OPINION

of the Committee on Legal Affairs

for the Committee on the Internal Market and Consumer Protection


Rapporteur for opinion: René Repasi
SHORT JUSTIFICATION

I. Introduction
The General Product Safety Directive (GPSD) came into force in 2001. Although one of the central pieces of legislation ensuring that all non-food products offered to consumers in the EU market are safe, the product safety directive has become outdated and needs to be revised in order to guarantee the safety of European consumers. There are three central trends the revision of the general product safety legislation has to take into account: first, digitalisation and interconnectedness of products is creating new security and safety challenges, second, the changing of consumer behaviour when buying products and third, changes in the supply chains and distribution channels until a product reaches the consumer.

The Rapporteur welcomes the European Commission’s proposal as it provides clear starting points for the debate on how these challenges to product and consumer safety could be answered. However, from the Rapporteur’s point of view certain topics and areas remain untouched. It is therefore the Rapporteur’s intention to strengthen the proposed legislative text and provide an input on how the General Product Safety regulation should address these challenges. The leading ideas are to keep consumers safe and create a level-playing field for businesses across the Single Market when it comes to the requirements and obligations concerning product safety.

II. Main aspects of the draft opinion
Ensuring the General Product Safety Regulation (GPSR) as a general safety net
The current GPSD acts as a safety umbrella where safety gaps occur in the European product safety framework. The proposal for a GPSR is less ambitious in this respect. It sets the safety requirement and risk assessment for all products for which no specific Union legislation exists. At the same time, it works as a safety net if harmonized legislation is overhauled. The Rapporteur makes proposals to strengthen the safety net function of the GPSR and ensure a broad-based legislative framework to guarantee the safety of all products on the Single Market, especially where no harmonizing legislation exists.

Modern Products
The GPSD was concluded at a time when products with embedded Artificial Intelligence and the Internet of Things were rare. Such developments challenge the current definition of products and bring new risks or alter the way existing risks could materialise, which should be reflected and duly taken into account. Because of the general safety requirement character of the GPSR, laid out above, the Rapporteur proposes additions to the safety assessment criteria for evaluating the conformity of products that have embedded AI, are interconnected or contain software, so that no loopholes in the regulation of these modern products exist in the EU product safety framework and consumers have necessary safeguards ensuring their safety. In addition, the Rapporteur suggests that products that have been substantially modified in their course of their lifespan could undergo a new risk assessment.

Keeping consumers safe on online marketplaces
Since 2001, consumers are buying more and more online where they cannot physically experience a product. With the emergence of online marketplaces, shopping experiences on social media platforms and improved direct shipping opportunities from third countries, new challenges exist for the safety of products and consumers. Especially direct imports have led to the increase of unsafe non-harmonized products on the European market. To accommodate
this, the Rapporteur proposes several changes to the initial proposal, amongst other changes, calling for clear obligations for providers of online marketplaces and online traders. An important element for the safety of consumers is the availability of dangerous products on the market. Therefore, online marketplaces will have to control and verify information given by traders such as contact or manufacturer information and product safety details, thereby avoiding false or incomplete information available to consumers and preventing the sale of dangerous products. To safeguard consumers online concrete actions need to be undertaken to ensure that dangerous products are not on offer be it through a swift response to an order from a Market Surveillance authority, following a notice issued in line with the DSA notice and action system or through obligations to prevent dangerous products once removed from being offered to consumers again. These rules will ensure a fair balance between the different actors in the supply chain whilst also supporting consumers’ trust and protecting their safety. Solely safe products can encourage consumers to purchase products on- and offline in the Single Market. As such, product safety is a central element in ensuring a well-functioning Single Market and consumer well-being.

III. Conclusion
The Rapporteur proposes a number of changes to the Commission’s proposal as a starting point for further reflection and modifications to be made along the legislative process in Parliament.

AMENDMENTS
The Committee on Legal Affairs calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

Amendment 1
Proposal for a regulation
Recital 4

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<td>(4) The aim of this instrument is to contribute to the attainment of the objectives referred to in Article 169 of the Treaty. In particular, it should aim at ensuring health and safety of consumers and the functioning of the internal market as regards products intended for consumers.</td>
<td>(4) The aim of this instrument is to contribute to the attainment of the objectives referred to in Article 169 of the Treaty. In particular, it should aim at ensuring health and safety of consumers, providing a high level of consumer protection, including by promoting consumers’ right to information, and improving the functioning of the internal market as regards products intended for consumers.</td>
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Amendment 2

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

(4a) This Regulation redresses the balance between ensuring a high level of consumer protection, on the one hand, and improving the functioning of the internal market, on the other, in a climate of competitiveness and fair competition, without imposing unreasonable administrative and financial burdens on European businesses.

Amendment 3

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) This Regulation should aim at protecting consumers and their safety as one of the fundamental principle of the EU legal framework, enshrined in the EU Charter of fundamental rights. Dangerous products can have very negative consequences on consumers and citizens. All consumers, including the most vulnerable, such as children, older persons or persons with disabilities, have the right to safe products. Consumers should have at their disposal sufficient means to enforce such rights, and Member States adequate instruments and measures at their disposal to enforce this Regulation.

(5) This Regulation should aim at protecting consumers and their safety as one of the fundamental principle of the EU legal framework, enshrined in the EU Charter of fundamental rights. Dangerous non-food products can have very negative consequences on consumers and citizens. All consumers, including the most vulnerable, such as children, older persons or persons with disabilities, have the right to safe products. Consumers should have at their disposal sufficient means to enforce such rights, and Member States adequate instruments and measures at their disposal to enforce this Regulation.

Amendment 4

Proposal for a regulation
Recital 5 a (new)
(5a) Children are particularly exposed to risks relating to products. Of all the products notified as dangerous in the Safety Gate system in 2020 as many as 29% were toys or products for childcare. For this reason, strong safety requirements for standards on products for children are needed.

Amendment 5

Proposal for a regulation
Recital 6

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

Amendment 6

Proposal for a regulation
Recital 8

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

When assessing this, the aspects for assessing the safety of products outlined in Article 7 should be considered. The provisions of this Regulation concerning the obligations of online marketplaces, the obligations of economic operators in case of accidents, the right of information for consumers as well as the recalls of consumer products should apply to products covered by Union harmonisation legislation when there are not specific provisions with the same objective in such legislation. Likewise RAPEX is already used for the purposes of Union harmonisation legislation, as referred to in Article 20 of Regulation (EU) 2019/1020 of the European Parliament and of the Council, therefore the provisions regulating the Safety Gate and its functioning contained in this Regulation should be applicable to Union harmonisation legislation.

