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From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. Cion doc.:	10381/21 + ADD1-4 + COR 1
Subject:	Regulation on General Product Safety - Preparation for the trilogue

I. INTRODUCTION

1. On 30 June 2021, the Commission presented a proposal for a Regulation of the European Parliament and of the Council on general product safety[1]. The proposal is based on Article 114 of the Treaty on the Functioning of the European Union (TFEU).

2. The proposal updates and modernises the general framework for the safety of non-food consumer products (acting as a safety net), by reviewing and repealing the legislative framework in place (the General Product Safety Directive) [2].

[1] Doc. 10381 + ADD 1-4 + COR1.
[2] Directive 2001/95/EC

3. This revision, which was announced in the Commission's 2020 New Consumer Agenda[3], aims to address new challenges within product safety. Since the adoption of the General Product Safety Directive in 2001, consumer behaviour has changed a lot. Along with increasing digitalisation, new technological developments and globalized supply chains, there is grave need to update product safety rules. This is why the proposal creates a link with the Digital Services Act (DSA)[4] by including obligations on product safety for online marketplaces. It also aims to ensure a level-playing field for businesses by increasing the coherence and consistency between the existing rules for harmonised and non-harmonised products.

4. The European Data Protection Supervisor (EDPS) delivered his opinion on the proposal on 18 August 2021[5]. The European Economic and Social Committee provided its opinion on 20 October 2021[6].

5. In the European Parliament, the Committee on the Internal Market and Consumer Protection (IMCO) is responsible for the file and the rapporteur is Ms Dita CHARANZOVÁ (Renew Europe, Czechia). On 16 June 2022, IMCO adopted the report and approved the decision to open interinstitutional negotiations[7], which was confirmed at the July plenary session.

6. On 20 July 2022 the Permanent Representative Committee (I) gave the mandate for negotiations with the European Parliament to the Presidency.

II. INTERINSTITUTIONAL NEGOTIATIONS – STATE OF PLAY

7. The opening political trilogue was held under the Czech Presidency on 15 September 2022. The co-legislators explained their views on the main political issues and gave a broad mandate for the subsequent technical meetings to identify and make progress on areas of compromise. So far, seven interinstitutional technical meetings have been held.

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3 Doc. 12976/20 (COM/2020/696 final)
4 PE-CONS 30/22
5 Doc. 11384/21
6 INT/957 – EESC-2021.
7 A9-0191/2022

8. The Presidency debriefed the Working Party on Consumer Protection and Information on the progress made in the interinstitutional technical meetings that took place on 12 and 27 October 2022.

9. The technical level has made some progress on certain provisions. For some of these provisions, compromise proposals have been prepared by the technical level. The Working Party was informed of these compromise texts on 27 October, no significant objections were raised.

10. The next political trilogue is scheduled for 8 November 2022.

III. PREPARATION FOR THE NEXT TRILOGUE

11. Following the discussion at the Working Party meetings and at technical level with the Parliament, the Presidency has identified a set of issues where it seems necessary to broaden the mandate for further negotiations so that compromise solutions can be sought more effectively. These issues are listed below in order of the individual articles. The Presidency would like to invite Coreper to reflect on the questions below and to express their views on possible areas of flexibility in order to reach a compromise.

Technical documentation (Article 8(4) and recital 44a)

The Commission proposal imposes on manufacturers obligation to provide technical documentation containing, as appropriate, a general description of the product, an analysis of possible risks and solutions to eliminate or mitigate such risks, and a list of European standards or other elements applied to meet the general safety requirement, as laid down in Article 5.

The Council mandate followed the Commission proposal and further specified in recital 44a that the level of details provided by the technical documentation should be proportionate to the complexity of the given product and to the risks identified. According to the recital, even for simple products, a technical documentation should be provided describing the possible risks (or the absence of particular risks) and the mitigation measures to eliminate them.

For the Parliament the technical documentation shall always contain a general description of the product and its essential properties relevant for assessing its safety and only where deemed appropriate, an analysis of possible risks and corresponding solutions to eliminate or mitigate the risks, as well as a list of European standards or other elements as in the Commission proposal.

