legislation.

4. Where an online marketplace is a Very Large Online Platform as referred to in Article 25 of the [Digital Services Act] and a systematic risk of dangerous products is established, the Commission may require the establishment of such a memorandum of understanding as a mitigation measure. In such a case the Commission shall monitor the implementation of such memorandum of understanding.

Or. en

Justification

This article will give better visibility to voluntary agreements between marketplaces, such as Product Safety Pledge

Amendment 116

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 117

**Proposal for a regulation
Article 22 – title**

Text proposed by the Commission

Amendment

Implementation

Reporting

Or. en

Amendment 118

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

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

Amendment

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

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

Or. en

Amendment 119

Proposal for a regulation Article 22 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The advisory procedure is referred to in Article 42(2)

Amendment 120

Proposal for a regulation Article 24 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States may notify in the Safety Gate corrective measures taken by their authorities or by economic operators on the basis of provisions of Union harmonisation legislation and Regulation (EU) 2019/1020 in relation to products presenting a less than serious risk.

deleted

The notification shall be submitted in the Safety Gate within two working days from the adoption of the corrective measure.

Or. en

Amendment 121

Proposal for a regulation Article 24 – paragraph 5

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 122

Proposal for a regulation Article 24 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 123

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The interface between Safety Gate and ICSMS is already developed under Market Surveillance Regulation

Amendment 124

**Proposal for a regulation
Article 26 – paragraph 1 – subparagraph 2**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 125

**Proposal for a regulation
Article 26 – paragraph 4**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 126

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

Text proposed by the Commission

Amendment

The purpose of the Consumer Safety Network shall be to serve as a platform for structured cooperation between authorities of the Member States and the Commission to enhance product safety in the Union.

Or. en

Amendment 127

Proposal for a regulation

Article 28 – paragraph 3 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 128

Proposal for a regulation

Article 28 – paragraph 3 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 129

Proposal for a regulation

Article 28 – paragraph 3 – point b

Text proposed by the Commission

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

Amendment

(b) *to agree on* the establishment and execution of joint surveillance and testing projects;

Or. en

Amendment 130

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 131

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 132

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 133

Proposal for a regulation

Article 28 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 134

Proposal for a regulation

Article 28 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. The Consumer Safety Network shall meet at regular intervals and, where necessary, at the duly justified request of the Commission or a Member State.

Or. en

Amendment 135

Proposal for a regulation

Article 28 – paragraph 5

Text proposed by the Commission

Amendment

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

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

and non-harmonised areas.

and non-harmonised areas.

Or. en

Amendment 136

Proposal for a regulation Article 29 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 137

Proposal for a regulation Article 32 – paragraph 1

Text proposed by the Commission

1. For the purpose of Article 31(1) and Article 19, the Commission shall maintain a Safety Gate portal, providing the general public with free access to selected information notified in accordance with Article 24.

Amendment

1. For the purpose of Article 31(1) and Article 19, the Commission shall maintain a Safety Gate portal, providing the general public with free access to selected information notified in accordance with Article 24. ***That information shall be made available to the public in an accessible manner for persons with disabilities.***

Or. en

Amendment 138

Proposal for a regulation Article 33 – title

Text proposed by the Commission

Information from economic operators to consumers

Amendment

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

Or. en

Amendment 139

Proposal for a regulation Article 33 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 140

Proposal for a regulation Article 34 – paragraph 2 – point b – point i

Text proposed by the Commission

(i) photograph, name and brand of the

Amendment

(i) photograph **or illustration**, name

product;

and brand of the product;

Or. en

Amendment 141

Proposal for a regulation Article 35 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 142

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 143

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

Text proposed by the Commission

Amendment

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

1. ***In order to improve the overall level of safety of consumer products made available on the Union market and to ensure a level playing field at international level,*** the Commission may

cooperate, including through the exchange of information, with **regulatory authorities of** third countries or international organisations in the field of application of this Regulation **within the framework of agreements concluded between the Union and third countries or international organisations. Any such agreement shall be based on reciprocity, include provisions on confidentiality corresponding to those applicable in the Union, and ensure that any exchange of information is in accordance with applicable Union law.**