(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.

Given the increasing number of imported products, particularly resulting from the growing use of e-commerce, the cooperation between market surveillance authorities and custom authorities is key in order to avoid unsafe products entering the internal market. Therefore, more financial and human resources for these authorities in charge of controls are
Amendment 8
Proposal for a regulation
Recital 11

**Text proposed by the Commission**

(11) Considering also the broad scope given to the concept of health\(^{26}\), the environmental risk posed by a product should be taken into consideration in the application of this Regulation inasmuch as it can also ultimately result in a risk to the health and safety of consumers.

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Amendment

(11) Considering also the broad scope given to the concept of health\(^{26}\), the environmental risk as well as safety hazards, like physical and mechanical resistance, flammability, chemical, electrical or biological properties, hygiene and radioactivity posed by a product should be taken into consideration in the application of this Regulation inasmuch as it can also ultimately result in a risk to the health and safety of consumers.

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Amendment 9
Proposal for a regulation
Recital 13

**Text proposed by the Commission**

(13) Union legislation on food, feed and related areas sets up a specific system ensuring the safety of the products covered by it. Therefore, food and feed should be excluded from the scope of this Regulation with the exception of materials and articles intended to come into contact with food insofar as risks are concerned that are not covered by Regulation (EC) No 1935/2004.


Amendment

(13) Union legislation on food, feed and related areas sets up a specific system ensuring the safety of the products covered by it. Therefore, food and feed should be excluded from the scope of this Regulation. The regulation of materials and articles intended to come into contact with food is covered by the GPSR where aspects insofar as risks are concerned that are not
of the European Parliament and of the Council or by other food specific legislation which only covers chemical and biological food-related risks.

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Amendment 10

Proposal for a regulation
Recital 16

**Text proposed by the Commission**

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

**Amendment**

(16) The requirements laid down in this Regulation should apply to second hand products or products that are repaired, refurbished or recycled that re-enter the supply chain in the course of a commercial activity, except for those products for which the consumer cannot reasonably expect that they fulfil state-of-the art safety standards, such as antiques or products which are presented as to be repaired or to be refurbished. **Consumer to consumer activities do not fulfil the commercial activity requirement and should therefore be excluded from this Regulation. This is without prejudice to the obligations of online marketplaces under Article 20 of this Regulation.**

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Amendment 11

Proposal for a regulation
Recital 20

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

(20) New technologies might also cause new risks to consumers’ health and safety or change the way the existing risks could materialise, such as an external intervention hacking the product or changing its characteristics or causing software errors in programmes. New technologies, such as through software updates, may substantially modify the original product, which could then be submitted to a new risk assessment.

Amendment 12

Proposal for a regulation
Recital 21

(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.

(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. Therefore, these aspects need to be included in manufacturers’ and market surveillance authorities’ safety assessments where this is relevant, notably in view of assessing the evolution of risks related to connected products. Products that pose a significant risk to the mental health of children, should carry a warning including scientific recommendations regarding usage time and the risks incurred in case of failure to follow the recommendations.

Amendment 13
Proposal for a regulation
Recital 23 a (new)

Text proposed by the Commission

(23a) Tangible and intangible products, either in the form of embedded software [preinstalled or installed subsequently] or of stand-alone software, should fall under the scope of this Regulation. As regards software, due account should be taken of the different levels of obligations laid down in this Regulation towards big and smaller businesses developing software, but also towards the so-called 'free software' developers.

Amendment 14
Proposal for a regulation
Recital 24

Text proposed by the Commission

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

Amendment

(24) Economic operators should have proportionate obligations concerning the safety of products, in relation to their respective roles in the supply chain, so as to ensure a high level of protection of the health and safety of consumers, while also ensuring efficient functioning of the internal market. All economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they only make available on the market products, which are safe and in conformity with this Regulation. It is necessary to provide for a clear and proportionate distribution of obligations corresponding to the role of each operator in the supply and distribution process. In view of balancing administrative burdens, digital consumer information tools should be allowed to be used to ensure a sustainable way of information. However, upon request of the consumer, the relevant information should also be...
Amendment 15

Proposal for a regulation
Recital 24 a (new)

Text proposed by the Commission

(24a) In order for economic operators that are SMEs and micro-businesses to be able to cope with the new obligations imposed by this Regulation, the Commission should provide them with practical guidelines and tailored guidance, for example, a direct channel to connect to experts in case they have questions.

Amendment 16

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) Online marketplaces play a crucial role in the supply chain - allowing economic operators to reach an indefinite number of consumers - and therefore also in the product safety system. They should be given clear obligations for the safety of products and consumers, including in cases where other economic actors in the supply chain do not act. Online marketplaces are services that enable or facilitate economic operators to make their products available to consumers. Online marketplaces should, for the purpose of the safety of products that are made available on the market, not only be understood as platforms that directly facilitate the selling of products. Online marketplaces could also be considered as economic operators if they are the manufacturer, importer, distributor or a
Amendment 17

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) Given the important role played by online marketplaces when intermediating the sale of products between traders and consumers, such actors should have more responsibilities in tackling the sale of dangerous products online. Directive 2000/31/EC of the European Parliament and of the Council provides the general framework for e-commerce and lays down certain obligations for online platforms. Regulation [...] on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC regulates the responsibility and accountability of providers of intermediary services online with regard to illegal contents, including unsafe products. That Regulation applies without prejudice to the rules laid down by Union law on consumer protection and product safety. Accordingly, building on the horizontal legal framework provided by that Regulation, specific requirements essential to effectively tackle the sale of dangerous products online should be introduced, in line with Article [1(5), point (h)] of that Regulation.

