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## **All eyes on EU this week to improve outdated product safety law**

On Wednesday (30 June), the European Commission is expected to lay out a plan to reform its main product safety law. Called the General Product Safety Directive, or GPSD, it requires manufacturers to place only safe products on the market and also sets responsibilities for national authorities who carry out market surveillance. Consumer groups urge for an ambitious overhaul of this law.

### **Why product safety law needs reform**

The current GPSD dates to 2001. As it **does not reflect the reality of today's market** where people shop online, and many products are connected, a reform is overdue. The EU must improve this law to prevent unsafe products from ending up in people's homes and enable market surveillance authorities to swiftly remove them. BEUC and ANEC advise the EU to:

- **Broaden the definition of 'safety'**: The legal definition of 'safety' currently focuses only on physical harm, posed by mechanical or chemical risks. It omits possible harm stemming from insufficient (cyber)security, or modifications to a connected product once it is on the market [1]. BEUC and ANEC call for products to be safe and secure for the entire duration of their expected lifespan [2].
- **Clarify the role of online marketplaces in the supply chain**: Consumer groups are finding [many unsafe products being sold from online marketplaces](#), such as smoke alarms that do not detect smoke, or plastic toys that breach chemical limits. Against consumers' expectations, these marketplaces are not considered part of the supply chain and therefore not liable under current legislation. Without adequate reform of the GPSD, this worrying trend could continue, leaving market surveillance authorities with insufficient powers to act and take dangerous products off the market.
- **Place all products under the same – upgraded – market surveillance rules**: These rules are currently not the same for all goods [3]. The most recent and sophisticated ones apply only to products that are harmonised under EU law, such as toys and cosmetics, but not furniture or textiles. This means that a toy bed for a doll is subject to more rigorous scrutiny than a bed for a child.

### **Monique Goyens, Director General at The European Consumer Organisation (BEUC), commented:**

"The products we use in our daily lives should not harm us, physically or otherwise. European product safety law must protect against the challenges of today and tomorrow. This means that online marketplaces must be liable for the unsafe products sold on their platforms. Also, in a world full of 'smart' goods, the very concept of 'safety' cannot remain stuck in the past and should take into account cybersecurity."

### **Stephen Russell, Secretary-General of The European Consumer Voice in Standardisation (ANEC), said:**

"It is no longer enough for a product to be safe when placed on the market. Software and firmware updates, as well as machine-learning, mean the product must be required to be safe throughout its

expected lifetime. The GPSD needs to be rebooted to this effect. We also ask that the co-regulators consider the use of third-party certification according to the risk posed by the product or its use by vulnerable consumers.”

**See also**

- BEUC/ANEC view on [the reform of the General Product Safety Directive \(abridged version\)](#)

[1] Hypothetical examples would be, for instance, if a third-party were to cause a fire by hacking into a connected oven, or if a software update results in serious deficiencies.

[2] We are calling for the introduction of the concept of ‘continued conformity’.

**[3] The EU product safety legislation puzzle in brief**

Product safety is regulated by a puzzle of multiple EU laws. The GPSD is one of these laws and contains two important elements.

Firstly, the GPSD sets safety requirements for products that do not have sector-specific rules. Examples are furniture, textiles, and childcare products. The market surveillance of products *with* sector-specific rules was already improved as of this year [through the new ‘Market Surveillance Regulation’](#). Consumer organisations are urging the EU to improve the GPSD in the same way as that law. For instance, authorities should have the right to perform mystery shopping online.

Secondly, the GPSD also steps in where sector-specific laws – toy safety legislation, for instance – would not adequately cover new risks. It therefore covers loopholes in specific safety laws, functioning as an overall ‘safety net’.

The role and liability of online marketplaces is an important development that needs regulation also. In addition to a revamped GPSD, [two other major EU legal reforms](#) are crucial here: Firstly, that of the Digital Services Act, which reforms the E-Commerce Directive and regulates the role of online intermediaries in tackling illegal activities and content online. Secondly, that of the Product Liability Directive which deals with what happens when a defective product harms a person.

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