The cooperation or exchange of information may relate, inter alia, to the following:

Or. en

Amendment 144

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

Text proposed by the Commission

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

Amendment

(a) enforcement activities and measures related to safety, **with a view to preventing the circulation of dangerous products**, including market surveillance;

Or. en

Amendment 145

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

Text proposed by the Commission

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

Amendment

(d) scientific, technical, and regulatory matters, aiming to improve product safety **and to develop common priorities and**

approaches at international level;

Or. en

Amendment 146

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 147

Proposal for a regulation

Article 36 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) exchange of officials.

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

Or. en

Amendment 148

Proposal for a regulation

Article 40 – paragraph 3

Text proposed by the Commission

Amendment

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

deleted

(a) infringement of the general product safety requirement;

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

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

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

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

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

(g) refusal to submit to inspections;

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

(i) falsifying test results.

Or. en

Amendment 149

Proposal for a regulation

Article 40 – paragraph 5 – point a

Text proposed by the Commission

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

Amendment

(a) to put an end to a ***serious and repeated*** violation of the provisions of this Regulation ***or***

Or. en

Amendment 150

Proposal for a regulation Article 40 – paragraph 5 – point c

Text proposed by the Commission

Amendment

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

Or. en

Amendment 151

Proposal for a regulation Article 40 – paragraph 5 – point d

Text proposed by the Commission

Amendment

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

Or. en

Amendment 152

Proposal for a regulation Article 40 – paragraph 5 – point e

Text proposed by the Commission

Amendment

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

Or. en

Amendment 153

Proposal for a regulation Article 40 – paragraph 6

Text proposed by the Commission

Amendment

6. By 31 March of each year, Member 6. By 31 March of each year, Member

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

States shall inform the Commission of the type and the size of the penalties imposed under this Regulation **and** identify the actual infringements of this Regulation.

Or. en

Amendment 154

Proposal for a regulation Article 40 – paragraph 7

Text proposed by the Commission

7. Each year, the Commission shall **elaborate and make public a** report on the penalties imposed by Member States.

Amendment

7. Each year, the Commission shall **draw up a summary** report on the penalties imposed by Member States.

Or. en

Amendment 155

Proposal for a regulation Article 40 – paragraph 8

Text proposed by the Commission

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

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

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

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

Amendment

deleted

seriousness of the infringement.

Or. en

Amendment 156

Proposal for a regulation Article 41 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 157

Proposal for a regulation Article 41 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The delegation of power referred to in Article **15(2b) and Article** 17(3) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 158

Proposal for a regulation Article 41 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 17(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period may be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Article **15(2b) and Article** 17(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period may be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

Amendment 159

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

Text proposed by the Commission

Amendment

1a. By ... [insert date five years after the date of application], the Commission shall prepare an evaluation report on the implementation of Article 15. That report shall in particular evaluate the scope of that Article, its effects, and its costs and benefits, also taking account of other similar provisions from third countries. The report shall be accompanied, where appropriate, by legislative proposals.

Or. en

Amendment 160

Proposal for a regulation

Article 44 – paragraph 1 – subparagraph -1 (new)

Regulation (EU) No 1025/2012 Article 2 – paragraph 1 – point e (new)

Text proposed by the Commission

Amendment

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

‘(e) ‘European product safety standard’ means a European standard adopted on the basis of a request made by the Commission in support of Regulation (EU) .../... of the European Parliament and of the Council [this Regulation (GPSR)];

Or. en

Amendment 161

Proposal for a regulation

Article 44 – paragraph 1 – subparagraph 1

Regulation (EU) No 1025/2012

Article 10 – paragraph 7

Text proposed by the Commission

Amendment

7. Where a European standard ***drafted in support of Regulation (EU) .../... of the European Parliament and of the Council⁴⁸ [this Regulation (GPSR)]*** satisfies the general safety requirement laid down in Article 5 of that Regulation and the specific safety requirements referred to in [Article [6] of that Regulation], the Commission shall publish a reference of such European standard without delay in the Official Journal of the European Union.