Amendment

(27) Given the important role played by online marketplaces when intermediating the sale or the promotion of products between traders and consumers, such actors should have more obligations in tackling the sale of dangerous products online. Directive 2000/31/EC of the European Parliament and of the Council provides the general framework for e-commerce and lays down certain obligations for online platforms. Regulation [...] on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC regulates the obligations of providers of intermediary services online with regard to illegal contents, including unsafe products. That Regulation applies without prejudice to the rules laid down by Union law on consumer protection and product safety. Accordingly, building on the horizontal legal framework provided by that Regulation, specific requirements essential to effectively tackle the sale of dangerous products online should be introduced, in line with Article [1(5), point (h)] of that Regulation. Article 20 of this Regulation applies as a lex specialis without prejudice to the rules laid down in the Digital Services Act in order to effectively tackle the sale of dangerous products online.

Amendment 18
Proposal for a regulation
Recital 28

Text proposed by the Commission

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

Amendment

(28) The Product Safety Pledge, signed in 2018 and joined by a number of marketplaces since then, provides for a number of voluntary commitments on product safety. The Product Safety Pledge has proven insufficient and therefore the aim of protecting consumers against dangerous products sold online could not be successfully reached by this pledge until now. Its voluntary nature and the voluntary participation by a limited number of online marketplaces reduces its effectiveness and cannot ensure a level-playing field.

Amendment 19
Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) Online marketplaces should act with due care in relation to the content hosted on their online interfaces that concerns safety of products, in accordance with the specific obligations laid down in this Regulation. Accordingly, due diligence obligations for all online marketplaces should be established in relation to the content hosted on their online interfaces that concerns safety of products.

Amendment

(29) Online marketplaces should act with due care in relation to the content hosted on their online interfaces that concerns safety of products, in accordance with the specific obligations laid down in this Regulation. Accordingly, due diligence obligations for all online marketplaces should be established in relation to the content hosted on their online interfaces that concerns safety of products. This means at the least that they are required...
to check and delist products that have been reported in the Safety Gate portal or by the national market surveillance authorities and to make their best efforts to ensure they do not reappear on offer to consumers and are not made available on the market.

Amendment 20

Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) In order to be able to comply with their obligations under this Regulation, in particular in respect of timely and effective compliance with the orders of public authorities, processing of notices of other third parties and cooperating with market surveillance authorities in the context of corrective measures upon request, online marketplaces should have in place an internal mechanism for handling product safety-related issues.

Amendment

(31) In order to be able to comply with their obligations under this Regulation, in particular in respect of timely and effective compliance with the orders of public authorities, processing of notices of other third parties and cooperating with market surveillance authorities in the context of corrective measures upon request, online marketplaces should have in place an internal mechanism for handling product safety-related issues. Additionally, the interface of the online marketplace should allow consumers to easily notify product safety issues and have their rights vis-a-vis the economic operator responsible explained in an understandable and accessible manner. Online marketplaces could share these notices with the market surveillance authorities.

Amendment 21

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) The obligations imposed by this Regulation on online marketplaces should neither amount to a general obligation to monitor the information which they

Amendment

(32) The obligations imposed by this Regulation on online marketplaces should not amount to a general obligation to monitor the information which they
transmit or store, nor to actively seek facts or circumstances indicating illegal activity, such as the sale of dangerous products online. Online marketplaces should, nonetheless, expeditiously remove content referring to dangerous products from their online interfaces, upon obtaining actual knowledge or, in the case of claims for damages, awareness of the illegal content, in particular in cases where the online marketplace has been made aware of facts or circumstances on the basis of which a diligent economic operator should have identified the illegality in question, in order to benefit from the exemption from liability for hosting services under the 'Directive on electronic commerce' and the [Digital Services Act]. Online marketplaces should process notices concerning content referring to unsafe products, received in accordance with [Article 14] of Regulation (EU) …/[the Digital Services Act], within the additional timeframes established by this Regulation.

Online marketplaces should demonstrate their best efforts to avoid identical products, which have been previously reported by market surveillance authorities as unsafe, from reappearing on their websites, in compliance with the no general monitoring obligation principle and the obligations laid down in the Digital Services Act.

Amendment 22

Proposal for a regulation
Recital 34

Text proposed by the Commission

(34) * Even where * the information from the Safety Gate does not contain an exact uniform resource locator (URL) and, where necessary, additional information enabling

Amendment

(34) * The Safety Gate should be modernised and updated in order to make it easier for the economic operators and online marketplaces to detect unsafe
the identification of the illegal content concerned, online marketplaces should nevertheless take into account the transmitted information, such as product identifiers, when available, and other traceability information, in the context of any measures adopted by online marketplaces on their own initiative aiming at detecting, identifying, removing or disabling access to dangerous products offered on their marketplace, where applicable.

**Amendment 23**

**Proposal for a regulation**

**Recital 35**

*Text proposed by the Commission*

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

*Amendment*

(35) For the purposes of [Article 19] of Regulation (EU) …/[the Digital Services Act], and concerning the safety of products sold online, the Digital Services Coordinator should ensure, where necessary, cooperation with consumer organisations and associations representing consumers’ interest on product safety and other relevant stakeholders.

**Amendment 24**

**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

*Amendment*

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

Amendment 25

Proposal for a regulation
Recital 37

(37) It is also important that online marketplaces closely cooperate with the market surveillance authorities, law enforcement authorities and with relevant economic operators on the safety of products. An obligation of cooperation with market surveillance authorities is imposed on information society service providers under Article 7(2) of Regulation (EU) 2019/1020 in relation to products covered by that Regulation and should therefore be extended to all consumer products. For instance, market surveillance authorities are constantly improving the technological tools they use for the online market surveillance to identify dangerous products sold online. For these tools to be operational, online marketplaces should grant access to their interfaces. Moreover,
for the purpose of product safety, market surveillance authorities may also need to scrape data from the online marketplaces. for the purpose of product safety, if market surveillance authorities cannot retrieve the required data from the primarily responsible economic operator, they may also need to scrape data from the online marketplaces based on a targeted request.

Amendment 26
Proposal for a regulation
Recital 40

Text proposed by the Commission

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

Amendment

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

Amendment 27
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

Amendment

(44) Ensuring product identification and the traceability of products throughout the entire supply chain helps to identify economic operators and, where applicable, to take effective and proportionate corrective measures against dangerous products, such as targeted recalls. Product identification and 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
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 28
Proposal for a regulation
Recital 47 a (new)

Text proposed by the Commission
(47a) Market surveillance authorities should carry out mystery shopping on a regular basis, at least once a year, including on online marketplaces and in particular of products that have been mostly listed on the Safety Gate.