The Presidency proposes the following compromise:

- the technical documentation should always be based on risk analysis carried out by the manufacturer;

- it shall always contain a general description of the product and its essential properties relevant for assessing its safety;

- based on the risk analysis results, if the manufacturer does not identify any risk, the technical documentation may only be limited to the general description of the product;

- where the manufacturer does identify a risk, the technical documentation shall always contain an analysis of the possible risk and solutions to eliminate or mitigate the risk, or, where relevant, a list of European standards or other elements applied to meet the general safety requirement as laid down in Article 5.

Responsible person testing obligations (Article 15, paragraphs 1 and 2)

Both the Council and the Parliament agree with the Commission's proposal to require that, for products covered by the Regulation, there shall be an economic operator established in the Union. This person shall be responsible for the tasks referred to in Article 4(3) of Regulation (EU) No 2019/1020 and shall also carry out tests on the products for which it is responsible.

However, regarding the testing obligations the Council and the Parliament follow two different approaches. The Council provides for one set of testing obligation to be carried out regularly by the responsible person on all products it is responsible for.

The Parliament requires that the responsible person shall carry out periodic checks on randomly chosen products, or categories or groups of products, that are identified in a list established by the Commission's delegated acts to be adopted 6 months before the date of application of the Regulation.

The Presidency proposes to defend the Council's mandate while showing, if the need be, some flexibility on a compromise that could follow the European Parliament's approach, i.e. imposing the obligation to regularly check only specific products or categories or group of products identified by reference e.g. to Article 17 or 26 or set up separate criteria for delegated acts.

Obligations of economic operators in case of accident (Article 19 paragraphs 1 and 2)

This Article regulates the content of the notification obligations to the Safety Business Gateway of the manufacturer (paragraph 1) and of the importer and distributor (paragraph 2) in case of an accident caused by a product.

Obligations of manufacturer - Article. 19(1)

In the Commission proposal, the manufacturer has to notify to the competent authorities of the Member State where the accident was ***caused by a product*** which has been placed or made available on the market. The manufacturer has to notify the competent authorities ***within two working days*** from the moment it knows about the accident.

The Council adopted a broader approach, replacing the Commission's causal link (…*accident* ***caused by a product***…) with a relation link between the product and the accident ("... *accident* ***related to*** *a product* ...") and prolonging the deadline to ***three*** working day.

The Parliament strengthened the causal link ("... *accident* ***directly caused*** *by a product* ..."). However, the deadline for notification is set ***immediately*** after the manufacturer either knows about the accident or about the ***results of the investigation*** that the manufacturer carries out according to Article 8(10) and (11b) (of the Parliament text).

The Presidency asks for delegates flexibility to move towards the Parliament's proposal. The wording concerning the deadline for notification is slightly different: using "notify ***without undue delay***" instead of "***immediately***".

Obligations of importers and distributors – Art. 19(2)

In the Commission proposal the importer or the distributor which has a knowledge of an accident that was caused by the product they placed or made available on the market, ***has to inform the manufacturer*** and then, the manufacturer can instruct them to proceed to the notification. There is no deadline for when such information has to be provided to the importer or the distributor.

The Council addresses the handling of notification obligations of the economic operators concerned slightly differently: the importer or distributor must inform the manufacturer about the accident and the manufacturer is responsible for the notification to the market surveillance authorities. The Council does not provide a time limit for the obligation to inform. The Council also adds a provision for cases where the manufacturer is established in a third country: in such a case, the responsible person shall ensure the notification is issued.

The Parliament follows the Commission's text but requires the importer or distributor to ***immediately*** inform the manufacturer about the accident. The Parliament gives alternatives concerning the handling of the notification obligation; the manufacturer either proceeds with the notification itself or instructs the importer or distributor.

The Presidency asks delegations to show flexibility and to move towards the Parliament's position by providing a slightly different wording: using "inform ***without undue delay***" instead of "inform ***immediately***".

Market surveillance inspections under a cover identity - Article 21, paragraph 4a of Parliament's text

The Parliament introduced a provision under which market surveillance authorities are to regularly conduct inspections, while using a cover identity. These inspections shall be carried out in particular on products made available on online marketplaces and products that are most frequently notified in the Safety Gate.

The Presidency proposes to defend the position expressed by the delegations and to not accept this new obligation of the market surveillance authorities.

Union action against products presenting a serious risk - Article 26, paragraph 1 second and third subparagraph

Article 26(1) second subparagraph.

The Commission, once it becomes aware that a product presents serious risks, is empowered to adopt implementing acts with measures that may lay down special conditions for the marketing of these products.

