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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council, and repealing Council Directive 87/357/EEC and Directive 2001/95/EC of the European Parliament and of the Council - 4 column table

ANNEX

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council, and repealing Council Directive 87/357/EEC and Directive 2001/95/EC of the European Parliament and of the Council (Text with EEA relevance)

2021/0170(COD)

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Formula				
1	2021/0170 (COD)	2021/0170 (COD)	2021/0170 (COD)	
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council, and repealing Council Directive 87/357/EEC and Directive 2001/95/EC of the European Parliament and of the Council (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council, and repealing Council Directive 87/357/EEC and Directive 2001/95/EC of the European Parliament and of the Council (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council, and repealing Council Directive 87/357/EEC and Directive 2001/95/EC of the European Parliament and of the Council (Text with EEA relevance)	
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	

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Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. .OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. .OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. .OJ C , , p. .	
Citation 5				
8	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				

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9	Whereas:	Whereas:	Whereas:	
Recital 1				
10	(1) Directive 2001/95/EC of the European Parliament and of the Council[1] lays down the requirement that consumer products must be safe and that Member States' market surveillance authorities must take action against dangerous products as well as exchange information to that effect through the "Union rapid information exchange system", RAPEX. _____ 1. Directive 2001/95/EC of the European Parliament and of the Council on general product safety (OJ L 11, 15.1.2002, p. 4).	(1) Directive 2001/95/EC of the European Parliament and of the Council[1] lays down the requirement that consumer products must be safe and that Member States' market surveillance authorities must take action against dangerous products as well as exchange information to that effect through the "Union rapid information exchange system", RAPEX. _____ 1. Directive 2001/95/EC of the European Parliament and of the Council on general product safety (OJ L 11, 15.1.2002, p. 4).	(1) Directive 2001/95/EC of the European Parliament and of the Council[1] lays down the requirement that ~~consumer~~ products must be safe and that Member States' market surveillance authorities must take action against dangerous products as well as exchange information to that effect through the "Union rapid information exchange system", RAPEX. _____ 1. Directive 2001/95/EC of the European Parliament and of the Council on general product safety (OJ L 11, 15.1.2002, p. 4).	
Recital 2				
11	(2) Directive 2001/95/EC needs to be revised and updated in light of the developments related to new technologies and online selling, to ensure consistency with developments in the Union	(2) Directive 2001/95/EC needs to be revised and updated in light of the developments related to new technologies and online selling, to ensure consistency with developments in the Union	(2) Directive 2001/95/EC needs to be revised and updated in light of the developments related to new technologies and online selling, to ensure consistency with developments in the Union	

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	harmonisation legislation and in the standardisation legislation, to ensure a better functioning of the product recalls as well as to ensure a clearer framework for food-imitating products so far regulated by Council Directive 87/357/EEC[1]. In the interest of clarity, Directive 2001/95/EC, as well as Directive 87/357/EEC, should be repealed and replaced by this Regulation. _________ 1. Council Directive 87/357/EEC of 25 June on the approximation of the laws of the Member States concerning products which, appearing to be other than they are, endanger the health or safety of consumers (OJ L 192, 11.7. 1987, p. 49).	harmonisation legislation and in the standardisation legislation, to ensure a better functioning of the product recalls as well as to ensure a clearer framework for food-imitating products so far regulated by Council Directive 87/357/EEC[1]. In the interest of clarity, Directive 2001/95/EC, as well as Directive 87/357/EEC, should be repealed and replaced by this Regulation. _________ 1. Council Directive 87/357/EEC of 25 June on the approximation of the laws of the Member States concerning products which, appearing to be other than they are, endanger the health or safety of consumers (OJ L 192, 11.7. 1987, p. 49).	harmonisation legislation and in the standardisation legislation, to ensure a better functioning of the product recalls as well as to ensure a clearer framework for food-imitating products so far regulated by Council Directive 87/357/EEC[1]. In the interest of clarity, Directive 2001/95/EC, as well as Directive 87/357/EEC, should be repealed and replaced by this Regulation. _________ 1. Council Directive 87/357/EEC of 25 June on the approximation of the laws of the Member States concerning products which, appearing to be other than they are, endanger the health or safety of consumers (OJ L 192, 11.7. 1987, p. 49).	
Recital 3				
12	(3) A Regulation is the appropriate legal instrument as it imposes clear and detailed rules which do not give room for divergent transposition by Member States. The choice of Regulation instead of Directive also allows to better deliver on the objective to ensure coherence with the market	(3) A Regulation is the appropriate legal instrument as it imposes clear and detailed rules which do not give room for divergent transposition by Member States. The choice of Regulation instead of Directive also allows to better deliver on the objective to ensure coherence with the market	(3) A Regulation is the appropriate legal instrument as it imposes clear and detailed rules which do not give room for divergent transposition by Member States. The choice of Regulation instead of Directive also allows to better deliver on the objective to ensure coherence with the market	

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	surveillance legislative framework for products falling under the scope of Union harmonisation legislation as set out in Regulation (EU) 2019/1020, where the applicable legal instrument is also of the same type, namely Regulation (EU) 2019/1020 of the European Parliament and of the Council[1]. Finally, such a choice will further reduce the regulatory burden through a consistent application of product safety rules across the Union. _________ 1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).	surveillance legislative framework for products falling under the scope of Union harmonisation legislation as set out in Regulation (EU) 2019/1020, where the applicable legal instrument is also of the same type, namely Regulation (EU) 2019/1020 of the European Parliament and of the Council[1]. Finally, such a choice will further reduce the regulatory burden through a consistent application of product safety rules across the Union. _________ 1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).	surveillance legislative framework for products falling under the scope of Union harmonisation legislation as set out in Regulation (EU) 2019/1020, where the applicable legal instrument is also of the same type, namely Regulation (EU) 2019/1020 of the European Parliament and of the Council[1]. Finally, such a choice will further reduce the regulatory burden through a consistent application of product safety rules across the Union. _________ 1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).	
Recital 4				
13	(4) The aim of this instrument is to contribute to the attainment of the objectives referred to in Article 169 of the Treaty. In particular, it should aim at ensuring health and	(4) The aim of this instrument is to contribute to the attainment of the objectives referred to in Article 169 of the Treaty. In particular, it should aim at ensuring health and	(4) The aim of this instrument is to contribute to the attainment of the objectives referred to in Article 169 of the Treaty. In particular, it should aim at ensuring health and	

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	safety of consumers and the functioning of the internal market as regards products intended for consumers.	safety of consumers and the functioning of the internal market as regards products intended for consumers.	safety of consumers and the functioning of the internal market as regards products intended for consumers.	
Recital 5				
14	(5) This Regulation should aim at protecting consumers and their safety as one of the fundamental principle of the EU legal framework, enshrined in the EU Charter of fundamental rights. Dangerous products can have very negative consequences on consumers and citizens. All consumers, including the most vulnerable, such as children, older persons or persons with disabilities, have the right to safe products. Consumers should have at their disposal sufficient means to enforce such rights, and Member States adequate instruments and measures at their disposal to enforce this Regulation.	(5) This Regulation should aim at protecting consumers and their safety as one of the fundamental principle of the EU legal framework, enshrined in the EU Charter of fundamental rights. Dangerous products can have very negative consequences on consumers and citizens. All consumers, including the most vulnerable, such as children, older persons or persons with disabilities, have the right to safe products. Consumers should have at their disposal sufficient means to enforce such rights, and Member States adequate instruments and measures at their disposal to enforce this Regulation.	(5) This Regulation should aim at protecting consumers and their safety as one of the fundamental principle of the EU legal framework, enshrined in the EU Charter of fundamental rights. Dangerous products can have very negative consequences on consumers and citizens. All consumers, including the most vulnerable, such as children, older persons or persons with disabilities, have the right to safe products. Consumers should have at their disposal sufficient means to enforce such rights, and Member States adequate instruments and measures at their disposal to enforce this Regulation.	
Recital 6				
15	(6) Despite the development of sector-specific Union	(6) Despite the development of sector-specific Union	(6) Despite the development of sector-specific Union	

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	harmonisation legislation that addresses safety aspects of specific products or categories of products, it is practically impossible to adopt Union legislation for all consumer products that exist or may be developed. There is therefore still a need for a legislative framework of a horizontal nature to fill gaps and ensure consumer protection not otherwise ensured, in particular with a view to achieving a high level of protection of safety and health of consumers, as required by Article 114 and Article 169 of the Treaty.	harmonisation legislation that addresses safety aspects of specific products or categories of products, it is practically impossible to adopt Union legislation for all consumer products that exist or may be developed. There is therefore ~~*still*~~ a need for a ***broad-based*** legislative framework of a horizontal nature to fill gaps and ***therefore to complement provisions in existing or forthcoming sector-specific Union harmonisation legislation and*** ensure consumer protection not otherwise ensured ***by that legislation***, in particular with a view to achieving a high level of protection of safety and health of consumers, as required by Article 114 and Article 169 of the Treaty.	harmonisation legislation that addresses safety aspects of specific products or categories of products, it is practically impossible to adopt Union legislation for all ~~consumer~~ products that exist or may be developed. There is therefore still a need for a legislative framework of a horizontal nature to fill gaps and ensure consumer protection not otherwise ensured, in particular with a view to achieving a high level of protection of safety and health of consumers, as required by Article 114 and Article 169 of the Treaty.	
Recital 7				
16	(7) At the same time, in respect of products subject to sector-specific Union harmonisation legislation, the scope of application of the different parts of this Regulation should be clearly set out to avoid overlapping provisions and an unclear legal framework.	(7) At the same time, in respect of products subject to sector-specific Union harmonisation legislation, the scope of application of the different parts of this Regulation should be clearly set out to avoid overlapping provisions and an unclear legal framework.	(7) At the same time, in respect of products subject to sector-specific Union harmonisation legislation, the scope of application of the different parts of this Regulation should be clearly set out to avoid overlapping provisions and an unclear legal framework.	

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Recital 8				
17	(8) Whilst some of the provisions such as those concerning most of the obligations of economic operators should not apply to products covered by Union harmonisation legislation since already covered in such legislation, a certain number of other provisions should apply in order to complement Union harmonisation legislation. In particular the general product safety requirement and related provisions should be applicable to consumer products covered by Union harmonisation legislation when certain types of risks are not covered by that legislation. The provisions of this Regulation concerning the obligations of online marketplaces, the obligations of economic operators in case of accidents, the right of information for consumers as well as the recalls of consumer products should apply to products covered by Union harmonisation legislation when there are not specific provisions with the same objective in such legislation. Likewise RAPEX is already used for the purposes of Union	(8) [25]Whilst some of the provisions such as those concerning most of the obligations of economic operators should not apply to products covered by Union harmonisation legislation since already covered in such legislation, a certain number of other provisions should apply in order to complement Union harmonisation legislation. In particular the general product safety requirement and related provisions should be applicable to consumer products covered by Union harmonisation legislation when certain types of risks are not covered by that legislation. The provisions of this Regulation concerning the obligations of online marketplaces, the obligations of economic operators in case of accidents, the right of information ***and remedy*** for consumers as well as the recalls of consumer products should apply to products covered by Union harmonisation legislation ~~*when*~~***to the extent that*** there are not specific provisions with the same objective in such legislation.	(8) Whilst some of the provisions such as those concerning most of the obligations of economic operators should not apply to products covered by Union harmonisation legislation since already covered in such legislation, a certain number of other provisions should apply in order to complement Union harmonisation legislation. In particular the general product safety requirement and related provisions should be applicable to ~~consumer~~ products covered by Union harmonisation legislation when certain types of risks are not covered by that legislation. The provisions of this Regulation concerning the obligations of online marketplaces, the obligations of economic operators in case of accidents, the right of information for consumers as well as the recalls of ~~consumer~~ products should apply to products covered by Union harmonisation legislation when there are not specific provisions with the same objective in such legislation. Likewise RAPEX is already used for the purposes of Union	

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	harmonisation legislation, as referred to in Article 20 of Regulation (EU) 2019/1020 of the European Parliament and of the Council[1], therefore the provisions regulating the Safety Gate and its functioning contained in this Regulation should be applicable to Union harmonisation legislation. _____ 1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).	Likewise RAPEX is already used for the purposes of Union harmonisation legislation, as referred to in Article 20 of Regulation (EU) 2019/1020 of the European Parliament and of the Council[~~1~~25], therefore the provisions regulating the Safety Gate and its functioning contained in this Regulation should be applicable to Union harmonisation legislation. _____ ***25. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).*** ~~*1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).*~~	harmonisation legislation, as referred to in Article 20 of Regulation (EU) 2019/1020 of the European Parliament and of the Council[1], therefore the provisions regulating the Safety Gate and its functioning contained in this Regulation should be applicable to Union harmonisation legislation. _____ 1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).	
Recital 8a				

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17a			**(8a) Pursuant to Regulation (EU) 2013/952, products from third countries intended to be made available on the Union market or intended for private use or consumption within the customs territory of the Union are placed under the customs procedure 'release for free circulation'. This procedure aims at completing the formalities laid down in respect of the import of the goods, including the enforcement of the applicable provisions of Union law, so that these goods can be made available on the Union market like any product made in the Union. As far as consumer safety is concerned, these products are required to comply with this Regulation and, in particular, with the general safety requirement laid down in it.**	
Recital 9				
18	(9) The provisions of Chapter VII of Regulation (EU) 2019/1020, setting up the rules of controls on products entering the Union	(9) The provisions of Chapter VII of Regulation (EU) 2019/1020, setting up the rules of controls on products entering the Union	(9) The provisions of Chapter VII of Regulation (EU) 2019/1020, setting up the rules of controls on products entering the Union	

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	market, are already directly applicable to products covered by this Regulation and it is not the intention of this Regulation to modify such provisions. The stability of the former is particularly important taking into account the fact that the authorities in charge of these controls (which in almost all Member States are the customs authorities) shall perform them on the basis of risk analysis as referred to in Articles 46 and 47 of Regulation (EU) No 952/2013 (the Union Customs Code), the implementing legislation and corresponding guidance. This risk-based approach is pivotal to customs controls given the substantial volumes of goods coming into and leaving the customs territory and results in application of concrete control measures depending on identified priorities. The fact that the Regulation does not modify in any way Chapter VII of Regulation 2019/1020, directly referring to the risk based approach laid down in the customs legislation, means in practice that the authorities in charge of controls on products entering the Union market	market, are already directly applicable to products covered by this Regulation ~~*and it is not the intention of this Regulation to modify such provisions. The stability of the former is particularly important taking into account the fact that the*~~ ***. The*** authorities in charge of these controls ~~*(which in almost all Member States are the customs authorities) shall*~~***should*** perform them on the basis of risk analysis as referred to in Articles 46 and 47 of Regulation (EU) No 952/2013 (the Union Customs Code), the implementing legislation and corresponding guidance. This ~~*risk-based approach is pivotal to customs controls given the substantial volumes of goods coming into and leaving the customs territory and results in application of concrete control measures depending on identified priorities. The fact that the Regulation*~~***Regulation therefore*** does not modify in any way Chapter VII of Regulation 2019/1020~~*, directly referring to the risk based approach laid down in the customs legislation, means in practice that*~~ ***and the way*** the	market, are already directly applicable to products covered by this Regulation and it is not the intention of this Regulation to modify such provisions. The stability of the former is particularly important taking into account the fact that the authorities in charge of these controls (which in almost all Member States are the customs authorities) shall perform them on the basis of risk analysis as referred to in Articles 46 and 47 of Regulation (EU) No 952/2013 (the Union Customs Code), the implementing legislation and corresponding guidance. This risk-based approach is pivotal to customs controls given the substantial volumes of goods coming into and leaving the customs territory and results in application of concrete control measures depending on identified priorities. The fact that the Regulation does not modify in any way Chapter VII of Regulation 2019/1020, directly referring to the risk based approach laid down in the customs legislation, means in practice that the authorities in charge of controls on products entering the Union market	

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	(including customs authorities) should limit their controls to the most risky products, depending on the likelihood and impact of the risk, thereby ensuring effectiveness and efficiency of their activities as well as protection of their capacity to perform such controls.	authorities in charge of controls on products entering the Union market ~~*(including customs authorities) should limit their controls to the most risky products, depending on the likelihood and impact of the risk, thereby ensuring effectiveness and efficiency of*~~***organise themselves and perform*** their activities ~~*as well as protection of their capacity to perform such controls*~~.	(including customs authorities) should limit their controls to the most risky products, depending on the likelihood and impact of the risk, thereby ensuring effectiveness and efficiency of their activities as well as protection of their capacity to perform such controls.	
Recital 9a				
18a		***(9a) The legal framework for market surveillance of products covered by Union harmonisation legislation and set out in Regulation (EU) 2019/1020 and the legal framework for market surveillance of products covered by this Regulation should be as coherent as possible. It is therefore necessary, as far as market surveillance activities, obligations, powers, measures, and cooperation among market surveillance authorities are concerned, to align the two sets of provisions. For that purpose Articles 10 to 16, Articles 18 and***		

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		19 and Articles 21 to 24 of Regulation (EU) 2019/1020 should be applicable also to products covered by this Regulation.		
Recital 10				
19	(10) The precautionary principle is a fundamental principle for ensuring the safety of products and consumers and should therefore be taken into due account by all relevant actors when applying this Regulation.	(10) ~~*The precautionary principle is a fundamental principle for ensuring the safety of products and consumers and should therefore be taken into due account by all relevant actors when applying this Regulation.*~~	(10) **Technological changes accompany new type of products as well as new or emerging risks linked to a high degree of scientific uncertainty. Especially, but not only in these situations,** the precautionary principle is a fundamental principle for ensuring the safety of products and consumers and should therefore be taken into due account by all relevant actors when applying this Regulation. **Where an activity or substance poses a plausible threat of harm but there is insufficient scientific evidence, or a lack of agreement as to the nature or scale of the likely adverse effects, the precautionary principle should lead the different actors in taking decisions. The precautionary principle thus expresses a need for caution with regard to**	

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			products or action which are not based on a high degree of scientific certainty.	
Recital 11				
20	(11) Considering also the broad scope given to the concept of health[1], the environmental risk posed by a product should be taken into consideration in the application of this Regulation inasmuch as it can also ultimately result in a risk to the health and safety of consumers. _____ 1. European Environment Agency, 'Healthy environment, healthy lives: how the environment influences health and well-being in Europe', EEA report No 21/2019, 8 September 2020.	(11) ~~*Considering also the broad scope given to the concept of health[1], the environmental risk posed by a product should be taken into consideration in the application of this Regulation inasmuch as it can also ultimately result in a risk to the health and safety of consumers.*~~ _____ ~~*1. European Environment Agency, 'Healthy environment, healthy lives: how the environment influences health and well-being in Europe', EEA report No 21/2019, 8 September 2020.*~~	(11) Considering also the broad scope given to the concept of health[1], the environmental risk posed by a product should be taken into consideration in the application of this Regulation inasmuch as it can also ultimately result in a risk to the health and safety of consumers. _____ 1. European Environment Agency, 'Healthy environment, healthy lives: how the environment influences health and well-being in Europe', EEA report No 21/2019, 8 September 2020.	
Recital 12				
21	(12) Products which are designed exclusively for professional use but which have subsequently migrated to the consumer market should be subject to this Regulation because they could pose risks to the health	(12) Products which are designed exclusively for professional use but which have subsequently migrated to the consumer market should be subject to this Regulation because they could pose risks to the health	(12) Products which are designed exclusively for professional use but which have subsequently migrated to the consumer market should be subject to this Regulation because they could pose risks to the health	

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	and safety of consumers when used under reasonably foreseeable conditions.	and safety of consumers when used under reasonably foreseeable conditions.	and safety of consumers when used under reasonably foreseeable conditions.	
Recital 12a				
21a			**(12a) Medicinal products are subject to a pre-market assessment that includes a specific risk-benefit analysis. They should therefore be excluded from the scope of this Regulation.**	
Recital 13				
22	(13) Union legislation on food, feed and related areas sets up a specific system ensuring the safety of the products covered by it. Therefore, food and feed should be excluded from the scope of this Regulation with the exception of materials and articles intended to come into contact with food insofar as risks are concerned that are not covered by Regulation (EC) No 1935/2004 of the European Parliament and of the Council[1] or by other food specific legislation which only covers chemical and	(13) Union legislation on food, feed and related areas sets up a specific system ensuring the safety of the products covered by it. Therefore, food and feed should be excluded from the scope of this Regulation with the exception of materials and articles intended to come into contact with food insofar as risks are concerned that are not covered by Regulation (EC) No 1935/2004 of the European Parliament and of the Council[1] or by other food specific legislation which only covers chemical and	(13) Union legislation on food, feed and related areas sets up a specific system ensuring the safety of the products covered by it. **Food products have indeed a specific legal framework established, in particular, by Regulation (EC) 178/2002. Furthermore, feed products are regulated by Regulation (EC) 882/2004 ensuring a harmonised approach with regard to official controls for verifying compliance with feed and food law, animal health and animal welfare rules.**	

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	biological food-related risks. _____ 1. Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338, 13.11.2004, p. 4).	biological food-related risks. _____ 1. Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338, 13.11.2004, p. 4).	Therefore, food and feed should be excluded from the scope of this Regulation with the exception of materials and articles intended to come into contact with food insofar as risks are concerned that are not covered by Regulation (EC) No 1935/2004 of the European Parliament and of the Council[1] or by other food specific legislation which only covers chemical and biological food-related risks. _____ 1. Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338, 13.11.2004, p. 4).	
Recital 14				
23	(14) Medicinal products are subject to a pre-market assessment that includes a specific risk-benefit analysis. They should therefore be excluded from the scope of this Regulation.	(14) Medicinal products are subject to a pre-market assessment that includes a specific risk-benefit analysis. They should therefore be excluded from the scope of this Regulation.	~~(14) Medicinal products are subject to a pre-market assessment that includes a specific risk-benefit analysis. They should therefore be excluded from the scope of this Regulation.~~	

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Recital 14a				
23a			**(14a) Living plants have a specific legal framework provided for, in particular, by Regulation (EU) 2016/2031 taking into consideration the specificities to ensure the safety of these products.**	
Recital 14b				
23b			**(14b) Animal by-products are materials of animal origin that people do not consume. These products, such as feed, are very specific products which have a specific legal framework, in particular Regulation (EC) 1069/2009.**	
Recital 14c				
23c			**(14c) Plant protection products, also referred as pesticides, have specific provisions for their authorisation at national level, based on Regulation (EC) No 1107/2009, and should therefore be excluded as well from the scope of application of this**	

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			Regulation.	
Recital 15				
24	(15) Aircraft referred to in Article 2(3) point (d) of Regulation (EU) 2018/1139[1] are subject to the regulatory control of the Member States, in light of their limited risk to civil aviation safety. They should therefore be excluded from the scope of this Regulation. __________ 1. Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1–122).	(15) Aircraft referred to in Article 2(3) point (d) of Regulation (EU) 2018/1139[1] are subject to the regulatory control of the Member States, in light of their limited risk to civil aviation safety. They should therefore be excluded from the scope of this Regulation. __________ 1. Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1–122).	(15) Aircraft referred to in Article 2(3) point (d) of Regulation (EU) 2018/1139[1] are subject to the regulatory control of the Member States, in light of their limited risk to civil aviation safety. They should therefore be excluded from the scope of this Regulation. __________ 1. Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1–122).	

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Recital 16				
25	(16) The requirements laid down in this Regulation should apply to second hand products or products that are repaired, refurbished or recycled that re-enter the supply chain in the course of a commercial activity, except for those products for which the consumer cannot reasonably expect that they fulfil state-of-the art safety standards, such as antiques or products which are presented as to be repaired or to be refurbished.	(16) The requirements laid down in this Regulation should apply to second hand products or products that are repaired, refurbished or recycled that re-enter the supply chain in the course of a commercial activity, except for those products for which the consumer cannot reasonably expect that they fulfil state-of-the art safety standards, such as antiques or products which are ***explicitly*** presented as to be repaired or to be refurbished***, or which are made available as collectible items of historical significance***.	(16) The requirements laid down in this Regulation should apply to second hand products or products that are repaired, ~~refurbished~~ **reconditioned** or recycled that re-enter the supply chain in the course of a commercial activity, except for those products for which the consumer cannot reasonably expect that they fulfil state-of-the art safety standards, such as antiques or products which are presented as to be repaired or to be ~~refurbished~~ **reconditioned**.	
Recital 17				
26	(17) Directive 87/357/EEC on consumer products which, although not foodstuff, resemble foodstuff and are likely to be confused with foodstuff in a way that consumers, especially children, may place them in their mouths, suck or ingest them and which might cause, for example, suffocation,	(17) Directive 87/357/EEC on consumer products which, although not foodstuff, resemble foodstuff and are likely to be confused with foodstuff in a way that consumers, especially children, may place them in their mouths, suck or ingest them and which might cause, for example, suffocation,	(17) Directive 87/357/EEC on ~~consumer~~ products which, although not foodstuff, resemble foodstuff and are likely to be confused with foodstuff in a way that consumers, especially children, may place them in their mouths, suck or ingest them and which might cause, for example,	

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	poisoning, the perforation or obstruction of the digestive tract, has given rise to controversial interpretation. Furthermore it has been adopted at a time where the legal framework for consumer product safety was very limited in scope. For these reasons, Directive 87/357/EEC should be repealed.	poisoning, the perforation or obstruction of the digestive tract, has given rise to controversial interpretation. Furthermore it has been adopted at a time where the legal framework for consumer product safety was very limited in scope. For these reasons, Directive 87/357/EEC should be repealed.	suffocation, poisoning, the perforation or obstruction of the digestive tract, has given rise to controversial interpretation. Furthermore it has been adopted at a time where the legal framework for consumer product safety was very limited in scope. For these reasons, Directive 87/357/EEC should be repealed **and replaced by provisions of this Regulation, in particular those ensuring that, following risk assessment, product which can be harmful when placed in mouth, sucked or ingested and which are likely to be confused with foodstuff due to their form, odour, colour, appearance, packaging, labelling, volume, size or other characteristics, should be considered dangerous. In performing their evaluation, competent national authorities should take into consideration, among other elements, that as held by the Court of Justice of the European Union, it is not necessary to demonstrate by objective and substantiated data that placing in the mouth, sucking or ingesting food-imitating products may entail**	

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			risks such as suffocation, poisoning, or the perforation or obstruction of the digestive tract. Nevertheless, the competent national authorities must assess on a case-by-case basis whether such products are dangerous and justify their assessment.	
Recital 18				
27	(18) Services should not be covered by this Regulation. However, in order to secure the attainment of the protection of health and safety of consumers, products that are supplied or made available to consumers in the context of the provision of services, including products to which consumers are directly exposed during a service provision, should fall within the scope of this Regulation. Equipment on which consumers ride or travel which is operated by a service provider should be excluded from the scope of this Regulation since it has to be dealt with in conjunction with the safety of the service provided.	(18) Services should not be covered by this Regulation. However, in order to secure the attainment of the protection of health and safety of consumers, products that are supplied or made available to consumers in the context of the provision of services, including products to which consumers are directly exposed during a service provision, should fall within the scope of this Regulation. ***However,*** equipment on which consumers ride or travel, ***when it is directly*** ~~*which is*~~ operated by a service provider ***within the context of a transport service,*** should be excluded from the scope of this Regulation since it has to be dealt with in conjunction with the safety of the service	(18) Services should not be covered by this Regulation. However, in order to secure the attainment of the protection of health and safety of consumers, products that are supplied or made available to consumers in the context of the provision of services, including products to which consumers are directly exposed during a service provision, should fall within the scope of this Regulation. Equipment on which consumers ride or travel **but** which is ~~operated~~ **driven** by a service provider should be excluded from the scope of this Regulation since it has to be dealt with in conjunction with the safety of the service provided.	

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		provided.		
Recital 18a				
27a			**(18a) Works of art, collectors' items and antiques are specific categories of products which cannot be expected to meet the safety requirements laid down by the present Regulation, and they should therefore be excluded from its scope. However, in order to prevent other products from being mistakenly considered as belonging to these categories, it should be necessary to take into account that works of art should only be products created solely for artistic purposes, that collector's items should be of sufficient rarity and historical or scientific interest to justify their collection and preservation, and that antiques, if they do not already fall in the first two above-mentioned categories, should be of an out of the ordinary age.**	
Recital 18b				
27b				

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			(18b) Given the potential risk of digital items the Commission should be encouraged to provide economic operators and market surveillance authorities with guidance on this issue.	
Recital 18c				
27c			**(18c) According to the general safety requirement laid down in this Regulation, economic operators are obliged to place only safe products on the market. Such a high level of safety should be primarily achieved by design and the features of the product, taking into account the intended and foreseeable use and conditions of use of the product. The remaining risks, if any, should be alleviated with certain safeguards, such as warnings and instructions. In determining whether a product is safe, the different actors should also take into consideration the possibility that the product is misused, that is to say used in a way that was not necessarily intended, in case such a misuse is reasonably foreseeable. In any case, the**	

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			reasonably foreseeable misuse of the product should not include reckless, malevolent or criminal behaviour by the consumer.	
Recital 19				
28	(19) Items which connect to other items or non-embedded items which influence the way another item works can present a risk for the safety of the product. That aspect should be taken into due consideration as a potential risk. The connections and interrelation that an item might have with external items should not jeopardise its safety.	(19) Items which connect to other items or non-embedded items which influence the way another item works can present a risk for the safety of the product. That aspect should be taken into due consideration as a potential risk. The connections and interrelation that an item might have with external items should not jeopardise its safety.	(19) Items which connect to other items or non-embedded items which influence the way another item works can present a risk for the safety of the product. That aspect should be taken into due consideration as a potential risk. The **interconnections and interrelation , and therefore the possibility to digitally or physically interact with another item,** ~~connections and interrelation that an item might have with external items~~ should not jeopardise its safety.	
Recital 20				
29	(20) New technologies also cause new risks to consumers' health and safety or change the way the existing risks could materialise, such as an external intervention hacking the product or changing its	(20) New technologies ***might*** also cause new risks to consumers' health and safety or change the way the existing risks could materialise, such as an external intervention hacking the product or	(20) New technologies also cause new risks to consumers' health and safety or change the way the existing risks could materialise, such as an external intervention hacking the product or changing its	

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	characteristics.	changing its characteristics. ***New technologies, such as through software updates, may substantially modify the original product, which could then be submitted to a new risk assessment if that substantial modification has an impact on the safety of the product.***	characteristics.	
Recital 21				
30	(21) The World Health Organisation defines 'health' as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. This definition supports the fact that the development of new technologies might bring new health risks to consumers, such as psychological risk, development risks, in particular for children, mental risks, depression, loss of sleep, or altered brain function.	(21) The World Health Organisation defines 'health' as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. ~~*This definition supports the fact that the development of new technologies might bring new health risks to consumers, such as psychological risk, development risks, in particular for children, mental risks, depression, loss of sleep, or altered brain function.*~~	(21) The World Health Organisation defines 'health' as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. This definition supports the fact that the development of new technologies might bring new health risks to consumers, such as psychological risk, development risks, in particular for children, mental risks, depression, loss of sleep, or altered brain function.	
Recital 22				
31	(22) Specific cybersecurity risks affecting the safety of consumers as well as protocols and	(22) Specific cybersecurity risks affecting the safety of consumers as well as protocols and	(22) Specific cybersecurity risks affecting the safety of consumers as well as protocols and	

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	certifications can be dealt with by sectorial legislation. However, it should be ensured, in case of gaps in the sectorial legislation, that the relevant economic operators and national authorities take into consideration risks linked to new technologies, respectively when designing the products and assessing them, in order to ensure that changes introduced in the product do not jeopardise its safety.	certifications can be dealt with by sectorial legislation. However, it should be ensured ***that, in cases where*** ~~*, in case of gaps in*~~ the sectorial legislation ~~*, that*~~ ***cannot be applied,*** the relevant economic operators and national authorities take into consideration risks linked to new technologies, respectively when designing the products and assessing them, in order to ensure that changes introduced in the product do not jeopardise its safety.	certifications can be dealt with by sectorial legislation. However, it should be ensured, in case of gaps in the sectorial legislation, that the relevant economic operators and national authorities take into consideration risks linked to new technologies, respectively when designing the products and assessing them, in order to ensure that changes introduced in the product do not jeopardise its safety.	
Recital 23				
32	(23) The safety of products should be assessed taking into account all the relevant aspects, notably their characteristics and presentation as well as the specific needs and risks for categories of consumers who are likely to use the products, in particular children, older persons and persons with disabilities. Therefore, if specific information is necessary to make products safe toward a given category of persons, the assessment of the safety of the products should take into consideration also the presence of this information and its	(23) The safety of products should be assessed taking into account all the relevant aspects, notably their characteristics***, such as physical, mechanical and chemical characteristics,*** and presentation as well as the specific needs and risks***, which may also include environmental risk inasmuch as it poses a risk to the health and safety of consumers,*** for categories of consumers who are likely to use the products, in particular children, older persons and persons with disabilities. ***That assessment should take into account the***	(23) The safety of products should be assessed taking into account all the relevant aspects, notably their characteristics and presentation as well as the specific needs and risks for categories of consumers who are likely to use the products, in particular children, older persons and persons with disabilities. Therefore, if specific information is necessary to make products safe toward a given category of persons, the assessment of the safety of the products should take into consideration also the presence of this information and its	

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	accessibility. The safety of products should be assessed taking into consideration the need for the product to be safe over its entire lifespan.	***health risk posed by digital connected products, including on mental health, especially on vulnerable consumers such as children.*** Therefore, ***when assessing the safety of digital connected products likely to have an impact on children, manufacturers should ensure that the products they make available on the market meet the highest standards of safety, security and privacy by design in the best interests of children. Furthermore,*** if specific information is necessary to make products safe toward a given category of persons, the assessment of the safety of the products should take into consideration also the presence of this information and its accessibility. The safety of ***all*** products should be assessed taking into consideration the need for the product to be safe over its entire lifespan.	accessibility. The safety of products should be assessed taking into consideration the need for the product to be safe over its entire lifespan.	
Recital 24				
33	(24) Economic operators should have obligations concerning the safety of products, in relation to	(24) Economic operators should have ***proportionate*** obligations concerning the safety of products,	(24) Economic operators should have obligations concerning the safety of products, in relation to	

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	their respective roles in the supply chain, so as to ensure a high level of protection of the health and safety of consumers. All economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they only make available on the market products, which are safe and in conformity with this Regulation. It is necessary to provide for a clear and proportionate distribution of obligations corresponding to the role of each operator in the supply and distribution process.	in relation to their respective roles in the supply chain, so as to ensure a high level of protection of the health and safety of consumers***, while also ensuring efficient functioning of the internal market***. All economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they only make available on the market products, which are safe and in conformity with this Regulation. It is necessary to provide for a clear and proportionate distribution of obligations corresponding to the role of each operator in the supply and distribution process. ***In order to balance administrative burdens, digital consumer information tools should be allowed to provide information in a sustainable and accessible way over time. Within that context, it is important to ensure that the contact information of all economic operators intervening in the supply and distribution chain is easily accessible to consumers and market surveillance authorities and that products are accompanied with the relevant***	their respective roles in the supply chain, so as to ensure a high level of protection of the health and safety of consumers. All economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they only make available on the market products~~,~~ which are safe and in conformity with this Regulation. It is necessary to provide for a clear and proportionate distribution of obligations corresponding to the role of each operator in the supply and distribution process. **For example, when it comes to the verification of whether the manufacturer and, where relevant, importer complied with their obligations, distributors should only be required to perform factual verifications and not an assessment of the information provided by them.**	

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		documentation. That information could be additionally provided by the economic operators in a digital form by means of electronic solutions, such as a QR or data matrix code.		
Recital 24a				
33a			**(24a) The manufacturer has a central role in the supply chain and therefore in ensuring the safety of its products. It has data and information on the products, and should primarily ensure that the products have been designed and manufactured in accordance with the general safety requirement. A certain number of obligations should derive from its role, such as the obligation to provide data and technical documentation of the product, as well as the obligation to inform market surveillance authorities and consumers in case it considers or has reason to believe that a product it placed on the market is dangerous. Importers and distributors should check that some of these obligations have been complied**	

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			with by the manufacturer before placing or making a product available on the market. In particular, as concerns the obligation to inform market surveillance authorities and consumers in case of dangerous products, importers and distributors should inform the manufacturer and verify that the obligation to inform market surveillance authorities and consumers has been complied with by the manufacturer. In case this obligation has not been complied with, they should have the obligation to provide such information according to their respective role.	
Recital 24a				
33b		***(24a) In order for economic operators that are SMEs and micro-businesses to be able to cope with the new obligations imposed by this Regulation, the Commission should provide them with practical guidelines and tailored guidance, for example, a direct channel to connect to experts in case of questions,***		

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		taking into account the need to simplify and limit the administrative burdens.		
Recital 24b				
33c			**(24b) A product should be deemed in conformity or compliant with the provisions of this Regulation when economic operators have complied with the safety requirements and the obligations set out in relation to this product.**	
Recital 24c				
33d			**(24c) In order to prevent the placing on the market of dangerous products, it should be compulsory for economic operators to introduce into their production or marketing activities internal processes ensuring compliance with this Regulation. Such processes – which can be based, for example, upon organisational procedures, guidelines, standards or ad hoc manager – should be determined by economic operators**	

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			themselves in relation to their role in the supply chain and the type of products concerned.	
Recital 24d				
33e			**(24d) Cooperation from all economic operators with market surveillance authorities in order to eliminate or mitigate risks for the relevant products made available on the market is essential. However, the requests made to them by market surveillance authorities should be tailored to the role they play in the supply chain and with regards to their respective legal obligations.**	
Recital 25				
34	(25) Distance selling, including online selling, should also fall within the scope of this Regulation. Online selling has grown consistently and steadily, creating new business models and new actors in the market such as the online marketplaces.	(25) Distance selling, including online selling, should also fall within the scope of this Regulation. Online selling has grown consistently and steadily, creating new business models***, new challenges regarding product safety*** and new actors in the market such as the online marketplaces.	(25) Distance selling, including online selling, should also fall within the scope of this Regulation. Online selling has grown consistently and steadily, creating new business models and new actors in the market such as the online marketplaces.	

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Recital 25a				
34a			**(25a) Union product safety legislation also applies to cases where online traders based outside the Union target consumers within the Union. Therefore it should be established whether the offer from the online seller based outside the Union targets consumers within the Union in order to assess whether a product is placed on the Union market. On the basis of the Court of Justice of the European Union case-law, the assessment should be done on a case-by-case basis. The following aspects should in particular be considered: the international nature of the activity, the use of a language and currency of the Member States, a domain name registered in one of the Member States, and the geographical areas to which dispatch is possible. If an online operator delivers to adresses in the Union, accepts currencies used in the Member States as payment for**	

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			the product from consumers within the Union and uses any Union official language, it can be considered that the operator has directed its activites to Union consumers within the Union. The physical fulfilment to consumers within the Union of an order for a product from a given online seller based outside the Union, including by a fulfilment service provider regardless of whether it is based within or outside the Union, should give confirmation that a product is placed on the Union market. Therefore, if the manufacturers or distributors are based outside the Union and direct their offers of products for sale online to the Union market, they should comply with the requirements set out in this Regulation.	
Recital 25a				
34b		***(25a) In the case of a product offered for sale through distance sales, the product should be considered to have been made available on the market if the offer for sale is directed at***		

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		consumers in the Union. In accordance with the applicable Union rules on private international law, a case-by-case analysis should be carried out in order to establish whether an offer is directed at consumers in the Union. An offer for sale should be considered to be directed at consumers in the Union if the relevant economic operator directs, by any means, its activities to a Member State. For the case-by-case analyses, relevant factors, such as the geographical areas to which dispatch is possible, the languages available, used for the offer or for ordering, or means of payment, need to be taken into consideration. In the case of online sales, the mere fact that the economic operators' or the intermediaries' website is accessible in the Member State in which the consumer is domiciled is insufficient.		
Recital 26				
35	(26) Online marketplaces play a crucial role in the supply chain - allowing economic operators to	(26) Online marketplaces play a crucial role in the supply chain - allowing economic operators to	(26) Online marketplaces play a crucial role in the supply chain - allowing economic operators to	

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	reach an indefinite number of consumers - and therefore also in the product safety system.	reach an indefinite number of consumers - and therefore also in the product safety system. ***Online marketplaces, depending on their business model and their role and involvement in a supply chain, could also be considered as manufacturer, importer distributor, fulfilment service provider or authorised representative and, in that case, should be subject to the legal obligations and responsibilities applicable to those actors as laid down in this Regulation or in relevant Union harmonisation legislation. For example, if an online marketplace presents itself as the manufacturer by affixing to the product its name, trade mark or other distinctive mark, or if it reconditions it or if its activity affects the safety properties of the product, it should be considered as a manufacturer and should have the obligations thereof.***	reach an indefinite number of consumers - and therefore also in the product safety system.	
Recital 26a				
35a			**(26a) Under the new complex business models linked to online sales, the same entity can provide**	

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			a variety of services. Depending on the nature of the services provided for a given product, the same entity may fall within different categories of business models under this Regulation. When an entity provides only online intermediation services for a given product, then it qualifies only as a provider of an online marketplace for this product. In case the same entity provides both online marketplace services for the sale of a particular product and also acts as an economic operator in this Regulation, it would qualify also as the relevant economic operator. In such a case, the entity in question would therefore have to comply with those obligations prescribed for the given economic operator in question. For instance, if the provider of the online market place also distributes a product, then, with respect to the sale of the distributed product, it would be considered to be a distributor. Similarly, if the entity in question sells its own branded products, it would act as a manufacturer and would thus need to comply with	

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			the applicable requirements for manufacturers. Also some entities can qualify as fulfilment service providers if they offer fulfilment services. Such cases would thus need to be assessed on a case-by-case basis.	
Recital 27				
36	(27) Given the important role played by online marketplaces when intermediating the sale of products between traders and consumers, such actors should have more responsibilities in tackling the sale of dangerous products online. Directive 2000/31/EC of the European Parliament and of the Council[1] provides the general framework for e-commerce and lays down certain obligations for online platforms. Regulation […/…] on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC[2] regulates the responsibility and accountability of providers of intermediary services online with regard to illegal contents, including unsafe products. That Regulation	(27) Given the important role played by online marketplaces when intermediating the sale of products between traders and consumers, such actors should have more responsibilities in tackling the sale of dangerous products online. Directive 2000/31/EC of the European Parliament and of the Council[1] provides the general framework for e-commerce and lays down certain obligations for online platforms. Regulation […/…] on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC[2] regulates the responsibility and accountability of providers of intermediary services online with regard to illegal contents, including unsafe products. That Regulation	(27) Given the important role played by online marketplaces when intermediating the sale of products between traders and consumers, such actors should have more responsibilities in tackling the sale of dangerous products online. Directive 2000/31/EC of the European Parliament and of the Council[1] provides the general framework for e-commerce and lays down certain obligations for online platforms. Regulation […/…] on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC[2] regulates the responsibility and accountability of providers of intermediary services online with regard to illegal contents, including ~~unsafe~~ **dangerous** products. That	

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	applies without prejudice to the rules laid down by Union law on consumer protection and product safety. Accordingly, building on the horizontal legal framework provided by that Regulation, specific requirements essential to effectively tackle the sale of dangerous products online should be introduced, in line with Article [1(5), point (h)] of that Regulation. _____ 1. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') - OJ L 178, 17.7.2000, p. 1–16. 2. Regulation […/…] on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC.	applies without prejudice to the rules laid down by Union law on consumer protection and product safety. Accordingly, building on the horizontal legal framework provided by that Regulation, specific requirements essential to effectively tackle the sale of dangerous products online should be introduced, in line with Article [1(5), point (h)] of that Regulation. _____ 1. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') - OJ L 178, 17.7.2000, p. 1–16. 2. Regulation […/…] on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC.	Regulation applies without prejudice to the rules laid down by **other Union legal acts regulating other aspects of the provision of intermediary services in the internal market or specifying and complementing that Regulation, in particular** Union law on consumer protection and product safety. Accordingly, building on the horizontal legal framework provided by that Regulation, specific **and complementary** requirements essential to effectively tackle the sale of dangerous products online should be introduced, in line with Article [~~1(5)~~ **1a (3)**, point ~~(h)~~**(f)**] of that Regulation. _____ 1. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') - OJ L 178, 17.7.2000, p. 1–16. 2. Regulation […/…] on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC.	

