



Raising standards for consumers

POSITION PAPER

ANEC position on the draft General Product Safety Regulation (GPSR)

Response to the EC Consultation

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General comments

ANEC strongly supports the proposed General Product Safety Regulation. We agree on the specific objectives and welcome:

- The underlined value of the safety net function and precautionary principle
- Coherent market surveillance rules between harmonised and non-harmonised products as well as the new tools given to Member States
- Stronger traceability in the supply chain and a greater responsibility for safety of online marketplaces
- New provisions on connected products
- Clear rules on product recalls
- Risk assessment to also cover the needs of vulnerable consumers, environmental considerations and the safety of child appealing products
- Detailed criteria for penalties, thereby making enforcement more consistent
- Commission's new powers to adopt implementing measures and set up specific traceability requirements
- Enforcement work of the Consumer Safety Network to be closely coordinated with the enforcement network for harmonised products
- Benefits of cooperation with consumer groups for enforcement
- Strengthened international cooperation on product safety

We urge co-legislators to address the following concerns :

-Loopholes with regard to online marketplaces must be closed. Their obligations must be further clarified and strengthened so all enforcement actions could ultimately be addressed to them in case no other actor intervenes. The general safety requirement in article 5 should be addressed to online marketplaces and they should be defined as importers.

-An obligation for mandatory collection of accident and injury data in a pan-European database should be added.

-Recall notices should always be published. Where traders can contact consumers directly through contact data previously obtained, the recall notices should nonetheless be published as consumers may have purchased products as gifts or have sold them on second-hand marketplaces which means the information might not reach all relevant owners of such products.

- The provisions on remedies for consumers in case of recalls stipulate that economic operators could instead of repairing or replacing the recalled product also opt for refunding the (remaining?) value. It is not the traders but consumers who should have the choice for the type of remedy. For old products, the actual value could be low, and consumers could possibly decide to keep a product even though it is dangerous. To

allow consumers an informed choice, information must be given about the different options, the dangers, and their consequences.

-Beside risk-based market surveillance, it will be important that authorities perform random checks so dangerous products that were not on the radar can also be detected.

-Higher conformity assessment procedures should be applied in relation with the level of risk.

Specific comments

In addition, because the GPSR does not contain any product safety requirements but only a general safety requirement, we believe that additional clarity is needed on how safety requirements are set and their relationship with standards:

-The definition of a safe product does not contain anymore the points to be considered for such definition. These are now under article 7. However, we see a need to explicitly link those criteria of article 7 to article 6 to ensure the criteria must be considered by European Standardisation Organisations. Further, we suggest deleting the first half sentence of article 7 'Where the presumption on safety in article 5 does not apply'. This deletion clarifies that the criteria of article 7 apply to all relevant actors at any moment, legislators, economic operators, standards makers and enforcement authorities.

-The implementing acts with the specific safety requirements should be legally-binding and be detailed enough to be enforced directly. A hazard-based approach should be followed during the development of safety requirements and the drafting of standards, in line with the aspects for assessing the safety of products contained in article 7. 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 related to the Commission Decision, no legal certainty exists for economic operators and market surveillance authorities in the absence of standards .

-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. 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.

ENDS.



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.

ANEC is funded by the European Union and EFTA, with national consumer organisations contributing in kind. Its Secretariat is based in Brussels.



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