The Council mandate adds by way of example that the conditions to market these products can be representative sample testing.

The Parliament on the other hand lays down, that special conditions can include not only marketing but also conditions for the conformity assessment with regard to the safety requirements, as applicable.

The Presidency asks for delegations' flexibility to move towards the Parliament proposal.

Article 26(1) third subparagraph.

The Presidency proposes to defend the Council mandate: the choice of enforcement measures that are necessary to ensure the effective implementation of the Commissions' implementing acts mentioned above is a prerogative of national market surveillance authorities. The Commission is informed about the adoption of those measures.

The Presidency asks for delegations' flexibility to move towards Parliament's position by allowing the Commission to assure a consistent application of enforcement measures taken by the market surveillance authorities.

Article 27 Arbitration mechanism - Title - paragraphs 2, 4 and 5

The Commission proposal introduces a voluntary arbitration mechanism where Member States can submit to the Commission questions concerning the identification or the level of a risk linked to a product in case of diverging assessment of market surveillance authorities. The Commission, following this request adopts an opinion.

The Council modified the wording by replacing "arbitration" with "giving an opinion" (paragraph 2) to align it with the sense of the word "arbitration". The title has been modified accordingly in order to be consistent to the content of the Article.

The Parliament follows the Commission arbitration mechanism. Moreover, according to the Parliament, the Commission itself shall start an arbitration process.

In paragraph 5 the Parliament asks the Commission to draw up a periodic report on the application of this Article and to present it to the Consumer Safety Network.

The Presidency proposes to defend the Council mandate.

However, on paragraph 2 the Presidency asks for delegations' flexibility towards including a mechanism inspired by article 14(4) of CPC Regulation[8] (in case of a disagreement between different national market surveillance authorities, the Commission may issue an opinion on the matter on its own initiative).

[8] Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004, OJ L 345, 27.12.2017, p. 1

Representative actions – Article 44a

With Article 44, the Parliament amends point 8 of Annex I of the Directive (EU) 2020/1828 on representative actions[9]. It replaces the reference to Articles 3 and 5 of the General Product Safety Directive (GPSD) with the reference for the General Product Safety Regulation (GPSR). Articles 3 and 5 of the GPSD largely correspond to the provisions on conformity assessment in Chapter II and certain obligations for certain economic operators in Chapter III of this Regulation.

Given the nature of the provisions covered by the Directive on representative actions, if the Parliament amendment were not to be accepted, the level of consumer protection guaranteed by this Directive would be undermined in relation to rules on remedies provided for by this Regulation, to which it would not apply.

The Presidency considers that the EP amendment should be supported.

Compromise texts on Articles 1 to 10

Presidency's proposal covers compromise wording on majority of provisions in Articles 1 to 10. Those provisions were not identified as political by one or the other of the co-legislators and have been discussed only at technical level.

The Permanent Representatives Committee is invited to confirm the support for these compromise proposals as set out in the annex to this note (green boxes).

IV. CONCLUSION

12. The Permanent Representatives Committee is invited to reflect on the abovementioned questions and to express their views on possible areas of flexibility as regards moving towards the position of the European Parliament as well as confirm the support for the compromise proposals set out in the annex to this note.

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[9] Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC, OJ L 409, p.1

Proposal for a REGULATION on general product safety

2021/0170(COD)
DRAFT 4column doc

		Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement	
	Formula					
	Formula					
G	91	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:		G
	CHAPTER I					
G	92	CHAPTER I General provisions	CHAPTER I General provisions	CHAPTER I General provisions		G
	Article 1					
Y	93	Article 1 Subject matter	Article 1 Subject matter ***and objective***	Article 1 Subject matter	Article 1 Subject matter	Y
	Article 1, first paragraph					
Y	94	This Regulation lays down essential rules on the safety of	***The objective of*** this Regulation ~~lays~~***is to improve the functioning of the internal market and***	This Regulation lays down essential rules on the safety of	***The objective of this Regulation is to contribute to the proper functioning of the internal***	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	consumer products placed or made available on the market.	***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.	~~consumer~~ products placed or made available on the market.	***market while providing for a high level of consumer protection by*** laying down essential rules on the safety of consumer products [~~*placed or*~~] made available on the market.
	Article 2			
G	95	Article 2 Scope	Article 2 Scope	Article 2 Scope	G
	Article 2(1), first subparagraph			
Y	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.	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.	Y
	Article 2(1), second subparagraph			
G	97	Where products are subject to specific safety requirements imposed by Union legislation, this Regulation shall apply only to the	Where products are subject to specific safety requirements imposed by Union legislation, this Regulation shall apply only to the	Where products are subject to specific safety requirements imposed by Union legislation, this Regulation shall apply only to the		G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	aspects and risks or categories of risks not covered by those requirements.	aspects and risks or categories of risks not covered by those requirements.	aspects and risks or categories of risks not covered by those requirements.	
	Article 2(1), third subparagraph, introductory part			
Y	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), Light green	In **regard to** ~~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),
	Article 2(1), third subparagraph, point (a)			
G	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)			
G	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			