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Recital 28				
37	(28) The Product Safety Pledge, signed in 2018 and joined by a number of marketplaces since then, provides for a number of voluntary commitments on product safety. The Product Safety Pledge has proved its rationale in enhancing the protection of consumers against dangerous products sold online. Nonetheless, its voluntary nature and the voluntary participation by a limited number of online marketplaces reduces its effectiveness and cannot ensure a level-playing field.	(28) The Product Safety Pledge, signed in 2018 and joined by a number of marketplaces since then, provides for a number of voluntary commitments on product safety~~.~~ ~~*The Product Safety Pledge has proved its rationale in*~~ ***with the aim of*** enhancing the protection of consumers against dangerous products sold online. Nonetheless, its voluntary nature and the voluntary participation by a limited number of online marketplaces ~~*reduces*~~***have indicated a lack of progress in some of the voluntary commitments reducing*** its effectiveness ***with regard to consumer protection*** and cannot ensure a level-playing field.	(28) The Product Safety Pledge, signed in 2018 and joined by a number of marketplaces since then, provides for a number of voluntary commitments on product safety. The Product Safety Pledge has proved its rationale in enhancing the protection of consumers against dangerous products sold online. Nonetheless, its voluntary nature and the voluntary participation by a limited number of online marketplaces reduces its effectiveness and cannot ensure a level-playing field. **Therefore, this Regulation should lay down the specific and complementary obligations of providers of online marketplaces in relation to product safety.**	
Recital 28a				
37a		***(28a) This Regulation should also lay down provisions encouraging online marketplaces to enter into voluntary memoranda of understanding with market***		

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		surveillance authorities or organisations representing consumers to undertake voluntary commitments with regard to the products sold online that go beyond the legal obligations laid down in Union law.		
Recital 29				
38	(29) Online marketplaces should act with due care in relation to the content hosted on their online interfaces that concerns safety of products, in accordance with the specific obligations laid down in this Regulation. Accordingly, due diligence obligations for all online marketplaces should be established in relation to the content hosted on their online interfaces that concerns safety of products.	(29) Online marketplaces should act with due care in relation to the content hosted on their online interfaces that concerns safety of products, in accordance with the specific obligations laid down in this Regulation. Accordingly, due diligence obligations for all online marketplaces should be established in relation to the content hosted on their online interfaces that concerns safety of products.	(29) Online marketplaces should act with due care in relation to the content hosted on their online interfaces that concerns safety of products, in accordance with the specific obligations laid down in this Regulation. Accordingly, due diligence obligations for all online marketplaces should be established in relation to the content hosted on their online interfaces that concerns safety of products.	
Recital 30				
39	(30) Moreover, for the purposes of effective market surveillance, online marketplaces should register in the Safety Gate portal and indicate, in the same portal, the information concerning their single	(30) Moreover, for the purposes of effective market surveillance, online marketplaces should register in the Safety Gate portal and indicate, in the same portal, the information concerning their single	(30) Moreover, for the purposes of effective market surveillance, online marketplaces should register in the Safety Gate portal and indicate, in the same portal, the information concerning their single	

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	contact points for the facilitation of communication of information on product safety issues. The single point of contact under this Regulation might be the same as the point of contact under [Article 10] of Regulation (EU) …/…[the Digital Services Act], without endangering the objective of treating issues linked to product safety in a swift and specific manner.	contact points for the facilitation of communication of information on product safety issues. The single point of contact under this Regulation might be the same as the point of contact under [Article 10] of Regulation (EU) …/…[the Digital Services Act], without endangering the objective of treating issues linked to product safety in a swift and specific manner.	contact points for the facilitation of communication of information on product safety issues. The single point of contact under this Regulation might be the same as the point of contact under [Article 10] of Regulation (EU) …/…[the Digital Services Act], without endangering the objective of treating issues linked to product safety in a swift and specific manner.	
Recital 30a				
39a		***(30a) The online marketplaces should designate a single point of contact for consumers to serve as a single window for consumer communications on product safety issues, which may then be redirected to the proper service unit of an online marketplace. This should not prevent additional points of contact for specific services being made available to consumers.***		
Recital 31				
40	(31) In order to be able to comply	(31) In order to be able to comply	(31) In order to be able to comply	

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	with their obligations under this Regulation, in particular in respect of timely and effective compliance with the orders of public authorities, processing of notices of other third parties and cooperating with market surveillance authorities in the context of corrective measures upon request, online marketplaces should have in place an internal mechanism for handling product safety-related issues.	with their obligations under this Regulation, in particular in respect of timely and effective compliance with the orders of public authorities, processing of notices of other third parties and cooperating with market surveillance authorities in the context of corrective measures upon request, online marketplaces should have in place an internal mechanism for handling product safety-related issues.	with their obligations under this Regulation, in particular in respect of timely and effective compliance with the orders of public authorities, processing of notices of other third parties and cooperating with market surveillance authorities in the context of corrective measures ~~upon request~~, online marketplaces should have in place an internal mechanism for handling product safety-related issues.	
Recital 32				
41	(32) The obligations imposed by this Regulation on online marketplaces should neither amount to a general obligation to monitor the information which they transmit or store, nor to actively seek facts or circumstances indicating illegal activity, such as the sale of dangerous products online. Online marketplaces should, nonetheless, expeditiously remove content referring to dangerous products from their online interfaces, upon obtaining actual knowledge or, in the case of claims for damages, awareness of	(32) The obligations imposed by this Regulation on online marketplaces should neither amount to a general obligation to monitor the information which they transmit or store, nor to actively seek facts or circumstances indicating illegal activity, such as the sale of dangerous products online. Online marketplaces should, nonetheless, expeditiously remove content referring to dangerous products from their online interfaces, upon obtaining actual knowledge or, in the case of claims for damages, awareness of	(32) The obligations imposed by this Regulation on online marketplaces should neither amount to a general obligation to monitor the information which they transmit or store, nor to actively seek facts or circumstances indicating illegal activity, such as the sale of dangerous products online. Online marketplaces should, nonetheless, expeditiously remove content referring to **an offer of** dangerous products from their online interfaces, upon obtaining actual knowledge or, in the case of claims for damages,	

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	the illegal content, in particular in cases where the online marketplace has been made aware of facts or circumstances on the basis of which a diligent economic operator should have identified the illegality in question, in order to benefit from the exemption from liability for hosting services under the 'Directive on electronic commerce' and the [Digital Services Act]. Online marketplaces should process notices concerning content referring to unsafe products, received in accordance with [Article 14] of Regulation (EU) …/…[the Digital Services Act], within the additional timeframes established by this Regulation.	the illegal content, in particular in cases where the online marketplace has been made aware of facts or circumstances on the basis of which a diligent economic operator should have identified the illegality in question, in order to benefit from the exemption from liability for hosting services under the 'Directive on electronic commerce' and the [Digital Services Act]. Online marketplaces should process notices concerning content referring to unsafe products, received in accordance with [Article 14] of Regulation (EU) …/…[the Digital Services Act], within the additional timeframes established by this Regulation. ***In addition, online marketplaces are strongly encouraged to check products with Safety Gate before placing them on their website.***	awareness of the **content referring to an offer of dangerous products** ~~illegal content~~, in particular in cases where the online marketplace has been made aware of facts or circumstances on the basis of which a diligent economic operator should have identified the illegality in question, in order to benefit from the exemption from liability for hosting services under the 'Directive on electronic commerce' and the [Digital Services Act]. Online marketplaces should process **orders and** notices concerning content referring to ~~unsafe~~**an offer of dangerous** products, received in accordance with ~~[Article 14] of~~ Regulation (EU) …/… [the Digital Services Act], within the additional timeframes established by this Regulation.	
Recital 33				
42	(33) Article 14(4) of Regulation (EU) 2019/1020 provides market surveillance authorities with the power, where no other effective means are available to eliminate a	(33) Article 14(4) of Regulation (EU) 2019/1020 provides market surveillance authorities with the power, where no other effective means are available to eliminate a	(33) Article 14(4) of Regulation (EU) 2019/1020 provides ~~market surveillance~~ **relevant national** authorities with the power, where no other effective means are	

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	serious risk, to require the removal of content referring to the related products from an online interface or to require the explicit display of a warning to end users when they access an online interface. The powers entrusted to market surveillance authorities by Article 14(4) of Regulation (EU) 2019/1020 should also apply to this Regulation. For effective market surveillance under this Regulation and to avoid dangerous products being present on the Union market, this power should apply in all necessary and proportionate cases and also for products presenting a less than serious risk. It is essential that online marketplaces comply with such orders as a matter of urgency. Therefore, this Regulation introduces binding time limits in this respect, without prejudice to the possibility for a shorter time limit to be laid down in the order itself. This power should be exercised in accordance with [Article 8] of the Digital Services Act.	serious risk, to require the removal of content referring to the related products from an online interface or to require the explicit display of a warning to end users when they access an online interface. The powers entrusted to market surveillance authorities by Article 14(4) of Regulation (EU) 2019/1020 should also apply to this Regulation. For effective market surveillance under this Regulation and to avoid dangerous products being present on the Union market, this power should apply in all necessary and proportionate cases and also for products presenting a less than serious risk. It is essential that online marketplaces comply with such orders as a matter of urgency. Therefore, this Regulation introduces binding time limits in this respect~~, without prejudice to the possibility for a shorter time limit to be laid down in the order itself~~. This power should be exercised in accordance with [Article 8] of the Digital Services Act.	available to eliminate a serious risk, to require the removal of content referring to the related products from an online interface or to require the explicit display of a warning to~~ end users~~ **consumers** when they access an online interface. The powers entrusted to ~~market surveillance~~ **these** authorities by Article 14(4) of Regulation (EU) 2019/1020 should also apply to this Regulation. For effective market surveillance under this Regulation and to avoid dangerous products being present on the Union market, this power should apply in all necessary and proportionate cases and also for products presenting a less than serious risk. It is essential that online marketplaces comply with such orders as a matter of urgency. Therefore, this Regulation introduces binding time limits in this respect, without prejudice to the possibility for a shorter time limit to be laid down in the order itself. This power should be exercised in accordance with [Article 8] of **Regulation (EU) …/… [**the Digital Services Act**]** .	
Recital 33a				

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42a			**(33a) When such orders also require the provider of an online marketplace to remove from its online interface all identical content referring to the offer of a dangerous product specified in the order, in order to determine such content the provider of online marketplace should take into account the identification of the product specified in the order as well as the minimum traceability and product safety information displayed by the traders.**	
Recital 34				
43	(34) Even where the information from the Safety Gate does not contain an exact uniform resource locator (URL) and, where necessary, additional information enabling the identification of the illegal content concerned, online marketplaces should nevertheless take into account the transmitted information, such as product identifiers, when available, and other traceability information, in the context of any measures	(34) Even where the information from the Safety Gate does not contain an exact uniform resource locator (URL) and, where necessary, additional information enabling the identification of the illegal content concerned, online marketplaces should nevertheless take into account the transmitted information, such as product identifiers, when available, and other traceability information, in the context of any measures	(34) ~~Even~~ Where the information from the Safety Gate **Rapid Alert System** does not contain an exact uniform resource locator (URL) and, where necessary, additional information enabling the identification of the **content referring to an offer of dangerous products** ~~illegal content concerned~~, online marketplaces should nevertheless take into account the transmitted information, such as product	

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	adopted by online marketplaces on their own initiative aiming at detecting, identifying, removing or disabling access to dangerous products offered on their marketplace, where applicable.	adopted by online marketplaces on their own initiative aiming at detecting, identifying, removing or disabling access to dangerous products offered on their marketplace, where applicable. ***Nonetheless, the Safety Gate should be modernised and updated in order to make it easier for online marketplaces to detect unsafe products and, with that aim, it should be possible to implement the provisions on the removal of illegal content referring to dangerous products from online marketplaces by means of a Union notification system designed and developed within the Safety Gate.***	identifiers, when available, and other traceability information, in the context of any measures adopted by online marketplaces on their own initiative aiming at detecting, identifying, removing or disabling access to ~~dangerous products offered~~ **such offers of dangerous products** on their marketplace, where applicable.	
Recital 35				
44	(35) For the purposes of [Article 19] of Regulation (EU) …/…[the Digital Services Act], and concerning the safety of products sold online, the Digital Services Coordinator should consider in particular consumer organisations and associations representing consumers' interest, upon their request, as trusted flaggers,	(35) For the purposes of [Article 19] of Regulation (EU) …/…[the Digital Services Act], and concerning the safety of products sold online, the Digital Services Coordinator should consider in particular consumer organisations and associations representing consumers' interest ***and other relevant stakeholders***, upon their	(35) For the purposes of [Article 19] of Regulation (EU) …/…[***the Digital Services Act***~~the Digital Services Act~~], and concerning the safety of products sold online, the Digital Services Coordinator should consider in particular consumer organisations and associations representing consumers' interest, upon their	

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	provided that the conditions set out in that article have been met.	request, as trusted flaggers, provided that the conditions set out in that article have been met.	request, as trusted flaggers, provided that the conditions set out in that Article have been met.	
Recital 36				
45	(36) Product traceability is fundamental for effective market surveillance of dangerous products and corrective measures. Consumers should also be protected against dangerous products in the same way in the offline and online sales channels, including when purchasing products on online marketplaces. Building on the provisions of Regulation (EU) …/…[the Digital Services Act]concerning the traceability of traders, online marketplaces should not allow listings on their platforms unless the trader provided all information related to product safety and traceability as detailed in this Regulation. Such information should be displayed together with the product listing so that consumers can benefit from the same information made available online and offline. However, the online marketplace should not be	(36) Product traceability is fundamental for effective market surveillance of dangerous products and corrective measures. Consumers should also be protected against dangerous products in the same way in the offline and online sales channels, including when purchasing products on online marketplaces. Building on the provisions of Regulation (EU) …/…[the Digital Services Act]concerning the traceability of traders, online marketplaces should not allow listings on their platforms unless the trader provided all information related to product safety and traceability as detailed in this Regulation. Such information should be displayed together with the product listing so that consumers can benefit from the same information made available online and offline. ~~*However, the online marketplace should not be*~~	(36) Product traceability is fundamental for effective market surveillance of dangerous products and corrective measures. Consumers should also be protected against dangerous products in the same way in the offline and online sales channels, including when purchasing products on online marketplaces. Building on the provisions of Regulation (EU) …/… [the Digital Services Act] concerning the traceability of traders, **providers of** online marketplaces should not allow **a specific product offer being listed** ~~listings~~ on their platforms unless the trader provided all information related to product safety and traceability as detailed in this Regulation. Such information should be displayed together with the product listing so that consumers can benefit from the same information made available online and offline.	

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	responsible for verifying the completeness, correctness and the accuracy of the information itself, as the obligation to ensure the traceability of products remains with the trader.	~~*responsible for verifying the completeness, correctness and the accuracy of the information itself, as the obligation to ensure the traceability of products remains with the trader.*~~	However, the **provider of an** online marketplace should not be responsible for verifying the completeness, correctness and the accuracy of the information itself, as the obligation to ensure the traceability of products remains with the **relevant** trader.	
Recital 37				
46	(37) It is also important that online marketplaces closely cooperate with the market surveillance authorities, law enforcement authorities and with relevant economic operators on the safety of products. An obligation of cooperation with market surveillance authorities is imposed on information society service providers under Article 7(2) of Regulation (EU) 2019/1020 in relation to products covered by that Regulation and should therefore be extended to all consumer products. For instance, market surveillance authorities are constantly improving the technological tools they use for the online market surveillance to identify dangerous products sold online. For these	(37) It is also important that online marketplaces closely cooperate with the market surveillance authorities, law enforcement authorities and with relevant economic operators on the safety of products. An obligation of cooperation with market surveillance authorities is imposed on information society service providers under Article 7(2) of Regulation (EU) 2019/1020 in relation to products covered by that Regulation and should therefore be extended to all consumer products. For instance, market surveillance authorities are constantly improving the technological tools they use for the online market surveillance to identify dangerous products sold online. For these	(37) It is also important that **providers of** online marketplaces closely cooperate with the market surveillance authorities, ~~law enforcement authorities~~ **with traders** and with relevant economic operators on the safety of products. An obligation of cooperation with market surveillance authorities is imposed on information society service providers under Article 7(2) of Regulation (EU) 2019/1020 in relation to products covered by that Regulation and should therefore be extended to all ~~consumer~~ products. For instance, market surveillance authorities are constantly improving the technological tools they use for the online market surveillance to	

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	tools to be operational, online marketplaces should grant access to their interfaces. Moreover, for the purpose of product safety, market surveillance authorities may also need to scrape data from the online marketplaces.	tools to be operational, online marketplaces should grant access to their interfaces. Moreover, ***only*** for the purpose of product safety, market surveillance authorities ***and other competent authorities, upon specific request,*** may also need to scrape data from the online marketplaces.	identify dangerous products sold online. For these tools to be operational, online marketplaces should grant access to their interfaces. Moreover, for the purpose of product safety, market surveillance authorities may also need to scrape data from the online marketplaces. **Providers of online marketplaces should also cooperate on product recalls and on accident reporting.**	
Recital 38				
47	(38) Direct selling by economic operators established outside the Union through online channels hinders the work of market surveillance authorities when tackling dangerous products in the Union, as in many instances economic operators may not be established nor have a legal representative in the Union. It is therefore necessary to ensure that market surveillance authorities have adequate powers and means to effectively tackle the sale of dangerous products online. In order to ensure an effective enforcement of this Regulation, the obligation	(38) Direct selling by economic operators established outside the Union through online channels hinders the work of market surveillance authorities when tackling dangerous products in the Union, as in many instances economic operators may not be established nor have a legal representative in the Union. It is therefore necessary to ensure that market surveillance authorities have adequate powers and means to effectively tackle the sale of dangerous products online. In order to ensure an effective enforcement of this Regulation, the obligation	(38) Direct selling by economic operators established outside the Union through online channels hinders the work of market surveillance authorities when tackling dangerous products in the Union, as in many instances economic operators may not be established nor have a legal representative in the Union. It is therefore necessary to ensure that market surveillance authorities have adequate powers and means to effectively tackle the sale of dangerous products online. In order to ensure an effective enforcement of this Regulation, the obligation	

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	set out in Article 4(1), (2) and (3) of Regulation 2019/1020 should be extended also to products falling outside the scope of the Union harmonisation legislation to ensure that there is a responsible economic operator established in the Union, which is entrusted with tasks regarding such products, providing market surveillance authorities with an interlocutor and performing specific tasks in a timely manner.	set out in Article 4(1), (2) and (3) of Regulation 2019/1020 should be extended also to products falling outside the scope of the Union harmonisation legislation to ensure that there is a responsible economic operator established in the Union, which is entrusted with tasks regarding such products, providing market surveillance authorities with an interlocutor and performing specific tasks in a timely manner.	set out in Article 4(1), (2) and (3) of Regulation 2019/1020 should be extended also to products falling outside the scope of the Union harmonisation legislation to ensure that there is a responsible economic operator established in the Union, which is entrusted with tasks regarding such products, providing market surveillance authorities with an interlocutor and performing specific tasks in a timely manner.	
Recital 39				
48	(39) Contact information of the economic operator, established in the Union and responsible for products falling under the scope of application of this Regulation should be indicated with the product in order to facilitate checks throughout the supply chain.	(39) Contact information of the economic operator, established in the Union and responsible for products falling under the scope of application of this Regulation should be indicated with the product in order to facilitate checks throughout the supply chain.	(39) Contact information of the economic operator, established in the Union and responsible for products falling under the scope of application of this Regulation should be indicated with the product in order to facilitate checks throughout the supply chain.	
Recital 39a				
48a			**(39a) To verify that the products placed or made available on the market are safe, all products need to be subject to appropriate**	

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			and regular checks by the responsible person to ensure that they comply with the description provided for in the technical documentation, that the solutions adopted to eliminate or mitigate the risks remain in place and effective, and that they comply with the requirements regarding technical documentation, identification and instructions. The responsible person may choose to perform such verifications through representative random sample testing.	
Recital 39a				
48b		***(39a) The precautionary principle is a fundamental principle for ensuring the safety of products and consumers and should therefore be taken into due account in a proportionate manner by market surveillance authorities when applying this Regulation.***		
Recital 40				
49				

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	(40) Where economic operators or market surveillance authorities face a choice of various corrective measures, the most sustainable action resulting in the lowest environmental impact, such as the repair of the product, should be preferred, provided that it does not result in a lesser level of safety.	(40) Where economic operators or market surveillance authorities face a choice of various corrective measures, the most sustainable action resulting in the lowest environmental impact, such as the repair of the product, should be preferred, provided that it does not result in a lesser level of safety ***or affects consumers' rights under other relevant Union legislation***.	(40) Where economic operators or market surveillance authorities face a choice of various corrective measures, the most sustainable action resulting in the lowest environmental impact, such as the repair of the product, should be preferred, provided that it does not result in a lesser level of safety. **Provided that safety is not reduced, economic operators should consequently give preference to the most sustainable solution and inform the consumers concerned accordingly, in particular in case of recalls.**	
Recital 41				
50	(41) Any economic operator that either places a product on the market under their own name or trademark or modifies a product in such a way that conformity with the requirements of this Regulation may be affected, should be considered to be the manufacturer and should assume the obligations of the manufacturer.	(41) Any economic operator that either places a product on the market under their own name or trademark or modifies a product in such a way that conformity with the requirements of this Regulation may be affected, should be considered to be the manufacturer and should assume the obligations of the manufacturer.	(41) Any **natural or legal person** ~~economic operator~~ that either places a product on the market under their own name or trademark or modifies a product in such a way that conformity with the requirements of this Regulation may be affected, should be considered to be the manufacturer and should assume the obligations of the manufacturer.	

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Recital 41a				
50a			**(41a) Modification, by physical or digital means, to a product might have consequences on the nature and characteristics of the product in a way which was not foreseen in the initial risk assesment of the product and may jeopardize the safety of the product. It should therefore be considered as a substantial modification and, when not done by the consumer or on his behalf, it should lead to consider that it is a new product from a different manufacturer. In order to ensure the compliance with the general safety requirement, the person that carries out the substantial modification should be considered as the manufacturer and subject to the same obligations. That requirement should only apply with respect to the modified part of the product, provided that the modification does not affect the product as a whole. In order to avoid an unnecessary and disproportionate burden, the person carrying out the substantial modification should**	

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			not be required to repeat tests and produce new documentation in relation to aspects of the product that are not impacted by the modification. It should be up to the person who carries out the substantial modification to demonstrate that the modification does not have an impact on the product as a whole.	
Recital 42				
51	(42) Internal conformity procedures through which economic operators ensure, internally, the effective and swift performance of their obligation as well as the conditions to react timely in case of a dangerous product, should be put in place by the economic operators themselves.	(42) Internal conformity procedures through which economic operators ensure, internally, the effective and swift performance of their obligation as well as the conditions to react timely in case of a dangerous product, should be put in place by the economic operators themselves.	(42) Internal conformity procedures through which economic operators ensure, internally, the effective and swift performance of their obligation as well as the conditions to react timely in case of a dangerous product, should be put in place by the economic operators themselves.	
Recital 43				
52	(43) When making products available on the market, economic operators should provide minimum information on product safety and traceability as part of the relevant	(43) ~~*When making products available on the market, economic operators should provide minimum information on product safety and traceability as part of the relevant*~~	(43) When making products available on the market, economic operators should provide minimum information on product safety and traceability as part of the relevant	

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	offer. This should be without prejudice to the information requirements laid down by Directive 2011/83/EU of the European Parliament and of the Council[1], such as on the main characteristics of the goods, to the extent appropriate to the medium and to the goods. _____ 1. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).	~~*offer. This should be without prejudice to the information requirements laid down by Directive 2011/83/EU of the European Parliament and of the Council[1], such as on the main characteristics of the goods, to the extent appropriate to the medium and to the goods.*~~ _____ ~~*1. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).*~~	offer. This should be without prejudice to the information requirements laid down by Directive 2011/83/EU of the European Parliament and of the Council[1], such as on the main characteristics of the goods, to the extent appropriate to the medium and to the goods. _____ 1. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).	
Recital 44				
53	(44) Ensuring product identification and the traceability of products throughout the entire supply chain helps to identify economic operators and to take effective corrective measures against dangerous products, such	(44) Ensuring product identification ***[1a]and information on the manufacturer and other relevant economic operators***~~*and the traceability of products*~~ throughout the entire supply chain helps to identify economic	(44) Ensuring product identification and the traceability of products throughout the entire supply chain helps to identify economic operators and to take effective corrective measures against dangerous products, such	

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	as targeted recalls. Product identification and traceability thus ensures that consumers and economic operators obtain accurate information regarding dangerous products which enhances confidence in the market and avoids unnecessary disruption of trade. Products should therefore bear information allowing their identification and the identification of the manufacturer and, if applicable, of the importer. Such traceability requirements could be made stricter for certain kinds of products. Manufacturers should also establish technical documentations regarding their products, which should contain the necessary information to prove that their product is safe.	operators and***, where applicable,*** to take effective ***and proportionate*** corrective measures against dangerous products, such as targeted recalls. Product identification and ~~traceability~~***information on the manufacturer and other relevant economic operators*** thus ensures that consumers***, including persons with disabilities, and market surveillance authorities*** ~~and economic operators~~ obtain accurate information regarding dangerous products which enhances confidence in the market and avoids unnecessary disruption of trade. Products should therefore bear information allowing their identification and the identification of the manufacturer and, ~~if~~***as*** applicable, of the importer ***and other relevant economic operators***. Such ~~traceability~~ requirements could be made stricter for certain kinds of products***, susceptible to bear a serious risk to health and safety of consumers, by a system of collection and storage of data enabling, besides the identification of the product, the identification of its components or***	as targeted recalls. Product identification and traceability thus ensures that consumers and economic operators obtain accurate information regarding dangerous products which enhances confidence in the market and avoids unnecessary disruption of trade. Products should therefore bear information allowing their identification and the identification of the manufacturer and, if applicable, of the importer. Such traceability requirements could be made stricter for certain kinds of products. ~~Manufacturers should also establish technical documentations regarding their products, which should contain the necessary information to prove that their product is safe.~~	

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		of the economic operators involved in its supply chain. This ~~*Manufacturers*~~ should ~~*also establish technical documentations regarding their products, which should contain the necessary information to prove that their product is safe*~~***be without prejudice to the information requirements laid down by Directive 2011/83/EU[1a] of the European Parliament and of the Council, such as on the main characteristics of the goods, to the extent appropriate to the medium and to the goods***. ***1a. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).***		
Recital 44a				

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53a			**(44a) Manufacturers should also establish technical documentation regarding the products they place on the market, which should contain the necessary information to prove that these products are safe. In particular, manufacturers should provide a general description of the product with the elements necessary to assess its safety as well as the possible risks and the solutions adopted to eliminate or mitigate such risks. The amount of information and analysis to be provided should be proportional to the complexity and possible risks identified by the manufacturer. For products not presenting specific and particular risks, the information to be provided in the technical documentation could be short and limited to a generic description of the product and to well established practices to eliminate or mitigate possible risks. On the other hand, the information to be provided in case of complex products or products presenting higher risks should include a more extensive**	

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			description of the product and of the technical means adopted to face the risks. In case the product complies with European standards or other elements applied to meet the general safety requirement, the list of these elements should also be indicated.	
Recital 44a				
53b		***(44a) Manufacturers should also establish technical documentations regarding their products, which should contain the necessary information to prove that their product is safe. The amount of information to be provided should be proportionate to the complexity of the product and possible risks. In particular, manufacturers should provide a general description of the product and of its essential properties relevant for assessing its safety. In the case of complex products or products presenting higher risks, the information to be provided might need a more extensive description of the product, including an analysis of possible***		

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		risks and the technical means adopted to mitigate or eliminate the risks. In such cases if the product complies with European standards or other elements applied to meet the general safety requirement, the list of those elements should also be indicated.		
Recital 45				
54	(45) The legal framework for market surveillance of products covered by Union harmonisation legislation and set out in Regulation (EU) 2019/1020 and the legal framework for market surveillance of products covered by this Regulation should be as coherent as possible. It is therefore necessary, as far as market surveillance activities, obligations, powers, measures, and cooperation among market surveillance authorities are concerned, to close the gap between the two sets of provisions. For that purpose Articles 10 to 16, Articles 18 and 19 and Articles 21 to 24 of Regulation (EU) 2019/1020 should be applicable also to products covered by this Regulation.	(45) ~~*The legal framework for market surveillance of products covered by Union harmonisation legislation and set out in Regulation (EU) 2019/1020 and the legal framework for market surveillance of products covered by this Regulation should be as coherent as possible. It is therefore necessary, as far as market surveillance activities, obligations, powers, measures, and cooperation among market surveillance authorities are concerned, to close the gap between the two sets of provisions. For that purpose Articles 10 to 16, Articles 18 and 19 and Articles 21 to 24 of Regulation (EU) 2019/1020 should be applicable also to products covered by this Regulation.*~~	(45) The legal framework for market surveillance of products covered by Union harmonisation legislation and set out in Regulation (EU) 2019/1020 and the legal framework for market surveillance of products covered by this Regulation should be as coherent as possible. It is therefore necessary, as far as market surveillance activities, obligations, powers, measures, and cooperation among market surveillance authorities are concerned, to close the gap between the two sets of provisions. For that purpose Articles 10 to 16, Articles 18 and 19 and Articles 21 to 24 of Regulation (EU) 2019/1020 should be applicable also to products covered by this Regulation.	

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Recital 46				
55	(46) To preserve the coherence of the market surveillance legal framework and, at the same time, ensure an effective cooperation between the European network of the Member States' authorities competent for product safety ('Consumer Safety Network') provided for by this Regulation and the Union Product Compliance Network aimed at structured coordination and cooperation between Member States' enforcement authorities and the Commission provided for by Regulation (EU) 2019/1020, it is necessary to associate the Consumer Safety Network to the Union Product Compliance Network in the activities referred to in Articles 11, 12, 13 and 21 of Regulation (EU) 2019/1020.	(46) To preserve the coherence of the market surveillance legal framework and, at the same time, ensure an effective cooperation between the European network of the Member States' authorities competent for product safety ('Consumer Safety Network') provided for by this Regulation and the Union Product Compliance Network aimed at structured coordination and cooperation between Member States' enforcement authorities and the Commission provided for by Regulation (EU) 2019/1020, it is necessary to associate the Consumer Safety Network to the Union Product Compliance Network in the activities referred to in Articles 11, 12, 13 and 21 of Regulation (EU) 2019/1020.	(46) To preserve the coherence of the market surveillance legal framework and, at the same time, ensure an effective cooperation between the European network of the Member States' authorities competent for product safety ('Consumer Safety Network') provided for by this Regulation and the Union Product Compliance Network aimed at structured coordination and cooperation between Member States' enforcement authorities and the Commission provided for by Regulation (EU) 2019/1020, it is necessary to associate the Consumer Safety Network to the Union Product Compliance Network in the activities referred to in Articles 11, 12, 13 and 21 of Regulation (EU) 2019/1020.	
Recital 47				
56	(47) National authorities should be enabled to complement the traditional market surveillance	(47) National authorities should be enabled to complement the traditional market surveillance	(47) National authorities should be enabled to complement the traditional market surveillance	

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	activities focused on safety of products with market surveillance activities focusing on the internal conformity procedures set up by economic operators to ensure product safety. Market surveillance authorities should be able to require the manufacturer to indicate which other products - produced with the same procedure, or containing the same components considered to present a risk or that are part of the same production batch - are affected by the same risk.	activities focused on safety of products with market surveillance activities focusing on the internal conformity procedures set up by economic operators to ensure product safety. Market surveillance authorities should be able to require the manufacturer to indicate which other products - produced with the same procedure, or containing the same components considered to present a risk or that are part of the same production batch - are affected by the same risk.	activities focused on safety of products with market surveillance activities focusing on the internal conformity procedures set up by economic operators to ensure product safety. Market surveillance authorities should be able to require the manufacturer to indicate which other products - produced with the same procedure, or containing the same components considered to present a risk or that are part of the same production batch - are affected by the same risk.	
Recital 47a				
56a		***(47a) Market surveillance authorities should conduct inspections on products acquired under a cover identity on a regular basis, in particular on those products made available on online marketplaces and products that are most frequently notified on the Safety Gate.***		
Recital 48				
57	(48) An exchange of information	(48) An exchange of information	(48) An exchange of information	

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	between Member States and the Commission concerning the implementation of this Regulation should be established on the basis of output indicators which would allow measuring and comparing Member States' effectiveness in implementing Union product safety legislation.	between Member States and the Commission concerning the ~~*implementation*~~***application*** of this Regulation should be established on the basis of output indicators which would allow measuring ~~*and comparing Member States'*~~***the*** effectiveness ~~*in implementing*~~***of*** Union product safety legislation.	between Member States and the Commission concerning the implementation of this Regulation should be established on the basis of output indicators which would allow measuring and comparing Member States' effectiveness in implementing Union product safety legislation.	
Recital 49				
58	(49) There should be effective, speedy and accurate exchange of information concerning dangerous products.	(49) There should be effective, speedy and accurate exchange of information concerning dangerous products ***to ensure that appropriate measures are taken in relation to those products and to protect consumers fully***.	(49) There should be effective, speedy and accurate exchange of information concerning dangerous products.	
Recital 50				
59	(50) The Union rapid information system (RAPEX) has proved its effectiveness and efficiency. It enables corrective measures to be taken across the Union in relation to products that present a risk beyond the territory of a single Member State. It is opportune, though, to change the used	(50) The Union rapid information system (RAPEX) ~~*has proved its effectiveness and efficiency. It enables*~~***should be modernised to enable more efficient*** corrective measures to be taken across the Union in relation to products that present a risk beyond the territory of a single Member State. It is	(50) The Union rapid information system (RAPEX) has proved its effectiveness and efficiency. It enables corrective measures to be taken across the Union in relation to products that present a risk beyond the territory of a single Member State. It is opportune, though, to change the used	

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	abbreviated name from RAPEX to Safety Gate for greater clarity and better outreach to consumers. Safety Gate comprises a rapid alert system on dangerous non-food products whereby national authorities and the Commission can exchange information on such products, a web portal to inform the public (Safety Gate portal) and an interface to enable businesses to comply with their obligation to inform authorities and consumers of dangerous products (Safety Business Gateway).	opportune, though, to change the used abbreviated name from RAPEX to Safety Gate for greater clarity and better outreach to consumers. Safety Gate comprises a rapid alert system on dangerous non-food products whereby national authorities and the Commission can exchange information on such products, a web portal to inform the public (Safety Gate portal) and an interface to enable businesses to comply with their obligation to inform authorities and consumers of dangerous products (Safety Business Gateway). ***In addition, the Commission should develop an interoperable interface to enable online marketplaces to link their interfaces with the Safety Gate in an easy, quick and reliable way.***	abbreviated name from RAPEX to Safety Gate **Rapid Alert System** for greater clarity and better outreach to consumers. Safety Gate **Rapid Alert System** comprises a rapid alert system on dangerous non-food products whereby national authorities and the Commission can exchange information on such products **(Safety Gate Rapid Alert System)**, a web portal to inform the public (Safety Gate portal) and an interface to enable businesses to comply with their obligation to inform authorities and consumers of dangerous products (Safety Business Gateway).	
Recital 51				
60	(51) Member States should notify in the Safety Gate both compulsory and voluntary corrective measures that prevent, restrict or impose specific conditions on the possible marketing of a product because of	(51) Member States should notify in the Safety Gate both compulsory and voluntary corrective measures that prevent, restrict or impose specific conditions on the possible marketing of a product because of	(51) Member States should notify in the Safety Gate **Rapid Alert System** both compulsory and voluntary corrective measures that prevent, restrict or impose specific conditions on the possible	

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	a serious risk to the health and safety of consumers or, in case of products covered by Regulation (EU) No 2019/1020, also to other relevant public interests of the end-users.	a serious risk to the health and safety of consumers or, in case of products covered by Regulation (EU) No 2019/1020, also to other relevant public interests of the end-users.	marketing of a product because of a serious risk to the health and safety of consumers or, in case of products covered by Regulation (EU) No 2019/1020, also to other relevant public interests of ~~the~~ end-users.	
Recital 52				
61	(52) Under Article 34 of Regulation (EU) No 2019/1020, Member States authorities are to notify measures adopted against products covered by that Regulation, presenting a less than serious risk, through the information and communication system referred to in the same article, while corrective measures adopted against products covered by this Regulation presenting a less than serious risk should be notified in the Safety Gate. Member States and the Commission should make available to the public information relating to risks to the health and safety of consumers posed by products. It is opportune for consumers and businesses that all information on corrective measures adopted against products posing a	(52) Under Article 34 of Regulation (EU) ~~*No 2019/1020*~~***2019/1020***, Member States authorities are to notify measures adopted against products covered by that Regulation, presenting a less than serious risk, through the information and communication system referred to in the same article, while corrective measures adopted against products covered by this Regulation presenting a less than serious risk should be notified in the Safety Gate. Member States and the Commission should make available to the public information relating to risks to the health and safety of consumers posed by products. It is opportune for consumers and businesses that all information on corrective measures adopted	(52) Under Article 34 of Regulation (EU) No 2019/1020, Member States authorities are to notify measures adopted against products covered by that Regulation, presenting a less than serious risk, through the information and communication system referred to in the same article, while corrective measures adopted against products covered by this Regulation presenting a less than serious risk should be notified in the Safety Gate **Rapid Alert System**. Member States and the Commission should make available to the public information relating to risks to the health and safety of consumers posed by products. It is opportune for consumers and businesses that all information on corrective measures adopted	

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	risk are contained in the Safety Gate, allowing relevant information on dangerous products to be made available to the public through the Safety Gate portal. Member States are therefore encouraged to notify in the Safety Gate all corrective measures on products posing a risk to the health and safety of consumers.	against products posing a risk are contained in the Safety Gate, allowing relevant information on dangerous products to be made available to the public through the Safety Gate portal. ***It is important to ensure that all of that information is available in the official language(s) of the consumer's Member State of residence and that it is written in clear and understandable language.*** Member States are therefore encouraged to notify in the Safety Gate all corrective measures on products posing a risk to the health and safety of consumers. ***The database and website of the Safety Gate should be accessible to persons with disabilities.***	against products posing a risk are contained in the Safety Gate **Rapid Alert System**, allowing relevant information on dangerous products to be made available to the public through the Safety Gate portal. Member States are therefore encouraged to notify in the Safety Gate all corrective measures on products posing a risk to the health and safety of consumers.	
Recital 53				
62	(53) In case the information has to be notified in the information and communication system according to Regulation (EU) 2019/1020, there is the possibility, for such notifications, to be submitted directly in the Safety Gate or, to be generated from within the	(53) In case the information has to be notified in the information and communication system according to Regulation (EU) 2019/1020, there is the possibility, for such notifications, to be submitted directly in the Safety Gate or, to be generated from within the	(53) In case the information has to be notified in the information and communication system according to Regulation (EU) 2019/1020, there is the possibility, for such notifications, to be submitted directly in the Safety Gate **Rapid Alert System** or, to be generated	

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	information and communication system for market surveillance provided for in Article 34 of Regulation (EU) 2019/1020. For this purpose, the Commission should maintain and further develop the interface that has been set up for the transfer of information between the information and communication system and the Safety Gate, in order to avoid double data entry and facilitate such transfer.	information and communication system for market surveillance provided for in Article 34 of Regulation (EU) 2019/1020. For this purpose, the Commission should maintain and further develop the interface that has been set up for the transfer of information between the information and communication system and the Safety Gate, in order to avoid double data entry and facilitate such transfer.	from within the information and communication system for market surveillance provided for in Article 34 of Regulation (EU) 2019/1020. For this purpose, the Commission should maintain and further develop the interface that has been set up for the transfer of information between the information and communication system and the Safety Gate **Rapid Alert System**, in order to avoid double data entry and facilitate such transfer.	
Recital 54				
63	(54) The Commission should maintain and further develop the Safety Business Gateway web portal, enabling economic operators to comply with their obligations to inform market surveillance authorities and consumers of dangerous products they have placed or made available on the market. This tool should also enable economic operators to inform market surveillance authorities of accidents caused by products they have placed or made available on the market. It should	(54) The Commission should maintain and further develop the Safety Business Gateway web portal, enabling economic operators to comply with their obligations to inform market surveillance authorities and consumers of dangerous products they have ~~*placed or*~~ made available on the market. This tool should also enable economic operators to inform market surveillance authorities of accidents caused by products they have ~~*placed or*~~ made available on the market.	(54) The Commission should maintain and further develop the Safety Business Gateway web portal, enabling economic operators to comply with their obligations to inform market surveillance authorities and consumers of dangerous products they have placed or made available on the market. This tool should also enable economic operators to inform market surveillance authorities of accidents caused by products they have placed or made available on the market. It should	

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	enable quick and efficient information exchange between economic operators and national authorities, and facilitate information to consumers from economic operators.	~~It~~***Economic operators*** should ~~*enable quick and efficient*~~***aim to investigate complaints and*** information ~~*exchange between economic operators and*~~***on accidents from consumers as quickly as possible in order to ensure timely and efficient information exchange with*** national authorities, and facilitate information to consumers from economic operators.	enable quick and efficient information exchange between economic operators and national authorities, and facilitate information to consumers from economic operators.	
Recital 55				
64	(55) There might be cases where it is necessary to deal with a serious risk at the Union level where the risk cannot be contained satisfactorily by means of measures taken by the Member State concerned or by any other procedure under Union legislation. This could notably be the case of new emerging risks or those impacting vulnerable consumers. For that reason the Commission can adopt measures either on its own initiative or upon request of the Member States. Such measures should be adapted to the gravity and urgency of the situation. It is	(55) There might be cases where it is necessary to deal with a serious risk at the Union level where the risk cannot be contained satisfactorily by means of measures taken by the Member State concerned or by any other procedure under Union legislation. This could notably be the case of new emerging risks or those impacting vulnerable consumers. For that reason the Commission can adopt measures either on its own initiative or upon request of the Member States ***or relevant interested parties***. Such measures should be adapted to the gravity	(55) There might be cases where it is necessary to deal with a serious risk at the Union level where the risk cannot be contained satisfactorily by means of measures taken by the Member State concerned or by any other procedure under Union legislation. This could notably be the case of new emerging risks or those impacting vulnerable consumers. For that reason the Commission can adopt measures either on its own initiative or upon request of the Member States. Such measures should be adapted to the gravity and urgency of the situation. It is	