Amendment 29
Proposal for a regulation
Recital 50

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

the manufacturer and, if applicable, of the importer. Such traceability requirements could be made stricter for certain kinds of products that are likely to bear a serious risk. Manufacturers should also establish technical documentations regarding their products, which should contain the necessary information to prove that their product is safe.
enable businesses to comply with their obligation to inform authorities and consumers of dangerous products (Safety Business Gateway).

Additionally it has to provide an interoperable interface to enable online marketplaces to check the products on their website with the products listed on Safety Gate in an easy, quick and reliable way.

Amendment 30
Proposal for a regulation
Recital 51

*Text proposed by the Commission*

(51) Member States should notify in the Safety Gate both compulsory and voluntary corrective measures that prevent, restrict or impose specific conditions on the possible marketing of a product because of a serious risk to the health and safety of consumers or, in case of products covered by Regulation (EU) No 2019/1020, also to other relevant public interests of the end-users.

*Amendment*

(51) Member States should notify in the Safety Gate both compulsory and voluntary corrective measures that prevent, restrict or impose specific conditions on the possible marketing of a product because of a serious risk to the health and safety of consumers or, in case of products covered by Regulation (EU) No 2019/1020, also to other relevant public interests of the end-users. *To inform other stakeholders about the origins of previous incidents, notifications in the Safety Gate should explain how a serious risk occurred and include more detailed information where possible, such as a European Article Number.*

Amendment 31
Proposal for a regulation
Recital 52

*Text proposed by the Commission*

(52) Under Article 34 of Regulation (EU) No 2019/1020, Member States authorities are to notify measures adopted against products covered by that Regulation, presenting a less than serious risk, through the information and

*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.

Amendment 32
Proposal for a regulation
Recital 58

Text proposed by the Commission

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

Amendment

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

Amendment 33
Proposal for a regulation
Recital 59

Text proposed by the Commission

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

Amendment

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

Amendment 34
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

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 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 information such as their name, contact information, the product model or serial number. While economic operators are primarily responsible for executing recalls, online marketplaces should at least provide information to economic operators and market surveillance authorities and support in the communication to consumers.

Amendment 35
Proposal for a regulation
Recital 64 a (new)

Text proposed by the Commission

Amendment

(64a) The Commission shall publish guidance to market surveillance authorities to ensure more uniform enforcement and legally certain communication when dealing with recall notifications and respective requests by competent authorities. Member States should also ensure that the authorities have sufficient expertise and resources to ensure effective enforcement.

Amendment 36
Proposal for a regulation
Recital 71
(71) In order to play a significant deterrent effect for economic operators and online marketplaces to prevent the placing of dangerous products on the market, penalties should be adequate to the type of infringement, to the possible advantage for the economic operator or online marketplace and to the type and gravity of the injury suffered by the consumer. Furthermore an homogenous level of penalties is important to ensure a level playing field, avoiding that economic operators or online marketplaces concentrate their activities in territories where the level of penalties is lower.

Amendment 37

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) Any processing of personal data for the purpose of this Regulation should be in compliance with Regulations (EU) 2016/679, (EU) 2018/1725 and Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector. 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 38
Proposal for a regulation
Article 1 – title

Text proposed by the Commission

Subject matter

Amendment

Subject matter and objective

Amendment 39
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 ensure that products made available on the market are safe for the health and security of consumers. This Regulation therefore lays down essential rules on the safety of consumer products placed or made available on the market.

Amendment 40
Proposal for a regulation
Article 2 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where products are subject to specific safety requirements imposed by Union legislation, this Regulation shall apply only to the aspects and risks or categories of risks not covered by those requirements.

Amendment

Where products are subject to specific safety requirements imposed by Union legislation, this Regulation shall apply only to the aspects and risks or categories of risks not covered by those requirements thereby posing a threat to consumers’ health and safety.

Amendment 41
Proposal for a regulation
Article 2 – paragraph 1 – subparagraph 3 – point a
(a) Chapter II shall not apply insofar as the risks or categories of risks covered by Union harmonisation legislation are concerned;

Amendment 42
Proposal for a regulation
Article 2 – paragraph 2 – point g

(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 43
Proposal for a regulation
Article 2 – paragraph 5

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

Amendment 44
Proposal for a regulation
Article 3 – paragraph 1 – point 1

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

1. ‘product’ means any item, tangible or intangible, such as software or a product embedded with software, interconnected or not to other items,
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; 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 45
Proposal for a regulation
Article 3 – paragraph 1 – point 23

Text proposed by the Commission

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

Amendment

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

Amendment 46
Proposal for a regulation
Article 6 – title

Text proposed by the Commission

Presumption of safety

Amendment

Presumption of conformity with the general safety requirement

Amendment 47
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 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 standards being established
Amendment 48
Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The Commission shall adopt implementing acts determining the specific safety requirements necessary to ensure that products which conform to the European standards satisfy the general safety requirement laid down in Article 5, taking into account the criteria listed in Article 7. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).

Amendment 49
Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 50
Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where the presumption of safety laid down in Article 5 does not apply, the

Amendment

1. Where the presumption of conformity with the general safety
following aspects shall be taken into account in particular when assessing whether a product is safe: requirement aid down in Article 6 does not apply, the following aspects shall be taken into account in particular when assessing whether a product is safe:

Amendment 51

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

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

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

Amendment 52

Proposal for a regulation
Article 7 – paragraph 1 – point b

Text proposed by the Commission
(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;

Amendment
(b) the effect on other products and its users, where it is reasonably foreseeable that it will be used with other products, including the options of interconnection among products as well as the possible loss of interconnection;

Amendment 53

Proposal for a regulation
Article 7 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment
(ca) the connectivity of a product, including the appropriate security features necessary to address connection and disconnection issues;
Amendment 54
Proposal for a regulation
Article 7 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) the appropriate safeguards to address faulty data as well as the issue of data reliability that might have an impact on the safety of the product;

Amendment 55
Proposal for a regulation
Article 7 – paragraph 1 – point e

Text proposed by the Commission

Amendment

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

(e) the categories of consumers at risk when using the product, in particular vulnerable consumers such as children, including the age labelling of products regarding their suitability or legality for children, and older people and persons with disabilities while taking into account vulnerability based on specific risks by the product;