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement	
G	101	2. This Regulation shall not apply to:	2. This Regulation shall not apply to:		G
Article 2(2), point (a)					
G	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;	G
Article 2(2), point (b)					
G	103	(b) food;	(b) food;	(b) food;	G
Article 2(2), point (c)					
G	104	(c) feed;	(c) feed;	(c) feed;	G
Article 2(2), point (d)					
G	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;	G
Article 2(2), point (e)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 106	(e) animal by-products and derived products;	(e) animal by-products and derived products;	(e) animal by-products and derived products;	G
Article 2(2), point (f)				
G 107	(f) plant protection products;	(f) plant protection products;	(f) plant protection products;	G
Article 2(2), point (g)				
R 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*** service provided to consumers ***and not operated by the consumers themselves***;	(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;	R
Article 2(2), point (h)				
G 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;	G
Article 2(2), point (i)				
Y 110	(i) antiques.	(i) antiques.		(i) antiques. Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(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)			
Y	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 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 supplies the product to**.	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 ***and clearly marked*** as such.	Y
	Article 2(4)			
G	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.		G
	Article 2(5)			
R	113					R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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			
G	114	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions	G
	Article 3, first paragraph, introductory part			
G	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:	G
	Article 3, first paragraph, point (1)			
Y	116	1. 'product' means any item, interconnected or not to other 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;	1. 'product' means any item, interconnected or not to other 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;	1. 'product' means any item, interconnected or not to other 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;	1. 'product' means any item, interconnected or not to other items~~,~~ [~~*supplied or /*~~**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*~~***is likely***, under reasonably foreseeable conditions, ***to*** be used	Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				by consumers even if not intended for them;
Article 3, first paragraph, point (2)				
G	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;	G
Article 3, first paragraph, point (3)				
G	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’;	G
Article 3, first paragraph, point (4)				
G	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;	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3, first paragraph, point (5)				
Y	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;	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)				
R	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 and safety, permanent or temporary, including injuries, other damages to the body, illnesses and chronic health effects;**	

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
Article 3, first paragraph, point (6)				
G	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;	G
Article 3, first paragraph, point (7)				
G	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;	G
Article 3, first paragraph, point (8)				
G	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 name or trademark;	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 name or trademark;	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 name or trademark;	G
Article 3, first paragraph, point (9)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Y	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**;	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***;	Y
	Article 3, first paragraph, point (10)				
G	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;		G
	Article 3, first paragraph, point (11)				
G	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;		G
	Article 3, first paragraph, point (12)				

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
G 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-border parcel delivery services (OJ L 112, 2. 5. 2018, p. 19).	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-border parcel delivery services (OJ L 112, 2. 5. 2018, p. 19).	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-border parcel delivery services (OJ L 112, 2. 5. 2018, p. 19).	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3, first paragraph, point (13)				
G	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)				
Y	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 Regulation;	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~~;
Article 3, first paragraph, point (15)				

	Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement
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;***		***(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;**	**(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)				
130c				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(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)				
R 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;~~	R
Article 3, first paragraph, point (17)				
G 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;	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3, first paragraph, point (18)				
G 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;	G
Article 3, first paragraph, point (19)				
G 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;	G
Article 3, first paragraph, point (20)				
G 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;	G
Article 3, first paragraph, point (21)				
G 136	21. 'market surveillance' means the activities carried out and measures taken by market surveillance authorities to ensure that products comply with the	21. 'market surveillance' means the activities carried out and measures taken by market surveillance authorities to ensure that products comply with the	21. 'market surveillance' means the activities carried out and measures taken by market surveillance authorities to ensure that products comply with the	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	requirements set out in this Regulation;	requirements set out in this Regulation;	requirements set out in this Regulation;	
Article 3, first paragraph, point (22)				
Y	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;	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;
Article 3, first paragraph, point (23)				
R	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)				
G	139	24. 'withdrawal' means any measure aimed at preventing a product in the supply chain from	24. 'withdrawal' means any measure aimed at preventing a product in the supply chain from	24. 'withdrawal' means any measure aimed at preventing a product in the supply chain from	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	being made available on the market;	being made available on the market;	being made available on the market;	
Article 3, first paragraph, point (25)				
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.***		***(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)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Y	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 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).	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 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).	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 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.**	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 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).	Y
Article 4(2), introductory part					
G	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:~~		G
Article 4(2), point (a)					
G	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,~~		G
Article 4(2), point (b)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 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,~~	G
Article 4(2), point (c)				
G 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.~~	G
CHAPTER II				
G 147	CHAPTER II Safety requirements	CHAPTER II Safety requirements	CHAPTER II Safety requirements	G
Article 5				
G 148	Article 5 General safety requirement	Article 5 General safety requirement	Article 5 General safety requirement	G
Article 5, first paragraph				
Y 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.	Economic operators shall [~~*place*~~ or] make available on the Union market only safe products. Y
Article 5a				

		Commission Proposal	EP Mandate	11469/22 Council Mandate	Draft Agreement	
Y	149a		***Article 5a*** ***Aspects for assessing the safety of products***	**Article 7a** **Aspects** **for assessing the safety of products** *(Moved for easy of reading only)*	***Article 5a*** ***Aspects for assessing the safety of products***	Y
	Article 5a(1), introductory part					
Y	149b		***1. When assessing whether a product is safe, the following aspects shall be taken in particular into account:***	**1. When assessing whether a product is safe, the following aspects shall at least be taken into account :** *(Moved for easy of reading only)*	***1. When assessing whether a product is safe, the following aspects shall be taken in particular into account:***	Y
	Article 5a(1), point (a)					
Y	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;***	**(a) the characteristics of the product, including its design, technical features, composition, packaging, instructions for assembly and, where applicable, for installation and maintenance;** *(Moved for easy of reading only)*	***(a) the characteristics of the product, including its design, technical features, composition, packaging, instructions for assembly and, where applicable, for installation, use and maintenance;***	Y
	Article 5a(1), point (b)					
G	149d		***(b) the effect on other products, where it is reasonably foreseeable***			G

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		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;** *(Moved for easy of reading only)*	
Article 5a(1), point (c)				
149e		***(c) the effect that other products might have on the product to be assessed, where it is reasonably 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;***	**(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 the product to be assessed works;** *(Moved for easy of reading only)*	***(c) the effect that other products might have on the product to be assessed, where it is reasonably 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 the product to be assessed 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***	**(d) the presentation of the product, the labelling, any**	***(d) the presentation of the product, the labelling, including the labelling regarding age***

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		suitability for children, any warnings and instructions for its safe use and disposal, and any other indication or information regarding the product;	**warnings and instructions for its items;** *(Moved for easy reading only)*	***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)				
Y	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 safety of different genders;***	**(e) the categories of consumers using the product, in particular vulnerable consumers such as children, older people and persons with disabilities;** *(Moved for easy reading only)*	
Article 5a(1), point (f)				
Y	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***	**(f) the appearance of the product where it is likely to make consumers use the product in a way different from what it was designed for, and in particular:** **(Row 163a)** **(i) where a product, although not foodstuff, resembles foodstuff and is likely to be**	***(f) the appearance of the product where it is likely to make consumers use the product in a way different from what it was designed for, and in particular:*** ***(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***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		ingested by the consumer, especially by children;	**confused with foodstuff due to its form, odour, colour, appearance, packaging, labelling, volume, size or other characteristics;** *(Moved for easy reading only)* **g) (Row 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;** (*Moved for easy reading only*)	***characteristics and may therefore be placed in the mouth, sucked or ingested by the consumer, especially by children;*** ***(ii) where a product, although not designed or not intended for use by children, is likely to be used by children or resembles an object commonly recognized as appealing to or intended for use by children , because of its design, packaging and characteristics;***
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;***		See row 149h above. See row 149f