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	furthermore necessary to provide for an adequate mechanism whereby the Commission could adopt immediately applicable interim measures.	and urgency of the situation. It is furthermore necessary to provide for an adequate mechanism whereby the Commission could adopt immediately applicable interim measures.	furthermore necessary to provide for an adequate mechanism whereby the Commission could adopt immediately applicable interim measures.	
Recital 56				
65	(56) The determination of the risk concerning a product and its level is based on a risk assessment performed by the relevant actors. Member States, in performing risk assessment, might reach different results as far as the presence of a risk or its level is concerned. This could jeopardise the correct functioning of the single market and the level playing field for both consumers and economic operators. An arbitration mechanism should therefore be made available to Member States, on a voluntary basis, which would allow the Commission, to provide an opinion on the issue in dispute.	(56) The determination of the risk concerning a product and its level is based on a risk assessment performed by the relevant actors. Member States, in performing risk assessment, might reach different results as far as the presence of a risk or its level is concerned. This could jeopardise the correct functioning of the single market and the level playing field for both consumers and economic operators. An arbitration mechanism should therefore be ~~*made available to Member States, on a voluntary basis, which would*~~ ***established to*** allow the Commission~~,~~ to provide an opinion on the issue in dispute.	(56) The determination of the risk concerning a product and its level is based on a risk assessment performed by the relevant actors. Member States, in performing risk assessment, might reach different results as far as the presence of a risk or its level is concerned. This could jeopardise the correct functioning of the single market and the level playing field for both consumers and economic operators. An arbitration mechanism should therefore be made available to Member States, on a voluntary basis, which would allow the Commission, to provide an opinion on the issue in dispute.	
Recital 56a				
65a				

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		(56a) The Commission should draw up a periodic report on the application of the arbitration mechanism for risk assessments, which should be presented to the Consumer Safety Network. That report should identify the main criteria applied by the Member States for risk assessment and their impact on the internal market and on an equal level of consumer protection, with the aim of enabling Member States and the Commission to harmonise the approaches and criteria for risk assessment.		
Recital 57				
66	(57) The Consumer Safety Network enhances the cooperation on product safety enforcement between Member States. In particular, it facilitates the activities of exchange of information, the organisation of joint market surveillance activities, the exchange of expertise and best practices. The Consumer Safety Network should be duly represented and participate in the coordination and cooperation	(57) The Consumer Safety Network enhances the cooperation on product safety enforcement between Member States. In particular, it facilitates the activities of exchange of information, the organisation of joint market surveillance activities, the exchange of expertise and best practices. ***It should also contribute to harmonisation of the methodologies to collect data on product safety, as well as to an***	(57) The Consumer Safety Network enhances the cooperation on product safety enforcement between Member States. In particular, it facilitates the activities of exchange of information, the organisation of joint market surveillance activities, the exchange of expertise and best practices. The Consumer Safety Network should be duly represented and participate in the coordination and cooperation	

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	activities of the Union Product Compliance Network provided for in Regulation (EU) 2019/1020 whenever coordination of activities falling under the scope of application of both Regulations is necessary to ensure their effectiveness.	***increase in the interoperability between regional, sectorial, national and European information systems for product safety.*** The Consumer Safety Network should be duly represented and participate in the coordination and cooperation activities of the Union Product Compliance Network provided for in Regulation (EU) 2019/1020 whenever coordination of activities falling under the scope of application of both Regulations is necessary to ensure their effectiveness.	activities of the Union Product Compliance Network provided for in Regulation (EU) 2019/1020 whenever coordination of activities falling under the scope of application of both Regulations is necessary to ensure their effectiveness.	
Recital 58				
67	(58) Market surveillance authorities might carry out joint activities with other authorities or organisations representing economic operators or end users, with a view to promoting safety of products and identifying dangerous products, including those that are offered for sale online. In doing so the market surveillance authorities and the Commission, as appropriate, should ensure that the choice of products and producers	(58) Market surveillance authorities ~~*might*~~***should*** carry out joint activities with other authorities or organisations representing economic operators or end users, with a view to promoting safety of products and identifying dangerous products, including those that are offered for sale online. In doing so the market surveillance authorities and the Commission, as appropriate, should ensure that the choice of	(58) Market surveillance authorities might carry out joint activities with other authorities or organisations representing economic operators or ~~end users~~ **consumers**, with a view to promoting safety of products and identifying dangerous products, including those that are offered for sale online. In doing so the market surveillance authorities and the Commission, as appropriate, should ensure that the choice of	

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	as well as the activities performed does not create situation which might distort competition or affect the objectivity, independence and impartiality of the parties.	products and producers as well as the activities performed does not create ~~*situation*~~***situations,*** which might distort competition or affect the objectivity, independence and impartiality of the parties.	products and producers as well as the activities performed does not create situation which might distort competition or affect the objectivity, independence and impartiality of the parties. **The market surveillance authorities should make available to the public the agreements on joint activities as soon as possible, providing such publication does not jeopardise the effectiveness of the activities to be undertaken.**	
Recital 59				
68	(59) Simultaneous coordinated control actions ('sweeps') are specific enforcement actions that can further enhance product safety. In particular, sweeps should be conducted where market trends, consumer complaints or other indications suggest that certain product categories are often found to present a serious risk.	(59) Simultaneous coordinated control actions ('sweeps') are specific enforcement actions that can further enhance product safety~~.~~ ***and therefore should be conducted on a regular basis to detect online and offline infringements to this Regulation,*** In particular, sweeps should be conducted where market trends, consumer complaints or other indications suggest that certain product categories are often found to present a serious risk.	(59) Simultaneous coordinated control actions ('sweeps') are specific enforcement actions that can further enhance product safety. In particular, sweeps should be conducted where market trends, consumer complaints or other indications suggest that certain product categories are often found to present a serious risk.	
Recital 60				

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69	(60) The public interface of the Safety Gate, the Safety Gate portal, allows the general public, including consumers, economic operators and online marketplaces, to be informed about corrective measures taken against dangerous products present on the Union market. A separate section of the Safety Gate portal enables consumers to inform the Commission of products presenting a risk to consumer health and safety found in the market. Where relevant, the Commission should provide adequate follow-up, notably by transmitting such information to the concerned national authorities.	(60) The public interface of the Safety Gate, the Safety Gate portal, allows the general public, including consumers, economic operators and online marketplaces, to be informed about corrective measures taken against dangerous products present on the Union market. A separate section of the Safety Gate portal enables consumers to inform the Commission of products presenting a risk to consumer health and safety found in the market. Where relevant, the Commission should provide adequate follow-up, notably by transmitting such information to the concerned national authorities. ***The database and website of the Safety Gate should be easily accessible for persons with disabilities.***	(60) The public interface of the Safety Gate **Rapid Alert System**, the Safety Gate portal, allows the general public, including consumers, economic operators and online marketplaces, to be informed about corrective measures taken against dangerous products present on the Union market. A separate section of the Safety Gate portal enables consumers to inform the Commission of products presenting a risk to consumer health and safety found in the market. Where relevant, the Commission should provide adequate follow-up, notably by transmitting such information to the concerned national authorities.	
Recital 61				
70	(61) In making available information on product safety to the public, professional secrecy, as referred to in Article 339 of the Treaty, should be protected in a way which is compatible with the	(61) ***Public access to the information available to the authorities on product safety should, as a general rule, be ensured. However,*** in making available information on product	(61) In making available information on product safety to the public, professional secrecy, as referred to in Article 339 of the Treaty, should be protected in a way which is compatible with the	

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	need to ensure the effectiveness of market surveillance activities and of protection measures.	safety to the public, professional secrecy, as referred to in Article 339 of the Treaty, should be protected in a way which is compatible with the need to ensure the effectiveness of market surveillance activities and of protection measures.	need to ensure the effectiveness of market surveillance activities and of protection measures.	
Recital 61a				
70a			**(61a) Complaints are important to raise awareness on national authorities about safety and effectiveness of surveillance and control activities on dangerous products. Member States should therefore give to consumers and other interested parties such as consumer associations and economic operators the possibility to submit complaints in this respect.**	
Recital 62				
71	(62) When a product already sold to consumers turns out to be dangerous, it may need to be recalled to protect consumers in the Union. Consumers might not be	(62) When a product already sold to consumers turns out to be dangerous, it may need to be recalled to protect consumers in the Union. Consumers might not be	(62) When a product already sold to consumers turns out to be dangerous, it may need to be recalled to protect consumers in the Union. Consumers might not be	

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	aware that they own a recalled product. In order to increase recall effectiveness, it is therefore important to better reach consumers concerned. Direct contact is the most effective method to increase consumers' awareness of recalls and encourage action. It is also the preferred communication channel across all groups of consumers. In order to ensure the safety of the consumers, it is important that they are informed in a quick and reliable way. Economic operators should therefore use the customer data at their disposal to inform consumers of recalls and safety warnings linked to products they have purchased. Therefore, a legal obligation is needed to require economic operators to use any customer data already at their disposal to inform consumers of recalls and safety warnings. In this respect, economic operators will make sure to include the possibility to directly contact customers in the case of a recall or safety warning affecting them in existing customer loyalty programmes and product registration systems, through which customers are asked, after having	aware that they own a recalled product. In order to increase recall effectiveness, it is therefore important to better reach consumers concerned. Direct contact is the most effective method to increase consumers' awareness of recalls and encourage action. It is also the preferred communication channel across all groups of consumers. In order to ensure the safety of the consumers, it is important that they are informed in a quick and reliable way. Economic operators ***and, where applicable, online marketplaces*** should therefore use the customer data at their disposal to inform consumers of recalls and safety warnings linked to products they have purchased. Therefore, a legal obligation is needed to require economic operators ***and online marketplaces*** to use any customer data already at their disposal to inform consumers of recalls and safety warnings. In this respect, economic operators ***and online marketplaces*** will make sure to include the possibility to directly contact customers in the case of a recall or safety warning affecting them in existing customer	aware that they own a recalled product. In order to increase recall effectiveness, it is therefore important to better reach consumers concerned. Direct contact is the most effective method to increase consumers' awareness of recalls and encourage action. It is also the preferred communication channel across all groups of consumers. In order to ensure the safety of the consumers, it is important that they are informed in a quick and reliable way. Economic operators should therefore **ensure that all customers affected by a recall or a safety warning that can be identified are notified directly. Such information can be provided either directly by economic operators using** ~~use the~~ customer data at their disposal**, or through third parties having access to data identifying** ~~to inform~~ consumers ~~of recalls and~~**affected by a recall or a** safety ~~warnings linked to products they have purchased~~**warning, such as insurance or banking institutions**. Therefore, a legal obligation is needed to require economic operators to use any	

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	purchased a product, to communicate to the manufacturer on a voluntary basis some information such as their name, contact information, the product model or serial number.	loyalty programmes and product registration systems, through which customers are asked, after having purchased a product, to communicate to the manufacturer on a voluntary basis some information such as their name, contact information, the product model or serial number.	customer data already at their disposal to inform consumers of recalls and safety warnings. In this respect, economic operators ~~will~~**should also** make sure to include the possibility to directly contact customers in the case of a recall or safety warning affecting them in existing customer loyalty programmes **enabling the identification of products bought by consumers** and product registration systems, through which customers are asked, after having purchased a product, to communicate to the manufacturer on a voluntary basis some information such as their name, contact information, the product model or serial number.	
Recital 63				
72	(63) A third of consumers continue using dangerous products despite seeing a recall notice, notably because recall notices are drafted in a complex way or minimise the risk at stake. The recall notice should therefore be clear, transparent and clearly describe the risk at stake, avoiding	(63) A third of consumers continue using dangerous products despite seeing a recall notice, notably because recall notices are drafted in a complex way or minimise the risk at stake. The recall notice should therefore be clear, transparent and clearly describe the risk at stake, avoiding	(63) A third of consumers continue using dangerous products despite seeing a recall notice, notably because recall notices are drafted in a complex way or minimise the risk at stake. The recall notice should therefore be clear, transparent and clearly describe the risk at stake, avoiding	

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	any terms, expressions or other elements that may decrease consumers' perception of risk. Consumers should also be able to get more information, if needed, via a toll-free telephone number or other interactive instrument.	any terms, expressions or other elements that may decrease consumers' perception of risk. Consumers should also be able to get more information, if needed, via a toll-free telephone number or other interactive instrument.	any terms, expressions or other elements that may decrease consumers' perception of risk. Consumers should also be able to get more information, if needed, via a toll-free telephone number or other interactive instrument.	
Recital 64				
73	(64) To encourage consumer response to recalls it is also important that the action required from consumers be as simple as possible and that the remedies offered be effective, cost-free and timely. Directive (EU) 2019/771 of the European Parliament and of the Council[1] provides the consumers with the contractual remedies for a lack of conformity of goods that existed at the time of delivery and became apparent within the liability period. The economic operator responsible for the recall should provide similar remedies to the consumer. _____ 1. Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for	(64) To encourage consumer response to recalls it is also important that the action required from consumers be as simple as possible and that the remedies offered be effective, cost-free and timely. Directive (EU) 2019/771 of the European Parliament and of the Council[1] provides the consumers with the contractual remedies for a lack of conformity of goods that existed at the time of delivery and became apparent within the liability period. The economic operator responsible for the recall should provide similar remedies to the consumer. _____ 1. Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for	(64) To encourage consumer response to recalls it is also important that the action required from consumers be as simple as possible and that the remedies offered be effective, cost-free and timely. Directive (EU) 2019/771 of the European Parliament and of the Council[1] provides the consumers with the contractual remedies for a lack of conformity of goods that existed at the time of delivery and became apparent within the liability period **laid down by the Member States in accordance with Article 10(3) of that Directive**. **However, situations where dangerous products are recalled from the market justify having a specific set of rules that should be applied without prejudice to contractual**	

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	the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22. 5. 2019, p. 28).	the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22. 5. 2019, p. 28).	**remedies because their objectives are different. Whereas contractual remedies serve the purpose to remedy the lack of conformity of the goods with the contract, the remedies in case of a recall serve both to ensure elimination of dangerous products from the market and an adequate remedy** ~~The economic operator responsible~~ for the **consumer. As a consequence, there are major differences between the two sets of remedies: firstly, in case of a product** recall **according to this Regulation, there** should ~~provide similar~~**be no time limitation to activate the** remedies**; secondly, the consumer should be entitled to ask remedies from the relevant economic operator, not necessarily from the trader. Moreover, in case of a recall,** ~~to~~ the consumer **does not have to prove the product to be dangerous (not conforming the safety requirements)**. _____ 1. Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for	

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
			the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22. 5. 2019, p. 28).	
Recital 64a				
73a			**(64a) Given the different objectives of remedies provided in case of a recall of a dangerous product and remedies for non-comformity of goods with the contract, consumers should use the system corresponding to the relevant situation. For example, if the consumer receives a recall notice with description of the remedies available to the consumer, the consumer should act according to the instructions in the recall notice. Nevertheless, he or she should not be deprived of the possibility to ask for remedies from the seller based on non-conformity of the dangerous goods with the contract.**	
Recital 64a				
73b				

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		(64a) The Commission should publish guidance to market surveillance authorities to ensure more uniform enforcement when dealing with recalls. Member States should also ensure that the authorities have sufficient expertise and resources for all their enforcement activities.		
Recital 64b				
73c			**(64b) Once the consumer was remedied as a follow up of a recall, the consumer could not be entitled to a remedy for non-conformity of the good with the contract for reasons connected with the fact that the product was dangerous because the non-conformity does not exist any more. Similarly, in case the consumer invokes its rights to remedy under Directive (EU) 2019/771 or Directive (EU) 2019/770, the consumer is not entitled to a remedy under this Regulation for the same safety isssue. However, if other requirements for conformity regarding the same good are not fulfilled, the seller would remain**	

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			liable for such non-conformity of the good with the contract even if there has been a remedy provided to the consumer following a recall of a dangerous product.	
Recital 64c				
73d			**(64c) Economic operators initiating a product recall should offer consumers, under the control of the national competent authorities, at least two options between repair, replacement, or adequate refund of the value of the recalled product, except where impossible or disproportionate. Offering consumers a choice between remedies can improve the effectiveness of a recall. In addition, incentives to motivate consumers to participate in a recall, such as discounts or vouchers, should be encouraged in order to increase the effectiveness of recalls. The repair of the product should only be considered a possible remedy if the safety of the repaired product can be ensured. The**	

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			amount of the refund should be at least equal to the price paid by the consumer, without prejudice to a further compensation as provided for in national laws. In case of recalls of digital products in the meaning of Article 2(1) of Directive (EU) 2019/770, the refund should cover all sums paid by the consumer under the contract, as provided for by Article 16(1) of that Directive. Any remedy should be without prejudice to the consumers' right to damages according to national laws.	
Recital 64d				
73e			**(64d) Remedies offered in case of a product safety recall should not place an excessive burden on consumers nor place them at risk. If the remedy also entails the disposal of the recalled product, such disposal should be carried out with due consideration of the environmental and sustainable objectives set at Union and national levels. In addition, self-repair by consumers should only**	

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			be considered as a possible remedy if it can be carried out easily and safely by the consumer, for instance through the replacement of a battery or by cutting excessively long drawstrings on a children's garment when provided for in the recall notice. Moreover, the self-repair should be without prejudice to consumers rights under Directive (EU) 2019/771. Therefore, in such situations, economic operators should not oblige consumers to self-repair a dangerous product.	
Recital 65				
74	(65) In order to facilitate the effective and consistent application of the general safety requirement set out in this Regulation, it is important to make use of European standards covering certain products and risks in such a way that a product which conforms to such a European standard, the reference of which is published in the Official Journal of the European Union, is presumed to be in compliance with that requirement.	(65) In order to facilitate the effective and consistent application of the general safety requirement set out in this Regulation, it is important to make use of European standards covering certain products and risks***. European standards, the references of which have been published in accordance with Directive 2001/95/EC, should be considered as European*** ~~*in such a way that a*~~ product ~~*which conforms to such a European standard, the*~~	(65) In order to facilitate the effective and consistent application of the general safety requirement set out in this Regulation, it is important to make use of European standards covering certain products and risks in such a way that a product which conforms to such a European standard, the reference of which is published in the Official Journal of the European Union, is presumed to be in compliance with that requirement. **In case different**	

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
		~~reference of which is published in the Official Journal of the European Union, is presumed~~***safety standards and should provide a presumption of conformity with the general safety requirement set out in this Regulation. Standardisation requests issued by the Commission in accordance with Directive 2001/95/EC should be deemed*** to be ***standardisation requests issued in accordance with this Regulation***~~in compliance with that requirement~~.	**risks or risk categories are covered by the same standard, the conformity of a product with the part of the standard covering the relevant risk or risk category would also give to the product itself presumption of safety as far as the relevant risk or risk category is concerned.**	
Recital 66				
75	(66) Where the Commission identifies a need for a European standard ensuring compliance of certain products with the general safety requirement under this Regulation, it should apply the relevant provisions of Regulation (EU) No 1025/2012 of the European Parliament and of the Council[1] to request one or several European standardisation organisations to either draft or identify a standard which is suitable to ensure that products	(66) Where the Commission identifies a need for a European standard ensuring compliance of certain products with the general safety requirement under this Regulation, it should apply the relevant provisions of Regulation (EU) No 1025/2012 of the European Parliament and of the Council[1] to request one or several European standardisation organisations to either draft or identify a standard which is suitable to ensure that products	(66) Where the Commission identifies a need for a European standard ensuring compliance of certain products with the general safety requirement under this Regulation, it should apply the relevant provisions of Regulation (EU) No 1025/2012 of the European Parliament and of the Council[1] to request one or several European standardisation organisations to either draft or identify a standard which is suitable to ensure that products	

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
	which conform to it are presumed to be safe. __________ 1. Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14. 11. 2012, p. 12).	which conform to it are presumed to be safe. __________ 1. Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14. 11. 2012, p. 12).	which conform to it are presumed to be safe. __________ 1. Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14. 11. 2012, p. 12).	
Recital 66a				
75a		***(66a) Products could present different risks for different genders and standardisation activities should take this into account to avoid discrepancies in terms of safety and therefore a gender safety gap. The Gender Responsive Standards Declaration outlines several actions that national standards bodies and***		

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		standards developing organisations should include in their gender action plan for gender responsive standards and standards development, in order to achieve gender balanced, representative and inclusive standards.		
Recital 67				
76	(67) Certain provisions of Regulation (EU) 1025/2012 should be amended to take the specificities of this Regulation into account, and in particular the need to define the specific safety requirements under this Regulation before launching the request to the European standardisation organisation.	(67) Certain provisions of Regulation (EU) 1025/2012 should be amended to take the specificities of this Regulation into account, and in particular the need to define the specific safety requirements under this Regulation before launching the request to the European standardisation organisation.	(67) Certain provisions of Regulation (EU) 1025/2012 should be amended to take the specificities of this Regulation into account, and in particular the need to define the specific safety requirements under this Regulation before launching the request to the European standardisation organisation. **Standardisation requests issued by the Commission in accordance with Directive 2001/95/EC should be deemed standardisation requests issued in accordance with this Regulation.**	
Recital 68				
77	(68) Together with the adaptation	(68) Together with the adaptation	(68) Together with the adaptation	

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	of Regulation (EU) 1025/2012, a specific procedure for the adoption of the specific safety requirements with the assistance of the specialised Committee provided for by this Regulation should be introduced.	of Regulation (EU) 1025/2012, a specific procedure for the adoption of the specific safety requirements with the assistance of the specialised Committee provided for by this Regulation should be introduced.	of Regulation (EU) 1025/2012, a specific procedure for the adoption of the specific safety requirements with the assistance of the specialised Committee provided for by this Regulation should be introduced.	
Recital 69				
78	(69) European standards, the references of which have been published in accordance with Directive 2001/95/EC, should continue providing a presumption of conformity with the general safety requirement set out in this Regulation. Standardisation requests issued by the Commission in accordance with Directive 2001/95/EC should be deemed standardisation requests issued in accordance with this Regulation.	(69) ~~*European standards, the references of which have been published in accordance with Directive 2001/95/EC, should continue providing a presumption of conformity with the general safety requirement set out in this Regulation. Standardisation requests issued by the Commission in accordance with Directive 2001/95/EC should be deemed standardisation requests issued in accordance with this Regulation.*~~	(69) European standards, the references of which have been published in accordance with Directive 2001/95/EC, should continue providing a presumption of conformity with the general safety requirement set out in this Regulation. ~~Standardisation requests issued by the Commission in accordance with Directive 2001/95/EC should be deemed standardisation requests issued in accordance with this Regulation.~~	
Recital 69a				
78a			**(69a) In the absence of European standards, the law of the Member State where the product is made available on the market laying down health and**	

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			safety requirements should comply with Union law, in particular Articles 34 and 36 of the TFEU.	
Recital 70				
79	(70) The Union should be able to cooperate and to exchange information related to product safety with regulatory authorities of third countries or international organisations within the framework of agreements concluded between the Commission and third countries or international organisations. Such cooperation and exchange of information should respect confidentiality and personal data protection rules of the Union.	(70) The Union should be able to cooperate and to exchange information related to product safety with regulatory authorities of third countries or international organisations within the framework of agreements concluded between the Commission and third countries or international organisations***, also with a view to preventing the circulation of dangerous products on the Union market***. Such cooperation and exchange of information should respect confidentiality and personal data protection rules of the Union.	(70) The Union should be able to cooperate and to exchange information related to product safety with regulatory authorities of third countries or international organisations within the framework of ~~agreements~~ **arrangements** concluded between the Commission and third countries or international organisations. Such cooperation and exchange of information should respect confidentiality and personal data protection rules of the Union. **Personal data should only be transferred to the extent that such exchange is necessary for the sole purpose of the protection of consumers' health or safety.**	
Recital 70a				
79a			**(70a) Systematic exchange of information between the**	

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			Commission and third countries or international organisations on the safety of consumer products and on preventive, restrictive and corrective measures should be based on reciprocity, which entails an equivalent but not necessarily identical exchange of information for mutual benefit. An exchange of information with a country producing goods destined to the Union market might consist in the Commission sending selected information from the Safety Gate Rapid Alert System related to products originating from this partner country. In exchange, this third country might send information on the follow-up measures taken on the basis of the notifications received. Such cooperation might contribute to the objective of stopping dangerous products at the source and preventing them from reaching the Union market.	
Recital 71				
80	(71) In order to play a significant deterrent effect for economic operators and online marketplaces	(71) In order to play a significant deterrent effect for economic operators and***, where applicable,***	(71) In order to play a significant deterrent effect for economic operators and online marketplaces	

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	to prevent the placing of dangerous products on the market, penalties should be adequate to the type of infringement, to the possible advantage for the economic operator or online marketplace and to the type and gravity of the injury suffered by the consumer. Furthermore an homogenous level of penalties is important to ensure a level playing field, avoiding that economic operators or online marketplaces concentrate their activities in territories where the level of penalties is lower.	online marketplaces to prevent the placing of dangerous products on the market, penalties should be adequate to the type of infringement, to the possible advantage for the economic operator or online marketplace and to the type and gravity of the injury suffered by the consumer. Furthermore an homogenous level of penalties is important to ensure a level playing field, avoiding that economic operators or online marketplaces concentrate their activities in territories where the level of penalties is lower.	to prevent the placing of dangerous products on the market, penalties should be adequate to the type of infringement, to the possible advantage for the economic operator or online marketplace and to the type and gravity of the injury suffered by the consumer. ~~Furthermore an homogenous level of penalties is important to ensure a level playing field, avoiding that economic operators or online marketplaces concentrate their activities in territories where the level of penalties is lower~~**In particular, infringements of provisons applicable to providers of online marketplaces, for example on the internal processes that they have to put in place, should be subject to effective, proportionate and disuassive penalties**.	
Recital 72				
81	(72) When imposing penalties, due regard should be given to the nature, gravity and duration of the infringement in question. The imposition of penalties should be proportionate and should comply	(72) When imposing penalties, due regard should be given to the nature, gravity and duration of the infringement in question. The imposition of penalties should be ***effective,*** proportionate ***and***	(72) When imposing penalties, due regard should be given to the nature, gravity and duration of the infringement in question. The imposition of penalties should be proportionate and should comply	

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	with Union and national law, including with applicable procedural safeguards and with the principles of the Charter of fundamental rights.	***dissuasive*** and should comply with Union and national law, including with applicable procedural safeguards and with the principles of the Charter of fundamental rights.	with Union and national law, including with applicable procedural safeguards and with the principles of the Charter of fundamental rights. **However, it should remain a matter for the Member States to choose the types of penalties to be imposed and to lay down in their national law the relevant procedures for the imposition of penalties in the event of infringements of this Regulation.**	
Recital 73				
82	(73) In order to facilitate the more consistent application of penalties, common non-exhaustive and indicative criteria for the application of penalties should be included. Those criteria should include the duration or temporal effects of the infringement, as well as its nature and gravity, in particular the level of risk incurred by the consumer. Repeated infringement by the same perpetrator shows a propensity to commit such infringements and is therefore a significant indication of the gravity of the conduct and,	(73) In order to facilitate the more consistent application of penalties, common non-exhaustive and indicative criteria for the application of penalties should be included. Those criteria should include the duration or temporal effects of the infringement, as well as its nature and gravity, in particular the level of risk incurred by the consumer. Repeated infringement by the same perpetrator shows a propensity to commit such infringements and is therefore a significant indication of the gravity of the conduct and,	~~(73) In order to facilitate the more consistent application of penalties, common non-exhaustive and indicative criteria for the application of penalties should be included. Those criteria should include the duration or temporal effects of the infringement, as well as its nature and gravity, in particular the level of risk incurred by the consumer. Repeated infringement by the same perpetrator shows a propensity to commit such infringements and is therefore a significant indication of the gravity of the conduct and,~~	

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	accordingly, of the need to increase the level of the penalty to achieve effective deterrence. The financial benefits gained, or losses avoided, because of the infringement should be taken into account, if the relevant data are available. Other aggravating or mitigating factors applicable to the circumstances of the case should also be taken into account.	accordingly, of the need to increase the level of the penalty to achieve effective deterrence. The financial benefits gained, or losses avoided, because of the infringement should be taken into account, if the relevant data are available. Other aggravating or mitigating factors applicable to the circumstances of the case should also be taken into account.	~~accordingly, of the need to increase the level of the penalty to achieve effective deterrence. The financial benefits gained, or losses avoided, because of the infringement should be taken into account, if the relevant data are available. Other aggravating or mitigating factors applicable to the circumstances of the case should also be taken into account.~~	
Recital 74				
83	(74) In order to ensure more consistency, a list of those types of infringements that should be subject to penalties should be included.	(74) ~~*In order to ensure more consistency, a list of those types of infringements that should be subject to penalties should be included.*~~	~~(74) In order to ensure more consistency, a list of those types of infringements that should be subject to penalties should be included.~~	
Recital 75				
84	(75) The deterrent effect of penalties should be reinforced by the possibility to publish the information related to the penalties imposed by Member States. Where these penalties are issued against natural persons or include personal data, they may be published in a manner that complies with the data	(75) The deterrent effect of penalties should be reinforced by the possibility to publish the information related to the penalties imposed by Member States. ~~*Where these penalties are issued against natural persons or include personal data, they may be published in a manner that*~~	~~(75) The deterrent effect of penalties should be reinforced by the possibility to publish the information related to the penalties imposed by Member States. Where these penalties are issued against natural persons or include personal data, they may be published in a manner that complies with the data~~	

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	protection requirements as set out in Regulation (EU) 2016/679 of the European Parliament and of the Council[1] and Regulation (EU) 2018/1725 of the European Parliament and of the Council[2]. The annual report on the penalties imposed by the Member States should contribute to the level playing field and to prevent repeated infringements. For reasons of legal certainty and in accordance with the principle of proportionality, it should be specified in which situations a publication should not take place. As far as natural persons are concerned, personal data should only be published in exceptional circumstances justified by the seriousness of the infringement, for instance when a penalty has been imposed to an economic operator whose name identifies a natural person and such economic operator has repeatedly failed to comply with the general product safety requirement. _____ 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with	~~*complies with the data protection requirements as set out in Regulation (EU) 2016/679 of the European Parliament and of the Council[1] and Regulation (EU) 2018/1725 of the European Parliament and of the Council[2].*~~ The annual report on the penalties imposed by the Member States should contribute to the level playing field and to prevent repeated infringements. ~~*For reasons of legal certainty and in accordance with the principle of proportionality, it should be specified in which situations a publication should not take place. As far as natural persons are concerned, personal data should only be published in exceptional circumstances justified by the seriousness of the infringement, for instance when a penalty has been imposed to an economic operator whose name identifies a natural person and such economic operator has repeatedly failed to comply with the general product safety requirement.*~~ _____ ~~*1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the*~~	~~protection requirements as set out in Regulation (EU) 2016/679 of the European Parliament and of the Council[1] and Regulation (EU) 2018/1725 of the European Parliament and of the Council[2].~~ ~~The annual report on the penalties imposed by the Member States should contribute to the level playing field and to prevent repeated infringements. For reasons of legal certainty and in accordance with the principle of proportionality, it should be specified in which situations a publication should not take place. As far as natural persons are concerned, personal data should only be published in exceptional circumstances justified by the seriousness of the infringement, for instance when a penalty has been imposed to an economic operator whose name identifies a natural person and such economic operator has repeatedly failed to comply with the general product safety requirement.~~ _____ ~~1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with~~	

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	regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).	~~*protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).*~~ ~~*2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).*~~	~~regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).~~ ~~2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).~~	
Recital 76				
85	(76) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt the specific safety requirements, to determine the output indicators on the basis of which Member States have to communicate data concerning the	(76) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt the specific safety requirements, to determine the output indicators on the basis of which Member States have to communicate data concerning the	(76) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt the specific safety requirements, to determine the output indicators on the basis of which Member States have to communicate data concerning the	

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	implementation of this Regulation, to adopt the modalities and procedures for the exchange of information regarding measures communicated through the Safety Gate and criteria to assess the level of risk, to take measures as regards the products presenting a serious risk, to adopt the modalities for the sending of information by consumers in the Safety Gate portal, to set out the requirements for registration of products for recall purposes and to adopt the template for a recall notice. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	implementation of this Regulation, to adopt the modalities and procedures for the exchange of information regarding measures communicated through the Safety Gate and criteria to assess the level of risk, to take measures as regards the products presenting a serious risk, to adopt the modalities for the sending of information by consumers in the Safety Gate portal, to set out the requirements for registration of products for recall purposes and to adopt the template for a recall notice. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	implementation -of this Regulation, to adopt the modalities and procedures for the exchange of information regarding measures communicated through the Safety Gate **Rapid Alert System** and criteria to assess the level of risk, to take measures as regards the products presenting a serious risk, to adopt the modalities for the sending of information by consumers in the Safety Gate portal, to set out the requirements for registration of products for recall purposes and to adopt the template for a recall notice. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	
Recital 77				

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86	(77) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the health and safety of consumers, imperative grounds of urgency so require.	(77) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the health and safety of consumers, imperative grounds of urgency so require.	(77) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the health and safety of consumers**,** ~~,~~ imperative grounds of urgency so require.	
Recital 78				
87	(78) In order to maintain a high level of health and safety of consumers, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the identification and traceability of products bearing a potential serious risk to health and safety. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the	(78) In order to maintain a high level of health and safety of consumers, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the identification ***of the products, categories or groups of products for which checks should be carried out by the responsible person established in the Union, and the identification*** and traceability of products bearing a potential serious risk to health and safety. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the	(78) In order to maintain a high level of health and safety of consumers, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the identification and traceability of products bearing a potential serious risk to health and safety. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the	

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	European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. __________ 1. OJ L 123, 12.5.2016, p. 1.	principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making~~1~~***37***. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. __________ ~~1~~. ~~OJ L 123, 12.5.2016, p. 1.~~ ***37***. ***OJ L 123, 12.5.2016, p. 1.***	European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. __________ 1. OJ L 123, 12.5.2016, p. 1.	
Recital 79				
88	(79) Since the objectives of this Regulation, namely to ensure a consistent, high level of consumer health and safety protection while preserving the unity of the Single market, cannot be sufficiently achieved by the Member States given the need for a high degree of collaboration and coherent action between Member States' competent authorities and for a mechanism to quickly and	(79) Since the objectives of this Regulation, namely to ensure a consistent, high level of consumer health and safety protection while preserving the unity of the Single market, cannot be sufficiently achieved by the Member States given the need for a high degree of collaboration and coherent action between Member States' competent authorities and for a mechanism to quickly and	(79) Since the objectives of this Regulation, namely to ensure a consistent, high level of consumer health and safety protection while preserving the unity of the Single market, cannot be sufficiently achieved by the Member States given the need for a high degree of collaboration and coherent action between Member States' competent authorities and for a mechanism to quickly and	

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	efficiently exchange information on dangerous products in the Union but can rather, by reason of the Union-wide character of the problem, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	efficiently exchange information on dangerous products in the Union but can rather, by reason of the Union-wide character of the problem, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	efficiently exchange information on dangerous products in the Union but can rather, by reason of the Union-wide character of the problem, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.	
Recital 80				
89	(80) Any processing of personal data for the purpose of this Regulation should be in compliance with Regulations (EU) 2016/679 and (EU) 2018/1725. When consumers report a product in the Safety Gate, only those personal data will be stored that are necessary to report the dangerous product and for a period not exceeding five years after such data have been encoded. Manufacturers and importers should hold the register of	(80) ~~*Any processing of personal data for the purpose of this Regulation*~~***Where, for the purposes of this Regulation, it is necessary to process personal data, such processing*** should be ***carried out in accordance with Union law on the protection of personal data. Any processing of personal data under this Regulation is subject to Regulation***~~*in compliance with Regulations*~~ (EU) 2016/679***, Regulation***~~*and*~~ (EU) 2018/1725 ***and Directive 2002/58/EC, as***	(80) Any processing of personal data for the purpose of this Regulation should be in compliance with Regulations (EU) 2016/679 and (EU) 2018/1725. When consumers report a product in the Safety Gate, only those personal data will be stored that are necessary to report the dangerous product and for a period not exceeding five years after such data have been encoded. Manufacturers and importers should hold the register of	

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	consumer complaints only as long as it is necessary for the purpose of this Regulation. Manufacturers and importers, when they are natural persons should disclose their names to ensure that the consumer is able to identify the product for purpose of traceability.	***applicable***. When consumers report a product in the Safety Gate, only those personal data will be stored that are necessary to report the dangerous product and for a period not exceeding five years after such data have been encoded. Manufacturers and importers should hold the register of consumer complaints only as long as it is necessary for the purpose of this Regulation. Manufacturers and importers, when they are natural persons should disclose their names to ensure that the consumer is able to identify the product for purpose of traceability.	consumer complaints only as long as it is necessary for the purpose of this Regulation. Manufacturers and importers, when they are natural persons should disclose their names to ensure that the consumer is able to identify the product for purpose of traceability.	
Recital 81				
90	(81) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 and delivered an opinion on XX XXXX.[1] _____ 1. …	(81) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 and delivered an opinion on XX XXXX.[1] _____ 1. …	(81) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 and delivered an opinion on XX XXXX.[1] _____ 1. …	
Formula				
91				

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	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
CHAPTER I				
92	CHAPTER I General provisions	CHAPTER I General provisions	CHAPTER I General provisions	
Article 1				
93	Article 1 Subject matter	Article 1 Subject matter ***and objective***	Article 1 Subject matter	
Article 1, first paragraph				
94	This Regulation lays down essential rules on the safety of consumer products placed or made available on the market.	***The objective of*** this Regulation ~~lays~~***is to improve the functioning of the internal market and maintain a high level of health, safety and consumer protection by laying*** down essential rules ~~on~~***to ensure*** the safety of consumer products ~~placed or~~ made available on the ***Union*** market.	This Regulation lays down essential rules on the safety of ~~consumer~~ products placed or made available on the market.	
Article 2				
95	Article 2 Scope	Article 2 Scope	Article 2 Scope	

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Article 2(1), first subparagraph				
96	1. This Regulation shall apply to products defined in Article 3(1), placed or made available on the market in so far as there are no specific provisions with the same objective in rules of Union law which regulate the safety of the products concerned.	1. This Regulation shall apply to products defined in Article 3(1), ~~*placed or*~~ made available on the market in so far as there are no specific provisions with the same objective in rules of Union law which regulate the safety of the products concerned.	1. This Regulation shall apply to products defined in Article 3(1), placed or made available on the market in so far as there are no specific provisions with the same objective in rules of Union law which regulate the safety of the products concerned.	
Article 2(1), second subparagraph				
97	Where products are subject to specific safety requirements imposed by Union legislation, this Regulation shall apply only to the aspects and risks or categories of risks not covered by those requirements.	Where products are subject to specific safety requirements imposed by Union legislation, this Regulation shall apply only to the aspects and risks or categories of risks not covered by those requirements.	Where products are subject to specific safety requirements imposed by Union legislation, this Regulation shall apply only to the aspects and risks or categories of risks not covered by those requirements.	
Article 2(1), third subparagraph, introductory part				
98	In particular, as regards products subject to specific requirements imposed by Union harmonisation legislation as defined in Article 3(25),	In particular, as regards products subject to specific requirements imposed by Union harmonisation legislation as defined in Article 3(25),	In **regard to** ~~particular, as regards~~ products subject to specific requirements imposed by Union harmonisation legislation as defined in Article 3(25),	

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Article 2(1), third subparagraph, point (a)				
99	(a) Chapter II shall not apply insofar as the risks or categories of risks covered by Union harmonisation legislation are concerned;	(a) Chapter II shall not apply insofar as the risks or categories of risks covered by Union harmonisation legislation are concerned;	(a) Chapter II shall not apply insofar as the risks or categories of risks covered by Union harmonisation legislation are concerned;	
Article 2(1), third subparagraph, point (b)				
100	(b) Chapter III, Section 1, Chapters V and VII, Chapters IX to XI shall not apply.	(b) Chapter III, Section 1, Chapters V and VII, Chapters IX to XI shall not apply.	(b) Chapter III, Section 1, Chapters V and VII, Chapters IX to XI shall not apply.	
Article 2(2), introductory part				
101	2. This Regulation shall not apply to:	2. This Regulation shall not apply to:	2. This Regulation shall not apply to:	
Article 2(2), point (a)				
102	(a) medicinal products for human or veterinary use;	(a) medicinal products for human or veterinary use;	(a) medicinal products for human or veterinary use;	
Article 2(2), point (b)				
103	(b) food;	(b) food;	(b) food;	
Article 2(2), point (c)				

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104	(c) feed;	(c) feed;	(c) feed;	
Article 2(2), point (d)				
105	(d) living plants and animals, genetically modified organisms and genetically modified microorganisms in contained use, as well as products of plants and animals relating directly to their future reproduction;	(d) living plants and animals, genetically modified organisms and genetically modified microorganisms in contained use, as well as products of plants and animals relating directly to their future reproduction;	(d) living plants and animals, genetically modified organisms and genetically modified microorganisms in contained use, as well as products of plants and animals relating directly to their future reproduction;	
Article 2(2), point (e)				
106	(e) animal by-products and derived products;	(e) animal by-products and derived products;	(e) animal by-products and derived products;	
Article 2(2), point (f)				
107	(f) plant protection products;	(f) plant protection products;	(f) plant protection products;	
Article 2(2), point (g)				
108	(g) equipment on which consumers ride or travel which is operated by a service provider within the context of a service provided to consumers;	(g) equipment on which consumers ride or travel ~~*which is*~~ ***when that equipment is directly*** operated by a service provider within the context of a ***transport***	(g) equipment on which consumers ride or travel **but** which is operated **or driven** by a service provider within the context of a service provided to consumers;	

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		service provided to consumers ***and not operated by the consumers themselves***;		
Article 2(2), point (h)				
109	(h) aircraft referred to in point (d) of Article 2(3) of Regulation 2018/1139;	(h) aircraft referred to in point (d) of Article 2(3) of Regulation 2018/1139;	(h) aircraft referred to in point (d) of Article 2(3) of Regulation 2018/1139;	
Article 2(2), point (i)				
110	(i) antiques.	(i) antiques.	(i) **works of art, collectors' items and** antiques**, as referred to in Annex IX of Directive 2006/112/EC on the common system of value added tax**.	
Article 2(3)				
111	3. This Regulation shall apply to products placed or made available on the market whether new, used, repaired or reconditioned. It shall not apply to products to be repaired or reconditioned prior to being used where those products are made available on the market as such.	3. This Regulation shall apply to products ~~*placed or*~~ made available on the market whether new, used, repaired or reconditioned. It shall not apply to products to be repaired or reconditioned prior to being used where those products are made available on the market as such.	3. This Regulation shall apply to products placed or made available on the market whether new, used, repaired or reconditioned. It shall not apply to products to be repaired or reconditioned prior to being used where those products are made available on the market as such **and the supplier clearly informs the person whom he**	

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			supplies the product to.	
Article 2(4)				
112	4. This Regulation is without prejudice to the rules laid down by Union law on consumer protection.	4. This Regulation is without prejudice to the rules laid down by Union law on consumer protection.	4. This Regulation is without prejudice to the rules laid down by Union law on consumer protection.	
Article 2(5)				
113	5. This Regulation shall be applied taking due account of the precautionary principle.	5. ~~*This Regulation shall be applied taking due account of the precautionary principle.*~~	5. This Regulation shall be applied taking due account of the precautionary principle.	
Article 3				
114	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions	
Article 3, first paragraph, introductory part				
115	For the purposes of this Regulation the following definitions apply:	For the purposes of this Regulation the following definitions apply:	For the purposes of this Regulation the following definitions apply:	
Article 3, first paragraph, point (1)				
116	1. ‘product’ means any item, interconnected or not to other	1. ‘product’ means any item, interconnected or not to other	1. ‘product’ means any item, interconnected or not to other	