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

⁴⁸ Regulation (EU) .../... of the European Parliament and of the Council on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council, and repealing Council

⁴⁸ Regulation (EU) .../... of the European Parliament and of the Council on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council, and repealing Council

Directive 87/357/EEC and Directive 2001/95/EC of the European Parliament and of the Council (OJ ...)'

Directive 87/357/EEC and Directive 2001/95/EC of the European Parliament and of the Council (OJ ...)'

Or. en

Amendment 162

Proposal for a regulation

Article 44 – paragraph 1 – subparagraph 2

Regulation (EU) No 1025/2012

Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 163

Proposal for a regulation

Article 44 – paragraph 1 – subparagraph 2

Regulation (EU) No 1025/2012

Article 11 – paragraph 1 – point a

Text proposed by the Commission

(a) to publish, not to publish or to

Amendment

(a) to publish, not to publish or to

publish with restriction the references to the harmonised standard or European standard *drafted in support of Regulation (EU) .../... [GPSR]* concerned in the Official Journal of the European Union;

publish with restriction the references to the harmonised standard or European *product safety* standard concerned in the Official Journal of the European Union;

Or. en

Amendment 164

Proposal for a regulation

Article 44 – paragraph 1 – subparagraph 2

Regulation (EU) No 1025/2012

Article 11 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 165

Proposal for a regulation

Article 44 – paragraph 1 – subparagraph 2

Regulation (EU) No 1025/2012

Article 11 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 166

Proposal for a regulation

Article 44 – paragraph 1 – subparagraph 2

Regulation (EU) No 1025/2012

Article 11 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 167

Proposal for a regulation

Article 47 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Due to the significant number of changes in this Regulation, both Member States and economic operators must be given the correct amount of time to implement these changes.

EXPLANATORY STATEMENT

General remarks

On 30 June 2021, the Commission adopted a proposal for a new General Product Safety Regulation (GPSR) to replace the existing General Product Safety Directive (GPSD).

The Rapporteur generally welcomes the proposal, as we need an updated and more effective legislative framework to ensure the safety of all products circulating in the single market.

The current directive dates back from 2001 and its main provisions have been complemented over the years by several other legislative acts and decisions with the result of creating a very complex and sometimes uncertain legal framework, especially for economic operators.

It is therefore vital to make this “safety net” clearer, more effective and future proof.

While preparing the draft report, the Rapporteur researched the past work on revising the Directive and the different public positions from many stakeholders such as economic operators, authorities and consumers. On that basis, the Rapporteur proposes the following additions and changes to the Commission proposal.

Clarifications of definitions and more proportionate obligations on economic operators

The Rapporteur welcomes the proposal’s primary ambition to simplify existing rules and make them updated and more coherent.

The objective of a general alignment of the market surveillance rules and activities already in place for harmonized products to non-harmonized products has to be supported: this approach could make life easier for the competent authorities and produce real cost savings for businesses and all economic operators involved.

However, the Rapporteur introduced some necessary clarifications on key definitions such as those on “product” and “safe product” to give greater certainty to authorities and economic operators. The revised definitions should avoid a heterogeneous application and court cases.

Furthermore, Chapter II on Safety requirements has been restructured to better clarify all stages leading to the safety assessment by the relevant economic operator and to the presumption of safety.

While the Rapporteur agrees on the updated list of obligations on economic operators, there is a need to have a proportionate approach when dealing with small producers and low-risk sectors of production. This is the main reason behind the introduction of some amendments on the list of obligations, such as on the provisions for manufacturers on technical documentation and complaints received (article 8).

New technologies and safety of products

One of the main objectives of the revision of the GPSD is to better address the new challenges linked to new technologies and to ensure product safety online.

The adaptation of the current product safety directive to connected products is very much needed, as is the updated list criteria to evaluate their safety. The Rapporteur generally welcomes the link already established by this proposal with the future legislative framework on Artificial Intelligence and connected products and will further evaluate the issue.