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Article 5a(1), point (h)				
Y	149j		***(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;***	**(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;** *(moved for easy reading only)*	***(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;***	Y
Article 5a(1), point (i)				
Y	149k		***(i) the evolving, learning and predictive functionalities of a product when such functionalities have an impact on the safety of the product.***	**(i) the evolving, learning and predictive functionalities of a product.** *(Moved for easy of reading only)*	***(i) when required by the nature of the product, the evolving, learning and predictive functionalities of a product.***	Y
Article 5a(2)				
G	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***	**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**		G

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		considering a product not to be safe.	**considering a product not to be safe.** *(Moved for easy reading only)*	
Article 6				
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 Presumption of ***conformity with the general*** safety ***requirement***
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:~~	See row 178b Council
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	(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	(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~~	(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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	published in the Official Journal of the European Union in accordance with Article 10(7) of Regulation (EU) 1025/2012;	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***	~~published in the Official Journal of the European Union in accordance with Article 10(7) of Regulation (EU) 1025/2012;~~	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*** See row 178c Council
Article 6(1), point (b)				
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.~~	(b) in the absence of ***the*** European standards referred to in point (a), ***if the product conforms to national requirements,*** 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***~~***it*** is made available on the market, ~~***if it conforms to such national requirements***~~***provided that such law is in compliance with Union law***. See row 178d Council
Article 6(2)				
154	2. The Commission shall adopt implementing acts determining the	2. The Commission shall adopt implementing acts determining the	2. ~~The Commission shall adopt implementing acts determining the~~	2. The Commission shall adopt implementing acts determining the

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	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).	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).	~~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).~~	specific safety requirements ~~necessary~~***to be covered by European [product safety] standards in order*** to ensure that products which conform to ~~the~~***these*** 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). See row 178e Council
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.~~	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~~ ***presumption***, the product is dangerous.

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				See row 178f Council
Article 7				
Y 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	Placement to be further discussed. Y
Article 7(1), introductory part				
Y 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~~:	See row 149b Y
Article 7(1), point (a)				
G 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;	See row 149c G
Article 7(1), point (b)				

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G	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;	See row 149d	G
	Article 7(1), point (c)				
Y	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**;	See row 149e	Y
	Article 7(1), point (d)				
Y	161	(d) the presentation of the product, the labelling, any warnings and instructions for its safe use and disposal, and any	(d) ~~the presentation of the product, the labelling, any warnings and instructions for its safe use and disposal, and any~~	(d) the presentation of the product, the labelling, any warnings and instructions for its ~~safe use and disposal, and any~~	See row 149f	Y

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	other indication or information regarding the product;	~~*other indication or information regarding the product;*~~	~~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;	See row 149g
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:**	See row 149h
Article 7(1), point (f)(i)				
163a			**(i) where a product, although not foodstuff, resembles**	See row 149h

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			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;**	See row 149h
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]***	See row 149h

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Article 7(1), point (h)					
Y	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;	See row 149j	Y
Article 7(1), point (i)					
Y	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.	See row 149k	Y
Article 7(2)					
G	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.	See row 149l	G
Article 7(3), introductory part					
Y	168					Y

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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)				
Y	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~~;	Y
Article 7(3), point (b)				
G	170 (b) international standards;	(b) international standards;	(b) international standards;	G
Article 7(3), point (c)				
G	171 (c) international agreements;	(c) international agreements;	(c) international agreements;	G
Article 7(3), point (d)				

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G	172	(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;	G
	Article 7(3), point (e)				
Y	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**;	(e) Commission recommendations or guidelines on product safety assessment; Y
	Article 7(3), point (f)				
G	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;	G
	Article 7(3), point (g)				
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;	G

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	Article 7(3), point (h)					
G	176	(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;		G
	Article 7(3), point (i)					
G	177	(i) reasonable consumer expectations concerning safety;	(i) reasonable consumer expectations concerning safety;	(i) reasonable consumer expectations concerning safety;		G
	Article 7(3), point (j)					
Y	178	(j) safety requirements adopted in accordance with Article 6(2).	(j) safety requirements adopted in accordance with Article 6(2). Light green	(j) safety requirements adopted in accordance with Article ~~6(2)~~ **7a(2)**.	(j) safety requirements adopted in accordance with Article ~~[~~6(2) **/7a(2)**].	Y
	Article 7a					
Y	178a			**Article 7a** **Presumption of safety** **[moved from Art. 6 with changes]** [moved from Art. 6 with changes]	See comment in row 156	Y

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Article 7a(1), introductory part					
G	178b		**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:**	See row 151	G
Article 7a(1), point (a)					
Y	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;**	See row 152	Y
Article 7a(1), point (b)					
Y	178d		**(b) in the absence of the European standards referred to in point (a), if the product conforms to national requirements, as regards the**	See row 153	Y

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			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.	
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).**	See row 154
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,**	See row 155

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			despite such presumption, there is evidence that the product is dangerous.	
CHAPTER III				
179	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.	