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	items, supplied or made available, whether for consideration or not, in the course of a commercial activity including in the context of providing a service – which is intended for consumers or can, under reasonably foreseeable conditions, be used by consumers even if not intended for them;	items, supplied or made available, whether for consideration or not, in the course of a commercial activity including in the context of providing a service – which is intended for consumers or ~~*can*~~***is likely***, under reasonably foreseeable conditions, ***to*** be used by consumers even if not intended for them;	items~~, supplied~~ **placed** or made available **on the market**, whether for consideration or not, ~~in the course of a commercial activity~~ including in the context of providing a service~~—~~**,** which is intended for consumers or can, under reasonably foreseeable conditions, be used by consumers even if not intended for them;	
Article 3, first paragraph, point (2)				
117	2. 'safe product' means any product which, under normal or reasonably foreseeable conditions of use or misuse, including the actual duration of use, does not present any risk or only the minimum risks compatible with the product's use, considered acceptable and consistent with a high level of protection of health and safety of consumers;	2. -'safe product' means any product which, under normal or reasonably foreseeable conditions of use ~~*or misuse*~~, including the actual duration of use, does not present any risk or only the minimum risks compatible with the product's use, considered acceptable and consistent with a high level of protection of health and safety of consumers;	2. -'safe product' means any product which, under normal or reasonably foreseeable conditions of use ~~or misuse~~, including the actual duration of use, does not present any risk or only the minimum risks compatible with the product's use, considered acceptable and consistent with a high level of protection of health and safety of consumers;	
Article 3, first paragraph, point (3)				
118	3. 'dangerous product' means any product which does not conform to the definition of 'safe product';	3. 'dangerous product' means any product which does not conform to the definition of 'safe product';	3. 'dangerous product' means any product which does not conform to the definition of 'safe product';	

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Article 3, first paragraph, point (4)				
119	4. ‘risk’ means the combination of the probability of an occurrence of a hazard causing harm and the degree of severity of that harm;	4. ‘risk’ means the combination of the probability of an occurrence of a hazard causing harm and the degree of severity of that harm;	4. ‘risk’ means the combination of the probability of an occurrence of a hazard causing harm and the degree of severity of that harm;	
Article 3, first paragraph, point (5)				
120	5. ‘serious risk’ means a risk for which, based on a risk assessment and taking into account the normal and foreseeable use of the product, the combination of the probability of occurrence of a hazard causing harm and the degree of severity of the harm is considered to require rapid intervention by the market surveillance authorities, including cases where the effects of the risk are not immediate;	5. ‘serious risk’ means a risk for which, based on a risk assessment and taking into account the normal and foreseeable use of the product, the combination of the probability of occurrence of a hazard causing harm and the degree of severity of the harm is considered to require rapid intervention by the market surveillance authorities, including cases where the effects of the risk are not immediate;	5. ‘serious risk’ means a risk ~~for~~ which, based on a risk assessment and taking into account the normal and foreseeable use of the product, ~~the combination of the probability of occurrence of a hazard causing harm and the degree of severity of the harm~~ is considered to require rapid intervention by the market surveillance authorities, including cases where the effects of the risk are not immediate;	
Article 3, first paragraph, point (5a)				
120a			**(5a) ‘accident’ means an occurrence associated with the use of a product that resulted or may reasonably have been expected to result in an individual’s death or in serious adverse effects on their health**	

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			and safety, permanent or temporary, including injuries, other damages to the body, illnesses and chronic health effects;	
Article 3, first paragraph, point (6)				
121	6. ‘making available on the market’ means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	6. ‘making available on the market’ means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	6. ‘making available on the market’ means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	
Article 3, first paragraph, point (7)				
122	7. ‘placing on the market’ means the first making available of a product on the Union market;	7. ‘placing on the market’ means the first making available of a product on the Union market;	7. ‘placing on the market’ means the first making available of a product on the Union market;	
Article 3, first paragraph, point (8)				
123	8. ‘manufacturer’ means any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under its	8. ‘manufacturer’ means any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under its	8. ‘manufacturer’ means any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under its	

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	name or trademark;	name or trademark;	name or trademark;	
Article 3, first paragraph, point (9)				
124	9. 'authorised representative' means any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on his or her behalf in relation to specified tasks;	9. 'authorised representative' means any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on ~~*his or her*~~***that manufacturer's*** behalf in relation to specified tasks;	9. 'authorised representative' means any natural or legal person established within the Union who has received a written mandate from a manufacturer to act on his or her behalf in relation to specified tasks **with regard to the manufacturer's obligations under this Regulation**;	
Article 3, first paragraph, point (10)				
125	10. 'importer' means any natural or legal person established within the Union who places a product from a third country on the Union market;	10. 'importer' means any natural or legal person established within the Union who places a product from a third country on the Union market;	10. 'importer' means any natural or legal person established within the Union who places a product from a third country on the Union market;	
Article 3, first paragraph, point (11)				
126	11. 'distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;	11. 'distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;	11. 'distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a product available on the market;	

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Article 3, first paragraph, point (12)				
127	12. ‘fulfilment service provider’ means any natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products involved, excluding postal services as defined in Article 2, point 1 of Directive 97/67/EC of the European Parliament and of the Council[1], parcel delivery services as defined in Article 2, point 2 of Regulation (EU) 2018/644 of the European Parliament and of the Council[2], and any other postal services or freight transport services; _________ 1. Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ L 15, 21. 1. 1998, p. 14). 2. Regulation (EU) 2018/644 of the European Parliament and of the Council of 18 April 2018 on cross-	12. ‘fulfilment service provider’ means any natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products involved, excluding postal services as defined in Article 2, point 1 of Directive 97/67/EC of the European Parliament and of the Council[1], parcel delivery services as defined in Article 2, point 2 of Regulation (EU) 2018/644 of the European Parliament and of the Council[2], and any other postal services or freight transport services; _________ 1. Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ L 15, 21. 1. 1998, p. 14). 2. Regulation (EU) 2018/644 of the European Parliament and of the Council of 18 April 2018 on cross-	12. ‘fulfilment service provider’ means any natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching, without having ownership of the products involved, excluding postal services as defined in Article 2, point 1 of Directive 97/67/EC of the European Parliament and of the Council[1], parcel delivery services as defined in Article 2, point 2 of Regulation (EU) 2018/644 of the European Parliament and of the Council[2], and any other postal services or freight transport services; _________ 1. Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ L 15, 21. 1. 1998, p. 14). 2. Regulation (EU) 2018/644 of the European Parliament and of the Council of 18 April 2018 on cross-	

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	border parcel delivery services (OJ L 112, 2. 5. 2018, p. 19).	border parcel delivery services (OJ L 112, 2. 5. 2018, p. 19).	border parcel delivery services (OJ L 112, 2. 5. 2018, p. 19).	
Article 3, first paragraph, point (13)				
128	13. 'economic operator' means the manufacturer, the authorized representative, the importer, the distributor, the fulfilment service provider or any other natural or legal person who is subject to obligations in relation to the manufacture of products, making them available on the market in accordance with this Regulation;	13. 'economic operator' means the manufacturer, the authorized representative, the importer, the distributor, the fulfilment service provider or any other natural or legal person who is subject to obligations in relation to the manufacture of products, making them available on the market in accordance with this Regulation;	13. 'economic operator' means the manufacturer, the ~~authorized~~**authorised** representative, the importer, the distributor, the fulfilment service provider or any other natural or legal person who is subject to obligations in relation to the manufacture of products, making them available on the market in accordance with this Regulation;	
Article 3, first paragraph, point (14)				
129	14. 'online marketplace' means a provider of an intermediary service using software, including a website, part of a website or an application, operated by or on behalf of a trader, which allows consumers to conclude distance contracts with other traders or consumers for the sale of products covered by this Regulation;	14. 'online marketplace' means a provider of an intermediary service using ~~*software, including a website, part of a website or an application, operated by or on behalf of a trader, which*~~***an online interface, which gives consumers access to traders' products and*** allows consumers to conclude distance contracts with ~~*other*~~***those*** traders ~~*or consumers*~~ for the sale of products covered by this	14. '**provider of an** online marketplace' means a provider of an intermediary service using software, including a website, part of a website or an application, operated by or on behalf of a trader, which allows consumers to conclude distance contracts with ~~other~~ traders ~~or consumers~~ for the sale of products ~~covered by this Regulation~~;	

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		Regulation;		
Article 3, first paragraph, point (15)				
130	15. 'online interface' means any software, including a website, part of a website or an application, that is operated by or on behalf of an economic operator, and which serves to give end users access to the economic operator's products;	15. 'online interface' means any software, including a website, part of a website or an application, ~~*that is operated by or on behalf of an economic operator, and which serves to give end users access to the economic operator's products*~~***including mobile applications***;	15. 'online interface' means any software, including a website, part of a website or an application, that is operated by or on behalf of an economic operator, and which serves to give ~~end users~~ **consumers** access to the economic operator's products;	
Article 3, first paragraph, point (15a)				
130a		***(15a) 'distance contract' means a distance contract as defined in Article 2, point (7), of Directive 2011/83/EU;***		
Article 3, first paragraph, point (15a)				
130b			**(15a) 'consumer' means any natural person who acts for purposes which are outside that person's trade, business, craft or profession;**	
Article 3, first paragraph, point (15b)				

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130c			**(15b) 'trader' means any natural person, or any legal person irrespective of whether privately or publicly owned, who is acting, including through any person acting in his or her name or on his or her behalf, for purposes relating to his or her trade, business, craft or profession;**	
Article 3, first paragraph, point (16)				
131	16. 'end user' means any natural or legal person residing or established in the Union, to whom a product has been made available either as a consumer outside of any trade, business, craft or profession or as a professional end user in the course of its industrial or professional activities;	16. 'end user' means any natural or legal person residing or established in the Union, to whom a product has been made available either as a consumer outside of any trade, business, craft or profession or as a professional end user in the course of its industrial or professional activities;	~~16. 'end user' means any natural or legal person residing or established in the Union, to whom a product has been made available either as a consumer outside of any trade, business, craft or profession or as a professional end user in the course of its industrial or professional activities;~~	
Article 3, first paragraph, point (17)				
132	17. 'European standard' means a European standard as defined in Article 2(1), point (b) of Regulation (EU) No 1025/2012;	17. 'European standard' means a European standard as defined in Article 2(1), point (b) of Regulation (EU) No 1025/2012;	17. 'European standard' means a European standard as defined in Article 2(1), point (b) of Regulation (EU) No 1025/2012;	

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Article 3, first paragraph, point (18)				
133	18. ‘International standard’ means an international standard as defined in Article 2(1), point (a) of Regulation (EU) No 1025/2012;	18. ‘International standard’ means an international standard as defined in Article 2(1), point (a) of Regulation (EU) No 1025/2012;	18. ‘International standard’ means an international standard as defined in Article 2(1), point (a) of Regulation (EU) No 1025/2012;	
Article 3, first paragraph, point (19)				
134	19. ‘National standard’ means a national standard as defined in Article 2(1), point (d) of Regulation (EU) No 1025/2012;	19. ‘National standard’ means a national standard as defined in Article 2(1), point (d) of Regulation (EU) No 1025/2012;	19. ‘National standard’ means a national standard as defined in Article 2(1), point (d) of Regulation (EU) No 1025/2012;	
Article 3, first paragraph, point (20)				
135	20. ‘European standardisation organisation’ means a European standardisation organisation as listed in Annex 1 to Regulation (EU) No 1025/2012;	20. ‘European standardisation organisation’ means a European standardisation organisation as listed in Annex 1 to Regulation (EU) No 1025/2012;	20. ‘European standardisation organisation’ means a European standardisation organisation as listed in Annex 1 to Regulation (EU) No 1025/2012;	
Article 3, first paragraph, point (21)				
136	21. ‘market surveillance’ means the activities carried out and measures taken by market surveillance authorities to ensure that products comply with the requirements set out in this	21. ‘market surveillance’ means the activities carried out and measures taken by market surveillance authorities to ensure that products comply with the requirements set out in this	21. ‘market surveillance’ means the activities carried out and measures taken by market surveillance authorities to ensure that products comply with the requirements set out in this	

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	Regulation;	Regulation;	Regulation;	
Article 3, first paragraph, point (22)				
137	22. 'market surveillance authority' means an authority designated by a Member State under Article 10 of Regulation (EU) 2019/1020 as responsible for organising and carrying out market surveillance in the territory of that Member State;	22. 'market surveillance authority' means an authority designated by a Member State under Article 10 of Regulation (EU) 2019/1020 as responsible for organising and carrying out market surveillance in the territory of that Member State;	22. 'market surveillance authority' means an authority designated by a Member State under Article 10 of Regulation (EU) 2019/1020 **or competent for the enforcement of this Regulation** as responsible for organising and carrying out market surveillance in the territory of that Member State;	
Article 3, first paragraph, point (23)				
138	23. 'recall' means any measure aimed at achieving the return of a product that has already been made available to the consumer;	23. 'recall' means any measure aimed at achieving the return of a product that has already been made available to the ~~*consumer*~~***end-user***;	23. 'recall' means any measure aimed at achieving the return of a product that has already been made available to the consumer;	
Article 3, first paragraph, point (24)				
139	24. 'withdrawal' means any measure aimed at preventing a product in the supply chain from being made available on the market;	24. 'withdrawal' means any measure aimed at preventing a product in the supply chain from being made available on the market;	24. 'withdrawal' means any measure aimed at preventing a product in the supply chain from being made available on the market;	
Article 3, first paragraph, point (25)				

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140	25. 'Union harmonisation legislation' means Union legislation listed in Annex I to Regulation (EU) 2019/1020 and any other Union legislation harmonising the conditions for the marketing of products to which that Regulation applies.	25. 'Union harmonisation legislation' means Union legislation listed in Annex I to Regulation (EU) 2019/1020 and any other Union legislation harmonising the conditions for the marketing of products to which that Regulation applies.	25. 'Union harmonisation legislation' means Union legislation listed in Annex I to Regulation (EU) 2019/1020 and any other Union legislation harmonising the conditions for the marketing of products to which that Regulation applies.	
Article 3, first paragraph, point (25a)				
140a		***(25a) 'antiques' means products, such as collectible objects and works of art, in relation to which consumers cannot reasonably expect that they fulfil state-of-the-art safety standards.***		
Article 4				
141	Article 4 Distance sales	Article 4 Distance sales	Article 4 Distance sales	
Article 4(1)				
142	1. Products offered for sale online or through other means of distance sales shall be deemed to be made available on the market if the offer	1. Products offered for sale online or through other means of distance sales shall be deemed to be made available on the market if the offer	1. Products offered for sale online or through other means of distance sales shall be deemed to be made available on the market if the offer	

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	is targeted at consumers in the Union. An offer for sale shall be considered to be targeted at consumers in the Union if the relevant economic operator directs, by any means, its activities to one or several Member State(s).	is ~~*targeted*~~***directed*** at consumers in the Union. An offer for sale shall be considered to be ~~*targeted*~~***directed*** at consumers in the Union if the relevant economic operator directs, by any means, its activities to one or several Member State(s).	is targeted at consumers in the Union. An offer for sale shall be considered to be targeted at consumers in the Union if the relevant economic operator directs, by any means, its activities to one or several Member State(s). **This article shall also apply to products offered free of charge.**	
Article 4(2), introductory part				
143	2. For the purpose of determining whether an offer is targeted at consumers in the Union, the following non-exhaustive criteria shall be taken into account:	2. ~~*For the purpose of determining whether an offer is targeted at consumers in the Union, the following non-exhaustive criteria shall be taken into account:*~~	~~2. For the purpose of determining whether an offer is targeted at consumers in the Union, the following non-exhaustive criteria shall be taken into account:~~	
Article 4(2), point (a)				
144	(a) the use of an official language or currency of the Member States,	(a) ~~*the use of an official language or currency of the Member States,*~~	~~(a) the use of an official language or currency of the Member States,~~	
Article 4(2), point (b)				
145	(b) a domain name registered in one of the Member States,	(b) ~~*a domain name registered in one of the Member States,*~~	~~(b) a domain name registered in one of the Member States,~~	
Article 4(2), point (c)				

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146	(c) the geographical areas to which the products can be dispatched.	(c) ~~*the geographical areas to which the products can be dispatched.*~~	~~(c) the geographical areas to which the products can be dispatched.~~	
CHAPTER II				
147	CHAPTER II Safety requirements	CHAPTER II Safety requirements	CHAPTER II Safety requirements	
Article 5				
148	Article 5 General safety requirement	Article 5 General safety requirement	Article 5 General safety requirement	
Article 5, first paragraph				
149	Economic operators shall place or make available on the Union market only safe products.	Economic operators shall ~~*place or*~~ make available on the Union market only safe products.	Economic operators shall place or make available on the Union market only safe products.	
Article 5a				
149a		***Article 5a*** ***Aspects for assessing the safety of products***		
Article 5a(1), introductory part				

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149b		***1. When assessing whether a product is safe, the following aspects shall be taken in particular into account:***		
Article 5a(1), point (a)				
149c		***(a) the characteristics of the product, including its design, technical features, composition, packaging, instructions for assembly and, where applicable, for installation, use and maintenance;***		
Article 5a(1), point (b)				
149d		***(b) the effect on other products, where it is reasonably foreseeable that it will be used with other products, including the interconnection of products among them;***		
Article 5a(1), point (c)				
149e		***(c) the effect that other products might have on the product to be assessed, where it is reasonably***		

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		foreseeable that other products will be used with that product, including the effect of non-embedded items that are meant to determine, change or complete the way another product falling under the scope of this Regulation works, which have to be taken into consideration in assessing the safety of that other product;		
Article 5a(1), point (d)				
149f		***(d) the presentation of the product, the labelling, including the labelling regarding age suitability for children, any warnings and instructions for its safe use and disposal, and any other indication or information regarding the product;***		
Article 5a(1), point (e)				
149g		***(e) the categories of consumers at risk when using the product, in particular by assessing the risk for vulnerable consumers such as children, older people and persons with disabilities, as well as the different impact on health and***		

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		safety of different genders;		
Article 5a(1), point (f)				
149h		***(f) the appearance of the product and in particular where a product, although not foodstuff, resembles foodstuff and is likely to be confused with foodstuff due to its form, odour, colour, appearance, packaging, labelling, volume, size or other characteristics and may therefore be placed in the mouth, sucked or ingested by the consumer, especially by children;***		
Article 5a(1), point (g)				
149i		***(g) the fact that although not designed or not intended for use by children, the product is likely to be used by children or resembles an object or a product commonly recognised as appealing to or intended for use by children, because of its design, packaging and characteristics;***		
Article 5a(1), point (h)				
149j				

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		(h) when required by the nature of product, the appropriate cybersecurity features necessary to protect the product against external influences, including malicious third parties, when such an influence may have an impact on the safety of the product, including the possible loss of interconnection;		
Article 5a(1), point (i)				
149k		***(i) the evolving, learning and predictive functionalities of a product when such functionalities have an impact on the safety of the product.***		
Article 5a(2)				
149l		***2. The feasibility of obtaining higher levels of safety or the availability of other products presenting a lesser degree of risk shall not constitute grounds for considering a product not to be safe.***		
Article 6				

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150	Article 6 Presumption of safety	Article 6 Presumption of ***conformity with the general*** safety ***requirement***	Article 6 Presumption of safety [moved to new Art. 7a with changes]	
Article 6(1), introductory part				
151	1. For the purpose of this Regulation, a product shall be presumed to be in conformity with the general safety requirement laid down in Article 5 in the following cases:	1. For the purpose of this Regulation, a product shall be presumed to be in conformity with the general safety requirement laid down in Article 5 in the following cases:	1. ~~For the purpose of this Regulation, a product shall be presumed to be in conformity with the general safety requirement laid down in Article 5 in the following cases:~~	
Article 6(1), point (a)				
152	(a) if it conforms to relevant European standards or parts thereof as far as the risks and risk categories covered are concerned, the references of which have been published in the Official Journal of the European Union in accordance with Article 10(7) of Regulation (EU) 1025/2012;	(a) if it conforms to relevant European ***product safety*** standards or parts thereof as far as the risks and risk categories covered ***by those standards*** are concerned, the references of which have been published in the Official Journal of the European Union in accordance with Article 10(7) of Regulation (EU) ~~*1025/2012*~~***No 1025/2012***; ***or***	(a) ~~if it conforms to relevant European standards or parts thereof as far as the risks and risk categories covered are concerned, the references of which have been published in the Official Journal of the European Union in accordance with Article 10(7) of Regulation (EU) 1025/2012;~~	
Article 6(1), point (b)				

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153	(b) in the absence of European standards referred to in point (a), as regards the risks covered by health and safety requirements laid down in the law of the Member State where the product is made available on the market, if it conforms to such national requirements.	(b) in the absence of European standards referred to in point (a) ***of this paragraph***, as regards the risks ***and risk categories*** covered by health and safety requirements laid down in the law of the Member State where the product is made available on the market***, such requirements being in conformity with the Treaties, and in particular with Articles 34 and 36 of the Treaty on the Functioning of the European Union***, if it conforms to such national requirements.	(b) ~~in the absence of European standards referred to in point (a), as regards the risks covered by health and safety requirements laid down in the law of the Member State where the product is made available on the market, if it conforms to such national requirements.~~	
Article 6(2)				
154	2. The Commission shall adopt implementing acts determining the specific safety requirements necessary to ensure that products which conform to the European standards satisfy the general safety requirement laid down in Article 5. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).	2. The Commission shall adopt implementing acts determining the specific safety requirements necessary to ensure that products which conform to the European ***product safety*** standards satisfy the general safety requirement laid down in Article 5. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).	2. ~~The Commission shall adopt implementing acts determining the specific safety requirements necessary to ensure that products which conform to the European standards satisfy the general safety requirement laid down in Article 5. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).~~	

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Article 6(3)				
155	3. However, presumption of safety under paragraph 1 shall not prevent market surveillance authorities from taking action under this Regulation where there is evidence that, despite such conformity, the product is dangerous.	3. However, presumption of ***conformity with the general*** safety ***requirement*** under paragraph 1 shall not prevent market surveillance authorities from taking ~~*action*~~***all appropriate measures*** under this Regulation where there is evidence that, despite such conformity, the product is dangerous.	3. ~~However, presumption of safety under paragraph 1 shall not prevent market surveillance authorities from taking action under this Regulation where there is evidence that, despite such conformity, the product is dangerous.~~	
Article 7				
156	Article 7 Aspects for assessing the safety of products	Article 7 ~~*Aspects*~~***Additional elements*** for assessing the safety of products	Article 7 Aspects for assessing the safety of products	
Article 7(1), introductory part				
157	1. Where the presumption of safety laid down in Article 5 does not apply, the following aspects shall be taken into account in particular when assessing whether a product is safe:	1. ~~*Where the presumption of safety laid down in Article 5 does not apply, the following aspects shall be taken into account in particular when assessing whether a product is safe:*~~	1. ~~Where the presumption of safety laid down in Article 5 does not apply~~ **When assessing whether a product is safe**, the following aspects shall **at least** be taken into account ~~in particular when assessing whether a product is safe~~:	
Article 7(1), point (a)				

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158	(a) the characteristics of the product, including its design, technical features, composition, packaging, instructions for assembly and, where applicable, for installation and maintenance;	(a) ~~*the characteristics of the product, including its design, technical features, composition, packaging, instructions for assembly and, where applicable, for installation and maintenance;*~~	(a) the characteristics of the product, including its design, technical features, composition, packaging, instructions for assembly and, where applicable, for installation and maintenance;	
Article 7(1), point (b)				
159	(b) the effect on other products, where it is reasonably foreseeable that it will be used with other products, including the interconnection of products among them;	(b) ~~*the effect on other products, where it is reasonably foreseeable that it will be used with other products, including the interconnection of products among them;*~~	(b) the effect on other products, where it is reasonably foreseeable that it will be used with other products, including the interconnection of products among them;	
Article 7(1), point (c)				
160	(c) the effect that other products might have on the product to be assessed, including the effect of non-embedded items that are meant to determine, change or complete the way another product falling under the scope of this Regulation works, which have to be taken into consideration in assessing the safety of that other product;	(c) ~~*the effect that other products might have on the product to be assessed, including the effect of non-embedded items that are meant to determine, change or complete the way another product falling under the scope of this Regulation works, which have to be taken into consideration in assessing the safety of that other product;*~~	(c) the effect that other products might have on the product to be assessed, including the effect of non-embedded items that are meant to determine, change or complete the way ~~another product falling under the scope of this Regulation works, which have~~ **the product** to be ~~taken into consideration in assessing the safety of that other product~~**assessed works**;	

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Article 7(1), point (d)				
161	(d) the presentation of the product, the labelling, any warnings and instructions for its safe use and disposal, and any other indication or information regarding the product;	(d) ~~*the presentation of the product, the labelling, any warnings and instructions for its safe use and disposal, and any other indication or information regarding the product;*~~	(d) the presentation of the product, the labelling, any warnings and instructions for its ~~safe use and disposal, and any other indication or information regarding the product;~~**items;**	
Article 7(1), point (e)				
162	(e) the categories of consumers at risk when using the product, in particular vulnerable consumers such as children, older people and persons with disabilities;	(e) ~~*the categories of consumers at risk when using the product, in particular vulnerable consumers such as children, older people and persons with disabilities;*~~	(e) the categories of consumers ~~at risk when~~ using the product, in particular vulnerable consumers such as children, older people and persons with disabilities;	
Article 7(1), point (f)				
163	(f) the appearance of the product and in particular where a product, although not foodstuff, resembles foodstuff and is likely to be confused with foodstuff due to its form, odour, colour, appearance, packaging, labelling, volume, size or other characteristics;	(f) ~~*the appearance of the product and in particular where a product, although not foodstuff, resembles foodstuff and is likely to be confused with foodstuff due to its form, odour, colour, appearance, packaging, labelling, volume, size or other characteristics;*~~	(f) the appearance of the product ~~and in particular~~ where ~~a product, although not foodstuff, resembles foodstuff and~~**it** is likely to ~~be confused with foodstuff due to its form, odour, colour, appearance, packaging, labelling, volume, size or other characteristics;~~**make consumers use the product in a way different from what it was designed for, and in particular:**	

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Article 7(1), point (f)(i)				
163a			**(i) where a product, although not foodstuff, resembles foodstuff and is likely to be confused with foodstuff due to its form, odour, colour, appearance, packaging, labelling, volume, size or other characteristics;**	
Article 7(1), point (f)(ii)				
163b			**(ii) where a product, although not designed or not intended for use by children, resembles an object commonly recognized as appealing to or intended for use by children, because of its design, packaging and characteristics;**	
Article 7(1), point (g)				
164	(g) the fact that although not designed or not intended for use by children, the product resembles an object commonly recognized as appealing to or intended for use by children, because of its design, packaging and characteristics;	(g) ~~*the fact that although not designed or not intended for use by children, the product resembles an object commonly recognized as appealing to or intended for use by children, because of its design, packaging and characteristics;*~~	~~(g) the fact that although not designed or not intended for use by children, the product resembles an object commonly recognized as appealing to or intended for use by children, because of its design, packaging and characteristics;~~ ***[moved to new Art. 7(1)(f)(ii) with changes]***	

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Article 7(1), point (h)				
165	(h) the appropriate cybersecurity features necessary to protect the product against external influences, including malicious third parties, when such an influence might have an impact on the safety of the product;	(h) ~~*the appropriate cybersecurity features necessary to protect the product against external influences, including malicious third parties, when such an influence might have an impact on the safety of the product;*~~	(h) the appropriate cybersecurity features necessary to protect the product against external influences, including malicious third parties, when such an influence might have an impact on the safety of the product;	
Article 7(1), point (i)				
166	(i) the evolving, learning and predictive functionalities of a product.	(i) ~~*the evolving, learning and predictive functionalities of a product.*~~	(i) the evolving, learning and predictive functionalities of a product.	
Article 7(2)				
167	2. The feasibility of obtaining higher levels of safety or the availability of other products presenting a lesser degree of risk shall not constitute grounds for considering a product not to be safe.	2. ~~*The feasibility of obtaining higher levels of safety or the availability of other products presenting a lesser degree of risk shall not constitute grounds for considering a product not to be safe.*~~	2. The feasibility of obtaining higher levels of safety or the availability of other products presenting a lesser degree of risk shall not constitute grounds for considering a product not to be safe.	
Article 7(3), introductory part				
168				

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	3. For the purpose of paragraph 1, when assessing whether a product is safe, the following elements, when available, shall be taken into account, in particular:	3. For the purpose of ~~*paragraph 1*~~ ***Article 5a and where the presumption of safety under Article 6 does not apply***, when assessing whether a product is safe, the following elements, when available, shall be taken ***in particular*** into account~~, *in particular*~~:	3. For the purpose of paragraph 1, **and without prejudice to the application of Article 7a,** when assessing whether a product is safe, the following elements~~, when available, shall~~ **shall at least** be taken into account,~~ in particular~~ **when available**:	
Article 7(3), point (a)				
169	(a) European standards other than those the references of which have been published in the Official Journal of the European Union in accordance with Article 10(7) of Regulation (EU) 1025/2012;	(a) European standards other than those the references of which have been published in the Official Journal of the European Union in accordance with Article 10(7) of Regulation (EU) 1025/2012;	(a) European standards~~ other than those the references of which have been published in the Official Journal of the European Union in accordance with Article 10(7) of Regulation (EU) 1025/2012~~;	
Article 7(3), point (b)				
170	(b) international standards;	(b) international standards;	(b) international standards;	
Article 7(3), point (c)				
171	(c) international agreements;	(c) international agreements;	(c) international agreements;	
Article 7(3), point (d)				
172				

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	(d) voluntary certification schemes or similar third-party conformity assessment frameworks, in particular those conceived to support Union legislation;	(d) voluntary certification schemes or similar third-party conformity assessment frameworks, in particular those conceived to support Union legislation;	(d) voluntary certification schemes or similar third-party conformity assessment frameworks, in particular those conceived to support Union legislation;	
Article 7(3), point (e)				
173	(e) Commission recommendations or guidelines on product safety assessment;	(e) Commission recommendations or guidelines on product safety assessment;	(e) ~~Commission~~ recommendations or guidelines on product safety assessment **from the Commission or other Union institutions or agencies**;	
Article 7(3), point (f)				
174	(f) national standards drawn up in the Member State in which the product is made available;	(f) national standards drawn up in the Member State in which the product is made available;	(f) national standards drawn up in the Member State in which the product is made available;	
Article 7(3), point (g)				
175	(g) the state of the art and technology, including the opinion of recognized scientific bodies and expert committees;	(g) the state of the art and technology, including the opinion of recognized scientific bodies and expert committees;	(g) the state of the art and technology, including the opinion of recognized scientific bodies and expert committees;	
Article 7(3), point (h)				
176				

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	(h) product safety codes of good practice in force in the sector concerned;	(h) product safety codes of good practice in force in the sector concerned;	(h) product safety codes of good practice in force in the sector concerned;	
Article 7(3), point (i)				
177	(i) reasonable consumer expectations concerning safety;	(i) reasonable consumer expectations concerning safety;	(i) reasonable consumer expectations concerning safety;	
Article 7(3), point (j)				
178	(j) safety requirements adopted in accordance with Article 6(2).	(j) safety requirements adopted in accordance with Article 6(2).	(j) safety requirements adopted in accordance with Article ~~6(2)~~ **7a(2)**.	
Article 7a				
178a			**Article 7a** **Presumption of safety** **[moved from Art. 6 with changes]** [moved from Art. 6 with changes]	
Article 7a(1), introductory part				
178b			**1. For the purpose of this Regulation, a product shall be presumed to be in conformity**	

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			with the general safety requirement laid down in Article 5 in the following cases:	
Article 7a(1), point (a)				
178c			**(a) if it conforms to relevant European standards drawn up in support of this Regulation or parts thereof for the risks and risk categories covered by those standards, the references of which have been published in the Official Journal of the European Union in accordance with Article 10(7) of Regulation (EU) 1025/2012;**	
Article 7a(1), point (b)				
178d			**(b) in the absence of the European standards referred to in point (a), if the product conforms to national requirements, as regards the risks covered by health and safety requirements laid down in the law of the Member State it is made available on the market, provided that such law is in compliance with Union law.**	

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Article 7a(2)				
178e			**2. The Commission shall adopt implementing acts determining the specific safety requirements to be covered by European standards in order to ensure that products which conform to these European standards satisfy the general safety requirement laid down in Article 5. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).**	
Article 7a(3)				
178f			**3. However, presumption of safety under paragraph 1 shall not prevent market surveillance authorities from taking action under this Regulation where, despite such presumption, there is evidence that the product is dangerous.**	
CHAPTER III				
179				

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
	CHAPTER III Obligations of economic operators	CHAPTER III Obligations of economic operators	CHAPTER III Obligations of economic operators	
Section 1				
180	Section 1	Section 1	Section 1	
Article 8				
181	Article 8 Obligations of manufacturers	Article 8 Obligations of manufacturers	Article 8 Obligations of manufacturers	
Article 8(1)				
182	1. When placing their products on the market, manufacturers shall ensure that these products have been designed and manufactured in accordance with the general safety requirement laid down in Article 5.	1. When placing their products on the market, manufacturers shall ensure that these products have been designed and manufactured in accordance with the general safety requirement laid down in Article 5.	1. When placing their products on the market, manufacturers shall ensure that these products have been designed and manufactured in accordance with the general safety requirement laid down in Article 5.	
Article 8(2), first subparagraph				
183	2. Manufacturers shall investigate the complaints received that concern products they made available on the market, and which have been identified as dangerous by the complainant, and shall keep	2. ~~*Manufacturers shall investigate the complaints received that concern products they made available on the market, and which have been identified as dangerous by the complainant, and shall keep*~~	~~2. Manufacturers shall investigate the complaints received that concern products they made available on the market, and which have been identified as dangerous by the complainant, and shall keep~~	

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	a register of these complaints as well as of product recalls.	~~*a register of these complaints as well as of product recalls.*~~	~~a register of these complaints as well as of product recalls.~~	
Article 8(2), second subparagraph				
184	Manufacturers shall make publicly available to consumers, communication channels such as telephone number, electronic address or dedicated section of their website, allowing the consumers to file complaints and to inform them of any accident or safety issue they have experienced with the product.	~~*Manufacturers shall make publicly available to consumers, communication channels such as telephone number, electronic address or dedicated section of their website, allowing the consumers to file complaints and to inform them of any accident or safety issue they have experienced with the product.*~~	~~Manufacturers shall make publicly available to consumers, communication channels such as telephone number, electronic address or dedicated section of their website, allowing the consumers to file complaints and to inform them of any accident or safety issue they have experienced with the product.~~	
Article 8(2), third subparagraph				
185	Personal data stored in the register of complaints shall only be those personal data that are necessary for the manufacturer to investigate the complaint about an alleged dangerous product. Such data shall only be kept as long as it is necessary for the purpose of investigation and no longer than five years after they have been encoded.	~~*Personal data stored in the register of complaints shall only be those personal data that are necessary for the manufacturer to investigate the complaint about an alleged dangerous product. Such data shall only be kept as long as it is necessary for the purpose of investigation and no longer than five years after they have been encoded.*~~	~~Personal data stored in the register of complaints shall only be those personal data that are necessary for the manufacturer to investigate the complaint about an alleged dangerous product. Such data shall only be kept as long as it is necessary for the purpose of investigation and no longer than five years after they have been encoded.~~	
Article 8(3)				

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186	3. Manufacturers shall keep distributors, importers and online marketplaces in the concerned supply chain informed of any safety issue that they have identified.	3. ~~*Manufacturers shall keep distributors, importers and online marketplaces in the concerned supply chain informed of any safety issue that they have identified.*~~	~~3. Manufacturers shall keep distributors, importers and online marketplaces in the concerned supply chain informed of any safety issue that they have identified.~~	
Article 8(4), first subparagraph, introductory part				
187	4. Manufacturers shall draw up technical documentation of the product. The technical documentation shall contain, as appropriate:	4. ***Before placing a product on the market,*** manufacturers shall draw up ***a*** technical documentation ***containing at least a general description*** of the product ***and its essential properties relevant for assessing its safety***. ***Where deemed appropriate with regard to the risks presented by a product,*** the technical documentation ~~*shall contain, as appropriate*~~***referred to in the first subparagraph shall also contain***:	4. Manufacturers shall draw up technical documentation of the product. The technical documentation shall contain, as appropriate:	
Article 8(4), first subparagraph, point (a)				
188	(a) a general description of the product and its essential properties relevant for assessing the product's safety;	(a) ~~*a general description of the product and its essential properties relevant for assessing the product's safety;*~~	(a) a general description of the product and its essential properties relevant for assessing the product's safety;	

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Article 8(4), first subparagraph, point (b)				
189	(b) an analysis of the possible risks related to the product and the solutions adopted to eliminate or mitigate such risks, including the outcome of any tests conducted by the manufacturer or by another party on their behalf;	(b) an analysis of the possible risks related to the product and the solutions adopted to eliminate or mitigate such risks, including the outcome of any tests conducted by the manufacturer or by another party on their behalf;	(b) an analysis of the possible risks related to the product and the solutions adopted to eliminate or mitigate such risks, including ~~the outcome of any~~ **reports related to** tests conducted by the manufacturer or by another party on their behalf;	
Article 8(4), first subparagraph, point (c)				
190	(c) the list of the European standards referred to in Article 6(1) point a, or the other elements referred to in Article 7(3), applied to meet the general safety requirement laid down in Article 5.	(c) the list of the European standards referred to in Article 6(1) point a, or the other elements referred to in ***6(1) point b or*** Article ~~*7(3)*~~*7*, applied to meet the general safety requirement laid down in Article 5.	(c) the list of the European standards referred to in Article 6(1) point a, or the other elements referred to in Article 7(3), applied to meet the general safety requirement laid down in Article 5.	
Article 8(4), second subparagraph				
191	Where any of the European standards, health and safety requirements or elements referred to in Article 7(3) have been only partly applied, the parts which have been applied shall be identified.	Where any of the European standards, health and safety requirements or elements referred to in Article ~~*7(3)*~~***6(1) or Article 7*** have been only partly applied, the parts which have been applied shall be identified.	Where any of the European standards, health and safety requirements or elements referred to in Article 7(3) have been only partly applied, the parts which have been applied shall be identified **and justified**.	