It is also key to make full use of digital solutions to modernise and make more effective the current market surveillance system to increase the overall level of safety in the Union. In this perspective, economic operators should have the possibility to provide some key information in a digital format (such as technical documentation, instruction and safety information): this will increase transparency and consequently safety of products while reducing bureaucracy for economic operators. To this end, a new specific article has been introduced (art. 19a).

Products directly sold online from third countries

Unsafe products directly sold online from third countries, as from any other source, should not be present in our single market. It is, however, key to find a pragmatic and proportionate way to address new challenges specifically posed by products directly sold online from third countries. We must be careful in not imposing a disproportionate burden on economic operators with the only effect of killing the growth of e-commerce and of closing the EU market to third countries operators. At the same time, we also need to concretely address these risks and to make all efforts to ensure that only safe products enter in our single market. The extension of the so-called “responsible person” foreseen in article 15 of the proposal should be limited only to those categories of products where evidence suggests the need to have such provision. This is the case already for harmonised products and the new GPSR should follow this risk-based approach.

Online marketplaces

The Rapporteur agrees on the need to address new challenges arising from the e-commerce and to fix in this proposal what is missing in the previous legislation. An updated and targeted set of rules for online marketplaces will increase safety, better protect consumers and help in reaching a level playing field between the online and offline sectors while preserving the competitiveness of our economic operators, especially the smaller ones.

Moreover, the Rapporteur is deeply convinced that the new proposal is fully compatible with the DSA. The GPSR should act as *lex specialis* focused specifically on product safety issues, as proposed by the European Commission. In this light, article 20 of this proposal provides already a comprehensive list of obligations for online marketplaces with a specific focus on product safety.

To increase the effectiveness of the GPSR, additional targeted obligations to online marketplaces have been added to the original text of the proposal, taking inspiration from best practices and voluntary initiatives already in place. This will serve to better inform consumers, especially on actions taken with regard of dangerous products and on possible remedies. In addition, the exchange of information between platforms, traders and market surveillance authorities has been strengthened.

The Rapporteur is also encouraging additional and voluntary commitments to be taken by online marketplaces in the form of “memoranda of understanding” to setting up further concrete

actions to strengthen the safety of products. These will include measures preventing the reappearance of dangerous products online, exploiting the potential use of new technologies for an improved market surveillance, and investment in training for online traders.

Where the Commission finds systematic risks to safety on Very Large Online Platforms, it may compel the establishment of such “memoranda of understanding” as mitigation measures.

Exchange of information and notifications

A well-functioning exchange of information is key to ensuring an effective market surveillance. The updated provisions on Safety Gate are welcomed; while Member States should make full use of the Safety Gate and the other existing databases such as the ICSMS to notify all relevant actions taken, a better coordination among the existing tools should be reached and multiple data entry should be avoided. Exchange of information and notifications should be encouraged by simplifying procedures.

Consumer safety network and International cooperation

The Rapporteur considers it crucial to strengthen the existing cooperation between national authorities and the Commission; this is why the proposed article on “Consumer Safety Network” has been further developed to add new areas of cooperation and to clarify the objectives.

Similarly, the article on international cooperation with third countries’ regulatory authorities has been further specified, focusing in particular on preventing the circulation of dangerous products, on the use of new technologies and the exchange on regulatory matters to guarantee a level playing field.

Recalls and right to remedies

The Rapporteur welcomes the improved framework for recalls for the benefit of consumers. Recalls have to be more effective, remedies should be satisfactory and timely and consumers should be better informed. In particular, it is proposed to clarify that the value of the recalled product is calculated on the basis of initial purchase price.

Penalties and entry into force

The Rapporteur supports the main provisions on penalties. However, changes to the original proposal have been made to better take into account both the nature and the gravity of the infringement.

Finally, the new Regulation should enter into force as soon as possible in order to increase the overall safety in the European Union. However, the required time foreseen for the application of new provisions is too short in light of the significant changes foreseen by the proposal. Therefore, it is proposed to extend the date of application of the Regulation from 6 to 12 months after its entry into force.