Amendment 56
Proposal for a regulation
Article 7 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(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;

(f) the appearance of the product and in particular where a product, although not foodstuff, resembles foodstuff and is likely to be confused with foodstuff due to its form, odour, colour, appearance, packaging, labelling, volume, size or other characteristics and may therefore be placed in the mouth, sucked or ingested by the consumer, especially by children, and which might cause, for example,
suffocation, poisoning, the perforation or obstruction of the digestive tract,

Amendment 57
Proposal for a regulation
Article 7 – paragraph 1 – point h

**Text proposed by the Commission**

(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;

**Amendment**

(h) the appropriate cybersecurity features that cover the entire lifecycle 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;

Amendment 58
Proposal for a regulation
Article 7 – paragraph 1 – point i

**Text proposed by the Commission**

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

**Amendment**

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

Amendment 59
Proposal for a regulation
Article 7 – paragraph 1 – point i a (new)

**Text proposed by the Commission**

(ia) the physical, mechanical, electrical, flammability, hygiene and radioactivity hazards that the product may present to the health and safety of consumers;

**Amendment**

(ia) the physical, mechanical, electrical, flammability, hygiene and radioactivity hazards that the product may present to the health and safety of consumers;
Proposal for a regulation
Article 7 – paragraph 1 – point i b (new)

Text proposed by the Commission

Amendment

(ib) The mental health risk posed by connected products, including its accumulative and long-term health effects.

Amendment 61

Proposal for a regulation
Article 7 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) voluntary certification schemes or similar third-party conformity assessment frameworks, in particular those conceived to support Union legislation;

(d) voluntary certification schemes or similar third-party conformity assessment frameworks, when those are conceived to support Union legislation;

Amendment 62

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1

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.

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 public register of product recalls.

Amendment 63

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

Text proposed by the Commission

Amendment

Manufacturers shall make publicly

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.

Amendment 64

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Manufacturers shall inform distributors, importers, online marketplaces and fulfilment service providers in the concerned supply chain without undue delay of any safety issue that they have identified.

Amendment 65

Proposal for a regulation
Article 8 – paragraph 4 – introductory part

Text proposed by the Commission

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

Amendment

4. Manufacturers shall draw up technical documentation of the product before placing it on the market. 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, the technical documentation shall contain additionally:
Proposal for a regulation
Article 8 – paragraph 4 – 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

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

Text proposed by the Commission

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

Amendment

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

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

Text proposed by the Commission

(ca) where relevant the European Article Number.

Amendment

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 Articles 6, 7(1) and 7(3) have been only partly applied, the parts which have been applied shall be identified.
Amendment 70
Proposal for a regulation
Article 8 – paragraph 5

Text proposed by the Commission

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

Amendment

5. Manufacturers shall keep the technical documentation up to date for ten years after the product has been made available on the market and make it available to the market surveillance authorities, upon request.

Amendment 71
Proposal for a regulation
Article 8 – paragraph 6

Text proposed by the Commission

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

Amendment

6. Manufacturers shall ensure that their products bear a type, batch or serial number or other element allowing the identification of the product which is easily visible, legible and understandable for consumers, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a digital document accompanying the product. Upon request of the consumer, it should be made available on paper and free of charge.

Amendment 72
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

Amendment

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

**Amendment 73**

**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**

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 and respect Articles 6 and 7.

**Amendment 74**

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

*Text proposed by the Commission*

9a. Manufacturers shall ensure the continued safe functioning of connected products over their expected lifetime. To this end, they shall provide specific safeguards to prevent the risk of software uploads or other digital alterations that may jeopardize the safety of products.

For those digital connected products likely to impact children, manufacturers shall conduct a child risk assessment ensuring their products meet the highest standards of safety, security and privacy by design.

**Amendment**

9a. Manufacturers shall ensure the continued safe functioning of connected products over their expected lifetime. To this end, they shall provide specific safeguards to prevent the risk of software uploads or other digital alterations that may jeopardize the safety of products.

For those digital connected products likely to impact children, manufacturers shall conduct a child risk assessment ensuring their products meet the highest standards of safety, security and privacy by design.
11. Manufacturers shall, via the Safety Business Gateway referred to in Article 25, immediately alert consumers of the risk to their health and safety presented by a product they manufacture and immediately inform the market surveillance authorities of the Member States in which the product has been made available to that effect, giving details, in particular, of the risk to health and safety of consumers and of any corrective measure already taken.

Amendment 76

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 presents a risk, inform the manufacturer and additionally, if necessary, the importer, the distributor, the fulfilment service provider and notify the product via the Safety Business Gateway without undue delay;

Amendment 77

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. Before placing a product on the market importers shall ensure that the

Amendment

1. Before placing a product on the market importers shall ensure that the
product is compliant with the general safety requirement laid down in Article 5 and that the manufacturer has complied with the requirements set out in Article 8 (4), (6) and (7).

Amendment 78

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 79

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

Text proposed by the Commission

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

Amendment

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

Amendment 80
Proposal for a regulation
Article 10 – paragraph 7

Text proposed by the Commission
7. Importers shall cooperate with market surveillance authorities and the manufacturer to ensure that a product is safe.

Amendment
7. Importers shall cooperate with market surveillance authorities, the manufacturer and, if necessary, other relevant economic operators to ensure that a product is safe.

Amendment 81

Proposal for a regulation
Article 10 – paragraph 8

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

Amendment
8. Importers who consider or have reason to believe, on the basis of the information in their possession, that a product which they have placed on the market is not safe shall immediately inform the manufacturer and ensure that the corrective measures necessary to 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, through the Safety Business Gateway referred to in Article 25, immediately alert market surveillance authorities of the Member States in which they made the product available giving details, in particular, of the risk to health and safety of consumers and of any corrective measure already taken. Additionally, they shall alert consumers in accordance with Article 33.

Amendment 82

Proposal for a regulation
Article 10 – paragraph 9
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.

Text proposed by the Commission

Amendment

Amendment 83
Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

Amendment

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

Amendment 84
Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission

Amendment

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.