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Article 8(5)				
192	5. Manufacturers shall keep the technical documentation, for a period of ten years after the product has been placed on the market and make it available to the market surveillance authorities, upon request.	5. Manufacturers shall ~~*keep*~~***ensure that*** the technical documentation~~,~~ ***referred to in paragraph 4 is up to date. They shall keep it*** for a period of ten years after the product has been placed on the market ~~*and make it available to*~~***at the disposal of*** the market surveillance authorities, upon request.	5. Manufacturers shall keep the technical documentation~~,~~ **referred to in paragraph 4** for a period of ten years after the product has been placed on the market and make it available to the market surveillance authorities, upon request.	
Article 8(5a)				
192a			**5a. Manufacturers shall ensure that procedures are in place for products produced in series to remain in conformity with the general safety requirement laid down in Article 5.**	
Article 8(5a)				
192b		***5a. Manufacturers shall ensure that procedures are in place for series production to remain in conformity with the general safety requirement laid down in Article 5.***		

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Article 8(6)				
193	6. Manufacturers shall ensure that their products bear a type, batch or serial number or other element allowing the identification of the product which is easily visible and legible for consumers, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the product.	6. Manufacturers shall ensure that their products bear a type, batch or serial number or other element allowing the identification of the product which is easily visible and legible for consumers, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the product.	6. Manufacturers shall ensure that their products bear ~~a type, batch or serial number or other element allowing the identification of the product~~ **adequate information allowing the identification of the product, such as a type reference, batch or serial number,** which is easily visible and legible for consumers, or, where the size or nature of the product does not allow it, that the required information is provided on the packaging or in a document accompanying the product.	
Article 8(7)				
194	7. Manufacturers shall indicate their name, registered trade name or registered trade mark and the postal and electronic address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product. The address shall indicate a single contact point at which the manufacturer can be contacted.	7. Manufacturers shall indicate their name, registered trade name or registered trade mark***, the postal address*** and the ~~*postal and*~~***website or*** electronic address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product. The address shall indicate a single contact point at which the manufacturer can be contacted.	7. Manufacturers shall indicate their name, **their** registered trade name or registered trade mark**, their postal and electronic address and, where different,** ~~and~~ the postal ~~and~~**or** electronic address **of the single contact point** at which they can be contacted**. This information shall be placed** on the product or, where that is not possible, on its packaging or in a document accompanying the	

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			product. ~~The address shall indicate a single contact point at which the manufacturer can be contacted.~~	
Article 8(8)				
195	8. Manufacturers shall ensure that their product is accompanied by instructions and safety information in a language which can be easily understood by consumers, as determined by the Member State in which the product is made available. This requirement shall not apply where the product can be used safely and as intended by the manufacturer without such instructions and safety information.	8. Manufacturers shall ensure that their product is accompanied by instructions and safety information in a language which can be easily understood by consumers, as determined by the Member State in which the product is made available. This requirement shall not apply where the product can be used safely and as intended by the manufacturer without such instructions and safety information.	8. Manufacturers shall ensure that their product is accompanied by **clear** instructions and safety information in a language which can be easily understood by consumers, as determined by the Member State in which the product is made available. This requirement shall not apply where **there is no doubt that** the product can be used safely and as intended by the manufacturer **under reasonably foreseeable conditions,** without such instructions and safety information.	
Article 8(9)				
196	9. Manufacturers shall ensure that procedures are in place for series production to remain in conformity with the general safety requirement laid down in Article 5.	9. ~~*Manufacturers shall ensure that procedures are in place for series production to remain in conformity with the general safety requirement laid down in Article 5.*~~	~~9. Manufacturers shall ensure that procedures are in place for series production to remain in conformity with the general safety requirement laid down in Article 5.~~	
Article 8(10)				

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197	10. Manufacturers who consider or have reason to believe, on the basis of the information in their possession, that a product which they have placed on the market is not safe, shall immediately take the corrective measures necessary to bring the product into conformity, including a withdrawal or recall, as appropriate.	10. Manufacturers who consider or have reason to believe, on the basis of the information in their possession, that a product which they have placed on the market is not safe, shall immediately take the corrective measures necessary to ***effectively*** bring the product into conformity, including a withdrawal or recall, as appropriate. ***Where the product poses a risk to the health and safety of consumers, manufacturers shall immediately alert them thereof in accordance with Article 33 and, via the Safety Business Gateway referred to in Article 25, immediately inform the market surveillance authorities of the Member States in which the product has been made available to that effect, giving details, in particular, of the risk to health and safety of consumers and of any corrective measure already taken, and if available of the quantity by Member State of products still circulating in the market.***	10. Manufacturers who consider or have reason to believe, on the basis of the information in their possession, that a product which they have placed on the market is not **in conformity with this Regulation** ~~safe~~, shall immediately take the corrective measures necessary to bring the product into conformity, including a withdrawal or recall, as appropriate.	
Article 8(10a)				
197a				

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			10a. When the product referred to in paragraph 10 is dangerous, manufacturers shall, via the Safety Business Gateway referred to in Article 25, immediately inform the market surveillance authorities of the Member States in which the product has been made available. They shall give details, in particular, of the risk to health and safety of consumers, of the number of products involved and of any corrective measure already taken.	
Article 8(11)				
198	11. Manufacturers shall, via the Safety Business Gateway referred to in Article 25, immediately alert consumers of the risk to their health and safety presented by a product they manufacture and immediately inform the market surveillance authorities of the Member States in which the product has been made available to that effect, giving details, in particular, of the risk to health and safety of consumers and of any corrective measure already taken.	11. ~~*Manufacturers shall, via the Safety Business Gateway referred to in Article 25, immediately alert consumers of the risk to their health and safety presented by a product they manufacture and immediately inform the market surveillance authorities of the Member States in which the product has been made available to that effect, giving details, in particular, of the risk to health and safety of consumers and of any corrective measure already taken.*~~	11. ~~Manufacturers shall, via the Safety Business Gateway~~**When the product** referred to in ~~Article 25, immediately alert consumers of the risk to their health and safety presented by a product they manufacture and immediately inform the market surveillance authorities of the Member States in which the product has been made available to that effect, giving details, in particular,~~**paragraph 10 is dangerous, and without prejudice to the obligations laid**	

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			down by Articles 33 and 34, manufacturers shall, through the Safety Business Gateway referred to in Article 25, immediately alert consumers of the risk to **their** health and safety ~~of consumers and of any corrective measure already taken~~**presented by a product they manufacture**.	
Article 8(11a)				
198a			**The Commission shall ensure that the information meant to alert consumers can be provided by manufacturers via the Safety Business Gateway referred to in Article 25 and is made available to consumers on the Safety Gate Portal without undue delay.**	
Article 8(11a)				
198b		***11a. Manufacturers shall inform distributors, importers and, where relevant, responsible persons, fulfilment service providers and online marketplaces in the supply chain concerned of any safety issue that they have identified.***		

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Article 8(11b)				
198c			**12. Manufacturers shall investigate the complaints received that concern the safety of products they made available on the market, and shall keep a register of these complaints as well as of corrective measures necessary to bring the product into conformity with this Regulation, including recalls.**	
Article 8(11b)				
198d		***11b. Manufacturers shall make publicly available communication channels such as a telephone number, electronic address or dedicated section of their website, taking into account accessibility needs for persons with disabilities, allowing consumers to file complaints that concern products which manufacturers have made available on the market and enabling manufacturers to be informed of any accident or safety issue consumers have experienced with those products. Manufacturers shall investigate the complaints and information***		

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		on accidents received that concern products which have been identified as dangerous by the complainant, and shall keep an internal register of those complaints as well as of product recalls. ***Personal data stored in the register of complaints shall only be those personal data that are necessary for the manufacturer to investigate the complaint about an alleged dangerous product. Such data shall only be kept for as long as is necessary for the purpose of investigation and in any event for no longer than five years after they have been encoded.***		
Article 8(11c)				
198e			**Manufacturers shall make publicly available to consumers communication channels such as telephone number, electronic address or dedicated section of their website, allowing the consumers to file complaints and to inform them of any accident or safety issue they have experienced with the product.**	

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Article 8(11d)				
198f			**Personal data stored in the register of complaints shall only be those personal data that are necessary for the manufacturer to investigate the complaint about an alleged dangerous product. Such data shall only be kept as long as it is necessary for the purpose of investigation and no longer than five years after they have been encoded.**	
Article 8(11e)				
198g			**13. Manufacturers shall ensure that other economic operators and providers of online marketplaces in the concerned supply chain are kept informed of any safety issue that they have identified.**	
Article 9				
199	Article 9 Obligations of authorised representatives		Article 9 Obligations of authorised representatives	
Article 9(1)				

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200	1. A manufacturer may, by a written mandate, appoint an authorised representative.	1. A manufacturer may, by a written mandate, appoint an authorised representative.	1. A manufacturer may, by a written mandate **specifying the products covered**, appoint an authorised representative. **This mandate shall be provided to market surveillance authorities upon request.**	
Article 9(2), introductory part				
201	2. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The mandate shall allow the authorised representative to perform at least the following tasks:	2. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. ***It shall provide a copy of the mandate to the market surveillance authorities upon request.*** The mandate shall allow the authorised representative to perform at least the following tasks:	2. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. ~~The mandate~~ **These tasks** shall ~~allow the authorised representative to perform~~**include** at least ~~the following tasks~~:	
Article 9(2), point (a)				
202	(a) provide a market surveillance authority, upon its reasoned request, with all information and documentation necessary to demonstrate the safety of the product in an official language which can be understood by that	(a) provide a market surveillance authority, upon its reasoned request, with all information and documentation necessary to demonstrate the safety of the product in an official language which can be understood by that	(a) ~~provide~~ **providing** a market surveillance authority, upon its reasoned request, with all information and documentation necessary to demonstrate the safety of the product in an official language which can be understood	

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	authority;	authority;	by that authority;	
Article 9(2), point (b)				
203	(b) where they have a reason to believe that a product in question presents a risk, inform the manufacturer;	(b) where they have a reason to believe that a product in question ~~*presents a risk*~~***is not safe***, inform the manufacturer;	(b) where **the authorised representative has** ~~they have~~ a reason to believe that a product in question presents a risk, ~~inform~~ **informing** the manufacturer;	
Article 9(2), point (ba)				
203a			**(ba) informing the competent national authorities about any action taken to eliminate the risks posed by products covered by their mandate through a notification in the Safety Business Gateway referred to in Article 25, in case that the information has not been already provided by the manufacturer or upon instruction of the manufacturer;**	
Article 9(2), point (c)				
204	(c) cooperate with the competent national authorities, at their request, on any action taken to	(c) cooperate with the competent national authorities, at their request, on any action taken to	(c) ~~cooperate~~ **cooperating** with the competent national authorities, at their request, on any action taken	

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	eliminate the risks posed by products covered by their mandate.	***effectively*** eliminate the risks posed by products covered by their mandate.	to eliminate the risks posed by products covered by their mandate.	
Article 10				
205	Article 10 Obligations of importers	Article 10 Obligations of importers	Article 10 Obligations of importers	
Article 10(1)				
206	1. Before placing a product on the market importers shall ensure that the product is compliant with the general safety requirement laid down in Article 5 and that the manufacturer has complied with the requirements set out in Article 8 (4), (6) and (7).	1. Before placing a product on the market importers shall ensure that the product is compliant with the general safety requirement laid down in Article 5 and that the manufacturer has complied with the requirements set out in Article 8 (4), (6) and (7).	1. Before placing a product on the market importers shall ensure that the product is compliant with the general safety requirement laid down in Article 5 and that the manufacturer has complied with the requirements set out in Article ~~8 (4)~~**8(4)**, (6) and (7).	
Article 10(2)				
207	2. Where an importer considers or has reason to believe that a product is not in conformity with Article 5 and Article 8(4), (6) and (7), he or she shall not place the product on the market until it has been brought into conformity. Furthermore, where the product is not safe, the	2. Where an importer considers or has reason to believe that a product is not in conformity with Article 5 and Article 8(4), (6) and (7), he or she shall not place the product on the market until it has been brought into conformity. Furthermore, where the product is not safe, the	2. ~~Where an importer considers or has~~ **Importers who consider or have** reason to believe**, on the basis of the information in their possession,** that a product is not in conformity with Article 5 and Article 8(4), (6) and (7),~~ he or she~~ shall not place the product on the	

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	importer shall inform the manufacturer and ensure that the market surveillance authorities are informed.	importer shall inform the manufacturer and ensure that the market surveillance authorities are informed ***without undue delay***.	market until it has been brought into conformity. Furthermore, where the product is ~~not safe~~ **dangerous**, the importer shall **immediately** inform the manufacturer and ensure that the market surveillance authorities are informed **through the Safety Business Gateway referred to in Article 25**.	
Article 10(3)				
208	3. Importers shall indicate their name, registered trade name or registered trade mark, the postal and electronic address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product. They shall ensure that any additional label does not obscure any information on the label provided by the manufacturer.	3. Importers shall indicate their name, registered trade name or registered trade mark, the postal ***address and the website or*** ~~and~~ electronic address at which they can be contacted on the product or, where that is not possible, on its packaging or in a document accompanying the product. They shall ensure that any additional label does not obscure any information on the label provided by the manufacturer.	3. Importers shall indicate their name, **their** registered trade name or registered trade mark, **their postal and electronic address and, where different,** the postal ~~and~~**or** electronic address **of the single contact point** at which they can be contacted**. This information shall be placed** on the product or, where that is not possible, on its packaging or in a document accompanying the product. They shall ensure that any additional label does not obscure any information on the label provided by the manufacturer.	
Article 10(4)				

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209	4. Importers shall ensure that the product they imported is accompanied by instructions and safety information in a language which can be easily understood by consumers, as determined by the Member State in which the product is made available, except where the product can be used safely and as intended by the manufacturer without such instructions and safety information.	4. Importers shall ensure that the product they imported is accompanied by instructions and safety information in a language which can be easily understood by consumers, as determined by the Member State in which the product is made available, except where the product can be used safely and as intended by the manufacturer without such instructions and safety information.	4. Importers shall ensure that the product they imported is accompanied by **clear** instructions and safety information in a language which can be easily understood by consumers, as determined by the Member State in which the product is made available~~, except~~**. This requirement shall not apply** where **there is no doubt that** the product can be used safely and as intended by the manufacturer **under reasonably foreseeable conditions,** without such instructions and safety information.	
Article 10(5)				
210	5. Importers shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardize its conformity with the general safety requirement laid down in Article 5 and its conformity with Article 8 (6) and (7).	5. Importers shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardize its conformity with the general safety requirement laid down in Article 5 and its conformity with Article 8 (6) and (7).	5. Importers shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardize its conformity with the general safety requirement laid down in Article 5 and its conformity with Article ~~8 (6)~~**8(6)** and (7).	
Article 10(6), first subparagraph				
211				

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	6. Importers shall investigate complaints related to products they made available on the market and file these complaints, as well as products recalls, in the register referred to in Article 8(2), first subparagraph, or in their own register. Importers shall keep the manufacturer and distributors informed of the investigation performed and of the results of the investigation.	Moved to row 212a	~~6. Importers shall investigate complaints related to products they made available on the market and file these complaints, as well as products recalls, in the register referred to in Article 8(2), first subparagraph, or in their own register. Importers shall keep the manufacturer and distributors informed of the investigation performed and of the results of the investigation.~~	
Article 10(6), second subparagraph				
212	Importers shall ensure that the communication channels referred to in Article 8(2), second subparagraph, are available to consumers allowing them to present complaints and communicate any accident or safety issue they have experienced with the product. If such channels are not available the importer shall provide for them.	Importers shall ~~ensure~~***verify whether*** that the communication channels referred to in Article ~~8(2), second~~***8(11b), first*** subparagraph, are ***publicly*** available ~~to consumers allowing them to present~~***and allow presentation of*** complaints and ~~communicate~~***communication of*** any accident or safety issue ~~they~~***consumers*** have experienced with the product***, taking into account accessibility needs for persons with disabilities***. If such channels are not available the importer shall provide for them.	~~Importers shall ensure that the communication channels referred to in Article 8(2), second subparagraph, are available to consumers allowing them to present complaints and communicate any accident or safety issue they have experienced with the product. If such channels are not available the importer shall provide for them.~~	
Article 10(6), first subparagraph				

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212a	6. Importers shall investigate complaints related to products they made available on the market and file these complaints, as well as products recalls, in the register referred to in Article 8(2), first subparagraph, or in their own register. Importers shall keep the manufacturer and distributors informed of the investigation performed and of the results of the investigation. Moved reference text	6. Importers shall investigate complaints ***and information on accidents*** related to products they made available on the market, ***which have been identified as dangerous by the complainant,*** and file ~~*these*~~***those*** complaints, as well as products recalls, in the register referred to in Article ~~*8(2), first*~~***8(11b), second*** subparagraph, ~~*or*~~***and*** in their own ***internal*** register. Importers shall keep the manufacturer***, distributors and, where relevant, fulfilment service providers and online marketplaces*** ~~*and distributors*~~ informed of the investigation performed and of the results of the investigation. Moved from row 211		
Article 10(6), third subparagraph				
213	Personal data stored in the register of complaints shall only be those personal data that are necessary for the importer to investigate the complaint about an alleged dangerous product. Such data shall only be kept as long as it is necessary for the purpose of	Personal data stored in the register of complaints shall only be those personal data that are necessary for the importer to investigate the complaint about an alleged dangerous product. Such data shall only be kept as long as it is necessary for the purpose of	~~Personal data stored in the register of complaints shall only be those personal data that are necessary for the importer to investigate the complaint about an alleged dangerous product. Such data shall only be kept as long as it is necessary for the purpose of~~	

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	investigation and no longer than five years after they have been encoded.	investigation and no longer than five years after they have been encoded.	~~investigation and no longer than five years after they have been encoded.~~	
Article 10(7)				
214	7. Importers shall cooperate with market surveillance authorities and the manufacturer to ensure that a product is safe.	7. Importers shall cooperate with market surveillance authorities and the manufacturer to ensure that a product is safe.	7. Importers shall cooperate with market surveillance authorities and the manufacturer to ensure that a product is **in conformity with this Regulation** ~~safe~~.	
Article 10(8)				
215	8. Importers who consider or have reason to believe, on the basis of the information in their possession, that a product which they have placed on the market is not safe shall immediately inform the manufacturer and ensure that the corrective measures necessary to bring the product into conformity are adopted including withdrawal or recall, as appropriate. In case such measures have not been adopted, the importer shall adopt them. Importers shall ensure that, through the Safety Business Gateway referred to in Article 25, consumers are immediately and	8. Importers who consider or have reason to believe, on the basis of the information in their possession, that a product which they have placed on the market is not safe shall immediately inform the manufacturer and ensure that the corrective measures necessary to ***effectively*** bring the product into conformity are adopted including withdrawal or recall, as appropriate. In case such measures have not been adopted, the importer shall adopt them. ~~*Importers shall ensure that, through the*~~ ***Where the product poses a risk to the health and***	8. Importers who consider or have reason to believe, on the basis of the information in their possession, that a product which they have placed on the market is not **in conformity with this Regulation** ~~safe~~ shall immediately inform the manufacturer and ensure that the corrective measures necessary to bring the product into conformity are adopted including withdrawal or recall, as appropriate. In case such measures have not been adopted, the importer shall adopt them~~. Importers shall ensure that, through the Safety Business Gateway referred to in Article 25,~~	

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	effectively alerted of the risk where applicable and that market surveillance authorities of the Member States in which they made the product available to that effect be immediately informed, giving details, in particular, of the risk to health and safety of consumers and of any corrective measure already taken.	safety ~~*Business Gateway referred to in Article 25, consumers*~~***of consumers, importers shall ensure that they*** are immediately ~~*and effectively*~~ alerted ~~*of the risk where applicable*~~***thereof in accordance with Article 33*** and that market surveillance authorities of the Member States in which they made the product available ***are immediately informed*** to that effect ~~*be immediately informed*~~***through the Safety Business Gateway referred to in Article 25***, giving details, in particular, of the risk to health and safety of consumers and of any corrective measure already taken***, and if available of the quantity by Member State of products still circulating in the market***.	~~consumers are immediately and effectively alerted of the risk where applicable and that market surveillance authorities of the Member States in which they made the product available to that effect be immediately informed, giving details, in particular, of the risk to health and safety of consumers and of any corrective measure already taken.~~ **without delay.**	
Article 10(8a)				
215a			**8a. When the product referred to in paragraph 8 is dangerous, importers shall ensure that the market surveillance authorities of the Member States in which the product has been made available are immediately informed, via the Safety Business**	

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			Gateway referred to in Article 25, with the appropriate details of the risk to health and safety of consumers, of the number of products involved and of any corrective measure already taken.	
Article 10(8b), introductory part				
215b			**8b. When the product referred to in paragraph 8 is dangerous, and without prejudice to the obligations laid down by Articles 33 and 34, importers shall ensure that consumers are immediately alerted of the risk through the Safety Business Gateway referred to in Article 25.**	
Article 10(8b), a				
215c			**The Commission shall ensure that the information meant to alert consumers can be provided by importers via the Safety Business Gateway referred to in Article 25 and is made available to consumers on the Safety Gate Portal without undue delay.**	

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Article 10(8c), introductory part				
215d			**8c. Importers shall investigate complaints received that concern the safety of products they made available on the market and file these complaints, as well as corrective measures necessary to bring the product into conformity, in the register referred to in Article 8(12), first subparagraph, or in their own register. Importers shall keep the manufacturer and distributors informed in a timely manner of the investigation performed and of the results of the investigation.**	
Article 10(8c), a				
215e			**Importers shall ensure that the communication channels referred to in Article 8(12), second subparagraph, are available to consumers allowing them to present complaints and communicate any accident or safety issue they have experienced with the product. If such channels are not available the importer shall provide for them.**	

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Article 10(8c), b				
215f			**Personal data stored in the register of complaints shall only be those personal data that are necessary for the importer to investigate the complaint about an alleged dangerous product. Such data shall only be kept as long as it is necessary for the purpose of investigation and no longer than five years after they have been encoded.**	
Article 10(9)				
216	9. Importers shall keep the technical documentation referred to in Article 8(4) for a period of 10 years after they have placed the product on the market and make it available to the market surveillance authorities, upon request.	9. Importers shall keep the ***copy of*** technical documentation referred to in Article 8(4)***, first subparagraph,*** for a period of 10 years after they have placed the product on the market ~~*and make it available to*~~***at the disposal of*** the market surveillance ***authorities and ensure that the documents referred to in Article 8(4), second subparagraph, points (a) and (b), where applicable, can be made available to those*** authorities, upon request.	9. Importers shall keep the technical documentation referred to in Article 8(4) for a period of ~~10~~ **ten** years after they have placed the product on the market and make it available to the market surveillance authorities, upon request.	

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Article 11				
217	Article 11 Obligations of distributors	Article 11 Obligations of distributors	Article 11 Obligations of distributors	
Article 11(1)				
218	1. Before making a product available on the market, distributors shall verify that the manufacturer and the importer have complied with the requirements set out in Article 8(6), (7) and (8) and Article 10(3) and (4), as applicable.	1. Before making a product available on the market, distributors shall verify that the manufacturer and the importer have complied with the requirements set out in Article 8(6), (7) and (8) and Article 10(3) and (4), as applicable.	1. Before making a product available on the market, distributors shall verify that the manufacturer and**, where appropriate,** the importer have complied with the requirements set out in Article 8(6), (7) and (8) and Article 10(3) and (4), as applicable.	
Article 11(2)				
219	2. Distributors shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardize its conformity with the general safety requirement laid down in Article 5 and its conformity with Article 8(6), (7) and (8) and Article 10(3) and (4), as applicable.	2. Distributors shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardize its conformity with the general safety requirement laid down in Article 5 and its conformity with Article 8(6), (7) and (8) and Article 10(3) and (4), as applicable.	2. Distributors shall ensure that, while a product is under their responsibility, storage or transport conditions do not jeopardize its conformity with the general safety requirement laid down in Article 5 and its conformity with Article 8(6), (7) and (8) and Article 10(3) and (4), as applicable.	
Article 11(3)				

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220	3. Distributors who consider or have reason to believe, on the basis of the information in their possession, that a product is not in conformity with the provisions referred to in paragraph 2, shall not make the product available on the market until it has been brought into conformity. Furthermore, where the product is not safe, the distributor shall immediately inform the manufacturer or the importer, as applicable, to that effect and shall make sure that, through the Safety Business Gateway referred to in Article 25, the market surveillance authorities are informed.	3. Distributors who consider or have reason to believe~~, on the basis of the information in their possession,~~ that a product is not in conformity with the provisions referred to in paragraph 2, shall not make the product available on the market until it has been brought into conformity. Furthermore, where the product is not safe, the distributor shall immediately inform the manufacturer or the importer, as applicable, to that effect and shall make sure that, through the Safety Business Gateway referred to in Article 25, the market surveillance authorities are informed.	3. Distributors who consider or have reason to believe, on the basis of the information in their possession, that a product is not in conformity with **Article 5, Article 8(6) to (8), and Article 10(3) and (4)** ~~the provisions referred to in paragraph 2~~, shall not make the product available on the market ~~until~~ **unless** it has been brought into conformity. Furthermore, where the product is ~~not safe~~ **dangerous**, the distributor shall immediately inform the manufacturer or the importer, as applicable, ~~to that effect and shall make sure~~ **and ensure** that, through the Safety Business Gateway referred to in Article 25, the market surveillance authorities are informed.	
Article 11(4)				
221	4. Distributors who consider or have reason to believe, on the basis of the information in their possession, that a product which they have made available on the market is not safe or is not in conformity with Article 8(6), (7)	4. Distributors who consider or have reason to believe, on the basis of the information in their possession, that a product which they have made available on the market is not safe or is not in conformity with Article 8(6), (7)	4. Distributors who consider or have reason to believe, on the basis of the information in their possession, that a product which they have made available on the market is ~~not safe~~ **dangerous** or is not in conformity with Article 8(6),	

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	and (8) and Article 10(3) and (4), as applicable, shall ensure that the corrective measures necessary to bring the product into conformity are adopted, including withdrawal or recall, as appropriate. Furthermore, where the product is not safe, distributors shall immediately inform the manufacturer or the importer, as applicable, to that effect and shall make sure that, through the Safety Business Gateway referred to in Article 25, the market surveillance authorities of the Member State in which they made the product available to that effect are informed giving details, in particular, of the risk to health and safety and of any corrective measure taken.	and (8) and Article 10(3) and (4), as applicable, shall ensure that the corrective measures necessary to bring ***effectively*** the product into conformity are adopted, including withdrawal or recall, as appropriate. Furthermore, where the product is not safe, distributors shall immediately inform the manufacturer or the importer, as applicable, to that effect and shall make sure that, through the Safety Business Gateway referred to in Article 25, the market surveillance authorities of the Member State in which they made the product available to that effect are informed giving details, in particular, of the risk to health and safety and of any corrective measure taken.	(7) and (8) and Article 10(3) and (4), as applicable, shall ensure that the corrective measures necessary to bring the product into conformity are adopted, including withdrawal or recall, as appropriate. ~~Furthermore, where the product is not safe, distributors shall immediately inform the manufacturer or the importer, as applicable, to that effect and shall make sure that, through the Safety Business Gateway referred to in Article 25, the market surveillance authorities of the Member State in which they made the product available to that effect are informed giving details, in particular, of the risk to health and safety and of any corrective measure taken.~~	
Article 11(4a)				
221a			**4a. When the product referred to in paragraph 4 is dangerous, distributors shall immediately inform the manufacturer or the importer, as applicable, and shall ensure that the market surveillance authorities of the Member States in which the**	

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			product has been made available are immediately informed, via the Safety Business Gateway referred to in Article 25, with the appropriate details available to them of the risk to health and safety of consumers, of the number of products involved and of any corrective measure already taken.	
Article 11(4b)				
221b			**4b. When the product referred to in paragraph 4 is dangerous, and without prejudice to the obligations laid down by Articles 33 and 34, distributors shall ensure that, through the Safety Business Gateway referred to in Article 25, consumers are immediately alerted of the risk.**	
Article 11(4c)				
221c			**The Commission shall ensure that the information meant to alert consumers can be provided by distributors via the Safety Business Gateway referred to in Article 25 and is made available**	

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			to consumers on the Safety Gate Portal without undue delay.	
Article 12				
222	Article 12 Cases in which obligations of manufacturers apply to other economic operators	Article 12 Cases in which obligations of manufacturers apply to other economic operators	Article 12 Cases in which obligations of manufacturers apply to other ~~economic operators~~ **persons**	
Article 12(-1)				
222a			**-1. A natural or legal person shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer set out in Article 8 where it places a product on the market under its name or trademark.**	
Article 12(-1)				
222b		***-1. A natural or legal person shall be considered to be a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer set out in Article 8***		

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		where that natural or legal person places a product on the market under the natural or legal person's name or trademark.		
Article 12(1)				
223	1. A natural or legal person, other than the manufacturer, that substantially modifies the product, shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer set out in Article 8 for the part of the product affected by the modification or for the entire product if the substantial modification has an impact on its safety.	1. A natural or legal person, other than the manufacturer, that substantially modifies the product, shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer set out in Article 8 for the part of the product affected by the modification or for the entire product if the substantial modification has an impact on its safety.	1. A natural or legal person, other than the manufacturer, that substantially modifies the product, shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of the manufacturer set out in Article 8 for the part of the product affected by the modification or for the entire product if the substantial modification has an impact on its safety.	
Article 12(2), introductory part				
224	2. A modification shall be deemed to be substantial where the three following criteria are met:	2. A modification shall be deemed to be substantial where the three following criteria are met:	2. A modification **of a product, by physical or digital means,** shall be deemed to be substantial where the three following criteria are met:	
Article 12(2), point (a)				

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225	(a) the modification changes the intended functions, type or performance of the product in a manner which was not foreseen in the initial risk assessment of the product;	(a) the modification changes the intended functions, type or performance of the product in a manner which was not foreseen in the initial risk assessment of the product;	(a) the modification changes ~~the intended functions, type or performance of~~ the product in a manner which was not foreseen in the initial risk assessment of the product;	
Article 12(2), point (b)				
226	(b) the nature of the hazard has changed or the level of risk has increased because of the modification;	(b) the nature of the hazard has changed or the level of risk has increased because of the modification;	(b) the nature of the hazard has changed**, a new hazard has been created** or the level of risk has increased because of the modification;	
Article 12(2), point (c)				
227	(c) the changes have not been made by the consumer for their own use.	(c) the changes have not been made by the consumer for their own use ***or are performed upon specific request by the consumer on the essential safety features of the product***	(c) the changes have not been made by the **consumers themselves or on their behalf** ~~consumer~~ for their own use.	
Article 13				
228	Article 13 Internal processes for product safety	Article 13 Internal processes for product safety	Article 13 Internal processes for product safety	

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Article 13, first paragraph				
229	The economic operators shall ensure that they have internal processes for product safety in place, allowing them to respect the general safety requirement laid down in Article 5.	The economic operators shall ensure that they have internal processes for product safety in place, allowing them to respect the general safety requirement laid down in Article 5.	~~The~~ Economic operators shall ensure that they have internal processes for product safety in place, allowing them to ~~respect the general safety requirement laid down in Article 5~~ **comply with this Regulation**.	
Article 14				
230	Article 14 Cooperation of economic operators with market surveillance authorities	Article 14 Cooperation of economic operators with market surveillance authorities	Article 14 Cooperation of economic operators with market surveillance authorities	
Article 14(1)				
231	1. Economic operators shall cooperate with market surveillance authorities regarding actions which could eliminate or mitigate risks that are presented by products made available on the market by those operators.	1. Economic operators shall cooperate with market surveillance authorities regarding actions which could eliminate or mitigate risks that are presented by products made available on the market by those operators.	1. Economic operators shall cooperate with market surveillance authorities regarding actions which could eliminate or mitigate risks that are presented by **the relevant** products made available on the market ~~by those operators~~.	
Article 14(2), introductory part				

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232	2. On request of a market surveillance authority, the economic operator shall provide all necessary information, and in particular:	2. On request of a market surveillance authority, the economic operator shall provide all necessary information, and in particular:	2. On request of a market surveillance authority, the economic operator shall provide all necessary information, and in particular:	
Article 14(2), point (-a)				
232a			**(-a) a detailed description of the product and its characteristics, the available documentation and the number of products placed on the market of each Member State concerned;**	
Article 14(2), point (a)				
233	(a) a full description of the risk presented by the product;	(a) a full description of the risk presented by the product;	(a) a full description of the risk presented by the product**, related complaints and known accidents**;	
Article 14(2), point (b)				
234	(b) a description of any corrective measure undertaken to address the risk.	(b) a description of any corrective measure undertaken to address the risk.	(b) a description of any corrective measure undertaken to address the risk.	
Article 14(3), introductory part				

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235	3. On request, the economic operators shall also identify and communicate the following information:	3. On request, the economic operators shall also identify and communicate the following information:	3. On request, ~~the~~ economic operators shall also identify and communicate the **relevant traceability** ~~following~~ information **for the product, including at least**:	
Article 14(3), point (a)				
236	(a) any economic operator who has supplied them with the product;	(a) any economic operator who has supplied them with the product;	(a) any economic operator who has supplied them with the product**, or with a part, a component or any software embedded into the product**;	
Article 14(3), point (b)				
237	(b) any economic operator to whom they have supplied the product.	(b) any economic operator to whom they have supplied the product.	(b) any economic operator to whom they have supplied the product.	
Article 14(4)				
238	4. Economic operators shall be able to present the information referred to in paragraph 2 for a period of ten years after they have been supplied with the product and for a period of ten years after they	4. Economic operators shall be able to present the information referred to in paragraph 2 for a period of ten years after they have been supplied with the product and for a period of ten years after they	4. Economic operators shall be able to present the information referred to in ~~paragraph 2~~ **paragraphs 2 and 3** for a period of ten years after they have been supplied with the product and for a	

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	have supplied the product, where relevant.	have supplied the product, where relevant.	period of ten years after they have supplied the product, where relevant.	
Article 14(5)				
239	5. Economic operators shall ensure that the corrective measure undertaken is effective in eliminating or mitigating the risks. Market surveillance authorities may request the economic operators to submit regular progress reports and decide whether or when the corrective measure can be considered completed.	5. ~~*Economic operators shall ensure that the corrective measure undertaken is effective in eliminating or mitigating the risks. Market surveillance authorities may request the economic operators to submit regular progress reports and decide whether or when the corrective measure can be considered completed.*~~	5. Economic operators shall ensure that the corrective measure undertaken is effective in eliminating or mitigating the risks. Market surveillance authorities may request the economic operators to submit regular progress reports and **may** decide whether or when the corrective measure can be considered completed.	
Article 15				
240	Article 15 Responsible person for products placed on the Union market	Article 15 Responsible person for products placed on the Union market	Article 15 Responsible person for products placed on the Union market	
Article 15(1)				
241	1. Article 4(1), (2) and (3) of Regulation (EU) 2019/1020 shall also apply to products covered by this Regulation. For the purposes	1. Article 4(1), (2) and (3) of Regulation (EU) 2019/1020 shall also apply to products covered by this Regulation. For the purposes	1. **A product covered by this Regulation may be placed on the market only if there is an economic operator established in**	

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	of this Regulation, references to "Union harmonisation legislation" in Article 4(1), (2) and (3) of Regulation (EU) 2019/1020 shall be read as "Regulation […]".	of this Regulation, references to "Union harmonisation legislation" in Article 4(1), (2) and (3) of Regulation (EU) 2019/1020 shall be read as "Regulation […]".	**the Union who is responsible for the tasks set out in** Article ~~4(1), (2)~~**4(3) of Regulation (EU) 2019/1020 in respect to that product. Article 4(2)** and (3) of Regulation (EU) 2019/1020 shall ~~also~~ apply to products covered by this Regulation. For the purposes of this Regulation, references to "Union harmonisation legislation" **and "applicable Union harmonisation legislation"** in Article ~~4(1), (2) and (3)~~**4(3) and (4)** of Regulation (EU) 2019/1020 shall be read as "**this** Regulation ~~[…]~~".	
Article 15(2)				
242	2. In addition to the tasks referred to in Article 4(3) of Regulation (EU) 2019/1020, the economic operator referred to in Article 4(1) of Regulation (EU) 2019/1020 shall periodically carry out sample testing of randomly chosen products made available on the market. When the products made available on the market have been subject to a Commission decision adopted under Article 26(1) of this Regulation, the economic operator	2. In addition to the tasks referred to in Article 4(3) of Regulation (EU) 2019/1020, ~~*the economic operator referred to in Article 4(1) of Regulation (EU) 2019/1020 shall periodically carry out sample testing of randomly chosen*~~ ***for the products, categories or groups of*** products ~~*made available on the market. When the products made available on the market have been subject to a Commission decision*~~***established by a delegated***	2. ~~In addition to the tasks referred to in Article 4(3) of Regulation (EU) 2019/1020, the~~ **Without prejudice to any obligations of** economic ~~operator referred to in Article 4(1) of~~**operators under this** Regulation ~~(EU) 2019/1020 shall periodically carry out sample testing of randomly chosen products made available on the market. When the products made available on the market have been subject to a Commission decision~~	

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	referred to in Article 4(1) of Regulation (EU) 2019/1020 shall carry out, at least once a year, for the entire duration of the decision, representative sample testing of products made available on the market chosen under the control of a judicial officer or any qualified person designated by the Member State where the economic operator is situated.	***act*** adopted ~~*under Article 26(1) of this Regulation*~~***in accordance with paragraph 3***, the economic operator referred to in ~~*Article 4(1) of Regulation (EU) 2019/1020*~~***paragraph 1*** shall ***periodically*** carry out~~*, at least once a year, for the entire duration of the decision, representative sample testing of*~~ ***checks of randomly chosen*** products made available on the market~~ *chosen under the control of a judicial officer or any qualified person designated by the Member State where the economic operator is situated*~~.	~~adopted under Article 26(1) of this Regulation, the economic operator~~**, in addition to the tasks** referred to in Article ~~4(1)~~**4(3)** of Regulation (EU) 2019/1020~~ shall carry out, at least once a year, for the entire duration~~**, and to ensure the safety** of the ~~decision, representative sample testing of products made available on the market chosen under the control of a judicial officer or any qualified person designated by the Member State where the economic operator is situated.~~**product it is responsible for, the economic operator referred to in paragraph 1 shall regularly check:**	
Article 15(2), point (a)				
242a			**(a) that the product complies with the description provided for in the technical documentation and that the solutions adopted to eliminate or mitigate the risks are still in place and effective;**	
Article 15(2), point (b)				
242b			**(b) that the product complies**	

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			with the requirements provided for in Article 8 (6) to (8).	
Article 15(2), point (c)				
242c			**The economic operator referred to in paragraph (1) shall provide, upon request of the market surveillance authorities, documented evidence of the checks performed.**	
Article 15(2a)				
242d		***2a. By ... [six months before the date of application of this Regulation] the Commission shall adopt a delegated act in accordance with Article 41 to supplement this Regulation by establishing the list of products, categories or groups of products for which the obligations referred to in paragraph 2 of this Article shall apply.*** ***The Commission is empowered to adopt delegated acts in accordance with Article 41 to amend the list of products, categories or groups of products set out in accordance with the first***		

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		subparagraph. ***In preparing the delegated acts referred to in the first and second subparagraphs, the Commission shall take into account the potential risk to the health and safety of consumers caused by the products concerned, based on the information from the Safety Gate, related in particular to the products most frequently listed in it, and other relevant evidence.***		
Article 15(3)				
243	3. The name, registered trade name or registered trade mark, and contact details, including the postal and electronic address, of the economic operator referred to in Article 4(1) of Regulation (EU) 2019/1020 shall be indicated on the product or on its packaging, the parcel or an accompanying document.	3. The name, registered trade name or registered trade mark, and contact details, including the postal ***address and the website or*** ~~and~~ electronic address, of the economic operator referred to in Article 4(1) of Regulation (EU) 2019/1020 shall be indicated on the product or on its packaging, the parcel or an accompanying document.	3. The name, registered trade name or registered trade mark, and contact details, including the postal and electronic address, of the economic operator referred to in ~~Article 4(1) of Regulation (EU) 2019/1020~~ **paragraph 1** shall be indicated on the product or on its packaging, the parcel or an accompanying document.	
Article 16				
244	Article 16 Information to economic operators	Article 16 Information to economic operators	Article 16 Information to economic operators	

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Article 16, first paragraph -a				
244a			**1. The Commission shall provide economic operators, free of charge, with general information with respect to this Regulation.**	
Article 16, first paragraph				
245	Member States shall put in place procedures for providing economic operators, at their request and free of charge, with information with respect to the implementation of this Regulation.	Member States shall put in place procedures for providing economic operators, at their request and free of charge, with information with respect to the implementation of this Regulation ***and national rules on product safety applicable to products covered by this Regulation. For that purpose, Article 9(1) and (4) of Regulation (EU) 2019/515 shall apply***.	**2.** Member States shall ~~put in place procedures for providing~~ **provide** economic operators, at their request and free of charge, with **specific** information with respect to the implementation of this Regulation **at national level**.	
Article 16, first paragraph a				
245a		***The Commission shall adopt specific guidelines for economic operators, particularly those that qualify as SMEs, including micro-enterprises, on how to fulfil the obligations laid down in this Regulation. In particular they shall aim to simplify and limit the***		

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		administrative burden for smaller businesses while ensuring the effective and consistent application in accordance with the general objective of ensuring product safety and consumer protection.		
Article 17				
246	Article 17 Traceability of products	Article 17 Traceability of products	Article 17 **Specific** traceability ~~of~~**requirements for certain** products**, product categories or product groups**	
Article 17(1)				
247	1. For certain products, categories or groups of products, which are susceptible to bear a serious risk to health and safety of consumers, based on accidents registered in the Safety Business Gateway, the Safety Gate statistics, the results of the joint activities on product safety and other relevant indicators or evidence, the Commission may require economic operators who place and make available those products on the market to establish	1. For certain products, categories or groups of products, which are susceptible to bear a serious risk to health and safety of consumers, based on accidents registered in the Safety Business Gateway, the Safety Gate statistics, the results of the joint activities on product safety and other relevant indicators or evidence, ***and after consulting the Consumer Safety Network referred to in Article 28, relevant expert groups and relevant***	1. For certain products, **product** categories or **product** groups ~~of products~~, which are susceptible to bear a serious risk to health and safety of consumers, based on accidents registered in the Safety Business Gateway, the Safety Gate statistics, the results of the joint activities on product safety and other relevant indicators or evidence, the Commission may require economic operators who place and make available those	

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	or adhere to a system of traceability.	***stakeholders,*** the Commission may ~~*require*~~***set up a system of traceability to which*** economic operators who ~~*place and*~~ make available those products on the market ~~*to establish or*~~***shall*** adhere ~~*to a system of traceability*~~.	products on the market to establish or adhere to a system of traceability.	
Article 17(2)				
248	2. The system of traceability shall consist in the collection and storage of data, including by electronic means, enabling the identification of the product, its components or of the economic operators involved in its supply chain, as well as in modalities to display and to access that data, including placement of a data carrier on the product, its packaging or accompanying documents.	2. The system of traceability shall consist in the collection and storage of data, including by electronic means, enabling the identification of the product, its components or of the economic operators involved in its supply chain, as well as in modalities to display and to ***allow public*** access ~~*that*~~***to those*** data, including placement of a data carrier on the product, its packaging or accompanying documents.	2. The system of traceability shall consist in the collection and storage of data, including by electronic means, enabling the identification of the product, its components or of the economic operators involved in its supply chain, as well as in modalities to display and to access that data, including placement of a data carrier on the product, its packaging or accompanying documents.	
Article 17(3), introductory part				
249	3. The Commission is empowered to adopt delegated acts in accordance with Article 41 to supplement this Regulation by:	3. The Commission is empowered to adopt delegated acts in accordance with Article 41 to supplement this Regulation by:	3. The Commission is empowered to adopt delegated acts in accordance with Article 41 to supplement this Regulation by:	

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Article 17(3), point (a)				
250	(a) determining the products, categories or groups of products or components susceptible to bear a serious risk to health and safety of persons as referred to in paragraph 1. The Commission shall state in the delegated acts concerned if it has used the risk analysis methodology provided for in Commission Decision (EU) 2019/417[1] or, if that methodology is not appropriate for the product concerned, it shall give a detailed description of the methodology used; _____ 1. Commission Implementing Decision (EU) 2019/417 of 8 November 2018 laying down guidelines for the management of the European Union Rapid Information System 'RAPEX' established under Article 12 of Directive 2001/95/EC on general product safety and its notification system (OJ L 73, 15.3.2019, p. 121).	(a) determining the products, categories or groups of products or components susceptible to bear a serious risk to health and safety of persons as referred to in paragraph 1. The Commission shall state in the delegated acts concerned if it has used the risk analysis methodology provided for in Commission Decision (EU) 2019/417[1] or, if that methodology is not appropriate for the product concerned, it shall give a detailed description of the methodology used; _____ 1. Commission Implementing Decision (EU) 2019/417 of 8 November 2018 laying down guidelines for the management of the European Union Rapid Information System 'RAPEX' established under Article 12 of Directive 2001/95/EC on general product safety and its notification system (OJ L 73, 15.3.2019, p. 121).	(a) determining the products, **product** categories or **product** groups ~~of products~~ or components susceptible to bear a serious risk to health and safety of persons as referred to in paragraph 1. The Commission shall state in the delegated acts concerned if it has used the risk analysis methodology provided for in Commission Decision (EU) 2019/417[1] or, if that methodology is not appropriate for the product concerned, it shall give a detailed description of the methodology used; _____ 1. Commission Implementing Decision (EU) 2019/417 of 8 November 2018 laying down guidelines for the management of the European Union Rapid Information System 'RAPEX' established under Article 12 of Directive 2001/95/EC on general product safety and its notification system (OJ L 73, 15.3.2019, p. 121).	
Article 17(3), point (b)				
251				

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	(b) specifying the type of data, which economic operators shall collect and store by means of the traceability system referred to in paragraph 2;	(b) specifying the type of data, which economic operators shall collect and store by means of the traceability system referred to in paragraph 2;	(b) specifying the type of data, which economic operators shall collect and store by means of the traceability system referred to in paragraph 2;	
Article 17(3), point (c)				
252	(c) the modalities to display and to access data, including placement of a data carrier on the product, its packaging or accompanying documents as referred to in paragraph 2.	(c) the modalities to display and to ***allow public*** access ***to*** data, including placement of a data carrier on the product, its packaging or accompanying documents as referred to in paragraph 2.	(c) the modalities to display**, both for offline and distance sales,** and to access data, including placement of a data carrier on the product, its packaging or accompanying documents as referred to in paragraph 2.	
Article 17(4), introductory part				
253	4. When adopting the measures referred to in paragraph 3, the Commission shall take into account:	4. When adopting the measures referred to in paragraph 3, the Commission shall take into account:	4. When adopting the measures referred to in paragraph 3, the Commission shall take into account:	
Article 17(4), point (a)				
254	(a) the cost-effectiveness of the measures, including their impact on businesses, in particular small and medium-sized enterprises;	(a) the cost-effectiveness of the measures, including their impact on businesses, in particular small and medium-sized enterprises;	(a) the cost-effectiveness of the measures, including their impact on businesses, in particular small and medium-sized enterprises;	

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Article 17(4), point (aa)				
254a			**(aa) an adequate delay in order for economic operators to prepare for these measures;**	
Article 17(4), point (b)				
255	(b) the compatibility with traceability systems available at Union or at international level.	(b) the compatibility ***and interoperability with other product*** ~~*with*~~ traceability systems ~~*available*~~***already set up*** at Union or at international level.	(b) the compatibility with traceability systems available at Union or at international level.	
Section 2				
256	Section 2	Section 2	Section 2	
Article 18				
257	Article 18 Obligations of economic operators in case of distance sales	Article 18 Obligations of economic operators in case of distance sales	Article 18 Obligations of economic operators in case of distance sales	
Article 18, first paragraph, introductory part				
258	Where products are made available on the market online or through other means of distance sales by	Where products are made available on the market online or through other means of distance sales by	Where products are made available on the market online or through other means of distance sales by	

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	the relevant economic operators, the relevant offer of the product shall clearly and visibly indicate at least the following information:	the relevant economic operators, the relevant offer of the product shall clearly and visibly indicate at least the following information:	~~the relevant~~ economic operators, the relevant offer of the product shall clearly and visibly indicate at least the following information:	
Article 18, first paragraph, point (a)				
259	(a) name, registered trade name or registered trade mark of the manufacturer, as well as the postal or electronic address at which they can be contacted;	(a) name, registered trade name or registered trade mark of the manufacturer, as well as the postal ***address and the website*** or electronic address at which they can be contacted;	(a) name, registered trade name or registered trade mark of the manufacturer, as well as the postal ~~or~~ **and** electronic address at which they can be contacted;	
Article 18, first paragraph, point (b)				
260	(b) in case the manufacturer is not established in the Union, the name, address, telephone number and electronic address of the responsible person within the meaning of Article 15(1);	(b) in case the manufacturer is not established in the Union, the name, address, ~~*telephone number and*~~***and the website or*** electronic address of the responsible person within the meaning of Article 15(1);	(b) in case the manufacturer is not established in the Union, the name, address, telephone number and electronic address of the responsible person within the meaning of Article 15(1) **of this Regulation or Article 4(1) of Regulation (EU) 2019/1020**;	
Article 18, first paragraph, point (c)				
261	(c) information to identify the product, including its type and, when available, batch or serial	(c) ***pictures and other*** information ~~*to identify*~~***that allow identification of*** the product, including its type	(c) information **allowing the unequivocal identification of** ~~to identify~~ the product, including **a**	

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	number and any other product identifier;	~~*and, when available, batch or serial number*~~ and any other product identifier;	**picture of it,** its type and, when **easily accesible and/or** available, batch or serial number and any other product identifier;	
Article 18, first paragraph, point (d)				
262	(d) any warning or safety information that is to be affixed on the product or to accompany it in accordance with this Regulation or the applicable Union harmonisation legislation in a language which can be easily understood by consumers.	(d) any warning or safety information that is to be affixed on the product or ***on the packaging or*** to accompany it in accordance with this Regulation or the applicable Union harmonisation legislation in a language which can be easily understood by consumers.	(d) any warning or safety information that is to be affixed on the product or to accompany it in accordance with this Regulation or the applicable Union harmonisation legislation in a language which can be easily understood by consumers.	
Article 19				
263	Article 19 Obligations of economic operators in case of accidents or safety issues related to products	Article 19 Obligations of economic operators in case of accidents ~~*or*~~***related to*** safety ~~*issues related to*~~***of*** products	Article 19 Obligations of economic operators in case of accidents~~ or safety issues~~ related to products	
Article 19(1)				
264	1. The manufacturer shall ensure that, through the Safety Business Gateway referred to in Article 25, an accident caused by a product placed or made available on the	1. The manufacturer shall ensure that, through the Safety Business Gateway referred to in Article 25, an accident ***directly*** caused by a product ~~*placed or*~~ made available	1. The manufacturer shall ensure that, through the Safety Business Gateway referred to in Article 25, an accident **related to**~~ caused by~~ a product placed or made available	

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	market is notified, within two working days from the moment it knows about the accident, to the competent authorities of the Member State where the accident has occurred. The notification shall include the type and identification number of the product as well as the circumstances of the accident, if known. The manufacturer shall notify, upon request, to the competent authorities any other relevant information.	on the market is notified~~, within two working days from the moment it knows~~ ***immediately after it knows about the accident in accordance with Article 8(10) or*** about the ~~accident~~***results of the investigation referred to in Article 8(11b), as applicable***, to the competent authorities of the Member State where the accident has occurred. The notification shall include the type and identification number of the product as well as the circumstances of the accident, if known. The manufacturer shall notify, upon request, to the competent authorities any other relevant information.	on the market is notified, within ~~two~~ **three** working days from the moment it knows about the accident, to the competent authorities of the Member State where the accident has occurred. The notification shall include the type and identification number of the product as well as the circumstances of the accident, if known. The manufacturer shall notify, upon request, to the competent authorities any other relevant information.	
Article 19(2)				
265	2. The importers and the distributors which have knowledge of an accident caused by a product that they placed or made available on the market shall inform the manufacturer, which can instruct the importer or one of the distributors to proceed to the notification.	2. The importers and the distributors which have knowledge of an accident caused by a product that they placed or made available on the market shall ***immediately*** inform the manufacturer, which can ***proceed to the notification in accordance with paragraph 1 or*** instruct the importer or one of the distributors to proceed to ~~the~~***such*** notification.	2. The importers and the distributors which have knowledge of **such** an accident~~ caused by a product that they placed or made available on the market~~ shall inform the manufacturer, which ~~can instruct the importer or one of the distributors to proceed to~~ **will be responsible for** the notification.	

