

Product Safety Pledge +

Voluntary commitment of online platforms with respect to the safety of non-food consumer products sold online

Consumer non-food products placed on the EU market must be safe, regardless of whether they are sold online or in brick-and-mortar shops.

Online sales in the EU represented 20% of the total sales in 2016⁽¹⁾, and this percentage is expected to increase in the coming years.

E-commerce platforms, in particular online marketplaces may facilitate economic growth by enabling sellers to access new countries and to reach new customers. As such, this may encourage trade between Member States and the free movement of goods in the Single Market. This in turn promotes further harmonisation of standards and improvement of the functioning of mutual recognition.

Online intermediaries are also in a novel position where they can trace products more easily, as well as develop a strong post-sale connection to customers. At the same time, they are well placed to play an important role in product safety, due to the significant amount of products sold through their websites.

This initiative sets up areas where online intermediaries and other actors voluntarily agree to take specific actions with respect to the safety of non-food consumer products sold online by third parties on their marketplaces, to the extent reasonably and commercially practicable and in regular dialogue with

(1) Source: Eurostat (http://ec.europa.eu/eurostat/statistics-explained/index.php/E-commerce_statistics)



the relevant authorities. The ultimate goal is to improve the detection of unsafe products marketed in the EU before they are sold to consumers or as soon thereafter as possible, and to improve consumer protection.

These commitments will go beyond what is already established in the EU legislation, including those on product safety. This voluntary commitment does not cover technical compliance matters not posing serious risks to the health and safety of consumers.

Areas for voluntary commitment of online platforms with respect to the safety of non-food consumer products sold online

1. Consult information on recalled/dangerous products available on Safety Gate⁽²⁾ and also from other sources, such as from enforcement authorities. Take appropriate action⁽³⁾ in respect to products concerned, when they can be identified.
2. Provide specific single contact points for EU Member State authorities for the notifications on dangerous products (“notice”) and for the facilitation of communication on product safety issues.
3. Cooperate with EU Member State authorities in identifying, as far as possible, the supply chain of dangerous products by responding to data requests, should relevant information not be publicly available.
4. Have an internal mechanism for notice and take-down procedures for dangerous products. This should include commitments from the marketplace’s side on the procedure they will follow when notices are given by authorities and other actors.
5. React within two working days to government notices ⁽⁴⁾ made to the single contact points to remove identified listings offering unsafe products for sale in the EU. Inform the authorities on the action taken⁽⁵⁾.
6. Make efforts to complete the identification of relevant (identical) product listings within 3 working days, following either a government notice or information published in the Safety Gate, with additional flexibility for products that do not carry unique identifiers.
7. Put in place measures to act against repeat offenders offering dangerous products in cooperation with authorities.
8. Take measures aimed at preventing the reappearance of dangerous product listings already removed.
9. Cooperate with authorities and set up a process aimed at proactively removing banned product groups as appropriate.
10. “Onboard”, where such procedure is foreseen by the online marketplace and once and for all, national market surveillance authorities and the Commission to be able to do web-crawling on their interfaces. Where relevant, the Commission should facilitate communication in this regard between market surveillance authorities and signatories.
11. Allow access to their interfaces for the online web-crawling tools operated by the national market surveillance authorities and/or the Commission to identify dangerous products.
12. Have in place a risk management plan to identify, assess, classify and mitigate product safety risks.
13. Cooperate with EU Member State authorities and sellers to inform consumers⁽⁶⁾ about relevant recalls or corrective actions.

(2) <https://ec.europa.eu/safety-gate-alerts/screen/webReport>

(3) This could include, among other things, removal of product listings, blocking the sale of product into the EU and/or informing consumers and sellers, as appropriate.

(4) As a signatory group agree on the minimum list of information to be included in the governmental notices and communicate this list to the authorities.

(5) When specialised reporting tools are used in cooperation with authorities, the communication policy may differ (5) This may also include informing sellers and requesting them to contact concerned buyers

(6) For those signatories, who only offer online marketplace services, and none of those of economic operators, this information might be provided on a general manner, not linked to specific product listings.

14. Provide active assistance on product recalls, not to replace but to complement the obligations of economic operators, in particular by directly informing, including via direct communications such as email, consumers who bought the product in question via their interfaces without undue delay from when the online marketplace identified the listing concerned by the recall.
15. Where relevant, given the business model of a signatory offering different types of services ⁽⁷⁾, make it clear, in a way that is the most appropriate for the signatory, on each product listing whether the signatory is acting as an intermediary or is carrying out any role as economic operator. Indications on whom to turn to with product safety concerns should also be provided. This information should be easily accessible and provided in a clear manner to consumers.
16. Provide a clear way for customers to notify dangerous product listings. Such notices are treated expeditiously and appropriate response is given within five working days.
17. Provide information/training to sellers on compliance with EU product safety legislation, require sellers to comply with the law, and provide sellers with the link to the list of EU product safety legislation.
18. Provide information to consumers about the national consumer protection and market surveillance authorities they can contact in case of product safety complaints, and provide links to relevant EU-level initiatives ⁽⁸⁾
19. Explore the potential use of new technologies and innovation to improve the detection of unsafe product.
20. Where relevant, apply the commitments systematically also to products sold directly by consumers via the online marketplace's interface, including second-hand products, where they can be identified.

Signatory online intermediaries will report to the European Commission on the actions taken to implement the above voluntary commitment every six months. This will be done via the below key performance indicators (KPIs), as well as qualitative information about the progress on the areas of the voluntary commitment, which will be provided to the European Commission in an aggregated format compiled by a third party combining the inputs of all signatories. This is to ensure the confidentiality of submissions and a neutral non-discriminatory evaluation process. This reporting will also include a re-confirmation by each signatory of its engagement on all the commitments, together with information on how they implemented the commitments they took. The signatories' re-confirmation statements could be made public as part of the monitoring reports.

(7) For those signatories, who only offer online marketplace services, and none of those of economic operators, this information might be provided on a general manner, not linked to specific product listings.

(8) Including information on the Safety Gate, European Consumer Centres etc.

KPIs

1. Total number of product listings removed based on governmental notices provided to the established single contact points, and
 - % of the identified products listings removed within 1 working day;
 - % of identified products listings removed within 2 working days.
2. Total number of product listings removed on the basis of information found through monitoring of public recall websites such as Safety Gate, and
 - % of identified products listings removed within 2 working days.
3. Total number of related (identical) product listings identified following either a government notice or information published in the Safety Gate, and
 - % of those where the identification was completed within the 3 working days' deadline.
4. Total number of consumers directly informed by the signatory about a recall and
 - % of notifications sent within 3 working days from when the online platform identified the listing concerned by the recall.

It is the understanding of all parties that the above voluntary commitment should serve as contribution to EU product safety discussions with Online Intermediaries. This voluntary commitment is not legally binding and does not now nor in the future create any contractual or precontractual obligations under any law or legal system. Nothing in this voluntary commitment shall be construed as creating any liability, rights, waiver of any rights or obligations for any parties or as releasing any parties from their legal obligations. This voluntary commitment shall not be construed in any way as replacing, extending or interpreting the existing legal framework. This voluntary commitment is not to be used as, or form part of, evidence in any legal proceedings.

List of signatories:

Allegro

eBay

AliExpress*

EMAG

Amazon

Etsy

bol.com

Joom

Cdiscount

Rakuten France

Wish

Brussels, 28.03.2023

* AliExpress.com, as represented by Alibaba.com Singapore E-Commerce Private Limited