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 and 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 85

Proposal for a regulation
Article 11 – paragraph 4

Text proposed by the Commission

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

Amendment

4. Distributors who consider or have reason to believe, on the basis of the information in their possession, that a product which they have made available on the market is not safe or is not in conformity with Article 5, 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 and the importer, as applicable, to that effect and shall immediately alert, through the Safety Business Gateway referred to in Article 25, the market surveillance authorities of the Member State in which they made the product available to that effect are informed giving details, in particular, of the risk to health and safety and of any corrective measure taken.

Amendment 86

Proposal for a regulation
Article 12 – paragraph 2 a (new)

Text proposed by the Commission

2a. Where a product has been substantially modified within the meaning of this Article, that product could be submitted to a new safety assessment pursuant to Articles 5, 6 and 7 of this Regulation.

Amendment
Amendment 87

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

The economic operators shall ensure that they have internal processes for product safety in place, allowing them to respect the general safety requirement laid down in Article 5.

Amendment

The economic operators shall ensure that they have internal processes for product safety in place, allowing them to respect all the obligations laid down in this Regulation, including the general safety requirement laid down in Article 5. These internal processes shall include at least accident recording and investigation programmes, compliance verification process and risk assessment. They shall be independently audited when necessary. Economic operators shall make publicly available an overview of this audit report.

Amendment 88

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

1. Economic operators shall cooperate with market surveillance authorities regarding actions which could eliminate or mitigate risks that are presented by products made available on the market by those operators.

Amendment

1. Economic operators shall cooperate with market surveillance authorities and where relevant with other authorities regarding actions which could eliminate or mitigate risks that are presented by products made available on the market by those operators.

Amendment 89

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

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.

Amendment 90

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

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 […]”.

Amendment

1. Economic operators shall be established in the Union or shall have a responsible person in the Union in order to place a product covered by this Regulation on the market, and therefore Article 4(1), (2) and (3) of Regulation (EU) 2019/1020 applicable to harmonised products 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 […]”.

Amendment 91

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 risks in such a way as to make the product safe within the meaning of Articles 5, 6 and 7. 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.

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 categories of products listed most frequently on the Safety Gate, which they made available on the market. These products shall be randomly chosen
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.

and shall include products whose sales volumes are significant in relation to the average sales volume of products in the same category. 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 92

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 and electronic address and telephone number 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 93

Proposal for a regulation
Article 15 a (new)

Text proposed by the Commission

Article 15a

Small, medium and micro-enterprises

1. In order for economic operators that are SMEs and micro-businesses to be
able to fulfil the obligations laid down in Articles 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of this Regulation, the Commission shall provide them with practical guidelines and tailored guidance which include practical simplifications from the new obligations, where possible, in order to limit their administrative burden. At the same time, financial support shall be provided.

2. The Commission is empowered to adopt delegated acts in accordance with Article 41 in order to guarantee support for SMEs and micro-enterprises as set out in paragraph 1.

Amendment 94
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, the Commission shall require economic operators who place and make available those products on the market to establish or adhere to a system of traceability or require independent third-party conformity assessment.

Amendment 95
Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission
2. The system of traceability shall

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

**Amendment 96**

**Proposal for a regulation**
**Article 17 – paragraph 3 – introductory part**

**Text proposed by the Commission**

3. The Commission is empowered to adopt delegated acts in accordance with Article 41 to supplement this Regulation by:

**Amendment**

3. In cooperation with relevant stakeholders, the Commission is empowered to adopt delegated acts in accordance with Article 41 six months after the entry into force of this Regulation at the latest to supplement this Regulation by:

**Amendment 97**

**Proposal for a regulation**
**Article 17 – paragraph 3 – point b a (new)**

**Text proposed by the Commission**

(ba) specifying the period for retaining the data that economic operators collect and store by means of the traceability system referred to in paragraph 2. The retention period and modalities must ensure respect for Regulation (EU)2016/679 of the European Parliament and of the Council;

**Amendment 98**
Proposal for a regulation
Article 18 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

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

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

Text proposed by the Commission

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

Amendment

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

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The manufacturer shall notify through the Safety Business Gateway referred to in Article 25, an accident resulting in serious risk to or actual damage of the health or safety of a consumer caused by a product placed or made available on the market, without undue delay at the latest from the moment it has been informed 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 101
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 that they placed or made available on the market shall notify this information via the Safety Business Gateway without undue delay from the moment they know about the accident and shall inform the manufacturer without undue delay.

Amendment 102
Proposal for a regulation
Article 20 – paragraph 1 – subparagraph 1

Text proposed by the Commission
1. 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
1. Online marketplaces shall establish a single contact point for the purpose of ensuring a swift and direct communication with competent Member States’ authorities, market surveillance and customs authorities in relation to product safety issues, in particular for orders concerning offers of dangerous products.

Amendment 103
Proposal for a regulation
Article 20 – paragraph 1 – subparagraph 2

Text proposed by the Commission
Online marketplaces shall register with the Safety Gate portal and indicate on the

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

This information shall include the name, postal and electronic address and telephone number of their single contact point. Online marketplaces shall ensure that information regarding their contact point is up-to-date and shall update information without delay, if necessary.

Amendment 104

Proposal for a regulation
Article 20 – paragraph 2 – subparagraph 1

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 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.

Amendment

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

Amendment 105

Proposal for a regulation
Article 20 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Online marketplaces shall take the necessary measures to receive and process

Amendment

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.

Amendment 106

Proposal for a regulation
Article 20 – paragraph 3

Text proposed by the Commission

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

Amendment 107
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 two 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 108

Proposal for a regulation
Article 20 – paragraph 5 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 109

Proposal for a regulation
Article 20 – paragraph 5 – point a
(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;

(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);

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

(d) any warning or safety information that is to be affixed on the product or to

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

(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) of this Regulation;

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

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

Amendment 113

Proposal for a regulation
Article 20 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

a. Online marketplaces shall ensure that the information listed in paragraph 5 provided by the trader is complete before products are allowed to be offered on the market through their online interfaces.

b. The Online Marketplace shall, upon receiving the information listed in paragraph 5 and until the end of the contractual relationship with the trader, make best efforts to check the information provided by the trader through the use of any freely accessible official online database or online interface made available by a Member State or the Union or through requests to the business user to provide supporting documents from reliable sources.

