



Raising standards for consumers

POSITION PAPER

ANEC position on the revision of the General Product Safety Directive (GPSD)

Response to the EC Roadmap Consultation

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Which objectives and policy option for the revision of the General Product Safety Legislation (GPSD)?

We agree to the problem definition, emphasising the challenges posed by new technologies, e-commerce and a fragmented legislative framework for market surveillance.

We recommend Option 4. A full revision of the legal instrument is necessary to address safety risks brought by the Internet of Things and Automated Decision Making, to clarify the obligations of all actors in the supply chain, including online marketplaces, and to ensure consistency with other legislation.

In addition, because the GPSD does not contain any product safety requirements, we believe that there is an urgent need to revise how safety requirements are set:

A shortcoming of the GPSD is that it provides the private European Standardisation Organisations (ESOs) with the freedom to decide the detailed safety requirements for specific products. Although we do not consider the present setting of safety requirements complicated, we think the related Commission Decision should be legally-binding, which it is not at the moment.

The measures adopted must be detailed enough so they can be enforced directly. They should be product-specific implementing measures, based on preparatory studies for product groups and following a prioritised programme, in analogy to the Energy-related Products Directive.

A hazard-based approach should be followed during the development of safety requirements and the drafting of standards. This would identify the hazards and assess and address risks. The safety levels set out in the requirements should be relevant to the significance of the hazards and risks and be defined by the policy-makers, not the ESOs.

As the ESOs do not have to accept the Standardization Request (SReq) related to the Commission Decision, no legal certainty exists for economic operators and market surveillance authorities in the absence of standards. The safety requirements could be used to for market surveillance purposes, even if the ESOs decide to reject the SReq.

Member States should be able to introduce a Formal Objection (FO) to a standard earlier. The possibility for a Member State to express a FO to a standard intended to support legislation before the publication of its reference in the OJEU should also be introduced. This would be another step to aiding legal certainty.

The voice of consumers in the ESOs must continue to be heard. Knowingly or unknowingly, the position of business interests in the development of European standards can undermine the broader consumer interest. Hence the role of ANEC is crucial in influencing the content of standards so all consumers can benefit from their use. Business also tends to reflect the needs of only 'average' or 'mainstream' consumers in standards, which disadvantages 'vulnerable' consumers: children, older people and persons with disabilities. Noting public authorities have also withdrawn from many standardisation activities to the detriment of the public interest, we call on

authorities to become more engaged in standardisation and support consumer participation in standardisation at national level.

As option 4 will include repealing the current GPSD, the new GPSD must continue to function as a safety net, to cover lacunae in sector specific legislation and for all those consumer products for which no specific rules exist; be based on the precautionary principle and allow market surveillance authorities to withdraw products from the market based on this principle.

Besides the need to address new challenges, the revision of the GPSD must also:

- Make it possible to apply higher conformity assessment procedures
- develop criteria to assess the safety of child appealing products
- collect EU-wide accident and injury data
- improve the functioning of the Safety Gate
- use the GPSD as a tool to reduce consumer exposure to harmful chemicals
- Ensuring quicker market intervention and emergency legislation
- common safety rules for food-imitating products.

More detailed recommendations can be found in ANEC/BEUC's position paper¹.

ENDS.

¹ <https://www.anec.eu/publications/position-papers>



ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and the use of standards, as well as related legislation and public policies.

ANEC was established in 1995 as an international non-profit association under Belgian law and is open to the representation of national consumer organisations in 34 countries.

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