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Article 19(2a)				
265a			**3. Where the manufacturer of the product is not established in the Union, the responsible person within the meaning of Article 15(1) of this Regulation or Article 4(1) of Regulation (EU) 2019/1020 shall ensure that the notification is done.**	
Article 19a				
265b		***Article 19a*** ***Information requirements in electronic format***		
Article 19a(1)				
265c		***1. Without prejudice to Articles 8(6), (7) and (8), Article 10(3) and Article 15(3), economic operators may additionally make the information referred to in those Articles available in a digital format by means of electronic solutions, such as a non-removable QR or matrix code, clearly visible on the product or,***		

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		where that is not possible, on its packaging or in a document accompanying the product. That information shall be in a language which can be easily understood by consumers, as determined by the Member State in which the product is made available, and in accessible formats for persons with disabilities.		
CHAPTER IV				
266	CHAPTER IV Online marketplaces	CHAPTER IV Online marketplaces	CHAPTER IV Online marketplaces	
Article 20				
267	Article 20 Specific obligations of online marketplaces related to product safety	Article 20 Specific obligations of online marketplaces related to product safety	Article 20 Specific obligations of **providers of** online marketplaces related to product safety	
Article 20(1), first subparagraph				
268	1. Online marketplaces shall establish a single contact point allowing for direct communication with Member States' market	1. ***Without prejudice to the general obligations provided for in [Article 10 of Regulation (EU) […/…]] on a Single Market for***	1. **Providers of** online marketplaces shall ~~establish~~ **designate** a single contact point allowing for direct communication**,**	

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	surveillance authorities in relation to product safety issues, in particular for orders concerning offers of dangerous products.	***Digital Services (Digital Services Act) and amending Directive 2000/31/EC,*** online marketplaces shall ~~*establish*~~***designate*** a single ***point of*** contact ~~*point*~~ allowing for ***swift*** direct communication with Member States' market surveillance authorities ***and other competent authorities*** in relation to product safety issues, in particular for orders concerning offers of dangerous products.	**by electronic means,** with Member States' market surveillance authorities in relation to product safety issues, in particular for ~~orders concerning offers of dangerous products~~**the purpose of notifying orders issued pursuant to paragraph 2**.	
Article 20(1), second subparagraph				
269	Online marketplaces shall register with the Safety Gate portal and indicate on the portal the information concerning their single contact point.	Online marketplaces shall ***easily*** register with the Safety Gate portal and indicate on the portal the information concerning their single contact point. ***Online marketplaces shall make use of the single point of contact designated in accordance with [Article 10a of Regulation (EU) […/…]] on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC, to enable consumers to communicate directly and swiftly with them.***	**Providers of** online -marketplaces shall register with the Safety Gate portal and indicate on the portal the information concerning their single contact point.	
Article 20(2), first subparagraph -a				

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269a			**1a. Providers of online marketplaces shall ensure that they have internal processes for product safety in place in order to comply with this Regulation without undue delay.**	
Article 20(2), first subparagraph				
270	2. As far as powers conferred by Member States in accordance to Article 14 of Regulation (EU) 2019/1020 are concerned, Member States shall confer on their market surveillance authorities the power, for all products covered by this Regulation, to order an online marketplace to remove specific illegal content referring to a dangerous product from its online interface, to disable access to it or to display an explicit warning to end users when they access it. Such orders shall contain a statement of reasons and specify one or more exact uniform resource locators and, where necessary, additional information enabling the identification of the illegal content concerned. They may be transmitted by means of the Safety	2. As ~~far as~~***regards*** powers conferred by Member States in accordance to Article 14 of Regulation (EU) 2019/1020 ~~are concerned~~, Member States shall confer on their market surveillance authorities the power, for all products covered by this Regulation, to ~~order an~~***issue orders in accordance with the conditions set out in [Article 8(2)] of Regulation [DSA…/…] to*** online ~~marketplace~~***marketplaces*** to remove specific illegal content referring to a dangerous product from its online interface, to disable access to it or to display an explicit warning to end users when they access it. ~~Such orders shall contain a statement of reasons and specify one or more exact uniform resource locators and, where~~	2. As far as powers conferred by Member States in accordance to Article 14 of Regulation (EU) 2019/1020 are concerned, Member States shall confer on their market surveillance authorities the **necessary** power~~, for all products covered by this Regulation, to order an~~ **to impose on the providers of** online ~~marketplace to remove~~ **marketplaces the removal of** specific ~~illegal~~ content referring to **an offer of** a dangerous product from ~~its~~ **their** online interface, to disable access to it or to display an explicit warning ~~to end users when they access it~~. Such orders shall contain a statement of reasons and ~~specify one or more exact uniform resource locators and, where necessary, additional information~~	

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	Gate portal.	~~*necessary, additional information enabling the identification of the illegal content concerned. They may be transmitted by means of the Safety Gate portal.*~~	~~enabling the identification of the illegal content concerned. They may be transmitted by means of the Safety Gate portal~~ **clear information enabling the provider of the online marketplace to identify and locate the content concerned, such as one or more exact uniform resource locators (URL), and, where necessary, additional information** .	
Article 20(2), second subparagraph				
271	Online marketplaces shall take the necessary measures to receive and process the orders issued in accordance with this paragraph. They shall act upon receipt of the order issued without undue delay, and in any event within two working days in the Member State where the online marketplace operates, from receipt of the order. They shall inform the issuing market surveillance authority of the effect given to the order by using the contacts of the market surveillance authority published in the Safety Gate.	Online marketplaces shall take the necessary measures to receive and process the orders issued in accordance with this paragraph. They shall act upon receipt of the order issued ~~*without undue delay, and in any event*~~***expeditiously. If the information provided by the market surveillance authorities is sufficiently precise to enable the immediate identification and location of the illegal content referring to a dangerous product, the online marketplaces shall act*** within ~~*two*~~***one*** working ~~*days in the Member State where the*~~ ***day from the receipt of the order. If*** online	**Providers of** online -marketplaces shall take the~~ necessary measures to receive and process the orders~~ **actions imposed by the order** issued ~~in accordance with~~**pursuant to** this paragraph~~. They shall act upon receipt of the order issued without undue delay~~ **within the time limit indicated therein**, and in any event ~~within~~**by** two working days ~~in the Member State where the online marketplace operates, from~~ **from the** receipt of the order. They shall inform the~~ issuing~~ market surveillance authority of **how they applied the order including the actions taken**	

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		~~*marketplace operates,*~~ ***marketplaces have to carry out additional research in order to identify the product, they shall act within two working days*** from receipt of the order. They shall inform the issuing market surveillance authority of the effect given to the order by using the contacts of the market surveillance authority published in the Safety Gate. ***For that purpose, the market surveillance authorities shall allow communication by e-mail or other electronic means.***	**further** ~~the effect given~~ to the order by using the contacts of the market surveillance authority published in the Safety Gate **Portal**.	
Article 20(2a)				
271a			**2a. Orders issued pursuant to paragraph 2 may require the provider of online marketplace to remove from its online interface all identical content referring to offers of a dangerous product, to disable access to it or to display an explicit warning, provided that the search for the content concerned is limited to the information identified in the order and does not require the provider to carry out an independent assessment of that**	

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			content, and that it can be carried out by reliable automated search tools.	
Article 20(2a)				
271b		***2a. Online marketplaces shall inform, where possible, the relevant economic operator of the decision to remove or disable access to the illegal content.***		
Article 20(2b)				
271c		***2b. Orders issued pursuant to paragraph 2 may require, during the period indicated in the order, the provider of online marketplace to remove from its online interface all identical illegal content referring to the dangerous product in question, to disable access to it or to display an explicit warning to end users, provided that the search for the content concerned is limited to the information identified in the order and does not require the provider to carry out an independent assessment of that content, and that it can be carried out by reliable and***		

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
		proportionate automated search tools.		
Article 20(2c)				
271d		***2c. In the event that a provider of online marketplaces refuses to allow a trader to use its service pursuant to paragraphs 2b, the trader concerned shall have the right to lodge a complaint as provided for in Article 4 of Regulation (EU) 2019/1150 and [Articles 17 of ... DSA Regulation].***		
Article 20(2d)				
271e		***2d. After allowing the offering of the product or service by the trader, online marketplaces shall make reasonable efforts to check randomly whether the products offered have been identified as being dangerous products in any official, freely accessible and machine-readable online database or online interface, in particular the Safety Gate Portal.***		
Article 20(3)				

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272	3. Online marketplaces shall take into account regular information on dangerous products notified by the market surveillance authorities in line with Article 24, received via the Safety Gate portal, for the purpose of applying their voluntary measures aimed at detecting, identifying, removing or disabling access to the illegal content referring to dangerous products offered on their marketplace, where applicable. They shall inform the authority that made the notification to the Safety Gate of any action taken by using the contacts of the market surveillance authority published in the Safety Gate.	3. Online marketplaces shall take into account regular information on dangerous products notified by the market surveillance authorities in line with Article 24, received via the Safety Gate portal, for the purpose of applying their voluntary measures aimed at detecting, identifying, removing or disabling access to the illegal content referring to dangerous products offered on their marketplace, where applicable***, also by making use of the interoperable interface to the Safety Gate developed in accordance with Article 23***. They shall inform the authority that made the notification to the Safety Gate of any action taken by using the contacts of the market surveillance authority published in the Safety Gate.	3. Online marketplaces shall take into account regular information on dangerous products notified by the market surveillance authorities in line with Article 24, received via the Safety Gate portal, for the purpose of applying their voluntary measures aimed at detecting, identifying, removing or disabling access to the ~~illegal~~ content referring to ~~dangerous products offered~~ **offers of dangerous products** on their marketplace, where applicable. They shall inform the authority that made the notification to the Safety Gate of any action taken by using the contacts of the market surveillance authority published in the Safety Gate.	
Article 20(4)				
273	4. Online marketplaces shall give an appropriate answer without undue delay, and in any event within five working days, in the Member State where the online marketplace operates, to notices	4. Online marketplaces shall ~~*give an appropriate answer*~~ without undue delay, and in any event within ~~*five*~~***three*** working days~~*, in the Member State where the online marketplace operates, to notices*~~	4. **Providers of** online marketplaces shall ~~give an appropriate answer~~ without undue delay, and in any event within ~~five~~ **three** working days, ~~in the Member State where the online marketplace~~	

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	related to product safety issues and dangerous products received in accordance with [Article 14] of Regulation (EU) […/…] on a Single Market for Digital Services (Digital Service Act) and amending Directive 2000/31/EC.	~~*related to product safety issues and dangerous products*~~ ***process notices related to product safety issues with regard to the product offered for sale online through their services,*** received in accordance with [Article 14] of Regulation (EU) […/…] on a Single Market for Digital Services (Digital Service Act) and amending Directive 2000/31/EC.	~~operates, to~~ **process** notices related to product safety issues and dangerous products received in accordance with [Article 14] of Regulation (EU) […/…] on a Single Market for Digital Services (Digital Service Act) and amending Directive 2000/31/EC.	
Article 20(5), introductory part				
274	5. For the purpose of the requirements of Article 22(7) of Regulation (EU) […/…] on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC, online marketplaces shall design and organise their online interface in a way that enables traders to provide the following information for each product offered and ensures that it is displayed or otherwise made easily accessible by consumers on the product listing:	5. For the purpose of the requirements of ***[***Article ~~*22(7)*~~***24(c)*** of Regulation (EU) […/…]***[*** on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC, online marketplaces shall design and organise their online interface in a way that enables traders ***using their services to comply with this Regulation.*** ***Online marketplaces shall ensure that***~~*to provide*~~ the following information ***provided by the traders*** for each product offered ~~*and ensures that it is*~~***is clearly and visibly*** displayed or otherwise made easily accessible by	5. For the purpose of **compliance with** the requirements of Article ~~22(7)~~ **24c** of Regulation (EU) […/…] on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC **as regards product safety information**, **providers of** online marketplaces shall design and organise their online interface in a way that ~~enables~~**requires** traders **offering the product** to provide **at least** the following information for each product offered and ensures that it is displayed or otherwise made easily accessible by consumers on the product listing:	

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		consumers on the product listing:		
Article 20(5), point (a)				
275	(a) name, registered trade name or registered trade mark of the manufacturer, as well as the postal or electronic address at which they can be contacted;	(a) name, registered trade name or registered trade mark of the manufacturer, as well as the postal ***address and the website*** or electronic address at which ~~*they*~~***the manufacturer*** can be contacted;	(a) name, registered trade name or registered trade mark of the manufacturer, as well as the postal ~~or~~ **and** electronic address at which they can be contacted;	
Article 20(5), point (b)				
276	(b) where the manufacturer is not established in the Union, the name, address, telephone number and electronic address of the responsible person within the meaning of Article 15 (1);	(b) where the manufacturer is not established in the Union, the name, address~~, telephone number and~~ ***and the website or*** electronic address of the responsible person ~~*within the meaning of*~~***in accordance with*** Article 15 (1);	(b) where the manufacturer is not established in the Union, the name, address, telephone number and electronic address of the responsible person within the meaning of Article ~~15 (1)~~**15(1) of this Regulation or Article 4(1) of Regulation (EU) 2019/1020**;	
Article 20(5), point (c)				
277	(c) information to identify the product, including its type and, when available, batch or serial number and any other product identifier;	(c) information to identify the product, including its type and~~, when available, batch or serial number and~~ any other product identifier;	(c) information **allowing the unequivocal identification of** ~~to identify~~ the product, including **a picture of it,** its type and, when **easily accesible and/or available,** available, batch or serial number	

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			and any other product identifier;	
Article 20(5), point (d)				
278	(d) any warning or safety information that is to be affixed on the product or to accompany it in accordance with this Regulation or the applicable Union harmonisation legislation in a language which can be easily understood by consumers.	(d) any warning or safety information that is to be affixed on the product or to accompany it in accordance with this Regulation or the applicable Union harmonisation legislation in a language which can be easily understood by consumers.	(d) any warning or safety information that is to be affixed on the product or to accompany it in accordance with this Regulation or the applicable Union harmonisation legislation in a language which can be easily understood by consumers.	
Article 20(5a)				
278a			**5-a. For the purpose of compliance with Article 24c of Regulation (EU) […/…] on a Single Market for Digital Services (Digital Services Act) and paragraph 5 of this Article, the internal processes referred to in paragraph 1a shall include mechanisms which enable providers of online marketplaces to obtain information from the trader on its self-certification committing to only offer products that comply with this Regulation and on the existence of an economic operator**	

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			established in the Union or a responsible person for products offered or any other relevant information on the identification of the trader.	
Article 20(5b)				
278b			**5a. For the purpose of compliance with Article 24d(3) of Regulation (EU) […/…] on a Single Market for Digital Services (Digital Services Act), regarding product safety, providers of online marketplaces shall use the Safety Gate Portal in addition to any other official, freely accessible and machine-readable online database or online interface reporting dangerous product or product safety recalls.**	
Article 20(5c)				
278c			**5b. For the purpose of compliance with Article 20 of Regulation (EU) […/…] on a Single Market for Digital Services (Digital Services Act), regarding product safety,**	

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			providers of online marketplaces shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to traders that frequently offer products which are non-compliant with this Regulation.	
Article 20(6), introductory part				
279	6. Online marketplaces shall cooperate with the market surveillance authorities and with relevant economic operators to facilitate any action taken to eliminate or, if that is not possible, to mitigate the risks presented by a product that is or was offered for sale online through their services. That cooperation shall include in particular:	6. Online marketplaces shall cooperate with the market surveillance authorities and with relevant economic operators to facilitate any action taken to eliminate or, if that is not possible, to mitigate the risks presented by a product that is or was offered for sale online through their services. ***In particular, online marketplaces*** ~~*That cooperation*~~ shall ~~*include in particular*~~:	6. **Providers of** online marketplaces shall cooperate with the market surveillance authorities**, with traders** and with relevant economic operators to facilitate any action taken to eliminate or, if that is not possible, to mitigate the risks presented by a product that is or was offered ~~for sale~~ online through their services. **The actions taken by the providers of online marketplaces in the context of** that cooperation shall include in particular:	
Article 20(6), point (-a), introductory part				
279a			**(-a) ensuring that, they provide appropriate and timely information to consumers**	

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			including by:	
Article 20(6), point (-a)(i)				
279b			**(i) directly notifying all affected consumers who bought through their interfaces the relevant product in case of a product safety recall of which they have actual knowledge, or where certain information has to be brought to the attention of consumers to ensure the safe use of a product ('safety warning');**	
Article 20(6), point (-a)(ii)				
279c			**(ii) providing information on product safety recalls on their online interfaces;**	
Article 20(6), point (a)				
280	(a) cooperating to ensure effective product recalls, including by abstaining from putting obstacles to product recalls;	(a) ~~cooperating~~***cooperate with market surveillance authorities and with relevant economic operators*** to ensure effective product recalls, including by abstaining from putting obstacles to product recalls ***and informing***	(a) cooperating to ensure effective product recalls~~,~~ including by abstaining from putting obstacles to product recalls;	

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
		consumers thereof, including by publishing the recall notice on their interface;		
Article 20(6), point (aa)				
280a		***(aa) inform economic operators about the information communicated by consumers through the single contact point referred to in paragraph 1a on accidents or safety issues with regard to the product offered for sale online by those economic operators through their services;***		
Article 20(6), point (ab)				
280b		***(ab) notify expeditiously through the Safety Business Gateway referred to in Article 25 of any accident which they have actual knowledge of resulting in serious risk to or actual damage of the health or safety of a consumer caused by a product made available on their marketplace and inform the manufacturer thereof.***		
Article 20(6), point (b)				

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281	(b) informing the market surveillance authorities of any action taken;	(b) ~~*informing*~~***inform*** the market surveillance authorities ***of the Member States in which the relevant product has been made available about unsafe products that were offered on their interface through the Safety Business Gateway referred to in Article 25*** of any action taken;	(b) **immediately** informing**, via the Safety Business Gateway referred to in Article 25, about dangerous products of which they have actual knowledge that were offered on their online interfaces** the market surveillance authorities of **the Member States in which the relevant product has been made available with the appropriate details available to them of the risk to health and safety of consumers, of the number of products involved and of any corrective measure that, to their knowledge, has already been**~~any action~~ taken;	
Article 20(6), point (ba), introductory part				
281a			**(ba) cooperating concerning accidents notified to them, including by:**	
Article 20(6), point (ba)(i)				
281b			**(i) informing the relevant traders without delay about the information they received on accidents or safety issues, where**	

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			they have knowledge that the product in question was offered by those traders via their interfaces;	
Article 20(6), point (ba)(ii)				
281c			**(ii) notifying without undue delay through the Safety Business Gateway referred to in Article 25 of any accident, which they have been informed of resulting in serious risk to or actual damage of the health or safety of a consumer caused by a product made available on their marketplace and inform the manufacturer thereof;**	
Article 20(6), point (c)				
282	(c) cooperating with law enforcement agencies at national and Union level, including the European Anti-Fraud Office, through regular and structured exchange of information on offers that have been removed on the basis of this Article by online marketplaces;	(c) ~~*cooperating*~~***cooperate*** with law enforcement agencies at national and Union level, including the European Anti-Fraud Office, through regular and structured exchange of information on offers that have been removed on the basis of this Article by online marketplaces;	(c) cooperating with law enforcement agencies at national and Union level, including the European Anti-Fraud Office, through regular and structured exchange of information on offers that have been removed on the basis of this Article by **providers of** online marketplaces;	

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Article 20(6), point (d)				
283	(d) allowing access to their interfaces for the online tools operated by market surveillance authorities to identify dangerous products;	(d) ~~*allowing*~~***allow*** access to their interfaces for the online tools operated by market surveillance authorities to identify dangerous products;	(d) allowing access to their interfaces for the online tools operated by market surveillance authorities to identify dangerous products;	
Article 20(6), point (da)				
283a		***(da) cooperate in identifying, as far as possible, the supply chain of dangerous products by responding to data requests should relevant information not be publicly available;***		
Article 20(6), point (e)				
284	(e) upon request of the market surveillance authorities, when online marketplaces or online sellers have put in place technical obstacles to the extraction of data from their online interfaces (data scraping), allowing to scrape such data for product safety purposes based on the identification parameters provided by the requesting market surveillance authorities.	(e) upon ***precise*** request of the market surveillance authorities ***or other competent authority***, when online marketplaces or online sellers have put in place technical obstacles to the extraction of data from their online interfaces (data scraping), ~~*allowing to scrape*~~***allow the scraping of*** such data ***only*** for product safety purposes based on the identification parameters provided by the requesting market	(e) upon request of the market surveillance authorities, when **providers of** online marketplaces or online sellers have put in place technical obstacles to the extraction of data from their online interfaces (data scraping), allowing to scrape such data for product safety purposes based on the identification parameters provided by the requesting market surveillance authorities.	

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		surveillance authorities. ***For the purpose of points (d) and (e) of the second paragraph of this paragraph, Article 17 of Regulation (EU) 2019/1020 shall apply.***		
Article 20a				
284a		***Article 20a*** ***Memoranda of understanding***		
Article 20a(1)				
284b		***1. Market surveillance authorities may promote voluntary memoranda of understanding with online marketplaces and organisations representing economic operators and consumers to undertake voluntary commitments with regard to the products offered for sale online through their services with the aim of enhancing product safety.***		
Article 20a(2)				
284c		***2. Voluntary commitments under the memoranda of understanding***		

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		shall be without prejudice to the obligations of online marketplaces under this Regulation and other relevant Union legislation.		
CHAPTER V				
285	CHAPTER V Market surveillance and implementation	CHAPTER V Market surveillance and implementation	CHAPTER V Market surveillance and implementation	
Article 21				
286	Article 21 Market Surveillance	Article 21 Market Surveillance	Article 21 Market Surveillance	
Article 21(-1)				
286a		***-1. Market surveillance authorities shall apply this Regulation taking due account of the precautionary principle in a proportionate manner.***		
Article 21(1)				
287	1. Articles 10 to 16, Articles 18 and 19 and Articles 21 to 24 of Regulation (EU) 2019/1020 shall	1. Articles 10 to 16, Articles 18 and 19 and Articles 21 to 24 of Regulation (EU) 2019/1020 shall	1. **Article 10, Article 11(1) to (7),** Articles ~~10 to 16~~**12 to 15, Article 16(1) to (5)**, Articles 18 and 19 and	

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	apply to products covered by this Regulation.	apply to products covered by this Regulation.	Articles 21 to 24 of Regulation (EU) 2019/1020 shall apply to products covered by this Regulation.	
Article 21(2), introductory part				
288	2. For the purpose of this Regulation, Regulation (EU) 2019/1020 shall be applied as follows:	2. For the purpose of this Regulation, Regulation (EU) 2019/1020 shall be applied as follows:	2. For the purpose of this Regulation, Regulation (EU) 2019/1020 shall be applied as follows:	
Article 21(2), point (a)				
289	(a) references to 'Union harmonisation legislation' in Articles 10 to 16, Articles 18 and 19 and Articles 21 to 24 of Regulation (EU) 2019/1020 shall be read as references to 'this Regulation';	(a) references to 'Union harmonisation legislation' in Articles 10 to 16, Articles 18 and 19 and Articles 21 to 24 of Regulation (EU) 2019/1020 shall be read as references to 'this Regulation';	(a) references to 'Union harmonisation legislation'**, 'applicable Union harmonisation legislation', 'this Regulation and for the application of Union harmonisation legislation', 'the relevant Union harmonisation legislation' and 'Union harmonisation legislation or this Regulation' in Articles 11, 13, 14 and 16,** ~~in Articles 10 to 16, Articles 18 and 19 and~~ Articles ~~21 to 24~~**18 and 23** of Regulation (EU) 2019/1020 shall be read as references to 'this Regulation';	
Article 21(2), point (b)				

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290	(b) reference to 'that legislation and this Regulation' in Article 11(1) point b of Regulation (EU) 2019/1020 shall be read as 'Regulation […]';	(b) reference to 'that legislation and this Regulation' in Article 11(1) point b of Regulation (EU) 2019/1020 shall be read as 'Regulation […]';	(b) reference to 'that legislation and this Regulation' in Article 11(1) point b of Regulation (EU) 2019/1020 shall be read as **reference to 'this Regulation**~~'Regulation […]~~';	
Article 21(2), point (c)				
291	(c) references to 'Network' in Articles 10 to 16, Articles 18 and 19 and Articles 21 to 24 of Regulation (EU) 2019/1020 shall be read as references to 'Network and Consumer Safety Network referred to in Article 28 of this Regulation';	(c) references to 'Network' in Articles 10 to 16, Articles 18 and 19 and Articles 21 to 24 of Regulation (EU) 2019/1020 shall be read as references to 'Network and Consumer Safety Network referred to in Article 28 of this Regulation';	(c) references to 'Network' in Articles~~ 10 to 16, Articles 18 and 19 and Articles 21 to 24~~ **11 to 13 and Article 21** of Regulation (EU) 2019/1020 shall be read as references to 'Network and Consumer Safety Network referred to in Article 28 of this Regulation';	
Article 21(2), point (d)				
292	(d) references to 'non-compliance' in Articles 10 to 16, Articles 18 and 19 and Articles 21 to 24 of Regulation (EU) 2019/1020 shall be read as reference to 'failure to comply with this Regulation';	(d) references to 'non-compliance' in Articles 10 to 16, Articles 18 and 19 and Articles 21 to 24 of Regulation (EU) 2019/1020 shall be read as reference to 'failure to comply with this Regulation';	(d) references to 'non-compliance'**, 'non-compliances' and 'non-compliant' in Article 11**~~ in Articles 10 to 16~~, Articles ~~18 and 19 and~~**13 to 16,** Articles **22 and 23**~~ 21 to 24~~ of Regulation (EU) 2019/1020 shall be read as ~~reference~~ **references** to 'failure to comply with this Regulation';	

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Article 21(2), point (e)				
293	(e) the reference to 'Article 41' in Article 14(4), point (i) of Regulation (EU) 2019/1020 shall be read as reference to 'Article 40 of this Regulation':	(e) the reference to 'Article 41' in Article 14(4), point (i) of Regulation (EU) 2019/1020 shall be read as reference to 'Article 40 of this Regulation':	(e) the reference to 'Article 41' in Article 14(4), point (i) of Regulation (EU) 2019/1020 shall be read as reference to 'Article 40 of this Regulation':	
Article 21(2), point (f)				
294	(f) the reference to 'Article 20' in Article 19(1) of Regulation (EU) 2019/1020 shall be read as reference to 'Article 24 of this Regulation'.	(f) the reference to 'Article 20' in Article 19(1) of Regulation (EU) 2019/1020 shall be read as reference to 'Article 24 of this Regulation'.	(f) the reference to 'Article 20' in Article 19(1) of Regulation (EU) 2019/1020 shall be read as reference to 'Article 24 of this Regulation'.	
Article 21(3)				
295	3. Where a dangerous product has been identified, the manufacturer shall indicate, upon request by market surveillance authorities, which other products, produced with the same procedure, containing the same components or being part of the same production batch, are affected by the same risk.	3. Where a dangerous product has been identified, the manufacturer shall indicate, upon request by market surveillance authorities, which other products, produced with the same procedure, containing the same components or being part of the same production batch, are affected by the same risk.	3. Where a dangerous product has been identified, ~~the manufacturer shall indicate, upon~~**market surveillance authorities may** request ~~by market surveillance authorities, which~~**from the manufacturer information on** other products, produced with the same procedure, containing the same components or being part of the same production batch, **which** are affected by the same risk.	

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Article 21(4)				
296	4. Market surveillance authorities may set up schemes focusing on control of internal processes for product safety set up by economic operators according to Article 13.	4. Market surveillance authorities, ***after having consulted the Consumer Safety Network referred to in Article 28,*** may set up schemes focusing on control of internal processes for product safety set up by economic operators according to Article 13.	4. Market surveillance authorities may set up schemes focusing on control of internal processes for product safety set up by economic operators according to Article 13.	
Article 21(4a)				
296a		***4a. Market surveillance authorities shall, on a regular basis, conduct inspections on samples of products, categories or groups of products acquired under a cover identity.*** ***The activities referred to in the first subparagraph shall be carried out in particular on products and categories or groups of products made available on online marketplaces and products and categories or groups of products that are most frequently notified in the Safety Gate.***		
Article 21(4b)				
296b				

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
		4b. Member States shall ensure that any measure taken by the competent authorities involving restrictions on the placing of a product on the market or requiring its withdrawal or recall can be challenged before the competent courts.		
Article 22				
297	Article 22 Implementation	Article 22 ~~*Implementation*~~***Reporting***	Article 22 Implementation	
Article 22(1)				
298	1. Member States shall communicate to the Commission, once a year, data concerning the implementation of this Regulation.	1. Member States shall communicate to the Commission, once a year, data concerning the ~~*implementation*~~***application*** of this Regulation. ***The Commission shall draw up a summary report and make it available to the public.***	1. Member States shall communicate to the Commission, ~~once a year~~ **every two years**, data concerning the implementation of this Regulation.	
Article 22(2)				
299	2. The Commission, by means of implementing acts, shall determine the output indicators on the basis of	2. The Commission, by means of implementing acts, shall determine the output indicators on the basis of	2. The Commission, by means of implementing acts, shall determine the **type of information and the**	

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	which Member States have to communicate this data. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 42(3).	which Member States have to communicate this data. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article ~~*42(3)*~~***42(2)***.	output indicators on the basis of which Member States have to communicate this data. Those implementing acts shall be adopted in accordance with the ~~advisory~~**examination** procedure referred to in Article 42(3).	
CHAPTER VI				
300	CHAPTER VI Safety Gate rapid alert system	CHAPTER VI Safety Gate ~~*rapid alert system*~~	CHAPTER VI Safety Gate Rapid Alert System **and Safety Business Gateway**	
Article 23				
301	Article 23 Safety Gate	Article 23 Safety Gate ***rapid alert system***	Article 23 Safety Gate **Rapid Alert System**	
Article 23(1)				
302	1. The Commission shall further develop and maintain a rapid alert system for the exchange of information on corrective measures concerning dangerous products (‘the Safety Gate’).	1. The Commission shall further develop and ~~*maintain a*~~***modernise the*** rapid alert system for the exchange of information on corrective measures concerning dangerous products (‘the Safety Gate’)***, as well as enhance its efficiency***.	1. The Commission shall further develop and maintain a rapid alert system for the exchange of information on corrective measures concerning dangerous products (‘the Safety Gate **Rapid Alert System**’).	

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
Article 23(1a)				
302a		***1a. By ... [the date of application of this Regulation] the Commission shall develop an interoperable interface that allows online marketplaces to link their interfaces to the Safety Gate referred to in paragraph 1.***		
Article 23(2)				
303	2. The Commission and the Member States shall have access to the Safety Gate. For that purpose, each Member State shall designate a single national contact point which shall perform the tasks provided for in Article 24(1) to (6).	2. The Commission and the Member States shall have access to the Safety Gate. For that purpose, each Member State shall designate a single national contact point which shall perform the tasks provided for in Article 24(1) to (6).	2. The Commission and the Member States shall have access to the Safety Gate **Rapid Alert System**. For that purpose, each Member State shall designate a single national contact point which shall ~~perform~~**at least be responsible for the completeness check and the submission of notifications for validation by the Commission, as well as for communication with the Commission with regard to** the tasks provided for in Article 24(1) **to (2a) and (4)** to (6).	
Article 23(2a)				
303a			**The Commission shall adopt**	

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			implementing act specifying the roles and tasks of single national contact points. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 42(3).	
Article 23(2a)				
303b		***2a. The Commission shall adopt implementing acts specifying the implementation of the interoperable interface on the Safety Gate according to paragraph 1a, in particular concerning the access to the system and its operation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).***		
Article 24				
304	Article 24 Notification through the Safety Gate of products presenting a risk	Article 24 Notification through the Safety Gate of products presenting a risk	Article 24 Notification through the Safety Gate **Rapid Alert System of dangerous products** ~~of products presenting a risk~~	

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
Article 24(1), introductory part				
305	1. Member States shall notify in the Safety Gate corrective measures taken by their authorities or by economic operators:	1. Member States shall notify in the Safety Gate corrective measures taken by their authorities or by economic operators:	1. Member States shall notify in the Safety Gate **Rapid Alert System** corrective measures taken by their authorities or by economic operators:	
Article 24(1), point (a)				
306	(a) on the basis of provisions of this Regulation in relation to products presenting a risk to the health and safety of consumers;	(a) on the basis of provisions of this Regulation in relation to products presenting a risk to the health and safety of consumers;	(a) on the basis of provisions of this Regulation in relation to **dangerous** products presenting a **serious** risk to the health and safety of consumers;	
Article 24(1), point (b)				
307	(b) on the basis of Regulation (EU) 2019/1020 in relation to products presenting a serious risk, in accordance with Article 20 of Regulation (EU) 2019/1020.	(b) on the basis of Regulation (EU) 2019/1020 in relation to products presenting a serious risk, in accordance with Article 20 of Regulation (EU) 2019/1020.	(b) on the basis of ~~Regulation (EU) 2019/1020 in relation to products presenting a serious risk, in accordance with~~ Article 20 of Regulation (EU) 2019/1020~~.~~**;**	
Article 24(1), point (ba), introductory part				
307a			**(c) on the basis of provisions of this Regulation in relation to products not presenting a serious risk when the corrective measure**	

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			adopted consists of at least one of the following:	
Article 24(1), point (ba)(i)				
307b			**(i) recall of the product;**	
Article 24(1), point (ba)(ii)				
307c			**(ii) withdrawal of the product from the market**	
Article 24(1), point (ba)(iii)				
307d			**(iii) ban of the product.**	
Article 24(1), point (ba)(iv)				
307e			**Other measures shall be communicated either through the Safety Gate Rapid Alert System or through the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020.**	
Article 24(2), first subparagraph -a				
307f				

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			1a. Member States may also notify envisaged corrective measures in relation to products presenting a serious risk in the Safety Gate Rapid Alert System if they consider it necessary as regards to the urgency of the risk to the health or safety of consumers.	
Article 24(2), first subparagraph -b				
307g			**The corrective measures eventually taken by the authorities or by the economic operators shall be added to these notifications without delay.**	
Article 24(2), first subparagraph				
308	2. Member States may notify in the Safety Gate corrective measures taken by their authorities or by economic operators on the basis of provisions of Union harmonisation legislation and Regulation (EU) 2019/1020 in relation to products presenting a less than serious risk.	2. Member States may notify in the Safety Gate corrective measures taken by their authorities or by economic operators on the basis of provisions of Union harmonisation legislation and Regulation (EU) 2019/1020 in relation to products presenting a less than serious risk.	2. Member States may notify in the Safety Gate **Rapid Alert System** corrective measures taken by their authorities or by economic operators ~~on the basis of provisions of Union harmonisation legislation and Regulation (EU) 2019/1020 in relation to products presenting a less than serious risk.~~ **:**	
Article 24(2), first subparagraph, point (a)				

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308a			**(a) on the basis of provisions of this Regulation in relation to products not presenting serious risk to the health and safety of consumers;**	
Article 24(2), first subparagraph, point (b)				
308b			**(b) on the basis of provisions of Union harmonisation legislation and Regulation (EU) 2019/1020 in relation to products presenting a less than serious risk.**	
Article 24(2), second subparagraph				
309	The notification shall be submitted in the Safety Gate within two working days from the adoption of the corrective measure.	The notification shall be submitted in the Safety Gate within two working days from the adoption of the corrective measure.	~~The notification shall be submitted in the Safety Gate within two working days from the adoption of the corrective measure.~~ ***[moved to new Art. 24(2a) with changes]*** [moved to new Art. 24(2a) with changes]	
Article 24(2a)				
309a			**2a. The notification shall be submitted in the Safety Gate**	

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			Rapid Alert System by the national authorities without delay and in any case within seven working days after the corrective measure is taken.	
Article 24(3)				
310	3. On receiving a notification, the Commission shall check whether it complies with this Article and with the requirements related to the operation of Safety Gate defined by the Commission on the basis of paragraph 7, and shall transmit it to the other Member States if the requirements are complied with.	3. On receiving a notification, the Commission shall check whether it complies with this Article and with the requirements related to the operation of Safety Gate defined by the Commission on the basis of paragraph 7, and shall transmit it ***without undue delay*** to the other Member States if the requirements are complied with.	3. On receiving a **complete** notification, the Commission shall**, without delay and in any case within seven working days,** check whether it complies with this Article and with the requirements related to the operation of **the** Safety Gate **Rapid Alert System** defined by the Commission on the basis of paragraph ~~7, and shall~~ **8, and** transmit it to the other Member States if the requirements are complied with.	
Article 24(4)				
311	4. Member States shall notify in the Safety Gate without delay any update, modification or withdrawal of the corrective measures referred in paragraph 1.	4. Member States shall notify in the Safety Gate without delay any update, modification or withdrawal of the corrective measures referred in paragraph 1.	4. Member States shall notify in the Safety Gate **Rapid Alert System** without **undue** delay any update, modification or withdrawal of the corrective measures referred in **paragraphs 1, 1a and 2** ~~paragraph 1~~.	