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Article 8(2), first subparagraph				
G	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 a register of these complaints as well as of product recalls.	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 a register of these complaints as well as of product recalls.*~~	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 a register of these complaints as well as of product recalls.~~	G
Article 8(2), second subparagraph				
G	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.~~	G
Article 8(2), third subparagraph				
G	185	Personal data stored in the register of complaints shall only be those personal data that are necessary	~~*Personal data stored in the register of complaints shall only be those personal data that are*~~	~~Personal data stored in the register of complaints shall only be those personal data that are necessary~~	G

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	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.	~~*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.*~~	~~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)				
G	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.~~	G
Article 8(4), first subparagraph, introductory part				
R	187	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	4. Manufacturers shall draw up technical documentation of the product. The technical documentation shall contain, as appropriate:	R

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		documentation ~~*shall contain, as appropriate*~~***referred to in the first subparagraph shall also contain***:		
	Article 8(4), first subparagraph, point (a)			
R	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;	
	Article 8(4), first subparagraph, point (b)			
Y	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;	(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)			
Y	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	(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	(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	(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

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	requirement laid down in Article 5.	general safety requirement laid down in Article 5.	requirement laid down in Article 5.	general safety requirement laid down in Article 5.	
Article 8(4), second subparagraph					
Y	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**.	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 **and justified**.	Y
Article 8(5)					
Y	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.	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.	Y
Article 8(5a)					
G	192a					G

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			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.	***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)				
G 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.***		See row 192a
Article 8(6)				
Y 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	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.

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			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 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 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	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	8. Manufacturers shall ensure that their product is accompanied by **clear** instructions and safety information in a language which can be easily understood by	8. Manufacturers shall ensure that their product is accompanied by ***clear*** instructions and safety information in a language which can be easily understood by

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	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.	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.	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.	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.
Article 8(9)				
G 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.~~	G
Article 8(10)				
Y 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	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	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	Y

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	to bring the product into conformity, including a withdrawal or recall, as appropriate.	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.***	immediately take the corrective measures necessary to bring the product into conformity, including a withdrawal or recall, as appropriate.	
Article 8(10a)				
	197a		**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**	

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			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 down by Articles 33 and 34, manufacturers shall, through the Safety Business Gateway referred to in Article 25,**	

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			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.**	***11a. 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.***	**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.** *(moved here for easy reading)*	***11b. Manufacturers shall ensure that other economic operators, responsible persons, and providers of online marketplaces in the concerned supply chain are kept informed of any safety issue that they have identified.***

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Article 8(11b)				
198c		***Manufacturers shall investigate the complaints and information 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.*** (Moved here for easy reading from row 198d second suparagraph EP text.)	**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.**	***11d. Manufacturers shall investigate complaints and information on accidents received that concern the safety of products they [placed or] made available on the market and which have been alleged as dangerous by the complainant, and shall keep an internal register of those complaints as well as of product recalls and any corrective measures taken to bring the product into conformity with this Regulation.***
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***	**11b. 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.** *(moved here for easy reading)*	***11c. 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 and to inform them of any accident or safety issue they have experienced with products***

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		manufacturers to be informed of any accident or safety issue consumers have experienced with those products. ***Manufacturers shall investigate the complaints and information 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			

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			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.	see above row 198d
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 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.*** (Moved here for easy reading. See row 198e, third subparagraph EP text)	**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.**	***11e. Personal data stored in the internal 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.***

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Article 8(11e)					
Y	198g		***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.*** (Moved here for easy reading)	**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.**	see row 198b. Y
Article 9					
G	199	Article 9 Obligations of authorised representatives	Article 9 Obligations of authorised representatives	Article 9 Obligations of authorised representatives	G
Article 9(1)					
Y	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.**	1. A manufacturer may, by a written mandate, appoint an authorised representative. Y
Article 9(2), introductory part					

