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The Consumer Voice in Europe

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Ref.: BEUC-X-2019-072/SMA/cm

20 November 2019

Subject: New evidence from BEUC member organisations regarding dangerous products available online.

Dear Ms. Contino,

Ahead of the next meeting of the Consumer Safety Network that will be organised in Paris in conjunction with a special workshop on the cooperation between online marketplaces and Member States authorities, we write to share new evidence gathered by BEUC members on dangerous products found online.

While an overview of BEUC members' research on unsafe products and online platforms is available in Annex 1, you will find below an English summary of three of the most recent tests performed by Forbrugerrådet TÆNK in Denmark and Which? in the UK. The consumer groups respectively reveal serious safety risks associated with cheap jewellery, with CO and smoke alarms as well as with toys.

Test on harmful heavy metals released in jewellery. by Forbrugerrådet TÆNK

The Danish Consumer Council tested 17 cheap jewellery products bought from big chains, small retailers and international web shops. Out of this sample, 7 products did not comply with the EU legal limits for nickel, lead and cadmium. And among those unsafe products, some were found on LightInTheBox, others on Wish.com. The latter promised to take the products down as soon as possible, something that we consider a too vague indication. These findings add up to the notifications recently made in this area by market surveillance authorities¹.

Test on dangerous CO/smoke alarms and investigation on dangerous toys. by Which?

Further to a test update performed this spring on dangerous smoke alarms, Which? again become vocal after new results revealed this month found at least 7 CO alarms either failing to detect the deadly gas or being too quiet. Some that were found on Ebay were also known to have failed earlier tests, including by the company itself. The situation is not different for smoke alarms that also Wish.com for instance knew to be suspect from previous tests. Dangerous products were also found on AliExpress, which further demonstrates the scale of the problem and poses unacceptable threats on the safety of consumers.

In its latest investigation focused on toys, Which? also revealed that Amazon and eBay are failing to take basic steps to stop listing toys that appear to have been previously notified on safety grounds².

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¹ See weekly report 44 on the EU Safety Gate

https://ec.europa.eu/consumers/consumers_safety/safety_products/rapex/alerts/?event=main.weeklyOverview&web_rep_ort_id=3652&Year=2019&lng=en

² <https://press.which.co.uk/whichpressreleases/amazon-and-ebay-safety-issues-spark-which-call-for-stronger-regulation-of-marketplaces/>

This new evidence puts once again into question the suitability of our current EU regulatory framework, and especially of the General Product Safety Directive, to address the new challenges posed by e-commerce. The fact that many of the products on the EU Safety Gate are imports also highlights the need to improve international cooperation. This is something that could be explored in parallel of the e-commerce negotiations in the World Trade Organization for instance.

These findings finally raise concerns about voluntary agreements like the Safety Pledge through which AliExpress, Amazon, eBay, Rakuten France and Cdiscount committed to a faster removal of dangerous products sold on their website. We regret indeed that the Pledge applies to only a few of the most popular online marketplaces and that it has not been assessed against stricter and more detailed KPIs. You will therefore find in Annex 2 some recommendations that should be considered in the context of the next progress reports.

We hope that you will find these elements valuable for your work and especially for the discussions that will take place during the workshop with market surveillance authorities in Paris.

With best wishes,

Sylvia Maurer
Director, Sustainability, Energy, Food, Health and Safety

*C/c: Hans Ingels, Head of Unit, Single Market Policy, Mutual Recognition and Surveillance,
Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs*

*Encl. Annex 1 - BEUC members' research on unsafe products and online platforms.
Annex 2 - BEUC recommendations for a stricter evaluation of the EU Safety Pledge.*

Annex 1 - BEUC members' research on unsafe products and online platforms

The below publications and comparative testing focus specifically on online platforms. Additional evidence of dangerous products purchased in brick-and-mortar shops but likely to also be available online can be provided upon request.

- Which? tests on unsafe smoke alarm ([August 2017](#))
- Which? test on unsafe CO alarms ([June 2018](#))
- Test-Achats/Test-Aankoop test on USB chargers for smartphones and tablets ([February 2018](#))
- Which? test on Halloween kids costumes ([October 2018](#))
- Which? test on slime toys ([December 2018](#))
- Stiftung Warentest [special dossier on](#) Unsafe children's toys purchased at Amazon (December 2018)
- Which? test on cars seats ([February 2019](#))
- Consumentombond survey on consumers' experience with Chinese web shops (May 2019) and [Tips voor het kopen bij een Chinese webwinkel](#)
- Which? test update on dangerous smoke alarms ([May 2019](#))
- Forbrugerrådet TÆNK test on soft plastic toys containing phthalates ([June 2019](#))
- Test-Achats article on Chinese web stores (September 2019)
- Which? test on chargers, travel adaptors and power banks ([September 2019](#))
- Forbrugerrådet TÆNK test on cheap jewellery containing harmful heavy metals ([October 2019](#))
- New Which? article on dangerous CO and smoke alarms ([November 2019](#))
- Which? investigation on dangerous toys found on Amazon and eBay ([November 2019](#))
- Which? policy paper on "Online marketplaces and product safety" ([November 2019](#))

ANNEX 2 – BEUC recommendations for a stricter evaluation of the EU Safety Pledge

Although the EU Safety Pledge has some potential to contribute to tackling the challenge of product safety in the online world, BEUC believes that more needs to be done, including by the signatories to the Pledge who should be fully transparent about their achievements.

As AliExpress, Amazon, eBay, Rakuten France and cDiscount committed to report to the European Commission every six months, we call for more monitoring mechanisms to be set up. The following should for instance be put in place to ensure a meaningful assessment and more useful results:

- **more detailed data should be communicated:** the two aggregated KPIs about the percentage of product listings removed within two working days based on government notices or through self-monitoring of public recall websites are not satisfactory. So far, results have been calculated based on the arithmetic average of percentages provided by companies. They do not even represent the weighted average according to the number of products reported.
 - o Platforms should be mentioned by names in order to distinguish between those that do well and where more action is necessary.
 - o Having more precise figures about the overall number of products taken down, in which product category, from which country of origin, and because of which safety issue would also represent a valuable source of information, including for the work of national authorities.
- **indicators should be agreed upon for each of the 12 specific voluntary actions:** The two unique KPIs which are reported on at the moment give the wrong impression that the platforms are doing well while their true performance cannot be fully assessed. KPIs should be completed by more specific indicators such as:
 - o for action point n°2 related to the provision of single contact points for EU Member States authorities: number of notifications about dangerous products received from authorities and acted upon. We also recommend existing initiatives in this area to be critically assessed (ex. dedicated email addresses) so that best practices can eventually be identified and expanded.
 - o for action point n°4 related to the internal mechanisms for notice and take-down procedures: number and type of actions/sanctions taken against sellers, number and type of other follow-up actions taken by the platforms, number of recalls from consumers, etc
 - o for action point n°6 related to the establishment of a clear way for customers to notify dangerous products: number of notifications on dangerous products received from consumers and acted upon. As some of the current mechanisms do not seem to have much impact (ex. contact via customer services or via a specific section on the homepage of the website), we also recommend best practices to be identified, if any, and further disseminated.
 - o for action point n°7 related to information/training to sellers: number of trainings given and with how many participants; with which results, etc.

Some of these indicators touch upon several action points. If completed by additional ones and effectively implemented, we believe that this will enhance information sharing. Regulators, market surveillance authorities and business will also be better informed to track emerging problems and to decide on corrective actions.