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Article 24(5)				
312	5. Where a Member State notifies corrective measures taken in relation to products presenting a serious risk, the other Member States shall notify in the Safety Gate the measures and actions taken subsequently in relation to the same products and any other relevant information, including the results of any tests or analyses carried out, within two working days from the adoption of the measures or actions.	5. Where a Member State notifies corrective measures taken in relation to products presenting a serious risk, the other Member States shall notify in the Safety Gate the measures and actions taken subsequently in relation to the same products and any other relevant information, including the results of any tests or analyses carried out, ~~*within*~~***without undue delay and in any event no later than*** two working days from the adoption of the measures or actions.	5. Where a Member State notifies corrective measures taken in relation to products presenting a serious risk, the other Member States shall notify in the Safety Gate **Rapid Alert System the corrective**~~the~~ measures **or other** ~~and~~ actions taken subsequently in relation to the same products and any other relevant information, including the results of any tests or analyses carried out, **without delay and in any case within seven working days after** ~~within two working days from the adoption of~~ the measures or actions **are taken**.	
Article 24(6)				
313	6. If the Commission identifies products which are likely to present a serious risk and for which Member States have not submitted a notification in the Safety Gate, it shall inform the Member States. Member States shall undertake the appropriate verifications and, if	6. If the Commission identifies***, including on the basis of information received by consumers or consumer organisations,*** products which are likely to present a serious risk and for which Member States have not submitted a notification in the	6. If the Commission identifies products which are likely to present a serious risk and for which Member States have not submitted a notification in the Safety Gate **Rapid Alert System**, it shall inform the Member States. Member States shall undertake the	

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	they adopt measures, notify them in the Safety Gate in accordance with paragraph 1.	Safety Gate, it shall inform the Member States ***and the economic operators concerned accordingly***. Member States shall undertake the appropriate verifications and, if they adopt measures, notify them in the Safety Gate in accordance with paragraph 1.	appropriate verifications and, if they adopt measures, notify them in the Safety Gate **Rapid Alert System** in accordance with paragraph 1.	
Article 24(7)				
314	7. The Commission shall develop an interface between the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and the Safety Gate, in order to avoid double data entry and enable a draft Safety Gate notification to be triggered from that information and communication system.	7. The Commission shall ~~*develop an*~~***implement the*** interface ***referred to in Article 20(5) of Regulation (EU) 2019/1020*** between the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and the Safety Gate~~*, in order to avoid double data entry and*~~ ***to*** enable a draft Safety Gate notification to be triggered from that information and communication system ***in order to avoid double data entry***.	7. The Commission shall **further** develop **and maintain** an interface between the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 and the Safety Gate **Rapid Alert System**, in order to avoid double data entry and enable a draft Safety Gate notification to be triggered from that information and communication system.	
Article 24(8)				
315	8. The Commission shall adopt implementing acts specifying the implementation of this Article, and in particular the access to the	8. The Commission shall adopt ~~*implementing acts*~~ ***delegated acts in accordance with Article 41 to supplement this Regulation by***	8. The Commission shall adopt implementing acts specifying the implementation of this Article, and in particular the access to the	

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	system, the operation of the system, the information to be entered in the system, the requirements notifications must meet, and criteria to assess the level of risk. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).	specifying the implementation of this Article, and in particular**:** ***(a)*** the access to the system~~,~~**;** ***(b)*** the operation of the system~~,~~**;** ***(c)*** the information to be entered in the system~~,~~**;** ***(d)*** the requirements notifications must meet~~, and~~**;** ***(e) the*** criteria to assess the level of risk.~~ Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).~~	system, the operation of the system, the information to be entered in the system, the requirements notifications must meet, and criteria to assess the level of risk. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).	
Article 24(8a)				
315a		***8a. By ... [two years after the date of entry into force of this Regulation] the Commission shall present a report on the functioning of the Information and Communication system referred to in Article 34 of Regulation (EU) 2019/1020, of the Safety Gate referred to in this Regulation and on the implementation of the interface between the two system, including information on their respective functionalities and on the development of new ones, timelines, budget and number of***		

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		dedicated staff, in the light of the objectives that those systems pursue.		
Article 25				
316	Article 25 Safety Business Gateway	Article 25 Safety Business Gateway	Article 25 Safety Business Gateway	
Article 25(1)				
317	1. The Commission shall maintain a web portal enabling the economic operators to provide market surveillance authorities and consumers with the information referred to in Articles 8(11), 9(2) point c), 10(8), 11(3), 11(4) and Article 19.	1. The Commission shall maintain a web portal ***('the Safety Business Gateway')*** enabling the economic operators to provide ***in an easy way*** market surveillance authorities and consumers with the information referred to in Articles 8(~~11~~***10***), 9(2) point c), 10(8), 11(3), 11(4) and Article 19.	1. The Commission shall maintain a web portal enabling the economic operators **and providers of online marketplaces** to provide market surveillance authorities and consumers with the information referred to in Articles 8(11), 9(2) point ~~c)~~ **ba)**, 10(8), 11(3), 11(4) and ~~Article 19~~**Articles 19 and 20**.	
Article 25(2)				
318	2. The Commission shall draw up guidelines for the practical implementation of the Safety Business Gateway.	2. The Commission shall draw up guidelines for the practical implementation of the Safety Business Gateway.	2. The Commission shall draw up guidelines for the practical implementation of the Safety Business Gateway.	
CHAPTER VII				

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
319	CHAPTER VII Commission role and enforcement coordination	CHAPTER VII Commission role and enforcement coordination	CHAPTER VII Commission role and enforcement coordination	
Article 26				
320	Article 26 Union action against products presenting a serious risk	Article 26 Union action against products presenting a serious risk	Article 26 Union action against products presenting a serious risk	
Article 26(1), first subparagraph, introductory part				
321	1. If the Commission becomes aware of a product, or a specific category or group of products presenting a serious risk to the health and safety of consumers, it may take any appropriate measures, either on its own initiative or upon request of Member States, by means of implementing acts, adapted to the gravity and urgency of the situation if, at one and the same time:	1. If the Commission becomes aware of a product, or a specific category or group of products presenting a serious risk to the health and safety of consumers, it may take any appropriate measures, either on its own initiative or upon request of Member States, by means of implementing acts, adapted to the gravity and urgency of the situation if, at one and the same time:	1. If the Commission becomes aware of a product, or a specific **product** category or ~~group of products~~**product group** presenting a serious risk to the health and safety of consumers, it may take any appropriate measures, either on its own initiative or upon request of Member States, by means of implementing acts, adapted to the gravity and urgency of the situation if, at one and the same time:	
Article 26(1), first subparagraph, point (a)				
322	(a) it emerges from prior consultations with the Member	(a) it emerges from prior consultations with the Member	~~(a) it emerges from prior consultations with the Member~~	

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	States that they differ significantly on the approach adopted or to be adopted to deal with the risk; and;	States that they differ significantly on the approach adopted or to be adopted to deal with the risk; and;	~~States that they differ significantly on the approach adopted or to be adopted to deal with the risk; and;~~	
Article 26(1), first subparagraph, point (b)				
323	(b) the risk cannot be dealt with, in view of the nature of the safety issue posed by the product, category or group of products, in a manner compatible with the degree of gravity or urgency of the case, under other procedures laid down by the specific Union legislation applicable to the products concerned; and	(b) the risk cannot be dealt with, in view of the nature of the safety issue posed by the product, category or group of products, in a manner compatible with the degree of gravity or urgency of the case, under other procedures laid down by the specific Union legislation applicable to the products concerned; and	(b) the risk cannot be dealt with, in view of the nature of the safety issue posed by the product, **product** category or ~~group of products~~**product group**, in a manner compatible with the degree of gravity or urgency of the case, under other procedures laid down by the specific Union legislation applicable to the products concerned; and	
Article 26(1), first subparagraph, point (c)				
324	(c) the risk can be eliminated effectively only by adopting appropriate measures applicable at Union level, in order to ensure a consistent and high level of protection of the health and safety of consumers and the proper functioning of the internal market.	(c) the risk can be eliminated effectively only by adopting appropriate measures applicable at Union level, in order to ensure a consistent and high level of protection of the health and safety of consumers and the proper functioning of the internal market.	(c) the risk can be eliminated effectively only by adopting appropriate measures applicable at Union level, in order to ensure a consistent and high level of protection of the health and safety of consumers and the proper functioning of the internal market.	
Article 26(1), second subparagraph				

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325	Those measures may include measures prohibiting, suspending or restricting the placing or making available on the market of such products or laying down special conditions for their marketing, in order to ensure a high level of consumer safety protection.	Those measures may include measures prohibiting, suspending or restricting the ~~*placing or*~~ making available on the market of such products or laying down special conditions for their ***conformity assessment with regard to the safety requirement, as applicable, or*** marketing, in order to ensure a high level of consumer safety protection.	Those measures may include measures prohibiting, suspending or restricting the placing or making available on the market of such products or laying down special conditions for their marketing, **such as representative sample testing of these products,** in order to ensure a high level of consumer safety ~~protection~~.	
Article 26(1), third subparagraph				
326	In those implementing acts, the Commission shall lay down the appropriate control measures to be taken by Member States to ensure their effective implementation.	In those implementing acts, the Commission shall lay down the appropriate control measures to be taken by Member States to ensure their effective implementation.	~~In~~**Member States shall take within their jurisdiction all necessary enforcement measures necessary to ensure the effective implementation of** those implementing acts~~,~~**.** The Commission shall ~~lay down the appropriate control measures to be taken by Member States to ensure their effective implementation~~**be informed of the adoption of those enforcement measures by the competent authorities of the Member States concerned**.	
Article 26(2)				

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
327	2. The implementing acts referred to in the paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 42(3). The implementing act shall determine the date, on which it will cease to apply.	2. The implementing acts referred to in the paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 42(3). The implementing act shall determine the date, on which it will cease to apply.	2. The implementing acts referred to in the paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 42(3). The implementing act shall determine the date, on which it will cease to apply.	
Article 26(3)				
328	3. On duly justified imperative grounds of urgency relating to the health and safety of consumers the Commission may adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 42(4).	3. On duly justified imperative grounds of urgency relating to the health and safety of consumers the Commission may adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 42(4).	3. On duly justified imperative grounds of urgency relating to the health and safety of consumers the Commission may adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 42(4).	
Article 26(4)				
329	4. The export from the Union of a product that has been prohibited to be placed or made available on the Union market pursuant to a measure adopted in accordance with paragraph 1 or 3 shall be prohibited, unless the measure expressly so permits.	4. The export from the Union of a product that has been prohibited to be ~~*placed or*~~ made available on the Union market pursuant to a measure adopted in accordance with paragraph 1 or 3 shall be prohibited, unless the measure expressly so permits.	4. The export from the Union of a product that has been prohibited to be placed or made available on the Union market pursuant to a measure adopted in accordance with paragraph 1 or 3 shall be prohibited, unless the measure expressly so permits **for duly justified reasons**.	

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Article 26(5)				
330	5. Any Member State may submit a substantiated request to the Commission to examine the need for the adoption of a measure referred to in paragraph 1 or 3.	5. Any Member State ***or relevant interested parties*** may submit a substantiated request to the Commission to examine the need for the adoption of a measure referred to in paragraph 1 or 3.	5. Any Member State may submit a substantiated request to the Commission to examine the need for the adoption of a measure referred to in paragraph 1 or 3.	
Article 27				
331	Article 27 Arbitration mechanism	Article 27 Arbitration mechanism	Article 27 ~~Arbitration mechanism~~ **Request of an opinion from the Commission**	
Article 27(1)				
332	1. Products that have been deemed dangerous on the basis of a decision of a market surveillance authority in one Member State shall be presumed dangerous by market surveillance authorities in other Member States.	1. Products that have been deemed dangerous on the basis of a decision of a market surveillance authority in one Member State shall be presumed dangerous by market surveillance authorities in other Member States.	1. Products that have been deemed dangerous on the basis of a decision of a market surveillance authority in one Member State **according to this Regulation** shall be presumed dangerous by market surveillance authorities in other Member States.	
Article 27(2)				
333				

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
	2. Where market surveillance authorities in other Member States reach a different conclusion in terms of identification or level of the risk on the basis of their own investigation and risk assessment, the Member States concerned may request the Commission to arbitrate. In that case, the Commission shall invite all Member States to express a recommendation.	2. Where market surveillance authorities in other Member States reach a different conclusion in terms of identification or level of the risk on the basis of their own investigation and risk assessment, the ~~*Member States concerned may request the Commission to arbitrate. In that case*~~***Commission shall start an arbitration process. For that purpose***, the Commission shall invite all Member States to express a recommendation.	2. Where market surveillance authorities in other Member States reach a different conclusion in terms of identification or level of the risk on the basis of their own investigation and risk assessment, the Member States concerned may request the Commission to **give an opinion** ~~arbitrate~~. In that case, the Commission shall invite all Member States to express a recommendation.	
Article 27(3)				
334	3. Taking into account the recommendations referred to in paragraph 2, the Commission shall adopt an opinion on the identification or on the level of the risk of the relevant product as appropriate	3. Taking into account the recommendations referred to in paragraph 2, the Commission shall adopt an opinion on the identification or on the level of the risk of the relevant product as appropriate	3. Taking into account the recommendations referred to in paragraph 2, **and any other sources of information it considers relevant,** the Commission shall adopt an opinion on the identification or on the level of the risk of the relevant product as appropriate **without undue delay.**	
Article 27(4)				
335	4. The opinion shall be taken into due account by the Member States.	4. The opinion shall be taken into due account by the Member States.	4. The opinion shall be taken into due account by the Member States.	

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Article 27(5)				
336	5. The Commission shall draw up guidelines for the practical implementation of this Article.	5. The Commission shall draw up guidelines for the practical implementation of this Article. ***The Commission shall draw up a periodic report on the application of the arbitration mechanism, which shall be presented to the Consumer Safety Network referred to in Article 28.***	5. The Commission shall draw up guidelines for the practical implementation of this Article.	
Article 28				
337	Article 28 Consumer Safety Network	Article 28 Consumer Safety Network	Article 28 Consumer Safety Network	
Article 28(1)				
338	1. A European network of the authorities of the Member States competent for product safety ('Consumer Safety Network') shall be established.	1. A European network of the authorities of the Member States competent for product safety ('Consumer Safety Network') shall be established. ***The purpose of the Consumer Safety Network shall be to serve as a platform for structured coordination and cooperation between authorities of the***	1. A European network of the authorities of the Member States competent for product safety ('Consumer Safety Network') ~~shall be~~ **is hereby** established.	

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		Member States and the Commission to enhance product safety in the Union.		
Article 28(2)				
339	2. The Commission shall promote and take part in the operation of the Consumer Safety Network, in particular in the form of administrative cooperation.	2. The Commission shall promote and take part in the operation of the Consumer Safety Network, in particular in the form of administrative cooperation.	2. The Commission shall promote and take part in the operation of the Consumer Safety Network, in particular in the form of administrative cooperation.	
Article 28(3), introductory part				
340	3. The objective of that Consumer Safety Network shall be, in particular, to facilitate:	3. The objective of ~~*that*~~***the*** Consumer Safety Network shall be, in particular, to ~~*facilitate*~~:	3. The objective of that Consumer Safety Network shall be, in particular, to facilitate:	
Article 28(3), point (a)				
341	(a) the exchange of information on risk assessments, dangerous products, test methods and results, recent scientific developments as well as other aspects relevant for control activities;	(a) ***facilitate the regular*** ~~*the*~~ exchange of information on risk assessments, dangerous products, test methods and results, ***standards, methodologies to collect data, interoperability of information and communication systems,*** recent scientific developments ***and use of new technologies*** as well as other	(a) the exchange of information on risk assessments, dangerous products, test methods and results, recent scientific developments as well as other aspects relevant for control activities;	

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		aspects relevant for control activities;		
Article 28(3), point (b)				
342	(b) the establishment and execution of joint surveillance and testing projects;	(b) ***agree on*** the establishment and execution of joint surveillance and testing projects***, including in the context of e-commerce***;	(b) the establishment and execution of joint surveillance and testing projects;	
Article 28(3), point (c)				
343	(c) the exchange of expertise and best practices and cooperation in training activities;	(c) ***promote*** the exchange of expertise and best practices and cooperation in training activities;	(c) the exchange of expertise and best practices and cooperation in training activities;	
Article 28(3), point (d)				
344	(d) improved cooperation at EU level with regard to the tracing, withdrawal and recall of dangerous products;	(d) ~~*improved*~~***improve*** cooperation at ~~*EU*~~***Union*** level with regard to the tracing, withdrawal and recall of dangerous products;	(d) improved cooperation at EU level with regard to the tracing, withdrawal and recall of dangerous products;	
Article 28(3), point (e)				
345	(e) enhanced cooperation on product safety enforcement between Member States, in particular to facilitate the activities	(e) ***facilitate*** enhanced ***and structured*** cooperation on product safety enforcement between Member States, in particular to	(e) enhanced cooperation on product safety enforcement between Member States, in particular to facilitate the ~~activities~~	

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	referred to in Article 30.	***coordinate and*** facilitate the activities referred to in ~~*Article*~~***Articles 29 and*** 30.	**actions** referred to in Article 30~~.~~**;**	
Article 28(3), point (ea)				
345a			**(ea) the implementation of this Regulation.**	
Article 28(4)				
346	4. The Consumer Safety Network shall coordinate its action with the other existing Union activities.	4. The Consumer Safety Network shall coordinate its action with the other existing Union activities ***and, where relevant, shall cooperate and exchange information with other Union networks, groups and bodies***.	4. The Consumer Safety Network shall coordinate its action with the other existing Union activities **related to market surveillance and consumer safety**.	
Article 28(4a)				
346a		***4a. The Consumer Safety Network shall adopt its biennial work programme, which, inter alia, sets out the priorities for safety of the products covered by this Regulation, in the Union. The Consumer Safety Network shall meet at regular intervals and, where necessary, at the duly***		

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		justified request of the Commission or a Member State. The Consumer Safety Network may invite experts and other third parties, including consumer organisations, to attend its meetings.		
Article 28(5)				
347	5. The Consumer Safety Network shall be duly represented and participate in the activities of in the Union Product Compliance Network established under Article 29 of Regulation (EU) 2019/1020 and shall contribute to its activities in relation to product safety to ensure adequate coordination of market surveillance activities in both harmonised and non-harmonised areas.	5. The Consumer Safety Network shall be duly represented and ***regularly*** participate in the activities of in the Union Product Compliance Network established under Article 29 of Regulation (EU) 2019/1020 and shall contribute to its activities in relation to product safety to ensure adequate coordination of market surveillance activities in both harmonised and non-harmonised areas.	5. The Consumer Safety Network shall be duly represented and participate in the activities of in the Union Product Compliance Network established under Article 29 of Regulation (EU) 2019/1020 and shall contribute to its activities in relation to product safety to ensure adequate coordination of market surveillance activities in both harmonised and non-harmonised areas.	
Article 29				
348	Article 29 Joint activities on product safety	Article 29 Joint activities on product safety	Article 29 Joint activities on product safety	
Article 29(1)				

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349	1. In the framework of the activities referred to in Article 28(3), point (b), market surveillance authorities may agree with other relevant authorities or with organisations representing economic operators or consumers to carry out activities aimed at ensuring safety and protection of consumers health with respect to specific categories of products placed or made available on the market, in particular categories of products that are often found to present a serious risk.	1. In the framework of the activities referred to in Article 28(3), point (b), market surveillance authorities may agree with other relevant authorities or with organisations representing economic operators or consumers to carry out activities aimed at ensuring safety and protection of consumers health with respect to specific categories of products ~~placed or~~ made available on the market, in particular categories of products that are often found to present a serious risk.	1. In the framework of the activities referred to in Article 28(3), point (b), market surveillance authorities may agree with other relevant authorities or with organisations representing economic operators or consumers to carry out activities aimed at ensuring safety and protection of consumers health with respect to specific categories of products placed or made available on the market, in particular categories of products that are often found to present a serious risk.	
Article 29(2)				
350	2. The market surveillance authorities and the Commission, where applicable, shall ensure that the agreement to carry out activities does not lead to unfair competition between economic operators and does not affect the objectivity, independence and impartiality of the parties to the agreement.	2. The market surveillance authorities and the Commission, where applicable, shall ensure that the agreement to carry out activities does not lead to unfair competition between economic operators and does not affect the objectivity, independence and impartiality of the parties to the agreement.	2. The **relevant** market surveillance authorities and the ~~Commission, where applicable,~~ **parties referred to in paragraph 1** shall ensure that the agreement to carry out **such** activities does not lead to unfair competition between economic operators and does not affect the objectivity, independence and impartiality of the parties ~~to the agreement~~.	
Article 29(3)				

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351	3. A market surveillance authority may use any information resulting from the activities carried out as part of any investigation regarding the safety of products that it undertakes.	3. A market surveillance authority may use any information resulting from the activities carried out as part of any investigation regarding the safety of products that it undertakes.	3. A market surveillance authority may use any information resulting from the activities carried out as part of any investigation regarding the safety of products that it undertakes.	
Article 29(4)				
352	4. The market surveillance authority concerned and the Commission where applicable shall make the agreement on joint activities, including the names of the parties involved, available to the public.	4. The market surveillance authority concerned and the Commission where applicable shall make the agreement on joint activities, including the names of the parties involved, available to the public.	4. The market surveillance authority concerned ~~and the Commission where applicable~~ shall make the agreement on joint activities, including the names of the parties involved, available to the public **and shall enter that agreement in the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020. The Commission shall make the agreement available on the Safety Gate Portal**.	
Article 30				
353	Article 30 Sweeps	Article 30 Sweeps	Article 30 **Simultaneous coordinated control actions of market surveillance authorities**	

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			("Sweeps**")**	
Article 30(1)				
354	1. Market surveillance authorities may decide to conduct simultaneous coordinated control actions (“sweeps”) of particular product categories to check compliance with or to detect infringements to this Regulation.	1. Market surveillance authorities ~~*may decide to*~~***shall regularly*** conduct simultaneous coordinated control actions ("sweeps") of particular product categories to check compliance with or to detect infringements to this Regulation.	1. Market surveillance authorities may decide to conduct simultaneous coordinated control actions (“sweeps”) of particular product categories to check compliance with or to detect infringements to this Regulation.	
Article 30(2)				
355	2. Unless otherwise agreed upon by the market surveillance authorities concerned, sweeps shall be coordinated by the Commission. The coordinator of the sweep may, where appropriate, make the aggregated results publicly available.	2. Unless otherwise agreed upon by the market surveillance authorities concerned, sweeps shall be coordinated by the Commission. The coordinator of the sweep ~~*may*~~***shall***, where appropriate, make the aggregated results publicly available.	2. Unless otherwise agreed upon by the market surveillance authorities concerned, sweeps shall be ~~coordinated~~ **facilitated** by the Commission. ~~The coordinator~~**Upon agreement** of the ~~sweep may, where appropriate, make~~**market surveillance authorities involved, the Commission makes** the aggregated results publicly available.	
Article 30(3)				
356	3. When conducting sweeps, the	3. When conducting sweeps, the	3. When conducting sweeps, the	

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	market surveillance authorities involved may use the investigation powers set out in Chapter V and any other powers conferred upon them by national law.	market surveillance authorities involved may use the investigation powers set out in Chapter V and any other powers conferred upon them by national law.	market surveillance authorities involved may use the investigation powers set out in Chapter V and any other powers conferred upon them by national law.	
Article 30(4)				
357	4. Market surveillance authorities may invite Commission officials, and other accompanying persons authorised by the Commission, to participate in sweeps.	4. Market surveillance authorities may invite Commission officials, and other accompanying persons authorised by the Commission, to participate in sweeps.	4. Market surveillance authorities may invite Commission officials, and other accompanying persons authorised by the Commission, to participate in sweeps.	
CHAPTER VIII				
358	CHAPTER VIII Right to information and remedy	CHAPTER VIII Right to information and remedy	CHAPTER VIII Right to information and remedy	
Article 31				
359	Article 31 Information between public authorities and consumers	Article 31 Information between public authorities and consumers	Article 31 Information between ~~public~~ authorities and **general public** ~~consumers~~	
Article 31(1)				
360	1. Information available to the	1. Information available to the	1. Information available to the	

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	authorities of the Member States or to the Commission relating to measures on products presenting risks to consumer health and safety shall in general be made available to the public, in accordance with the requirements of transparency and without prejudice to the restrictions required for monitoring and investigation activities. In particular, the public shall have access to information on product identification, the nature of the risk and the measures taken. This information shall be provided in accessible formats for persons with disabilities.	authorities of the Member States or to the Commission relating to measures on products presenting risks to consumer health and safety shall in general be made available to the public, in accordance with the requirements of transparency and without prejudice to the restrictions required for monitoring and investigation activities. In particular, the public shall have access to information on product identification, the nature of the risk and the measures taken. This information shall be provided in accessible formats for persons with disabilities.	authorities of the Member States or to the Commission relating to measures on ~~products presenting risks to consumer health and safety~~**dangerous products** shall in general be made available to the public, in accordance with the requirements of transparency and without prejudice to the restrictions required for monitoring and investigation activities. In particular, the public shall have access to information on product identification, the nature of the risk and the measures taken. This information shall be provided in accessible formats for persons with disabilities.	
Article 31(2)				
361	2. Member States and the Commission shall take the necessary steps to ensure that their officials and agents are required not to disclose information obtained for the purposes of this Regulation which, by its nature, is covered by professional secrecy in duly justified cases, except for information relating to the safety properties of products which must	2. Member States and the Commission shall take the necessary steps to ensure that their officials and agents are required not to disclose information obtained for the purposes of this Regulation which, by its nature, is covered by professional secrecy in duly justified cases, except for information relating to the safety properties of products which must	2. Member States and the Commission shall take the necessary steps to ensure that their officials and agents are required ~~not to disclose~~ **to protect** information obtained for the purposes of this Regulation which~~, by its nature, is covered by professional secrecy in duly justified cases, except for information relating~~ **is**	

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	be made public in order to protect consumers.	be made public in order to protect consumers.	**confidential according to national or Union law. Such information shall only be disclosed to third parties with due regard** to the ~~safety properties of products which must be made public in order to protect consumers~~**protection of the commercial interests of the concerned natural person or legal person, including trade secrets and intellectual property, and for the sole purpose of ensuring product safety**.	
Article 31(3)				
362	3. Protection of professional secrecy shall not prevent the dissemination to the competent authorities of Member States of information relevant for ensuring the effectiveness of market monitoring and surveillance activities. The authorities receiving information covered by professional secrecy shall ensure its protection.	3. Protection of professional secrecy shall not prevent the dissemination to the competent authorities of Member States ***and to the Commission*** of information relevant for ensuring the effectiveness of market monitoring and surveillance activities. The authorities receiving information covered by professional secrecy shall ensure its protection.	3. Protection of ~~professional secrecy~~ **confidential information** shall not prevent the dissemination to the competent authorities of Member States of information relevant for ensuring the effectiveness of market monitoring and surveillance activities. The authorities receiving information covered by professional secrecy shall ensure its protection.	
Article 31(4)				
363				

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	4. Member States shall give consumers and other interested parties the opportunity to submit complaints to the competent authorities on product safety and on surveillance and control activities and these complaints shall be followed up as appropriate.	4. Member States shall give consumers and other interested parties the opportunity to submit complaints to the competent authorities on product safety ~~*and on surveillance and control activities*~~, and these complaints shall be followed up as appropriate. ***The authority with which the complaint has been lodged shall inform the complainant if it intends to proceed with an investigation and, if it opens an investigation, of the progress of the proceedings and of the decisions taken.***	4. Member States shall give consumers and other interested parties the opportunity to submit complaints to the competent authorities on product safety ~~and~~**,** on surveillance and control activities ~~and~~ **related to specific products as well as on instances where remedies offered to consumers in case of product recalls are not satisfactory.** These complaints shall be followed up as appropriate.	
Article 32				
364	Article 32 Safety Gate portal	Article 32 Safety Gate portal	Article 32 Safety Gate- Portal	
Article 32(1)				
365	1. For the purpose of Article 31(1) and Article 19, the Commission shall maintain a Safety Gate portal, providing the general public with free access to selected information notified in accordance with Article 24.	1. For the purpose of Article 31(1) and Article 19, the Commission shall maintain a Safety Gate portal, providing the general public with free access to selected information notified in accordance with Article 24.	1. For the purpose of Article 31(1) **, Article 19** and Article ~~19~~**20**, the Commission shall maintain a Safety Gate portal, providing the general public with free access to selected information notified in accordance with Article 24.	

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Article 32(1a)				
365a		***1a. The portal referred to in paragraph 1 shall have an interface intuitive for users and the information provided shall be easily accessible for general public, including for persons with disabilities.***		
Article 32(2)				
366	2. Consumers shall have the possibility to inform the Commission of products presenting a risk to consumer health and safety through a separate section of the Safety Gate portal. The Commission shall take in due consideration the information received and ensure follow up, where appropriate.	2. Consumers ***and other interested parties*** shall have the possibility to inform the Commission***,*** of products***, which may present*** ~~*presenting*~~ a risk to consumer health and safety through a separate section of the Safety Gate portal. The Commission shall take in due consideration the information received and***, after verification of its accuracy,*** ensure ~~*follow up, where appropriate*~~***follow-up and inform consumers and other interested parties of its decision***.	2. Consumers shall have the possibility to inform the Commission of products **which may present** ~~presenting~~ a risk to consumer health and safety through a separate section of the Safety Gate portal. The Commission shall take ~~in~~ due consideration **of** the information received and **, where appropriate, forward this information to the relevant Member States without undue delay, to** ensure ~~follow up, where~~**that these complaints are followed up as** appropriate.	
Article 32(3)				

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367	3. The Commission, by means of an implementing act, shall adopt the modalities for the sending of information by consumers in accordance with paragraph 2, as well as for the transmission of such information to the concerned national authorities for possible follow up. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 42(3).	3. The Commission, by means of an implementing act, shall adopt the modalities for the sending of information by consumers in accordance with paragraph 2, as well as for the transmission of such information to the concerned national authorities for possible follow up. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 42(3).	3. The Commission, by means of an implementing act, shall adopt the modalities for the sending of information by consumers in accordance with paragraph 2, as well as for the transmission of such information to the concerned national authorities ~~for possible follow up~~. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 42(3).	
Article 33				
368	Article 33 Information from economic operators to consumers	Article 33 Information from economic operators ***and online marketplaces*** to consumers	Article 33 Information from economic operators **and providers of online marketplaces** to consumers **on product safety**	
Article 33(1)				
369	1. In case of a recall or where certain information has to be brought to the attention of consumers to ensure the safe use of a product ('safety warning'), economic operators, in accordance with their respective obligations as	1. In case of a recall or where certain information has to be brought to the attention of consumers to ensure the safe use of a product ('safety warning'), economic operators, ***and, where applicable, online marketplaces,***	1. In case of a **product safety** recall**,** or where certain information has to be brought to the attention of consumers to ensure the safe use of a product ('safety warning'), economic operators, in accordance with their respective obligations as	

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	provided for in Articles 8, 9, 10 and 11, shall directly notify all affected consumers that they can identify. Economic operators who collect their customers' personal data shall make use of this information for recalls and safety warnings.	in accordance with their respective obligations as provided for in Articles 8, 9, 10***, 11 and 20*** ~~*and 11*~~, shall directly ***and without undue delay*** notify all affected consumers that they can identify. Economic operators ***and online marketplaces, where applicable,*** who collect their customers' personal data shall make use of this information for recalls and safety warnings.	provided for in Articles 8, 9, 10 and 11, **and providers of online marketplaces in accordance with their obligations as provided for in Article 20(6),** shall **ensure that** ~~directly notify~~ all affected consumers that **can be identified are notified directly** ~~they can identify~~. Economic operators **and providers of online marketplaces** who collect their customers' personal data shall make use of this information for recalls and safety warnings.	
Article 33(2)				
370	2. Where economic operators have product registration systems or customer loyalty programs in place for purposes other than contacting their customers with safety information, they shall offer the possibility to their customers to provide separate contact details only for safety purposes. The personal data collected for that purpose shall be limited to the necessary minimum and may only be used to contact consumers in case of a recall or safety warning.	2. Where economic operators ***and online marketplaces*** have product registration systems or customer loyalty programs in place for purposes other than contacting their customers with safety information, they shall offer the possibility to their customers to provide separate contact details only for safety purposes. The personal data collected for that purpose shall be limited to the necessary minimum and ~~*may*~~***shall*** only be used to contact consumers in case of a recall or safety	2. Where economic operators **and providers of online marketplaces have in place**~~have~~ product registration systems or customer loyalty programs ~~in place~~**enabling the identification of products bought by consumers** for purposes other than contacting their customers with safety information, they shall offer the possibility to their customers to provide separate contact details only for safety purposes. The personal data collected for that purpose shall be limited to the	

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		warning.	necessary minimum and may only be used to contact consumers in case of a recall or safety warning.	
Article 33(3)				
371	3. The Commission, by means of implementing acts, shall set out requirements for registration of products or specific categories of products. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).	3. The Commission, by means of implementing acts, shall set out requirements for registration of products or specific categories of products. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).	3. The Commission, by means of implementing acts, shall set out requirements **to be met by economic operators and providers of online marketplaces** for registration of products or specific categories of products. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(3).	
Article 33(4)				
372	4. If not all affected consumers can be contacted directly, economic operators, in accordance with their respective responsibilities, shall disseminate a recall notice or safety warning through other appropriate channels, ensuring the widest possible reach including, where available: the company's website, social media channels, newsletters and retail	4. If not all affected consumers can be contacted ~~*directly*~~***in accordance with paragraph 1***, economic operators ***and online marketplaces***, in accordance with their respective responsibilities, shall disseminate a recall notice or safety warning through other appropriate channels, ensuring the widest possible reach including, where available: the company's	4. If not all affected consumers can be contacted directly, economic operators, in accordance with their respective responsibilities, shall disseminate a **clear and visible** recall notice or safety warning through other appropriate channels, ensuring the widest possible reach including, where available: the company's website, social media channels,	

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	outlets and, as appropriate, announcements in mass media and other communication channels. Information shall be accessible to consumers with disabilities.	website, social media channels, newsletters and retail outlets and, as appropriate, announcements in mass media and other communication channels. Information shall be accessible to consumers with disabilities. ***Consumer organisations shall also be informed to support the dissemination of the information.***	newsletters and retail outlets and, as appropriate, announcements in mass media and other communication channels. Information shall be accessible to consumers with disabilities.	
Article 34				
373	Article 34 Recall notice	Article 34 Recall notice	Article 34 Recall notice	
Article 34(1)				
374	1. Where information on a recall is provided to consumers in a written form, in accordance with Articles 33(1) and (4), it shall take the form of a recall notice.	1. Where information on a recall is provided to consumers in a written form, in accordance with Articles 33(1) and (4), it shall take the form of a recall notice.	1. Where information on a recall is provided to consumers in a written form, in accordance with Articles 33(1) and (4), it shall take the form of a recall notice.	
Article 34(2), introductory part				
375	2. A recall notice shall be available in the language(s) of the Member State(s) where the product has been put on the market and	2. A recall notice shall be available in the language(s) of the Member State(s) where the product has been put on the market and	2. A recall notice **which can be easily understood by consumers** shall be available in the language(s) of the Member State(s)	

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	include the following elements:	include the following elements:	where the product has been put on the market and include the following elements:	
Article 34(2), point (a)				
376	(a) headline ‘Product safety recall’;	(a) headline ‘Product safety recall’;	(a) headline ‘Product safety recall’;	
Article 34(2), point (b), introductory part				
377	(b) clear description of the recalled product, including:	(b) clear description of the recalled product, including:	(b) clear description of the recalled product, including:	
Article 34(2), point (b)(i)				
378	(i) photograph, name and brand of the product;	(i) photograph ***or illustration***, name and brand of the product;	(i) ~~photograph~~ **picture**, name and brand of the product;	
Article 34(2), point (b)(ii)				
379	(ii) product identification numbers, such as batch or serial number, and, if applicable, graphical indication of where to find them on the product;	(ii) product identification numbers, such as batch or serial number, and, if applicable, graphical indication of where to find them on the product;	(ii) product identification numbers, such as batch or serial number, and, if applicable, graphical indication of where to find them on the product;	
Article 34(2), point (b)(iii)				

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380	(iii) information on when and where the product was sold, if available.	(iii) information on when and where the product was sold, if available.	(iii) **as appropriate and if available,** information on when**, where and by whom** ~~and where~~ the product was sold, ~~if available~~**including information allowing the identification of the offer in case it was subject to an online sale** .	
Article 34(2), point (c)				
381	(c) clear description of the hazard associated with the recalled product, avoiding any elements that may decrease consumers' perception of risk, including terms and expressions such as "voluntary", "precautionary", "discretionary", "in rare/specific situations" as well as indicating that there have been no reported accidents;	(c) clear description of the hazard associated with the recalled product, avoiding any elements that may decrease consumers' perception of risk, including terms and expressions such as "voluntary", "precautionary", "discretionary", "in rare/specific situations" as well as indicating that there have been no reported accidents;	(c) clear description of the hazard associated with the recalled product, avoiding any elements that may decrease consumers' perception of risk, including terms and expressions such as "voluntary", "precautionary", "discretionary", "in rare/specific situations" as well as indicating that there have been no reported accidents;	
Article 34(2), point (d)				
382	(d) clear description of the action consumers should take, including an instruction to immediately stop using the recalled product;	(d) clear description of the action consumers should take, including an instruction to immediately stop using the recalled product;	(d) clear description of the action consumers should take, including an instruction to immediately stop using the recalled product;	

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Article 34(2), point (e)				
383	(e) clear description of the remedy available to consumers if appropriate;	(e) clear description of the remedy available to consumers if appropriate;	(e) clear description of the ~~remedy~~ **remedies** available to consumers **in accordance with Article 35** ~~if appropriate~~;	
Article 34(2), point (f)				
384	(f) free phone number or interactive online service, where consumers can get more information in relevant official language(s) of the Union;	(f) free phone number or interactive online service, where consumers can get more information in relevant official language(s) of the Union;	(f) free phone number or interactive online service, where consumers can get more information in relevant official language(s) of the Union;	
Article 34(2), point (g)				
385	(g) an encouragement to further share information about the recall, if appropriate.	(g) an encouragement to further share information about the recall, if appropriate.	(g) an encouragement to further share information about the recall, if appropriate.	
Article 34(3)				
386	3. The Commission, by means of implementing acts, shall set out the template for a recall notice, taking into account scientific and market developments. Those implementing acts shall be adopted in accordance with the advisory	3. The Commission, by means of implementing acts, shall set out the template***, including in accessible formats,*** for a recall notice, taking into account scientific and market developments. Those implementing acts shall be adopted	3. The Commission, by means of implementing acts, shall set out the template for a recall notice **and the conditions under which it shall be used**, taking into account scientific and market developments. Those	

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	procedure referred to in Article 42(2).	in accordance with the advisory procedure referred to in Article 42(2).	implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 42(2).	
Article 35				
387	Article 35 Right to remedy	Article 35 Right to remedy	Article 35 ~~Right to remedy~~ **Remedies in case of a product safety recall**	
Article 35(-1)				
387a			**1. Without prejudice to Directive (EU) 2019/770 and Directive (EU) 2019/771, in the case of a product safety recall initiated by an economic operator or ordered by a national competent authority the economic operator responsible for the recall shall offer to the consumer an effective, cost-free and timely remedy.**	
Article 35(1), introductory part				
388	1. Without prejudice to Directive (EU) 2019/771, in the case of a recall, the economic operator	1. Without prejudice to Directive (EU) 2019/771, in the case of a recall, the economic operator	~~1~~**1a**. Without prejudice to ~~Directive (EU) 2019/771, in the case of a recall,~~**other remedies**	

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	responsible for the recall shall offer to the consumer an effective, cost-free and timely remedy. That remedy shall consist of at least one of the following:	responsible for the recall shall offer to the consumer an effective, cost-free and timely remedy. That remedy shall consist of at least one of the following:	**that may be offered by** the economic operator**, it** ~~responsible for the recall~~ shall offer to the consumer ~~an effective, cost-free and timely remedy. That remedy shall consist of~~**the choice between** at least ~~one~~**two** of the following **remedies**:	
Article 35(1), point (a)				
389	(a) repair of the recalled product;	(a) repair of the recalled product;	(a) repair of the recalled product**, provided that the safety of the repaired product can be ensured**;	
Article 35(1), point (b)				
390	(b) replacement of the recalled product with a safe one of the same type and at least the same value and quality;	(b) replacement of the recalled product with a safe one of the same type and at least the same value and quality;	(b) replacement of the recalled product with a safe one of the same type and at least the same value and quality;	
Article 35(1), point (c)				
391	(c) refund of the value of the recalled product.	(c) refund of the ~~*value*~~***initial purchase price*** of the recalled product.	(c) **adequate** refund of the value of the recalled product**, provided that the amount of the refund shall be at least equal to the price paid by the consumer**.	