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Y	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. ~~The mandate~~ **These tasks** shall ~~allow the authorised representative to perform~~**include** 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:
	Article 9(2), point (a)			
G	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 authority;	(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 by that authority;	
	Article 9(2), point (b)			
Y	203	(b) where they have a reason to believe that a product in question presents a risk, 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;	(b) where ***the authorised representative has*** ~~*they have*~~ a reason to believe that a product in question ~~*presents a risk*~~***is***

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				dangerous, ~~*inform*~~ ***informing*** the manufacturer;
Article 9(2), point (ba)				
Y	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;**	Y
Article 9(2), point (c)				
Y	204	(c) cooperate with the competent national authorities, at their request, on any action taken to eliminate the risks posed by products covered by their mandate.	(c) cooperate with the competent national authorities, at their request, on any action taken to ***effectively*** eliminate the risks posed by products covered by their mandate.	(c) ~~*cooperate*~~***cooperating*** with the competent national authorities, at their request, on any action taken to ***effectively*** eliminate the risks posed by products covered by their mandate.
Article 10				
G	205			G

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	Article 10 Obligations of importers	Article 10 Obligations of importers	Article 10 Obligations of importers	
Article 10(1)				
G 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)				
Y 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 importer shall inform the manufacturer and ensure that the market surveillance authorities are informed.	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 importer shall inform the manufacturer and ensure that the market surveillance authorities are informed ***without undue delay***.	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 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	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~~ ***dangerous***, the importer shall [***immediately/without undue delay]*** inform the manufacturer and ensure that the market surveillance authorities are informed ***through the Safety***

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			market surveillance authorities are informed **through the Safety Business Gateway referred to in Article 25**.	***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.	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)				
209	4. Importers shall ensure that the product they imported is accompanied by instructions and safety information in a language	4. Importers shall ensure that the product they imported is accompanied by instructions and safety information in a language	4. Importers shall ensure that the product they imported is accompanied by **clear** instructions and safety information in a	4. Importers shall ensure that the product they imported is accompanied by ***clear*** instructions and safety information in a

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	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.	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.	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.	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.
Article 10(5)				
G	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).	G
Article 10(6), first subparagraph				
G	211	6. Importers shall investigate complaints related to products they made available on the market	Moved to row 212a	~~6. Importers shall investigate complaints related to products they made available on the market and~~	Council moved to 215d	G

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	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.		~~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				
Y	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.~~	Importers shall ~~ensure that~~***verify whether*** the communication channels referred to in Article [~~8(2)~~***8(12)]***, second subparagraph, are ***publicly*** 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***, taking into account accessibility needs for persons with disabilities***. Y
Article 10(6), first subparagraph				

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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.	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.	6. Importers shall investigate complaints ~~related to~~**received that concern the safety of** products they made available on the market and file these complaints, as well as ~~products recalls~~**corrective measures necessary to bring the product into conformity**, in the register referred to in Article ~~8(2)~~**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. **(moved for easy of reading only)**	6. Importers shall investigate complaints ~~*related to*~~***and information on accidents received that concern the safety of*** products they made available on the market**,** ***which have been alleged as dangerous by the complainant,*** and file ~~*these*~~***those*** complaints, as well as products recalls ***and any corrective measures necessary to bring the product into conformity with this Regulation*** , in the register referred to in Article [~~*8(2)*~~***8(11b)***, ~~*first*~~ ***second*** subparagraph], ***or*** ~~*or*~~ in their own ***internal*** register. Importers shall keep the manufacturer**,** ***distributors and, where relevant, fulfilment service providers and online marketplaces*** ~~*and distributors*~~ informed ***in a timely manner*** of the investigation performed and of the results of the investigation.
212a	Moved reference text	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	Personal data stored in the register of complaints shall only be those personal data that are necessary	~~Personal data stored in the register of complaints shall only be those personal data that are necessary~~	See row 215f Council text.

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	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.	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.	~~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(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	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	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	

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	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 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.	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*** 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***.	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 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				

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			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 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				
Y	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.**	Y
Article 10(8b), a				
Y	215c			Y

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			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.	
Article 10(8c), introductory part				
Y	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.**	Y
Article 10(8c), a				
Y	215e		**Importers shall ensure that the communication channels**	Y

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			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.	
Article 10(8c), b				
215f		Light green	**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	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	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	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

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	available to the market surveillance authorities, upon request.	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.	make it available to the market surveillance authorities, upon request.	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.