

## European Union: Product Safety Profile



### Principal website:

### Legislative framework

In the EU there are several different pieces of legislation that are in place to ensure that products placed on the EU market are safe.

There are sectoral product safety rules regulating “harmonised products”, such as the Directive on toy safety, the Regulation on cosmetics, etc. A horizontal Regulation (EC) No 765/2008 sets out requirements for the accreditation and market surveillance relating to the marketing of these harmonised products.

In addition to this, the General Product Safety Directive 2001/95/EC (GPSD) requires Member States to have laws with specific requirements ensuring a high level of product safety throughout the EU for consumer products that are not covered by specific sectoral legislation. The Directive also complements the provisions of sectoral rules which do not cover certain matters, for instance in relation to producers’ obligations and the authorities’ powers and tasks.

The Member States of the EU are responsible for enforcing the product safety laws, and they are also responsible for market surveillance.

Web reference: [http://ec.europa.eu/consumers/safety/prod\\_legis/index\\_en.htm](http://ec.europa.eu/consumers/safety/prod_legis/index_en.htm)

[http://ec.europa.eu/enterprise/policies/single-market-goods/internal-market-for-products/index\\_en.htm](http://ec.europa.eu/enterprise/policies/single-market-goods/internal-market-for-products/index_en.htm)

### How are the rules for product requirements set?

General requirements for the safety of products are set out in sector specific legislation and the GPSD. Then, in order to specify these safety requirements, voluntary standards are drawn up by the European Standardisation Organisations. The references to European product standards, that confer compliance with the Directives’ safety requirements, are published in the Official Journal of the European Union.

Under certain conditions, the European Commission can adopt a formal decision (in agreement with EU Member States) requiring the Member States to ban the marketing of a product posing a serious risk, to recall it from consumers or to withdraw it from the market. Such decisions are, at the moment, only valid for a maximum period of one year but can be renewed. For example, a decision of this kind ensures that cigarette lighters placed on the EU market are child-resistant.

In areas not covered by the EU law, there may be national product safety requirements in the European Union’s Member States.

Web reference: [http://ec.europa.eu/consumers/safety/euro\\_standards/index\\_en.htm](http://ec.europa.eu/consumers/safety/euro_standards/index_en.htm)

[http://ec.europa.eu/consumers/safety/prod\\_legis/index\\_en.htm](http://ec.europa.eu/consumers/safety/prod_legis/index_en.htm) tuct requirements set?

### **How are goods prohibited from sale for safety reasons?**

EU legislation sets out the conditions that determine when corrective action needs to be taken by EU Member State market surveillance authorities on products.

EU Member States carry out market surveillance and need to take appropriate action (withdrawal, ban, recall etc.) in case they find dangerous products on their markets. Voluntary action by producers, distributors and suppliers is encouraged. Distributors must cooperate in the action taken by producers and competent authorities to avoid safety risks.

Under certain conditions, the European Commission can adopt a formal decision (in agreement with EU Member States) requiring the Member States to take corrective action on marketing of a product posing a serious risk, as described above.

Web reference: [http://ec.europa.eu/consumers/safety/prod\\_legis/index\\_en.htm](http://ec.europa.eu/consumers/safety/prod_legis/index_en.htm)

[http://ec.europa.eu/consumers/safety/rapex/index\\_en.htm](http://ec.europa.eu/consumers/safety/rapex/index_en.htm)

### **Are there notification requirements?**

Producers and distributors must inform the competent authorities of any products that they have placed on the market that are dangerous.

EU Member States need to inform the European Commission and other Member States about the products they find on their market posing risk to the health and safety of consumers, and which are available in other EU Member States. In case the product poses serious risk, this needs to be done via the Rapid Alert System for non-food dangerous products (RAPEX).

Web reference: [http://ec.europa.eu/consumers/safety/rapex/index\\_en.htm](http://ec.europa.eu/consumers/safety/rapex/index_en.htm)

[http://ec.europa.eu/consumers/safety/rapex/guidelines\\_states\\_en.htm](http://ec.europa.eu/consumers/safety/rapex/guidelines_states_en.htm)

<https://webgate.ec.europa.eu/gpsd-ba/index.do;jsessionid=S52d9ysQF0WW8RDPSC2PvnyKSKgkzHQPjTHmP81tQjc47TXr8q1!197414170>

### **Are there likely to be any changes to regulatory arrangements?**

A legislative review of the product safety legislation is currently ongoing. The European Commission has proposed a new package of legislative and non-legislative measures to improve consumer product safety and to strengthen market surveillance of products in the EU, with the aim of having the new rules in place in 2015.

[http://ec.europa.eu/consumers/safety/psmsp/index\\_en.htm](http://ec.europa.eu/consumers/safety/psmsp/index_en.htm)