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Article 35(1a)				
391a			**Consumers may only be offered one remedy where the other remedies would be impossible or, compared to the proposed remedy, would impose costs on the economic operator that would be disproportionate, taking into account all circumstances, including whether the alternative remedy could be provided without significant inconvenience to the consumer.**	
Article 35(1b)				
391b			**The consumer shall always be entitled to a refund of the product when the economic operator responsible for the recall has not completed repair or replacement within a reasonable time without significant inconvenience for the consumer.**	
Article 35(1c)				
391c			**National competent authorities**	

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			may issue detailed instructions and orders to economic operators regarding the remedies offered.	
Article 35(2)				
392	2. Repair, disposal or destruction of the product by consumers shall only be considered an effective remedy where it can be carried out easily and safely by the consumer. In such cases, the economic operator responsible for the recall shall provide consumers with the necessary instructions and/or, in the case of self-repair, free replacement parts or software updates.	2. Repair, disposal or destruction of the product by consumers shall only be considered an effective remedy where it can be carried out easily and safely by the consumer. In such cases, the economic operator responsible for the recall shall provide consumers with the necessary instructions and/or, in the case of self-repair, free replacement parts or software updates.	2. ~~Repair, disposal or destruction of the product by consumers~~**Self-repair bya consumer** shall only be considered an effective remedy where it can be carried out easily and safely by the consumer **in question when provided for in the recall notice**. In such cases, the economic operator responsible for the recall shall provide consumers with the necessary instructions**, free replacement parts or software updates. Self-repair shall not deprive consumers of their rights according to Directive (EU) 2019/771 and Directive (EU) 2019/770**~~ and/or, in the case of self-repair, free replacement parts or software updates~~.	
Article 35(2a)				
392a			**2a. Disposal of the product by**	

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			consumers may only be included in the actions to be taken by consumers under Article 34(2)(d) where it can be carried out easily and safely by the consumer, and shall not affect the right of the consumer to receive a refund or replacement of the recalled product under paragraph 1.	
Article 35(3)				
393	3. The remedy shall not entail significant inconvenience for the consumer. The consumer shall not bear the costs of shipping or otherwise returning the product. For products that by their nature are not portable, the economic operator shall arrange for the collection of the product.	3. The remedy shall not entail significant inconvenience for the consumer. The consumer shall not bear the costs of shipping or otherwise returning the product. For products that by their nature are not portable, the economic operator shall arrange for the collection of the product.	3. The remedy shall not entail significant inconvenience for the consumer. The consumer shall not bear the costs of shipping or otherwise returning the product. For products that by their nature are not portable, the economic operator shall arrange for the collection of the product.	
Article 35(3a)				
393a		***3a. Where no economic operator offers a remedy to the consumer, the consumer shall be entitled to submit a complaint to the competent authority in accordance with Article 31(4).***		

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CHAPTER IX				
394	CHAPTER IX International cooperation	CHAPTER IX International cooperation	CHAPTER IX International cooperation	
Article 36				
395	Article 36 International cooperation	Article 36 International cooperation	Article 36 International cooperation	
Article 36(1), introductory part				
396	1. The Commission may cooperate, including through the exchange of information, with third countries or international organisations in the field of application of this Regulation, such as:	1. ***In order to improve the overall level of safety of consumer products made available on the Union market and to ensure a level playing field at international level,*** the Commission may cooperate, including through the exchange of information, with ***regulatory authorities of*** third countries or international organisations in the field of application of this Regulation, ~~***such as***~~***Any form of cooperation shall be based on reciprocity, include provisions on confidentiality corresponding to those applicable in the Union, and ensure that any exchange of information is in accordance with applicable Union***	1. The Commission may **coordinate Member States'cooperation** ~~cooperate~~, including through the exchange of information, with third countries or international organisations in the field of application of this Regulation, such as:	

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		law. The cooperation or exchange of information may relate, inter alia, to the following:		
Article 36(1), point (a)				
397	(a) enforcement activities and measures related to safety, including market surveillance;	(a) enforcement activities and measures related to safety, ***also with a view to preventing the circulation of dangerous products,*** including market surveillance;	(a) enforcement activities and measures related to safety, including market surveillance;	
Article 36(1), point (b)				
398	(b) risk assessment methods and product testing;	(b) risk assessment methods and product testing;	(b) risk assessment methods and product testing;	
Article 36(1), point (c)				
399	(c) coordinated product recalls and other similar actions;	(c) coordinated product recalls and other similar actions;	(c) coordinated product recalls and other similar actions;	
Article 36(1), point (d)				
400	(d) scientific, technical, and regulatory matters, aiming to improve product safety;	(d) scientific, technical, and regulatory matters, aiming to improve product safety ***and to develop common priorities and approaches at international level***;	(d) scientific, technical, and regulatory matters, aiming to improve product safety;	

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Article 36(1), point (e)				
401	(e) emerging issues of significant health and safety relevance;	(e) emerging issues of significant health and safety relevance;	(e) emerging issues of significant health and safety relevance;	
Article 36(1), point (ea)				
401a		***(ea) use of new technologies to improve product safety and increase traceability in the supply chain;***		
Article 36(1), point (f)				
402	(f) standardisation-related activities;	(f) standardisation-related activities;	(f) standardisation-related activities;	
Article 36(1), point (g)				
403	(g) exchange of officials.	(g) exchange of officials ***and training programmes***.	(g) exchange of officials.	
Article 36(2)				
404	2. The Commission may provide third countries or international organisations with selected	2. The Commission may provide third countries or international organisations with selected	2. **After consulting the Consumer Safety Network referred to in Article 28,** the	

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
	information from its Safety Gate system and receive relevant information on the safety of consumer products and on preventive, restrictive and corrective measures taken by those third countries or international organisations. The Commission shall share such information with national authorities, where relevant.	information from its Safety Gate system and receive relevant information on the safety of consumer products and on preventive, restrictive and corrective measures taken by those third countries or international organisations. The Commission shall share such information with national authorities, where relevant.	Commission may provide third countries or international organisations with selected information from ~~its~~ **the** Safety Gate **Rapid Alert** system and receive relevant information on the safety of ~~consumer~~ products and on preventive, restrictive and corrective measures taken by those third countries or international organisations. The Commission shall share such information with national authorities~~, where relevant.~~**.**	
Article 36(3), introductory part				
405	3. The information exchange referred to in paragraph 2 may take the form of either:	3. The information exchange referred to in paragraph 2 may take the form of either:	3. The information exchange referred to in paragraph 2 may take the form of either:	
Article 36(3), point (a)				
406	(a) a non-systematic exchange, in duly justified and specific cases;	(a) a non-systematic exchange, in duly justified and specific cases;	(a) a non-systematic exchange, in duly justified and specific cases;	
Article 36(3), point (b)				
407	(b) a systematic exchange, based on an administrative arrangement	(b) a systematic exchange, based on an administrative arrangement	(b) a systematic exchange, based on an administrative arrangement	

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
	specifying the type of information to be exchanged and the modalities for the exchange.	specifying the type of information to be exchanged and the modalities for the exchange.	specifying the type of information to be exchanged and the modalities for the exchange.	
Article 36(4)				
408	4. Full participation in the Safety Gate system may be open to applicant countries and third countries, provided that their legislation is aligned with the relevant Union legislation and that they participate in the European Standardisation System. Such participation shall entail the same obligations as for Member States according to this Regulation, including notification and follow-up obligations. Full participation in the Safety Gate shall be based on agreements between the Union and those countries, according to arrangements defined in these agreements.	4. Full participation in the Safety Gate system may be open to applicant countries and third countries, provided that their legislation is aligned with the relevant Union legislation and that they participate in the European Standardisation System. Such participation shall entail the same obligations as for Member States according to this Regulation, including notification and follow-up obligations. Full participation in the Safety Gate shall be based on agreements between the Union and those countries, according to arrangements defined in these agreements.	4. Full participation in the Safety Gate **Rapid Alert** system may be open to applicant countries and third countries, provided that their legislation is aligned with the relevant Union legislation and that they participate in the European Standardisation System. Such participation shall entail the same obligations as for Member States according to this Regulation, including notification and follow-up obligations. Full participation in the Safety Gate **Rapid Alert System** shall be based on agreements between the Union and those countries, according to arrangements defined in these agreements.	
Article 36(5)				
409	5. Any information exchange under this Article, to the extent it involves personal data, shall be	5. Any information exchange under this Article, to the extent it involves personal data, shall be	5. Any **exchange of information** ~~information exchange~~ under this Article~~, to the extent it involves~~	

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	carried out in accordance with Union data protection rules. Personal data shall only be transferred to the extent that such exchange is necessary for the sole purpose of the protection of consumers' health or safety.	carried out in accordance with Union data protection rules. Personal data shall only be transferred to the extent that such exchange is necessary for the sole purpose of the protection of consumers' health or safety.	~~personal data,~~ shall be ~~carried out in accordance with Union data protection rules. Personal data shall only be transferred to the extent that such exchange is necessary for the sole purpose of the protection of consumers' health or safety~~**based on reciprocity and on provisions on confidentiality corresponding to those applicable in the Union, and shall be carried out in accordance with applicable Union law, in particular regarding personal data** .	
Article 36(6)				
410	6. The information exchanged pursuant to this Article shall be used for the sole purpose of the protection of consumers' health or safety and respect confidentiality rules.	6. The information exchanged pursuant to this Article shall be used for the sole purpose of the protection of consumers' health or safety and respect confidentiality rules.	6. The information exchanged pursuant to this Article shall be used for the sole purpose of the protection of consumers' health or safety ~~and respect confidentiality rules~~.	
CHAPTER X				
411	CHAPTER X Financial provisions	CHAPTER X Financial provisions	CHAPTER X Financial provisions	
Article 37				

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
412	Article 37 Financing activities	Article 37 Financing activities	Article 37 Financing activities	
Article 37(1), introductory part				
413	1. The Union shall finance the following activities in relation to the application of this Regulation:	1. The Union shall finance the following activities in relation to the application of this Regulation:	1. The Union shall finance the following activities in relation to the application of this Regulation:	
Article 37(1), point (a)				
414	(a) performance of the tasks of the Consumer Safety Network referred to in Article 28;	(a) performance of the tasks of the Consumer Safety Network referred to in Article 28;	(a) performance of the tasks of the Consumer Safety Network referred to in Article 28;	
Article 37(1), point (b), introductory part				
415	(b) the development and operation of the Safety Gate referred to in Article 23, including the development of electronic interoperability solutions for:	(b) the development and operation of the Safety Gate referred to in Article 23, including the development of electronic interoperability solutions for:	(b) the development and operation of the Safety Gate **Rapid Alert System** referred to in Article 23, including the development of electronic interoperability solutions for:	
Article 37(1), point (b), first indent				
416	- the exchange of data between the Safety Gate and the national	- the exchange of data between the Safety Gate and the national	- the exchange of data between the Safety Gate **Rapid Alert System**	

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	market surveillance systems;	market surveillance systems;	and the national market surveillance systems;	
Article 37(1), point (b), second indent				
417	- the exchange of data between the Safety Gate and national customs systems;	- the exchange of data between the Safety Gate and national customs systems;	- the exchange of data between the Safety Gate **Rapid Alert System and Customs Risk Management System to use data in the** ~~and~~ national customs systems;	
Article 37(1), point (b), third indent				
418	- the exchange of data with other relevant restricted systems used by market surveillance authorities for their enforcement purposes.	- the exchange of data with other relevant restricted systems used by market surveillance authorities for their enforcement purposes.	- the exchange of data with other relevant restricted systems used by market surveillance authorities for their enforcement purposes.	
Article 37(1), point (c)				
419	(c) the development and maintenance of the Safety Gate portal referred to in Article 32 and the Safety Business Gateway, referred to in Article 25, including a public non-restricted software interface for data exchange with platforms and third parties.	(c) the development and maintenance of the Safety Gate portal referred to in Article 32 and the Safety Business Gateway, referred to in Article 25, including a public non-restricted software interface for data exchange with platforms and third parties.	(c) the development and maintenance of the Safety Gate portal referred to in Article 32 and the Safety Business Gateway, referred to in Article 25~~, including a public non-restricted software interface for data exchange with platforms and third parties~~.	

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Article 37(2), introductory part				
420	2. The Union may finance the following activities in relation to the application of this Regulation:	2. The Union may finance the following activities in relation to the application of this Regulation:	2. The Union may finance the following activities in relation to the application of this Regulation:	
Article 37(2), point (a)				
421	(a) the development of instruments of international cooperation referred to in Article 36;	(a) the development of instruments of international cooperation referred to in Article 36;	(a) the development of instruments of international cooperation referred to in Article 36;	
Article 37(2), point (b)				
422	(b) the drawing up and updating of contributions to guidelines on market surveillance and product safety;	(b) the drawing up and updating of contributions to guidelines on market surveillance and product safety;	(b) the drawing up and updating of contributions to guidelines on market surveillance and product safety;	
Article 37(2), point (c)				
423	(c) the making available to the Commission of technical or scientific expertise for the purpose of assisting the Commission in its implementation of market surveillance administrative cooperation;	(c) the making available to the Commission of technical or scientific expertise for the purpose of assisting the Commission in its implementation of market surveillance administrative cooperation;	(c) the making available to the Commission of technical or scientific expertise for the purpose of assisting the Commission in its implementation of market surveillance administrative cooperation;	
Article 37(2), point (d)				

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424	(d) the performance of preliminary or ancillary work in connection with the implementation of market surveillance activities linked to the application of this Regulation such as studies, programmes, evaluations, guidelines, comparative analyses, mutual joint visits and visit programmes, exchange of personnel, research work, the development and maintenance of databases, training activities, laboratory work, proficiency testing, inter-laboratory tests and conformity assessment work;	(d) the performance of preliminary or ancillary work in connection with the implementation of market surveillance activities linked to the application of this Regulation such as studies, programmes, evaluations, guidelines, comparative analyses, mutual joint visits and visit programmes, exchange of personnel, research work, the development and maintenance of databases, training activities, laboratory work, proficiency testing, inter-laboratory tests and conformity assessment work;	(d) the performance of preliminary or ancillary work in connection with the implementation of market surveillance activities linked to the application of this Regulation such as studies, programmes, evaluations, guidelines, comparative analyses, mutual joint visits and visit programmes, exchange of personnel, research work, the development and maintenance of databases, training activities, laboratory work, proficiency testing, inter-laboratory tests and conformity assessment work;	
Article 37(2), point (e)				
425	(e) Union market surveillance campaigns and associated activities, including resources and equipment, IT tools and training;	(e) Union market surveillance campaigns and associated activities, including resources and equipment, IT tools and training;	(e) Union market surveillance campaigns and associated activities, including resources and equipment, IT tools and training;	
Article 37(2), point (f)				
426	(f) activities carried out under programmes of technical assistance, cooperation with third countries and the promotion and	(f) activities carried out under programmes of technical assistance, cooperation with third countries and the promotion and	(f) activities carried out under programmes of technical assistance, cooperation with third countries and the promotion and	

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	enhancement of Union market surveillance policies and systems among interested parties at Union and international levels.	enhancement of Union market surveillance policies and systems among interested parties at Union and international levels***, including activities carried out by consumer organisations for the enhancement of consumer information***.	enhancement of Union market surveillance policies and systems among interested parties at Union and international levels.	
Article 37(2), point (fa)				
426a			**(fa) the development and maintenance of a non-restricted software interface allowing data exchange between the Safety Gate Portal referred to in Article 32, the Safety Business Gateway, referred to in Article 25, and third parties platforms.**	
Article 37(3)				
427	3. The Union's financial assistance to the activities under this Regulation shall be implemented in accordance with Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council[1], either directly, or indirectly by delegating budget implementation tasks to the entities	3. The Union's financial assistance to the activities under this Regulation shall be implemented in accordance with Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council[1], either directly, or indirectly by delegating budget implementation tasks to the entities	3. The Union's financial assistance to the activities under this Regulation shall be implemented in accordance with Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council[1], either directly, or indirectly by delegating budget implementation tasks to the entities	

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	listed in Article 62(1), point (c) of that Regulation. __________ 1. Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).	listed in Article 62(1), point (c) of that Regulation. __________ 1. Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).	listed in Article 62(1), point (c) of that Regulation. __________ 1. Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).	
Article 37(4)				
428	4. The appropriations allocated to activities referred to in this Regulation shall be determined each year by the budgetary authority within the limits of the financial framework in force.	4. The appropriations allocated to activities referred to in this Regulation shall be determined each year by the budgetary authority within the limits of the financial framework in force.	4. The appropriations allocated to activities referred to in this Regulation shall be determined each year by the budgetary authority within the limits of the financial framework in force.	
Article 37(5)				
429				

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	5. The appropriations determined by the budgetary authority for the financing of market surveillance activities may also cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities which are required for the management of the activities pursuant to this Regulation and the achievement of their objectives; in particular, studies, meetings of experts, information and communication actions, including corporate communication of the political priorities of the Union as far as they are related to the general objectives of market surveillance activities, expenses linked to information technology networks focusing on information processing and exchange, together with all other technical and administrative assistance expenses incurred by the Commission for the management of the activities pursuant to this Regulation.	5. The appropriations determined by the budgetary authority for the financing of market surveillance activities may also cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities which are required for the management of the activities pursuant to this Regulation and the achievement of their objectives; in particular, studies, meetings of experts, information and communication actions, including corporate communication of the political priorities of the Union as far as they are related to the general objectives of market surveillance activities, expenses linked to information technology networks focusing on information processing and exchange, together with all other technical and administrative assistance expenses incurred by the Commission for the management of the activities pursuant to this Regulation.	5. The appropriations determined by the budgetary authority for the financing of market surveillance activities may also cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities which are required for the management of the activities pursuant to this Regulation and the achievement of their objectives; in particular, studies, meetings of experts, information and communication actions, including corporate communication of the political priorities of the Union as far as they are related to the general objectives of market surveillance activities, expenses linked to information technology networks focusing on information processing and exchange, together with all other technical and administrative assistance expenses incurred by the Commission for the management of the activities pursuant to this Regulation.	
Article 38				
430	Article 38 Protection of the Union's financial	Article 38 Protection of the Union's financial	Article 38 Protection of the Union's financial	

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
	interests	interests	interests	
Article 38(1)				
431	1. The Commission shall take appropriate measures to ensure that, when actions financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.	1. The Commission shall take appropriate measures to ensure that, when actions financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.	1. The Commission shall take appropriate measures to ensure that, when actions financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.	
Article 38(2)				
432	2. The Commission or its representatives and the Court of Auditors shall have the power of audit, on the basis of documents and of on-the-spot inspections, over all grant beneficiaries, contractors and subcontractors who have received Union funds under the Single Market Programme and	2. The Commission or its representatives and the Court of Auditors shall have the power of audit, on the basis of documents and of on-the-spot inspections, over all grant beneficiaries, contractors and subcontractors who have received Union funds under the Single Market Programme and	2. The Commission or its representatives and the Court of Auditors shall have the power of audit, on the basis of documents and of on-the-spot inspections, over all grant beneficiaries, contractors and subcontractors who have received Union funds under the Single Market Programme and	

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
	its successor[1]. _________ 1. OJ L292, 14.11.1996, p.2.	its successor[1]. _________ 1. OJ L292, 14.11.1996, p.2.	its successor[1]. _________ 1. OJ L292, 14.11.1996, p.2.	
Article 38(3)				
433	3. The European Anti-Fraud Office (OLAF) may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council[1] and Council Regulation (Euratom, EC) No 2185/96[2], with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded under the programme. _________ 1. Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the	3. The European Anti-Fraud Office (OLAF) may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council[1] and Council Regulation (Euratom, EC) No 2185/96[2], with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded under the programme. _________ 1. Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the	3. The European Anti-Fraud Office (OLAF) may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council[1] and Council Regulation (Euratom, EC) No 2185/96[2], with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or a contract funded under the programme. _________ 1. Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the	

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
	European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1). 2. Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).	European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1). 2. Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).	European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1). 2. Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).	
Article 38(4)				
434	4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and with international organisations, contracts, grant agreements and grant decisions resulting from the implementation of this Regulation shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct such audits and investigations, in accordance with their respective competences.	4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and with international organisations, contracts, grant agreements and grant decisions resulting from the implementation of this Regulation shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct such audits and investigations, in accordance with their respective competences.	4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and with international organisations, contracts, grant agreements and grant decisions resulting from the implementation of this Regulation shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct such audits and investigations, in accordance with their respective competences.	
CHAPTER XI				

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
435	CHAPTER XI Final provisions	CHAPTER XI Final provisions	CHAPTER XI Final provisions	
Article 39				
436	Article 39 Liability	Article 39 Liability	Article 39 Liability	
Article 39(1)				
437	1. Any decision taken pursuant to this Regulation and involving restrictions on the placing of a product on the market or requiring its withdrawal or its recall shall not affect the assessment of the liability of the party concerned, in the light of the national law applying in the case in question.	1. Any decision taken pursuant to this Regulation and involving restrictions on the placing of a product on the market or requiring its withdrawal or its recall shall not affect the assessment of the liability of the party concerned, in the light of the national law applying in the case in question.	1. Any decision taken pursuant to this Regulation and involving restrictions on the placing of a product on the market or requiring its withdrawal or its recall shall not affect the assessment of the liability of the party concerned, in the light of the national law applying in the case in question.	
Article 39(2)				
438	2. This Regulation shall not affect Council Directive 85/374/EEC[1]. _____ 1. Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative	2. This Regulation shall not affect Council Directive 85/374/EEC[1]. _____ 1. Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative	2. This Regulation shall not affect Council Directive 85/374/EEC[1]. _____ 1. Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative	

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
	provisions of the Member States concerning liability for defective products (OJ L 210, 7.8.1985, p. 29).	provisions of the Member States concerning liability for defective products (OJ L 210, 7.8.1985, p. 29).	provisions of the Member States concerning liability for defective products (OJ L 210, 7.8.1985, p. 29).	
Article 40				
439	Article 40 Penalties	Article 40 Penalties	Article 40 Penalties	
Article 40(1)				
440	1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by [insert date - 3 months after to the date of entry into force of this Regulation], notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.	1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by [insert date - 3 months after to the date of entry into force of this Regulation], notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.	1. **The** Member States shall lay down the rules on penalties applicable to infringements of this Regulation ~~and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States~~ **that impose obligations on economic operators and providers of online marketplaces and** shall~~, by [insert date - 3 months after to the date of entry into force of this Regulation], notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them~~ **take all measures**	

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			necessary to ensure that they are implemented in accordance with national law.	
Article 40(1a)				
440a			**2. The penalties provided for shall be effective, proportionate and dissuasive.**	
Article 40(1b)				
440b			**3. The Member States shall, by [24 months after the date of entry into force of this Regulation], notify those provisions to the Commission, where they have not previously been notified, and shall notify it, without delay, of any subsequent amendment affecting them.**	
Article 40(2), introductory part				
441	2. Member States shall take into account at least the following indicative criteria for the imposition of penalties, where appropriate:	2. Member States shall take into account at least the following indicative criteria for the imposition of penalties, where appropriate:	~~2. Member States shall take into account at least the following indicative criteria for the imposition of penalties, where appropriate:~~	

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Article 40(2), point (a)				
442	(a) the duration or temporal effects of the infringement, the nature and the gravity, in particular the level of risk incurred by the consumer;	(a) the duration or temporal effects of the infringement, the nature and the gravity, in particular the level of risk incurred by the consumer;	~~(a) the duration or temporal effects of the infringement, the nature and the gravity, in particular the level of risk incurred by the consumer;~~	
Article 40(2), point (b)				
443	(b) the number of dangerous products made available on the market or the number of consumers affected or both;	(b) the number of dangerous products made available on the market or the number of consumers affected or both;	~~(b) the number of dangerous products made available on the market or the number of consumers affected or both;~~	
Article 40(2), point (c)				
444	(c) the role and responsibility of the economic operator or online marketplace;	(c) the role and responsibility of the economic operator or online marketplace;	~~(c) the role and responsibility of the economic operator or online marketplace;~~	
Article 40(2), point (d)				
445	(d) any action taken by the economic operator or online marketplace to timely mitigate or remedy the damage suffered by consumers;	(d) any action taken by the economic operator or online marketplace to timely mitigate or remedy the damage suffered by consumers;	~~(d) any action taken by the economic operator or online marketplace to timely mitigate or remedy the damage suffered by consumers;~~	
Article 40(2), point (e)				

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446	(e) where appropriate, the intentional or negligent character of the infringement;	(e) where appropriate, the intentional or negligent character of the infringement;	~~(e) where appropriate, the intentional or negligent character of the infringement;~~	
Article 40(2), point (f)				
447	(f) any previous infringements by the economic operator or online marketplace;	(f) any previous infringements by the economic operator or online marketplace;	~~(f) any previous infringements by the economic operator or online marketplace;~~	
Article 40(2), point (g)				
448	(g) the financial benefits gained or losses avoided directly or indirectly by the economic operator or online marketplace due to the infringement, if the relevant data are available;	(g) the financial benefits gained or losses avoided directly or indirectly by the economic operator or online marketplace due to the infringement, if the relevant data are available;	~~(g) the financial benefits gained or losses avoided directly or indirectly by the economic operator or online marketplace due to the infringement, if the relevant data are available;~~	
Article 40(2), point (h)				
449	(h) the size of the undertaking;	(h) the size of the undertaking;	~~(h) the size of the undertaking;~~	
Article 40(2), point (i)				
450	(i) the degree of cooperation with the authority;	(i) the degree of cooperation with the authority;	~~(i) the degree of cooperation with the authority;~~	

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Article 40(2), point (j)				
451	(j) the manner in which the infringement became known to the authority, in particular whether, and if so to what extent, the economic operator or online marketplace timely notified the infringement;	(j) the manner in which the infringement became known to the authority, in particular whether, and if so to what extent, the economic operator or online marketplace timely notified the infringement;	~~(j) the manner in which the infringement became known to the authority, in particular whether, and if so to what extent, the economic operator or online marketplace timely notified the infringement;~~	
Article 40(2), point (k)				
452	(k) any other aggravating or mitigating factor applicable to the circumstances of the case.	(k) any other aggravating or mitigating factor applicable to the circumstances of the case.	~~(k) any other aggravating or mitigating factor applicable to the circumstances of the case.~~	
Article 40(3), introductory part				
453	3. The types of infringements by economic operators or online marketplaces, where applicable, subject to penalties shall be any of the following:	~~*3. The types of infringements by economic operators or online marketplaces, where applicable, subject to penalties shall be any of the following:*~~	~~3. The types of infringements by economic operators or online marketplaces, where applicable, subject to penalties shall be any of the following:~~	
Article 40(3), point (a)				
454	(a) infringement of the general product safety requirement;	~~*(a) infringement of the general product safety requirement;*~~	~~(a) infringement of the general product safety requirement;~~	
Article 40(3), point (b)				

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455	(b) failure to inform the authority in a timely manner about a dangerous product they placed on the market;	~~(b) failure to inform the authority in a timely manner about a dangerous product they placed on the market;~~	~~(b) failure to inform the authority in a timely manner about a dangerous product they placed on the market;~~	
Article 40(3), point (c)				
456	(c) failure to comply with any decision, order, interim measure, economic operator's commitment or other measure adopted pursuant to this Regulation;	~~(c) failure to comply with any decision, order, interim measure, economic operator's commitment or other measure adopted pursuant to this Regulation;~~	~~(c) failure to comply with any decision, order, interim measure, economic operator's commitment or other measure adopted pursuant to this Regulation;~~	
Article 40(3), point (d)				
457	(d) failure to comply with traceability and information obligations of economic operators referred to in Articles 8, 9, 10, 11 and 18 and 19;	~~(d) failure to comply with traceability and information obligations of economic operators referred to in Articles 8, 9, 10, 11 and 18 and 19;~~	~~(d) failure to comply with traceability and information obligations of economic operators referred to in Articles 8, 9, 10, 11 and 18 and 19;~~	
Article 40(3), point (e)				
458	(e) providing incorrect, incomplete or misleading information in response to a request from market surveillance authorities;	~~(e) providing incorrect, incomplete or misleading information in response to a request from market surveillance authorities;~~	~~(e) providing incorrect, incomplete or misleading information in response to a request from market surveillance authorities;~~	

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Article 40(3), point (f)				
459	(f) failure to provide requested information within the required time-limit;	~~*(f) failure to provide requested information within the required time-limit;*~~	~~(f) failure to provide requested information within the required time-limit;~~	
Article 40(3), point (g)				
460	(g) refusal to submit to inspections;	~~*(g) refusal to submit to inspections;*~~	~~(g) refusal to submit to inspections;~~	
Article 40(3), point (h)				
461	(h) failure to provide the required documents or products during inspections;	~~*(h) failure to provide the required documents or products during inspections;*~~	~~(h) failure to provide the required documents or products during inspections;~~	
Article 40(3), point (i)				
462	(i) falsifying test results.	~~*(i) falsifying test results.*~~	~~(i) falsifying test results.~~	
Article 40(4)				
463	4. In the case of fines, the maximum amount of penalties shall be at least 4 % of the economic operator's or, where applicable, online marketplace's annual turnover in the Member	4. In the case of fines, the maximum amount of penalties shall be at least 4 % of the economic operator's or, where applicable, online marketplace's annual turnover in the Member	~~4. In the case of fines, the maximum amount of penalties shall be at least 4 % of the economic operator's or, where applicable, online marketplace's annual turnover in the Member~~	

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
	State or Member States concerned.	State or Member States concerned.	~~State or Member States concerned.~~	
Article 40(5), introductory part				
464	5. Member States may also impose periodic penalty payments to compel economic operators or online marketplaces, where applicable:	5. Member States may also impose periodic penalty payments to compel economic operators or online marketplaces, where applicable~~:~~ ***, to put an end to a serious and repeated violation of this Regulation.***	~~5. Member States may also impose periodic penalty payments to compel economic operators or online marketplaces, where applicable:~~	
Article 40(5), point (a)				
465	(a) to put an end to a violation of the provisions of this Regulation;	~~*(a) to put an end to a violation of the provisions of this Regulation;*~~	~~(a) to put an end to a violation of the provisions of this Regulation;~~	
Article 40(5), point (b)				
466	(b) to comply with a decision ordering corrective measure;	~~*(b) to comply with a decision ordering corrective measure;*~~	~~(b) to comply with a decision ordering corrective measure;~~	
Article 40(5), point (c)				
467	(c) to supply complete and correct information;	~~*(c) to supply complete and correct information;*~~	~~(c) to supply complete and correct information;~~	
Article 40(5), point (d)				

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468	(d) to submit to an inspection;	~~(d) to submit to an inspection;~~	~~(d) to submit to an inspection;~~	
Article 40(5), point (e)				
469	(e) to allow market surveillance authorities to perform data scraping of online interfaces.	~~(e) to allow market surveillance authorities to perform data scraping of online interfaces.~~	~~(e) to allow market surveillance authorities to perform data scraping of online interfaces.~~	
Article 40(6)				
470	6. By 31 March of each year, Member States shall inform the Commission of the type and the size of the penalties imposed under this Regulation, identify the actual infringements of this Regulation, and indicate the identity of economic operators or online marketplaces upon which penalties have been imposed.	6. By 31 March of each year, Member States shall inform the Commission of the type and the size of the penalties imposed under this Regulation, ***and*** identify the actual infringements of this Regulation~~, and indicate the identity of economic operators or online marketplaces upon which penalties have been imposed~~.	~~6. By 31 March of each year, Member States shall inform the Commission of the type and the size of the penalties imposed under this Regulation, identify the actual infringements of this Regulation, and indicate the identity of economic operators or online marketplaces upon which penalties have been imposed.~~	
Article 40(7)				
471	7. Each year, the Commission shall elaborate and make public a report on the penalties imposed by Member States.	7. Each year, the Commission shall ~~elaborate~~***draw up*** and make public a ***summary*** report ***with aggregated data*** on the penalties imposed by Member States.	~~7. Each year, the Commission shall elaborate and make public a report on the penalties imposed by Member States.~~	

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Article 40(8), introductory part				
472	8. The information referred to in paragraph 6 shall not be published in the report referred to in paragraph 7 in any of the following circumstances:	~~*8. The information referred to in paragraph 6 shall not be published in the report referred to in paragraph 7 in any of the following circumstances:*~~	~~8. The information referred to in paragraph 6 shall not be published in the report referred to in paragraph 7 in any of the following circumstances:~~	
Article 40(8), point (a)				
473	(a) where it is necessary to preserve the confidentiality of an investigation or of national judicial proceedings;	~~*(a) where it is necessary to preserve the confidentiality of an investigation or of national judicial proceedings;*~~	~~(a) where it is necessary to preserve the confidentiality of an investigation or of national judicial proceedings;~~	
Article 40(8), point (b)				
474	(b) where publication would cause disproportionate damage to the economic operator or online marketplace;	~~*(b) where publication would cause disproportionate damage to the economic operator or online marketplace;*~~	~~(b) where publication would cause disproportionate damage to the economic operator or online marketplace;~~	
Article 40(8), point (c)				
475	(c) where a natural person is concerned, unless the publication of personal data is justified by exceptional circumstances, inter alia, by the seriousness of the infringement.	~~*(c) where a natural person is concerned, unless the publication of personal data is justified by exceptional circumstances, inter alia, by the seriousness of the infringement.*~~	~~(c) where a natural person is concerned, unless the publication of personal data is justified by exceptional circumstances, inter alia, by the seriousness of the infringement.~~	

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Article 41				
476	Article 41 Exercise of the delegation	Article 41 Exercise of the delegation	Article 41 Exercise of the delegation	
Article 41(1)				
477	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 41(2)				
478	2. The power to adopt delegated acts referred to in Article 17(3) shall be conferred on the Commission for an indeterminate period of time from [insert date - the date of entry into force of this Regulation].	2. The power to adopt delegated acts referred to in Article ***15(3a) and Article*** 17(3) shall be conferred on the Commission for an indeterminate period of time from [insert date - the date of entry into force of this Regulation].	2. The power to adopt delegated acts referred to in Article 17(3) shall be conferred on the Commission for an indeterminate period of time from [***insert date -*** ~~insert date -~~ the date of entry into force of this Regulation].	
Article 41(3)				
479	3. The delegation of power referred to in Article 17(3) may be revoked at any time by the	3. The delegation of power referred to in Article ***15(3a) and Article*** 17(3) may be revoked at	3. The delegation of power referred to in Article 17(3) may be revoked at any time by the	

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	European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	European Parliament or by the Council. A decision ~~of revocation~~**to revoke** shall put an end to the delegation of the power specified in that decision. It shall take effect the day following ~~its~~**the** publication **of the decision** in the ***Official Journal of the European Union*** ~~Official Journal of the European Union~~ or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
Article 41(4)				
480	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016[1]. _____ 1. OJ L 123, 12.5.2016, p. 1	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State***, make use of other relevant expert groups and consult relevant stakeholders*** in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016[147]. _____ ~~1. OJ L 123, 12.5.2016, p. 1~~	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016[1]. _____ 1. OJ L 123, 12.5.2016, p. 1	
Article 41(5)				
481				

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	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
Article 41(6)				
482	6. A delegated act adopted pursuant to Article 17(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period may be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article ***15(3a) and Article*** 17(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of ~~two~~***three*** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period may be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Article 17(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period may be extended by two months at the initiative of the European Parliament or of the Council.	
Article 42				
483	Article 42 Committee procedure	Article 42 Committee procedure	Article 42 Committee procedure	
Article 42(1)				

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484	1. The Commission shall be assisted by a Committee. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a Committee. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	
Article 42(2)				
485	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	
Article 42(3)				
486	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	
Article 42(4)				
487	4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.	4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.	4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.	
Article 43				
488	Article 43	Article 43	Article 43	

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	Evaluation	Evaluation ***and review***	Evaluation	
Article 43(1)				
489	1. By [insert date five years after the date of entry into force] the Commission shall carry out an evaluation of this Regulation. The Commission shall present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. The report shall in particular assess if this Regulation achieved the objective of enhancing the protection of consumers against dangerous products while taking into account its impact on businesses and in particular on small and medium-sized enterprises.	1. By ***...*** [insert date five years after the date of entry into force] the Commission shall carry out an evaluation of this Regulation. The Commission shall present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. The report shall ***assess if this Regulation, and*** in particular ~~*assess if this Regulation*~~***Articles 17, 20 and 23,*** achieved the objective of enhancing the protection of consumers against dangerous products while taking into account ***the challenges posed by new technologies and*** its impact on businesses and in particular on small and medium-sized enterprises.	1. By [insert date five years after the date of entry into force] the Commission shall carry out an evaluation of this Regulation. The Commission shall present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. The report shall in particular assess if this Regulation achieved the objective of enhancing the protection of consumers against dangerous products while taking into account its impact on businesses and in particular on small and medium-sized enterprises.	
Article 43(1a)				
489a			**1a. By [insert the date three years after the date of entry into force] the Commision shall**	

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			prepare an evaluation report on the implementation of Article 20. The report shall in particular evaluate the scope, effects and cost and benefits of this article. The report shall be accompanied, where appropriate, by a legislative proposal.	
Article 43(1a)				
489b		***1a. By ... [insert date five years after the date of application], the Commission shall carry out an evaluation report on the implementation of Article 15. That report shall in particular assess the scope, effects, and costs and benefits of that Article. The report shall be accompanied, where appropriate, by a legislative proposal.***		
Article 43(1b)				
489c		***1b. By ... [three years after the date of entry into force of this Regulation] the Commission shall assess the modalities for implementation of the provisions on the removal of illegal content***		

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		from online marketplaces referred to in Article 20(2b) by means of a Union notification system designed and developed within the Safety Gate. The assessment shall be accompanied, where appropriate, by a legislative proposal.		
Article 43(2)				
490	2. On request, Member States shall provide the Commission with information necessary for the evaluation of this Regulation.	2. On request, Member States shall provide the Commission with information necessary for the evaluation of this Regulation.	2. On request, Member States shall provide the Commission with information necessary for the evaluation of this Regulation.	
Article 44				
491	Article 44 Amendments to Regulation (EU) No 1025/2012	Article 44 Amendments to Regulation (EU) No 1025/2012	Article 44 Amendments to Regulation (EU) No 1025/2012	
Article 44(1), first subparagraph				
492	1. Regulation (EU) No 1025/2012 is amended as follows:	1. Regulation (EU) No 1025/2012 is amended as follows: ***In Article 2(1), the following point is added:*** ***'(e) 'European general product safety standard' means a***	1. Regulation (EU) No 1025/2012 is amended as follows:	

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		European standard adopted on the basis of a request made by the Commission in support of Regulation (EU) …/… of the European Parliament and of the Council [this Regulation (GPSR)];';		
Article 44(1), second subparagraph, introductory part				
493	In Article 10, the following paragraph 7 is added:	In Article 10, the following paragraph 7 is added:	In Article 10, the following paragraph 7 is added:	
Article 44(1), second subparagraph, amending provision, numbered paragraph (7)				
494	‘ 7. Where a European standard drafted in support of Regulation (EU) …/… of the European Parliament and of the Council[1][this Regulation (GPSR)] satisfies the general safety requirement laid down in Article 5 of that Regulation and the specific safety requirements referred to in [Article [6] of that Regulation], the Commission shall publish a reference of such European standard without delay in the Official Journal of the European Union.	‘ 7. Where a European ~~*standard drafted in support of Regulation (EU) …/… of the European Parliament and of the Council[1] [this Regulation (GPSR)]*~~***general product safety standard*** satisfies the general safety requirement laid down in Article 5 of that Regulation and the specific safety requirements referred to in [Article [~~*6*~~***6(2)***] of that Regulation], the Commission shall publish a reference of such European standard without delay in the Official Journal of the	7. Where a European standard drafted in support of Regulation (EU) …/… of the European Parliament and of the Council[1][***this Regulation (GPSR)***~~this Regulation (GPSR)~~] satisfies the general safety requirement laid down in Article 5 of that Regulation and the specific safety requirements referred to in [Article ~~[6]~~ **7a** of that Regulation], the Commission shall publish a reference of such European standard without delay in the ***Official Journal of the European Union***~~Official Journal of the European Union~~.’	

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	’ _____ 1. Regulation (EU) …/… of the European Parliament and of the Council on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council, and repealing Council Directive 87/357/EEC and Directive 2001/95/EC of the European Parliament and of the Council (OJ …)’	European Union.**’** ’ _____ ~~*1. Regulation (EU) …/… of the European Parliament and of the Council on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council, and repealing Council Directive 87/357/EEC and Directive 2001/95/EC of the European Parliament and of the Council (OJ …)’*~~	_____ 1. Regulation (EU) …/… of the European Parliament and of the Council on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council, and repealing Council Directive 87/357/EEC and Directive 2001/95/EC of the European Parliament and of the Council (OJ …)’	
Article 44(1), third subparagraph, introductory part				
495	In Article 11, paragraphs 1, 2 and 3 are replaced by the following:	In Article 11, paragraphs 1, 2 and 3 are replaced by the following:	In Article 11, paragraphs 1, 2 and 3 are replaced by the following:	
Article 44(1), third subparagraph, amending provision, numbered paragraph (1), introductory part				
496	‘ 1. When a Member State or the European Parliament considers that a harmonised standard or European standard drafted in support of Regulation (EU) …/… [this Regulation (GPSR)] does not entirely satisfy the requirements	‘ 1. When a Member State or the European Parliament considers that a harmonised standard or European ~~*standard drafted in support of Regulation (EU) …/… [this Regulation (GPSR)]*~~***general product safety standard*** does not	1. When a Member State or the European Parliament considers that a harmonised standard or European standard drafted in support of Regulation (EU) …/… [***this Regulation (GPSR)***~~this Regulation (GPSR)~~] does not entirely satisfy the requirements which it aims to	

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	which it aims to cover and which are set out in the relevant Union harmonisation legislation or in that Regulation, it shall inform the Commission thereof with a detailed explanation. The Commission shall, after consulting the committee set up by the corresponding Union harmonisation legislation, if it exists, or the committee set up by Regulation (EU) …/… [this Regulation (GPSR)], or after other forms of consultation of sectoral experts, decide:	entirely satisfy the requirements which it aims to cover and which are set out in the relevant Union harmonisation legislation or in that Regulation, it shall inform the Commission thereof with a detailed explanation. The Commission shall, after consulting the committee set up by the corresponding Union harmonisation legislation, if it exists, or the committee set up by Regulation (EU) …/… [this Regulation (GPSR)], or after other forms of consultation of sectoral experts, decide:	cover and which are set out in the relevant Union harmonisation legislation or in that Regulation, it shall inform the Commission thereof with a detailed explanation. The Commission shall, after consulting the committee set up by the corresponding Union harmonisation legislation, if it exists, or the committee set up by Regulation (EU) …/… [***this Regulation (GPSR***~~this Regulation (GPSR~~)], or after other forms of consultation of sectoral experts, decide:	
Article 44(1), third subparagraph, amending provision, numbered paragraph (1), point (a)				
497	(a) to publish, not to publish or to publish with restriction the references to the harmonised standard or European standard drafted in support of Regulation (EU) …/… [GPSR] concerned in the Official Journal of the European Union;	(a) to publish, not to publish or to publish with restriction the references to the harmonised standard or European ~~*standard drafted in support of Regulation (EU) …/… [GPSR]*~~***general product safety standard*** concerned in the Official Journal of the European Union;	(a) to publish, not to publish or to publish with restriction the references to the harmonised standard or European standard drafted in support of Regulation (EU) …/… [***GPSR***~~GPSR~~] concerned in the ***Official Journal of the European Union;***~~Official Journal of the European Union;~~	
Article 44(1), third subparagraph, amending provision, numbered paragraph (1), point (b)				

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498	(b) to maintain, to maintain with restriction or to withdraw the references to the harmonised standard or European standard drafted in support of Regulation (EU) …/… [GPSR] concerned in or from the Official Journal of the European Union. '	(b) to maintain, to maintain with restriction or to withdraw the references to the harmonised standard or European ~~*standard drafted in support of Regulation (EU) …/… [GPSR]*~~***general product safety standard*** concerned in or from the Official Journal of the European Union. '	(b) to maintain, to maintain with restriction or to withdraw the references to the harmonised standard or European standard drafted in support of Regulation (EU) …/… [***GPSR***~~GPSR~~] concerned in or from the ***Official Journal of the European Union***~~Official Journal of the European Union~~.**'**	
Article 44(2)				
499	2. The Commission shall publish information on its website on the harmonised standards and European standards drafted in support of Regulation (EU) …/… [GPSR] that have been subject to the decision referred to in paragraph 1.	2. The Commission shall publish information on its website on the harmonised standards and European ~~*standards drafted in support of Regulation (EU) …/… [GPSR]*~~***general product safety standards*** that have been subject to the decision referred to in paragraph 1.	2. The Commission shall publish information on its website on the harmonised standards and European standards drafted in support of Regulation (EU) …/… [***GPSR***~~GPSR~~] that have been subject to the decision referred to in paragraph 1.	
Article 44(3)				
500	3. The Commission shall inform the European standardisation organisation concerned of the decision referred to in paragraph 1 and, if necessary, request the	3. The Commission shall inform the European standardisation organisation concerned of the decision referred to in paragraph 1 and, if necessary, request the	3. The Commission shall inform the European standardisation organisation concerned of the decision referred to in paragraph 1 and, if necessary, request the	

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	revision of the harmonised standards or of the European standards drafted in support of Regulation (EU) …/… [GPSR] concerned.'	revision of the harmonised standards or of the European ~~*standards drafted in support of Regulation (EU) …/… [GPSR]*~~ ***general product safety standards*** concerned.'	revision of the harmonised standards or of the European standards drafted in support of Regulation (EU) …/… [***GPSR***~~GPSR~~] concerned.'	
Article 44a				
500a		***Article 44a Amendments to Directive 2020/1828/EU***		
Article 44a(4)				
500b		***Annex I, point 8, of Directive 2020/1828/EU is replaced by the following: "(8) Regulation (EU) [.../...] on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council, and repealing Council Directive 87/357/EEC and Directive 2001/95/EC of the European Parliament and of the Council."***		
Article 45				
501				

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	Article 45 Repeal	Article 45 Repeal	Article 45 Repeal	
Article 45(1)				
502	1. Directive 87/357/EEC and Directive 2001/95/EC are repealed with effect from [date of application].	1. Directive 87/357/EEC and Directive 2001/95/EC are repealed with effect from [date of application].	1. Directive 87/357/EEC and Directive 2001/95/EC are repealed with effect from [**24 months after the** date of ~~application~~**entry into force** ***of this Regulation***].	
Article 45(2)				
503	2. References to Directives 87/357/EEC and 2001/95/EC shall be construed as references to this Regulation and to Regulation (EU) No 1025/2012, and shall be read in accordance with the correlation table in the Annex.	2. References to Directives 87/357/EEC and 2001/95/EC shall be construed as references to this Regulation and to Regulation (EU) No 1025/2012, and shall be read in accordance with the correlation table in the Annex.	2. References to Directives 87/357/EEC and 2001/95/EC shall be construed as references to this Regulation and to Regulation (EU) No 1025/2012, and shall be read in accordance with the correlation table in the Annex.	
Article 46				
504	Article 46 Transitional provisions	Article 46 Transitional provisions	Article 46 Transitional provisions	
Article 46, first paragraph				
505	Member States shall not impede	Member States shall not impede	Member States shall not impede	

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	the making available on the market of products covered by Directive 2001/95/EC which are in conformity with that Directive and which were placed on the market before [insert date – date of application of this Regulation].	the making available on the market of products covered by Directive 2001/95/EC which are in conformity with that Directive and which were placed on the market before [insert date – date of application of this Regulation].	the making available on the market of products covered by Directive 2001/95/EC which are in conformity with that Directive and which were placed on the market before [~~insert date –~~ **24 months after the** date of ~~application~~**entry into force** ***of this Regulation*** ~~of this Regulation~~].	
Article 47				
506	Article 47 Entry into force and application	Article 47 Entry into force and application	Article 47 Entry into force and application	
Article 47, first paragraph				
507	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the ***Official Journal of the European Union*** ~~Official Journal of the European Union~~.	
Article 47, second paragraph				
508	It shall apply from [6 months after the entry into force of this Regulation].	It shall apply from [~~6~~***12*** months after the entry into force of this Regulation].	It shall apply from [~~6~~ **24** months after the **date of** entry into force of this Regulation].	

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Article 47, third paragraph				
509	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	
Formula				
510	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
511	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
512	The President	The President	The President	
Formula				
513	For the Council	For the Council	For the Council	
Formula				
514	The President	The President	The President	