c. Where the online marketplace obtains sufficient indications or has reasons to believe that information listed in paragraph 5 is inaccurate or incorrect, it shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete immediately in order to allow the offering of the product on its interface. Where the trader fails to correct or complete that information, the online marketplace shall temporarily suspend the provision of its service to the trader in relation to the offering of products to consumers until the request is fully complied with.
Online marketplaces shall report those traders to Member States’ competent authorities and to the European Commission through the Business Safety Gateway.

d. Online marketplaces shall periodically carry out visual inspections and sample testing of randomly chosen products considering previous reports, databases, reviews and potential risks and harms towards consumers.

e. Online marketplaces shall establish a connection to the Safety Gate, for instance through an API, that enables them to quickly and efficiently compare the products or product categories offered on their marketplace where they have reason to believe products are dangerous. If this process detects a product that has previously been found to be dangerous, the online marketplace shall inform the trader and delete the content expeditiously. In addition, the online marketplace shall establish an internal database of those dangerous products that have previously been removed and make best efforts to avoid reappearance of those products on their online interface. The online marketplace shall inform the issuing competent authority of any follow-up actions it will take in this regard.

The application of this paragraph shall not lead to any general monitoring obligation and shall be subject to human review.

f. Online marketplaces which have been informed of an accident resulting in serious risk to or actual damage of the health or safety of a consumer caused by a product made available on their marketplace shall notify this without undue delay to the Safety Business Gateway and inform the manufacturer thereof.

g. Online marketplaces shall ensure that the information listed in paragraph 5 is easily accessible and understandable to
consumers from their online interfaces. The online interface of online marketplaces shall also allow consumers to understand their rights in case of an issue relating to product safety.

Amendment 114
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) cooperating to ensure effective product recalls, including by abstaining from putting obstacles to product recalls and publish the recall notice on their website;

Amendment 115
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) allowing access to their interfaces for the online tools operated by market surveillance authorities to identify dangerous products while respecting sensitive business information;

Amendment 116
Proposal for a regulation
Article 21 – paragraph -1 (new)

Text proposed by the Commission

Amendment
-1. Market surveillance authorities shall apply this Regulation taking due account of the precautionary principle in a proportionate manner.
Amendment 117

Proposal for a regulation
Article 21 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Market surveillance authorities shall carry out mystery shopping including on online shopping marketplaces, on a regular basis in order to particularly check the safety of product categories that are most frequently flagged on the Safety Gate;

Amendment 118

Proposal for a regulation
Article 22 a (new)

Text proposed by the Commission

Amendment

Article 22a

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

Justification

Reintroduction from the GPSD.

Amendment 119

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

Amendment

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

1. The Commission shall further develop and modernise the rapid alert system for the exchange of information on corrective measures concerning dangerous products (‘the Safety Gate’), as well as
enhance its efficiency, in particular by providing a interoperable interface for online marketplaces to link their website with the Safety Gate, so that they can easily, quickly and reliably check products and product categories.

Justification

The existing Rapex (Safety Gate) needs to be updated. If the online marketplaces are asked to take over more responsibility than we need to make sure that they are actually able to do what they are asked to do. It is only if the Safety Gate allows for quick, reliable and precise information of a dangerous product that the online marketplaces can be asked to check this system before putting the product online.

Amendment 120

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

Text proposed by the Commission

Amendment

2a. Consumers shall have access to the Safety Gate under the conditions laid down in Article 32. They shall have access to information on products that may pose a risk to health and to a separate area in the portal where they can inform the Commission of products that pose a risk to their health.

Amendment 121

Proposal for a regulation
Article 24 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Commission shall make a separate overview of the manufacturers and traders whose products were notified and found to be unsafe in the Safe Gate more than three times, and the manufacturers that have been deleted from online marketplaces as a result of repeated infringements.
Amendment 122

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

Text proposed by the Commission

8a. Economic operators shall be informed about the decision to include their product in the Safety Gate without undue delay. Where an economic operator believes that his product has been wrongly included in the Safety Gate, he should be able to provide comments to the relevant market surveillance authority. The recall procedure shall not be stopped until the claim of the economic operator has been found legitimate.

Amendment 123

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

Text proposed by the Commission

8b. The Commission shall publish guidance to market surveillance authorities to ensure more uniform enforcement and legally certain communication when dealing with recall notifications and respective requests by competent authorities.

Amendment 124

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

1. The Commission shall maintain *a* web portal enabling the economic operators to provide market surveillance authorities and consumers with the

1. The Commission shall maintain *an easy-accessible* web portal enabling the economic operators to provide market surveillance authorities and consumers
information referred to in Articles 8(11), 9(2) point c), 10(8), 11(3), 11(4) and Article 19.

with the information referred to in Articles 8(11), 9(2) point c), 10(8), 11(3), 11(4) and Article 19 which shall be accessible for consumers with disabilities.

Amendment 125

Proposal for a regulation
Article 26 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

1. If the Commission becomes aware of a product, or a specific category or group of products presenting a serious risk to the health and safety of consumers, it may take any appropriate measures, either on its own initiative or upon request of Member States, by means of implementing acts, adapted to the gravity and urgency of the situation if, at one and the same time:

Amendment

1. If the Commission becomes aware of a product, or a specific category or group of products presenting a serious risk to the health and safety of consumers, it may take any appropriate measures, either on its own initiative or upon request of Member States, by means of implementing acts, adapted to the gravity and urgency of the situation if:

Justification

If the criteria are cumulative, the mandate of the Commission to take action is too limited.

Amendment 126

Proposal for a regulation
Article 26 – paragraph 1 – point c

Text proposed by the Commission

(c) the risk can be eliminated effectively only by adopting appropriate measures applicable at Union level, in order to ensure a consistent and high level of protection of the health and safety of consumers and the proper functioning of the internal market.

Amendment

(c) the risk can be eliminated effectively only by adopting appropriate and proportionate measures applicable at Union level, in order to ensure a consistent and high level of protection of the health and safety of consumers and the proper functioning of the internal market.

Amendment 127

Proposal for a regulation
Article 28 – paragraph 3 – point a
(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; such as consideration of European Standards providing presumption of conformity with this Regulation;

Justification

It is important to keep Member States' competent authorities informed about standardisation in the area of product safety.

