

Action plan on the safety of non-food consumer products sold online
between
the Directorate General for Justice and Consumers of the European Commission and
the General Administration of Customs of the People's Republic of China

In the past years, the proportion of Internet users who bought or ordered goods or services online grew significantly. The pandemic has also been visibly changing consumers' consumption patterns. The confinement measures highlighted the crucial role of digital technologies in people's lives, allowing for the purchase of goods online, also when otherwise they would not be accessible.

E-commerce brings great opportunities for both companies and consumers, but it also comes with challenges, as many of the unsafe products ending up in consumers' hands nowadays reach them through online channels. Consumers should be equally protected online and offline. In order to improve consumers' trust in products sold online, a high level of product safety is essential.

EU consumers also purchase increasingly products offered directly by operators established outside the EU, including from China. The volume of trade between the EU and China is considerable and China is the country that has the biggest share in EU product imports. In 2022, China was the third largest partner for EU exports of goods (9.0 %) and the largest partner for EU imports of goods (20.8 %)¹.

There is an established fruitful cooperation in place between the EU's Directorate-General for Justice and Consumers (DG JUST) and China's General Administration of Customs (GACC) in the field of product safety². It is important that this (non-binding) cooperation continues in the future and becomes even stronger, taking into account the changing consumption patterns and the increasing online sales. At the EU-China High-Level Digital Dialogue in September 2020, it was agreed to draw up an Action plan on the safety of products sold online. The actions outlined below would provide the opportunity to further enhance the safety dialogue and cooperation on products sold online with the objective to improve consumer protection.

¹ Source: Eurostat

² The Memorandum of Understanding of 2006 (referenced in footnote 4) will be replaced by the Administrative Arrangement between the General Administration of Customs of the People's Republic of China and the Directorate General for Justice and Consumers of the European Commission.

DG JUST and GACC intend to:

1) Have rapid exchanges on unsafe³ non-food consumer products sold online in the framework of the EU-China Safety Gate system⁴.

The aim of this action is to integrate a flagging and messaging functionality within the EU-China Safety Gate system that enables a quick reaction by the respective authorities on unsafe products sold online, intended within 21 calendar days. This rapid follow up of EU – China Safety Gate notifications is intended to happen on top of the quarterly reporting of the GACC under the EU-China Safety Gate system.

This swift exchange is important as the channels through which unsafe products are sold online can be more widespread than that of products that are sold in physical shops where it is easier to identify an economic operator who can adopt corrective measures or to whom measures can be addressed. In the EU-China Safety Gate system, GACC and DG JUST intend to give priority to alerts concerning unsafe products sold online, as they are sold directly to consumers.

2) Organise regular workshops to exchange information and knowledge on laws, regulations, practices etc. in the field of safety of products sold online.

Such workshops may include:

- presentation of EU system in this field and examples of initiatives, such as the EU Product Safety Pledge,
- overview on the Chinese system and the role of the different authorities in the field of safety of products sold online,
- specific challenges on enforcement in the EU and in China

The workshops should in principle take place at least twice a year in an online format. The SPEAC⁵ project could support the logistics and organisation during its lifespan.

³ For the purpose of this Action plan, 'unsafe non-food consumer product' means any product which, under normal or reasonably foreseeable conditions of use, including duration and, where applicable, putting into service, installation and maintenance requirements, presents a risk not considered acceptable and consistent with a high level of protection of health and safety of consumers.

⁴ The EU-China Safety Gate system is the new name of the RAPEX China system, which is set out in the Memorandum of Understanding on Administrative Co-operation Arrangements between the European Commission's Directorate-General for Health and Consumer Protection (DG SANCO) and the Chinese General Administration for Quality Supervision, Inspection and Quarantine (AQSIQ) that was signed in January 2006 and extended in 2008 and 2010. This MoU will be replaced by the Administrative Arrangement between the General Administration of Customs of the People's Republic of China and the Directorate General for Justice and Consumers of the European Commission.

⁵ SPEAC stands for Safe non-food consumer Products in the EU and China, a project financed by the European Commission to raise awareness of and provide training sessions on European product safety legislation to Chinese manufacturers.

www.speac-project.eu

3) Organise specific awareness-raising and training activities for companies selling online on what safety rules they need to fulfil for consumer products.

This would entail the organisation of a number of online webinars and/or training sessions to online sellers to offer knowledge on safety requirements for consumer products and consumer protection practices in the EU.

The exact number of these specific training activities will be determined according to relevant circumstances. The SPEAC project could support the logistics and organisation during its lifespan.

DG JUST and GACC intend to revise and update this Action plan every two years, to assess the results and to discuss possible next steps in view of the completed actions and the impact achieved.

This Action plan is not intended to create rights or obligations under international or domestic law.

Signed in duplicate in Chinese and English languages via exchange of letters.

**For the Directorate General for
Justice and Consumers
of the European Commission**

**For the General Administration
of Customs
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