Amendment 128

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Market surveillance authorities shall conduct simultaneous coordinated control actions (“sweeps”) on a regular basis, at least once a year, in which they check compliance with or detect online and offline infringements to this Regulation.

Amendment 129

Proposal for a regulation
Article 31 – paragraph 1

Text proposed by the Commission

1. Information available to the authorities of the Member States or to the Commission relating to measures on products presenting risks to consumer health and safety shall in general be made available to the public, in accordance with the requirements of transparency and

Amendment

1. Information available to the authorities of the Member States or to the Commission relating to measures on products presenting risks to consumer health and safety or information that is considered relevant in order to protect the interests of end users shall be made
without prejudice to the restrictions required for monitoring and investigation activities. In particular, the public shall have access to information on product identification, the nature of the risk and the measures taken. This information shall be provided in accessible formats for persons with disabilities.

available to the public, in accordance with the requirements of transparency and without prejudice to the restrictions required for monitoring and investigation activities. In particular, the public shall have access to information on product identification, the nature of the risk and the measures taken. This information shall be provided in accessible formats for persons with disabilities.

**Justification**

*Information relating to measures on products or product safety should be available to all end users.*

**Amendment 130**

**Proposal for a regulation**

**Article 31 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

4. Member States shall give consumers or organisations representing consumers and other interested parties the opportunity to submit complaints to the competent authorities on product safety and on surveillance and control activities and these complaints shall be followed up as appropriate. The authority with which the complaint has been lodged shall inform the complainant of the progress of the proceedings and of the decision taken.

**Amendment 131**

**Proposal for a regulation**

**Article 32 – paragraph 1**

*Text proposed by the Commission*

1. For the purpose of Article 31(1)

*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.

Amendment 132
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 end users 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, 11 and 12, shall directly notify all affected consumers that they can identify. Economic operators who collect their customers’ personal data shall make use of this necessary information for recalls and safety warnings. Taking due account of data protection, online marketplaces shall help economic operators in case they have sold the respective product on their marketplace to obtain the specific customer data needed in order to perform an efficient recall.

Amendment 133
Proposal for a regulation
Article 33 – paragraph 2

Text proposed by the Commission

2. Where economic operators have product registration systems or customer loyalty programs in place for purposes other than contacting their customers with safety information, they shall offer the

Amendment

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

**Justification**

*Personal data provided for product registration systems should only be used related to recalls.*

**Amendment 134**

**Proposal for a regulation**

**Article 33 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 135**

**Proposal for a regulation**

**Article 34 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) clear description of the hazard associated with the recalled product, avoiding any elements that may decrease

*Amendment*

(c) clear description of the hazard associated with the recalled product, without any elements that may decrease
consumers’ perception of risk, including terms and expressions such as “voluntary”, “precautionary”, “discretionary”, “in rare/specific situations” as well as indicating that there have been no reported accidents;

Justification

Consumers could be misled and therefore these misleading elements should not only be avoided but not used at all.

Amendment 136
Proposal for a regulation
Article 35 – paragraph 1 – introductory part

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<tr>
<td>1. Without prejudice to Directive (EU) 2019/771, in the case of a recall, the economic operator responsible for the recall shall offer to the consumer an effective, cost-free and timely remedy. That remedy shall consist of at least one of the following:</td>
<td>1. Without prejudice to Directive (EU) 2019/771, in the case of a recall, the economic operator responsible for the recall shall offer to the consumer an effective, cost-free and timely remedy. In order to have the goods brought into conformity with this Regulation, the consumer may choose between one of the following:</td>
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Justification

Consumers should be able to choose between the remedies as it is the case in other EU consumer legislation.

Amendment 137
Proposal for a regulation
Article 35 – paragraph 2

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<td>2. Repair, disposal or destruction of the product by consumers shall only be considered an effective remedy where it can be carried out easily and safely by the</td>
<td>2. Repair, disposal or destruction of the product by consumers shall only be considered an effective remedy where it can be carried out easily and safely by the</td>
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consumer. In such cases, the economic operator responsible for the recall shall provide consumers with the necessary instructions and/or, in the case of self-repair, free replacement parts or software updates. 

Justification

Consumers should be well informed when carrying out repairs by themselves.

Amendment 138

Proposal for a regulation
Article 35 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The right to remedy laid down in this Article is without prejudice to Directive (EU) 85/374/EEC.

Justification

This addition clarifies that even where consumers receive a remedy for a recalled product under the GPSR, their right to claim compensation for damages under the Product Liability Directive is not affected.

Amendment 139

Proposal for a regulation
Article 40 – paragraph 3 – point d

Text proposed by the Commission

Amendment

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

(d) failure to comply with traceability and information obligations of economic operators referred to in Articles 8, 9, 10, 11 and 18, 19 and 20;

Amendment 140

Proposal for a regulation
Article 40 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. where the penalties cover only a low amount.

Amendment 141

Proposal for a regulation

Article 43 – paragraph 1

Text proposed by the Commission

Amendment

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

Justification

The evaluation should cover specifically some of the most relevant aspects for consumer safety.
### PROCEDURE – COMMITTEE ASKED FOR OPINION

| Committee responsible | IMCO |
| Date announced in plenary | 13.9.2021 |
| Opinion by | JURI |
| Date announced in plenary | 13.9.2021 |
| Rapporteur for the opinion | René Repasi |
| Date appointed | 2.2.2022 |
| Previous rapporteur for the opinion | Evelyne Gebhardt |
| Discussed in committee | 28.10.2021 1.12.2021 |
| Date adopted | 15.3.2022 |
| Result of final vote | +: 21 | –: 0 | 0: 1 |
| Members present for the final vote | Pascal Arimont, Manon Aubry, Gunnar Beck, Ilana Cicurel, Geoffroy Didier, Pascal Durand, Jean-Paul Garraud, Gilles Lebreton, Sabrina Pignedoli, Jiří Pospíšil, Franco Roberti, Raffaele Stancanelli, Marie Toussaint, Adrián Vázquez Lázara, Axel Voss, Marion Walsmann, Tiemo Wölk, Lara Wolters, Javier Zarzalejos |
| Substitutes present for the final vote | Patrick Breyer, Daniel Buda, Caterina Chinnici, Heidi Hautala, René Repasi, Nacho Sánchez Amor, Stéphane Séjourné |
### FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

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